

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Montgomery, Alabama

Friday, September 8, 2006

1. CALL TO ORDER

President Boots Gale convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in the board room of the Alabama State Bar building in Montgomery. Commissioner Gullahorn gave the invocation.

2. RECOGNITION OF GUESTS

Commissioner Albritton introduced Sondra Gaither who is visiting Mr. Albritton and his family. Ms. Gaither attended law school in Germany and recently passed the German bar exam to become a member of that country's legal profession.

3. ROLL CALL

The Secretary called the roll of the Commission and the following Commissioners were present:

Ronnie E. Keahey	Michael E. Jones	Louis C. Rutland
Oliver Kitchens	Cooper Shattuck	Alyce M. Spruell
William H. Broome	Anthony A. Joseph	S. Greg Burge
Jack Neal	Phillip McCallum	Greg Hawley
Maibeth Porter	Joseph A. Fawal	Robert E. Moorner
Jim Pratt	William A. (Pete) Short	Albert J. Trousdale, II
Richard W. Whittaker	Michael D. Knight	Celia J. Collins
Mary Margaret Bailey	Les Hayes, III	James H. Anderson
Thomas J. Methvin	Sim Penton	Lee H. Copeland
F. Michael Haney	K. Scott Stapp	John E. Medaris
Joseph A. Morris	Everette A. Price	Thomas B. Albritton
Harold Stephens	L. Thomas Ryan, Jr.	Richard J.R. Raleigh
Ronald Strawbridge, Jr.	Kenneth E. White, III	John C. Gullahorn
Allan Chason	Tut Wynne	Robert L. Rumsey
Elizabeth Parsons	John M. Kennemer	Roy W. Williams
Robert T. Meadows, III	Jere C. Trent	Walter E. McGowan
Claude E. Hundley, III	Deborah Byrd Walker	Merceria Ludgood
Kelly T. Lee		

The following Commissioners were absent:

J. Garrison Thompson	Nicholas B. Roth	W. N. (Rocky) Watson
William M. Cunningham	Billy C. Bedsole	Charles R. Stephens, Sr.
Donald R. Jones, Jr.	Robert L. Bowers, Jr.	William H. Atkinson
Robert H. Brogden	Roger Bedford, Jr.	David T. Hyde, Jr.
Timothy Littrell	Gerald R. Paulk	David F. Law
Wayman Sherrer	Alicia Bennett	Kyra Sparks
Pamela H. Bucy	Dawn Wiggins Hare	

Also in attendance were President-elect Sam Crosby and Immediate Past President Bobby Segall. Staff members present included Tony McLain, Ed Patterson, Robby Lusk, Sam Partridge, Jeremy McIntire, Linda Lund, Laura Calloway, Anita Hamlett and Jeanne Marie Leslie. Tracy Daniel, Executive Director of the Alabama Law Foundation and Roman Shaul, President of the Alabama Young Lawyers' Section were also in attendance.

4. **APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR JULY 12, 2006 AND ITS CONTINUATION ON JULY 15, 2006 AND THE MINUTES OF THE GRANDE CONVOCATION ON JULY 15, 2006.**

President Gale stated that the minutes of the Board of Commissioners meeting for July 12 and its continuation on July 15, 2006 as well as the minutes of the Grande Convocation and Annual Business Meeting had been disseminated to the board. He asked if there were any corrections, additions or deletions. There were none.

A MOTION WAS MADE BY COMMISSIONER KENNEMER TO APPROVE THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR JULY 12 AND ITS CONTINUATION ON JULY 15, 2006 AS WELL AS THE MINUTES OF THE GRANDE CONVOCATION AND ANNUAL BUSINESS MEETING ON JULY 15, 2006. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY VOICE VOTE.

5. **PUBLIC REPRIMANDS**

5.1. **Sherry Ann Weldon Dobbins, Birmingham, ASB 04-159(A)**

Mrs. Dobbins received a public reprimand without general publication for violation of Rules 1.1, 1.3 and 1.4(a) of the *Alabama Rules of Professional Conduct [ARPC]*.

5.2. **Sherry Ann Weldon Dobbins, Birmingham, ASB 04-230(A)**

Mrs. Dobbins received a second public reprimand without general publication for violation of Rules 1.1, 1.3 and 1.4(a) of *ARPC*.

5.3. Henry Earl Lagman, Birmingham, ASB 05-163(A)

Mr. Lagman received a public reprimand without general publication for violation of Rules 1.3, 1.4(a), 1.16(d) of *ARPC*.

6. PRESIDENT'S REPORT

President Gale welcomed Commissioner Allan Chason as the new commissioner for the 28th Judicial Circuit, Place Number 1. Mr. Chason had been selected by the commission to fill the vacancy created by the election of Sam Crosby as president-elect. President Gale next discussed plans to hold the February 2007 Commissioners meeting at Ross Bridge Resort outside of Birmingham. He discussed his thoughts for the meeting and encouraged Commissioners give him their ideas for programming in conjunction with the Commissioners meeting.

7. SECRETARY'S REPORT

The Secretary informed the Commission that he had received a resolution from the Mobile Bar Association in memory of Judge Frank M. DeBellis, United States Administrative Law Judge.

COMMISSIONER KNIGHT MOVED THAT THE RESOLUTION IN MEMORY OF HONORABLE FRANK M. DEBELLIS RECEIVED FROM THE MOBILE BAR ASSOCIATION AND PLACED IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The Secretary introduced to the Commission Mr. Bradley Carr, the new Director of Communications for the Alabama State Bar. The Secretary outlined Mr. Carr's depth of bar experience and service and formally welcomed him to the state bar staff. The Secretary then reviewed the financial report for the third quarter which had been previously distributed to the Commission. Following his review of the report, he asked if there were any questions and there were none. He next discussed the Examiners of Public Accounts report for the period of October 1, 2001 through September 30, 2005 that had been previously sent to the Commissioners by the Examiners of Public Accounts. The Secretary outlined his concerns about the incorrect interpretations of law contained in the findings and recommendations of certain parts of the report. He informed the Commission that he planned to inform the Examiners of these concerns and ask them to be addressed. Finally, the Secretary read a letter of appreciation from the Honorable Jack Caddell, son of former state bar president John A. Caddell concerning the resolution passed by the Board of Commissioners mourning his father's death.

8. COMMUNICATIONS UPDATE

Mr. Carr made a few brief remarks to the Commission concerning future plans for the department.

9. **PROGRAM UPDATE**

Mr. Patterson reported on the bar's 21 committees and task forces. He requested the help of the Commission with the pilot mentoring program that would be initiated during the fall. He encouraged Commissioners to let him know the names of young lawyers who they believed would benefit from the pilot mentoring program. Mr. Patterson also asked the Commissioners to consider nominations for the next leadership class for 2007.

10. **OFFICE OF GENERAL COUNSEL REPORT**

Mr. McLain stated that oral argument for the indigent defense case was scheduled for Wednesday, September 25th before the Alabama Supreme Court. He encouraged the Commission to nominate lay members for the disciplinary panels. He stated that all nominations should include a cover letter and a resume.

11. **BAR EXAM CUT SCORE STUDY REPORT**

President Gale recognized Anne Sumblin, chair of the Board of Bar Examiners who reported on the operations of the Board of Bar Examiners as well as the grading process for the Multi-State Essay Exam, the Multi-State Performance Test and the Alabama Civil Litigation Essay. She noted that the AUM Center for Business had been hired to perform and conduct the study in December 2005. She stated that the Board of Bar Examiners considered the information from the study and concluded the cut-score should remain at 128. President Gale thanked Mrs. Sumblin and the Board of Bar Examiners for their work in carrying out the study.

12. **NOMINATIONS FOR THE GOVERNOR AND LT. GOVERNOR TO MAKE APPOINTMENTS TO THE STATE REGULATORY BOARD OF COURT REPORTERS**

President Gale stated that the names of six individuals had been suggested for possible recommendation to the Governor and Lt. Governor. President Gale explained that the bar would recommend three names each to the Governor and Lt. Governor from which they would select one member to appoint to the Court Reporters Regulatory Board. The individuals were: Benjamin Albritton, Montgomery; William N. "Bill" Dawson, Birmingham; Sydney F. "Syd" Frazier, Birmingham; Zondra Hutto, Tuscaloosa; Dennis Steverson, Tuscaloosa and T. Kent Garrett, Montgomery. President Gale asked if there were other names to be considered. The names of two additional individuals were suggested: Brian Murphy and John Clark both of Mobile. President Gale stated that it would be necessary to select six individuals so that three names each could be sent to the Governor and Lt. Governor.

COMMISSIONER PORTER MOVED THAT NOMINATIONS BE CLOSED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Gale then advised the Commission that the name of each nominee would be read aloud and that the Commissioners would, by show of hands, vote for six nominees of their choice. He stated that the six individuals receiving the largest vote totals would be selected.

BY SHOW OF HANDS, THE FOLLOWING SIX NOMINEES WERE SELECTED: JOSEPH A. FAWAL, BENJAMIN ALBRITTON, T. KENT GARRETT, WILLIAM M. "BILL" DAWSON, DENNIS STEVERSON, AND SYDNEY F. "SYD" FRAZIER.

COMMISSIONER PORTER MOVED THAT THE PRESIDENT BE ALLOWED TO GROUP THE NOMINEES AS APPROPRIATE FOR TRANSMITTING THREE NAMES EACH TO THE GOVERNOR AND THE LT. GOVERNOR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

13. TAX SECTION BYLAWS

Mr. Patterson informed the Commission that the copy of the bylaws they had received for the Tax Law Section were actually uniform bylaws that would be applicable to all sections upon their adoption by the Commission at a future meeting. He encouraged the Commission to approve these new bylaws in order to streamline the operation of the sections. The original bylaws form for sections had been approved almost 40 years ago.

COMMISSIONER ROY WILLIAMS MOVED THE ADOPTION OF THE NEW BYLAWS FOR THE TAX LAW SECTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

14. STAFF COMPENSATION

The President discussed staff compensation for fiscal year 2006-2007.

COMMISSIONER SPRUELL MOVED THE APPROVAL OF STAFF COMPENSATION FOR FY 2006-2007 IN THE AMOUNT OF \$2,226,450.00. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. ADJOURNMENT

President Gale asked if there was any further business to come before the Commission. There being no further business to come before the Commission, a motion was made and duly seconded to adjourn.

Fournier J. Gale, III President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar