

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

**State Bar Building
Montgomery, Alabama**

Friday, May 3, 2019

1. CALL TO ORDER

President Sam W. Irby 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, Montgomery, Alabama. Commissioner Chuck Price gave the invocation.

2. ROLL CALL

The secretary took the roll of the commission and the following commissioners were present:

Raymond L. Bell, Jr.	Mark S. Boardman	Sally Bowers
Robert H. Brogden	William H. Broome	Bryan E. Comer
Bradley Cornett	Jeffery C. Duffey	Michael D. Ermert
J. Langford Floyd	Kira Y. Fonteneau	Jana Russell Garner
J. Kirkman Garrett	Anne Malatia Glass	Dana Grimes
H. Thomas Heflin, Jr.	Scott B. Holmes	Ralph E. Holt
Carmen Howell	William R. Lancaster	Karen Laneaux
F. Patrick Loftin	David Martin	M. Clay Martin
William Randall May	Rebekah K. McKinney	R. Cliff Mendheim
Robert G. Methvin, Jr.	Charles Zackery Moore	Kenneth Moore
Larry W. Morris	J. Flynn Mozingo	J. Levi Nichols
Manish H. Patel	J. Lynn Perry	Taylor T. Perry, Jr.
Courtney R. Potthoff	Chuck Price II	Barry A. Ragsdale
Jeanne Dowdle Rasco	Scott Shipman	Allison O. Skinner
John A. Smyth	Andrew D. Stanley	Charles C. Tatum, Jr.
James Michael Terrell	Halron W. Turner	C. Gibson Vance
Gregory M. Varner	Roy W. Williams, Jr.	

The following commissioners were absent:

LaBella S. Alvis	Emily Baggett	Robert L. Bowers, Jr.
Jeffrey L. Bowling	John A. Brinkley, Jr.	Brannon J. Buck
Latisha R. Davis	Diandra S. Debrosse	Deborah Dunsmore
Erskine R. Funderburg, Jr.	Christy Williams Graham	Frederick G. Helmsing, Jr.
Erik Stephen Heninger	Clinton H. Hyde	Brett A. King

Donald B. Mansell	Clint L. Maze	George R. Parker
Amanda Porter	James Rebarchak	Pat Sefton
Tazewell T. Shepard, III	John T. Stamps	Terri O. Tompkins

Also in attendance was President-elect Christy Crow and immediate past president Augusta Dowd. Staff members in attendance were: Roman Shaul, Ashley Penhale, Linda Lund, Diane Locke and Margaret Murphy.

3. INTRODUCTION OF GUESTS

President Irby recognized special guests including Associate Justice Will Sellers, Past President Sam Rumore, Rachel Miller, president of the Young Lawyers Section, Othni Lathram, director of the Legislative Services Agency, Nikki Tucker Thomas, executive director of the Alabama Civil Justice Foundation, Tracy Daniel, executive director of the Alabama Law Foundation, Suzanne Duffey, executive director of the Montgomery County Bar Association, Eileen Harris, executive director of the Alabama Center for Dispute Resolution, and Karen Korr.

4. APPROVAL OF THE MINUTES OF THE APRIL 5, 2019 BOARD MEETING

President Irby stated that the minutes of the April 5, 2019 Board Meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER PERRY MOVED TO APPROVE THE MINUTES OF THE APRIL 5, 2019 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. GUEST SPEAKER: OTHNI LATHRAM, DIRECTOR OF THE ALABAMA LEGISLATIVE SERVICES AGENCY

President Irby recognized Othni Lathram, director of the Alabama Legislative Services Agency, to give a brief report on the state legislature. Mr. Lathram said that he is grateful to members of the bar who volunteer their time in work with the Alabama Law Institute. He gave a brief update on the status of the current legislative session and bills of significance to the bar. Mr. Lathram informed the board that the legislative session is at the halfway point and that both budgets have passed in the house of origin, with an increase to each budget. Mr. Lathram updated the board on the status of the four companion bills that would make changes to the Judicial Article. He said that each of the bills has made some progress this session and that he expects to see one or more passed during this session.

6. SECRETARY / EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director Phillip McCallum recognized Past President Sam Rumore and thanked him for his work on the Alabama Lawyers Hall of Fame

Selection Committee. He said that much work has gone into this year's ceremony and he encouraged commissioners to attend the ceremony at the Judicial Building immediately following the board meeting. Mr. McCallum also reported to the commission that the new website has launched.

7. PRESIDENT'S REPORT

President Irby recognized those members of the commission who are retiring. They are:

Courtney Potthoff	3rd Judicial Circuit
Bill Broome	7th Judicial Circuit
J. Flynn Mozingo	15th Judicial Circuit, Place 3
Roy Williams	32nd Judicial Circuit
Monet M. Gaines	At Large, Place 8

President Irby informed the board that he has appointed a Nominating Committee comprised of Vice President Taze Shepard, Commissioner Ralph Holt, and Commissioner James Rebarchak.

President Irby informed the board that he has appointed an Election Certification Committee comprised of Commissioner Flynn Mozingo, Commissioner Karen Laneaux, and Commissioner David Martin.

8. PRESIDENT-ELECT REPORT

President Irby recognized president-elect Christy Crow to give a brief report. President-elect Crow reported to the board that two more successful Leadership Forum alumni events were held since the last board meeting. She also reported that she had the opportunity to attend ABA Day in Washington, D.C., along with Commissioner Garner, Tommy Wells, past president of the American Bar Association, and Tracy Daniel, executive director of the Alabama Law Foundation. She also reported that a Women's Day was held in Montgomery with representatives of the Women's Sections of the Alabama State Bar, trial lawyers and defense lawyers meeting together and visiting the legislature. President-elect Crow concluded her remarks by informing the board that an online portal to volunteer for service on bar committees and task forces would soon be available on the bar's website and that she encourages commissioners to spread the word so that members will volunteer for service.

9. **ANNUAL MEETING UPDATE**

Director of Programs Ashley Penhale updated the board on planning for the Annual Meeting, which will be held July 17-20, 2019, at The Grand Hotel in Point Clear. Ms. Penhale reported that registration is open on the bar website and that attendees for the meeting will be registered separately from guests. She also thanked those commissioners who have sponsored the Annual Meeting and encouraged others to contact her if they are interested in sponsoring the meeting.

10. **OFFICE OF GENERAL COUNSEL REPORT**

General Counsel Roman Shaul reported to the board that Montgomery County Presiding Circuit Judge Hardwick made him aware that there is a perception that the bar's disciplinary process is discriminatory against minorities. Mr. Shaul reported that a task force is being appointed to evaluate the potential issue described by Judge Hardwick and analyze discipline data. He reported that Madeline Lewis will chair the task force and that a report will be made to the board upon the conclusion of work by the task force.

11. **FINANCIAL REPORT**

Director of Finance Merinda Hall reported to the board that revenue decreased over the prior year. She reported that while there was an increase in special membership dues and license fees, those increases were offset by decreased revenue in other areas. She also reported that expenses are down by 4% over the prior year. Mrs. Hall concluded that investment accounts have recovered from previous losses and that there is an overall positive financial outlook for the bar.

12. **LEGAL FOOD FRENZY UPDATE**

Commissioner Jeanne Rasco reminded the board that it is the last day to participate in the Legal Food Frenzy, which raises food and funds to support the Alabama Food Bank Association. Commissioner Rasco stressed the importance of increased donations to the food bank during this time of year, especially given the fact that over 400,000 school children are about to be out of school for the summer and many of those will be facing a food hardship without the meals that they are provided at school.

13. **LEGISLATIVE UPDATE**

Legislative Counsel Suzi Huffaker reported to the board that there are approximately 260 bills in the current legislative session that are being tracked due to possible significance to lawyers and the bar. She reported that some of the most significant of the bills that have been introduced are those dealing with court costs, child custody, minimum qualifications for judges and the process for filling judicial vacancies.

14. APPOINTMENT REQUESTS FOR VARIOUS POSITIONS

President Irby reported to the board that several positions will be up for appointment by the board and that a complete packet of information will be available prior to the next board meeting. He informed the commission that positions will be filled for expiring terms on the following: Disciplinary Board Panels, Disciplinary Hearing Officers, Client Security Fund Committee, Alabama Law Foundation Board, Court of the Judiciary, and Judicial Inquiry Commission.

15. COLORADO BAR ASSOCIATION PROPOSED ABA RESOLUTION ON BROADBAND

Secretary/Executive Director McCallum informed the board that an ABA Resolution supporting the expansion of broadband has been circulated and will be considered at the next board meeting. He informed commissioners that they can contact him if there are questions about the proposed resolution before the next meeting.

16. ELECTION OF AT LARGE COMMISSIONERS

President Irby stated that a list of all of the applicants for at-large commissioner seats have been included in the meeting materials. He informed the commission that three at-large commissioners must be chosen for the three seats that are up for election this year.

THE PRESIDENT ASKED FOR ANY FURTHER NOMINATIONS FROM THE FLOOR. COMMISSIONER PERRY MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

AFTER DISCUSSION OF THE NOMINEES, THE COMMISSION VOTED ON EACH NOMINEE AND PRESIDENT IRBY ANNOUNCED THAT THE FOLLOWING WERE ELECTED AS AT-LARGE COMMISSIONERS: RAYMOND L. BELL, JR. (PLACE 2); KAREN LANEUX (PLACE 5); AND RICHARD J. KEMMER, JR. (PLACE 8).

17. ELECTION OF CHAIR OF DISCIPLINARY COMMISSION

President Irby reminded the board that nominations for chair of the Disciplinary Commission were taken and closed at the prior board meeting.

AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED AND PRESIDENT IRBY ANNOUNCED THAT COMMISSIONER MANISH PATEL WAS ELECTED AS CHAIR OF THE DISCIPLINARY COMMISSION.

18. AMENDMENTS TO THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR

President Irby reminded the board that the Board of Bar Examiners Restructure Task Force submitted proposed amendments to the *Rules Governing Admission to the Alabama State Bar*, which were discussed at the prior meeting.

COMMISSIONER GARNER MOVED TO ADOPT THE PROPOSED AMENDMENTS TO THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. ELECTION OF DELEGATES TO THE ABA HOUSE OF DELEGATES

President Irby informed the commission that the terms of Leslie Barineau and Lee Johnson (Young Lawyers Section representative) are expiring on the ABA House of Delegates. He reported to the commission that Mrs. Barineau has expressed an interest to continue serving, and that the Young Lawyers Section has recommended Aaron Chastain to replace Mr. Johnsey.

COMMISSIONER MAZE MOVED TO CLOSE NOMINATIONS FOR DELEGATES TO THE ABA HOUSE OF DELEGATES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER MOZINGO MOVED TO APPROVE LESLIE BARINEAU AND AARON CHASTAIN TO THE ABA HOUSE OF DELEGATES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. APPROVAL OF RECIPIENTS OF COMMISSIONERS AWARD, TONY MCLAIN PROFESSIONALISM AWARD, BILL SCRUGGS SERVICE TO THE BAR AWARD, AND JUDICIAL AWARD OF MERIT, AND JEANNE MARIE LESLIE SERVICE AWARD.

President Irby reported that the following nominations had been made for awards to be presented at the Annual Meeting: Jeanne Rasco (Commissioners Award); J. Douglas McElvy and Percy Badham (Tony McLain Professionalism Award); J. Mark White (Bill Scruggs Service to the Bar Award); Judge Elizabeth French (Judicial Award of Merit); and Mack Binion (Jeanne Marie Leslie Service Award).

COMMISSIONER PERRY MOVED TO ACCEPT THE NOMINATIONS FOR RECIPIENTS OF THE COMMISSIONERS AWARD, TONY MCLAIN PROFESSIONALISM AWARD, BILL SCRUGGS SERVICE TO THE BAR AWARD, JUDICIAL AWARD OF MERIT, AND JEANNE MARIE LESLIE SERVICE AWARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. ADJOURNMENT

President Irby 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 by Commissioner Broome and duly seconded to adjourn. The motion was approved by voice vote and the meeting was adjourned at 10:54 a.m.

Sam W. Irby, President
Alabama State Bar

ATTEST:

Phillip W. McCallum, Secretary
Alabama State Bar