1. Development and Uniqueness of the Alabama State Bar
   A. Historical Highlights of the Alabama State Bar
   B. The Unique Characteristics of the Alabama State Bar

2. Operations and Staff
   A. Departments
   B. Agency Organizational Chart
   C. Staff Roster

3. Governance
   A. Statutory Structure
   B. Officers and Executive Council
   C. Board of Commissioners
   D. Oversight Committees
   E. The Keller Doctrine
   F. Volunteer Liability
   G. Open Meetings Law

4. Finances and Budgeting
   A. License Tax, Special Membership Dues and Fees
   B. State Budgeting
   C. State Examiners of Public Accounts
   D. Sunset Act
   E. Reimbursement of Officers and Board Members

5. Regulatory Functions
   A. Admissions & Attorney Licensing
   B. Pro Hac Vice Admissions
   C. Authorized House Counsel
   D. Admission On Motion
   E. UBE Admission
   F. Continuing Legal Education
   G. Specialization
   H. Lawyer Discipline
   I. Client Security Fund
6. Programs
   A. Volunteer Lawyers Program (VLP)
   B. Practice Management Assistance Program (PMAP)
   C. Alabama Lawyer Assistance Program (ALAP)
   D. Alabama Lawyer Assistance Foundation (ALAF)
   E. Lawyer Referral Service (LRS)
   F. Committees and Task Forces
   G. Sections

7. Communications
   A. Information Technology
   B. Communications (including The Alabama Lawyer)
   C. Social Media

8. Alabama State Bar Foundation and Bar Building

9. President's Duties
   A. Spokesperson for the State Bar
   B. Commission Meetings
   C. Appointment of Task Forces
   D. Expenses and Reimbursements
   E. Signing of Vouchers
   F. Membership in Bar-Related Organizations
   G. Ex Officio Positions
   H. Annual Meeting

10. Long-Range Plan

11. Election Procedures

12. BBC Statement of Policy for Committees and Task Forces

13. BBC Statement of Policy for Sections

14. ASB Financial Guidelines for Sections

15. Staff Policies Handbook

16. Travel Policy

17. ASB Investment Policy

18. ASB Fraud Prevention Guidelines

19. ASB, ASBF, CSF Policy on Reserves
20. Policy on Dues Increase
21. Officer and Commission Conflict Rule
22. Protocol for Responding to Unfair Criticism of Judges, Courts and the Administration of Justice
23. Alabama State Bar Lawyers' Creed
24. State Bar Awards
25. 2019-2020 Board of Bar Commissioners Meetings
Development and Uniqueness of the Alabama State Bar
HISTORICAL HIGHLIGHTS OF THE ALABAMA STATE BAR

A meeting preparatory to the formation of a bar association of Alabama was held in Montgomery on December 13, 1878. Pursuant to a call issued at this meeting, on January 15, 1879, delegates from the bar of each county met at a preliminary conference in the Hall of the House of Representatives for organizing the State Bar Association. At this conference, ending January 20, 1879, the constitution and by-laws of the Alabama State Bar Association were adopted and officers elected to serve until the first annual meeting set for the first Tuesday in December 1879. W. L. Bragg of Montgomery was elected the first president of the Alabama State Bar Association.

Thus, the state bar was founded and on February 12, 1879, an Act incorporating the Alabama State Bar Association was approved by the Governor.

On December 4, 1879, the first annual meeting of the bar was held in Montgomery and E. W. Pettus of Dallas County was elected president.

At the suggestion of Thomas Goode Jones of Montgomery, at the annual meeting in 1881, a committee for the preparation and adoption of a code of legal ethics for the bar was created, the first code of legal ethics in the country. The Alabama Code of Ethics was adopted by the bar at its annual meeting in 1887 and was the foundation of the canons of ethics adopted by the American Bar Association.

The state bar, as a voluntary body, continued in its efforts toward the improvement of the legal profession, but it was not until August 9, 1923, that the efforts of the bar culminated in the approval of an Act of the Alabama legislature providing for the organization, regulation and government of the Alabama State Bar, thereby creating an "integrated bar" as we now know it.

Pursuant to this Act, the first meeting of the Alabama State Bar Commission was held on January 8, 1924, when the Board of Commissioners appointed the first Board of Examiners and adopted rules regulating requirements for admission to practice law and governing the conduct of attorneys in Alabama.
THE UNIQUE CHARACTERISTICS OF THE ALABAMA STATE BAR

In 1923, the legislature passed legislation integrating the Alabama State Bar Association with state government. Integration made membership in a traditionally voluntary association mandatory, thereby allowing the Alabama Supreme Court to better regulate the legal profession. The state bar's enabling legislation appears in §§34-3-1 through 88, Code of Alabama (1975). Under this chapter and rules of the supreme court, the state bar serves a dual role. First, the state bar is the licensing and regulatory agency for lawyers in Alabama. The state bar protects the public by ensuring that lawyers who are granted licenses are not only minimally competent to practice law but also abide by the profession's ethical standards. Second, the state bar is a private association with responsibilities largely of a service nature, e.g. education, publications and improvement of the administration of justice. These activities benefit the legal profession as well as the general public. (See §34-3-43(7).)

The state bar is unlike a traditional state agency which ordinarily operates under the executive branch of government. The Supreme Court has duly noted that "members of the bar of Alabama are members of a private incorporated association." Ex Parte Griffith, 278 Ala. 344, 348, 178 So.2nd 169 (1965). State bar members are officers of the court irrespective of the fact that the state bar was created under the aegis of legislation. Ex Parte Griffith at 348. Furthermore, the funds of the state bar are not state funds, at least in the normal sense. Annual license fees and fees paid by applicants for admission are "...deposited in the state treasury to the credit of the Alabama State Bar and constitute a separate fund..." (Emphasis added.) (§34-3-4.) This section arguably creates a trust fund where state bar funds are held solely for the benefit of the state bar and can be disbursed only by the Board of Bar Commissioners. (§34-3-44.) Thus, the state bar's funds come from sources other than the state and are held in a manner comparable with funds which are considered non-state funds. See Knutson v. Bronner, 721 So.2nd 678, 681 (Ala. 1998).

Although the bar is subject to certain legislative controls relating to its fiscal operations, the Board of Bar Commissioners exercises a judicial function under state law in administering the supreme court's rules and is subject to its oversight. Alabama State Bar v. Watson, 289 Ala. 729, 733 272 So.2d 240 (1972). For this reason, the Board of Bar Commissioners is an arm of the court. Board of Com'rs of the Alabama State Bar v. Baxley, 295 Ala. 100, 109 324 So.2nd 256 (1975). As an arm of the court, the commission's employees are non-merit employees, as are employees of the judicial branch, fulfilling responsibilities entrusted to the commission by the supreme court. The legislature recognized that the state bar was regulated by the judicial branch and not the legislative branch of government by excluding it from the provisions of the Sunset Law (§42-20-1 et seq.).
Operations and Staff
OPERATIONS AND STAFF

Departments

The bar operates in seven divisions. These seven divisions and their major responsibilities are:

Admissions and Attorney Licensing

Bar Examination
Board of Bar Examiners
Law Student Registration
Character and Fitness
Special Accommodations for Testing
Rule III Admissions (Reciprocity)
UBE Score Transfer Admissions
MCLE Program Accreditation
MCLE Commission
Specialization
Board of Legal Specialization
License Fees
Special Membership Dues
Pro Hac Vice Admission
Maintenance of Member Files
Authorized House Counsel Registration
IOLTA Annual Attorney Certification

Programs

Sections
Committees and Task Forces
Annual Meeting
Leadership Forum
VLP – Volunteer Lawyers Program
Membership Benefit Program
ALAP – Alabama Lawyer Assistance Program
ALAP Foundation
LRS – Lawyer Referral Service
Center for Professional Responsibility

General Counsel
Client Security Fund Compliance and Claims
Disciplinary Commission and Boards
Discipline
Unauthorized Practice of Law
Attorney Licensing Compliance
Advertising Compliance
Character & Fitness Appeals
PMAF – Practice Management Assistance Program

Ethics Counsel

Communications

Information Technology
Communications and Publications (including The Alabama Lawyer)
Social Media

Administrative and Finance

Officers and Executive Council
Board of Bar Commissioners
Bar Elections
Annual Business Meeting
Accounting/Finance
Annual Budget
Information Technology
Personnel
Facilities
Alabama State Bar Foundation
Alabama State Bar Foundation Board of Trustees
Print Shop
Legislative Matters
Intra-government Relations
Executive Director.......................... Phillip W. McCallum
Assistant Executive Director.................. Justin C. Aday
Executive Assistant/Personnel & Operations... Diane Locke
Administrative Assistant.................. Katie Lee Church

Director of Admissions & Attorney Licensing... Justin Aday
Administrative Assistant.................. Sotia Douglas
Administrative Assistant.................. Angie Foucault
Administrative Assistant.................. Morgan Lott
Administrative Assistant.................. Cathy Sue McCurry

Director of Finance.......................... Merinda Hall
Financial Assistant.................. Kristi Neal

 Communications Coordinator........... Alex Edwards
 Information Systems Manager........... Hunter Harris

Director of Publications...................... Margaret Murphy

Director of Programs.......................... Ashley Penhale
Administrative Assistant.................. Robyn Beaulieu
Administrative Assistant.................. Vickie Stewart

Alabama Lawyer Assistance Program
Program Director......................... Robert Thomhill
ALAP Case Manager....................... Shannon Knight
ALAP Administrative Assistant........... Joycelyn Hill

Volunteer Lawyers Program Director........ Linda Lund
Intake Specialists......................... Deborah Harper
Doris McDaniel

Lawyer Referral Service Representative.... John Dunn
Graphic Arts/Building Superintendent..... Roderick Palmer
Receptionist................................. Stephanie Oglesby

Center for Professional Responsibility
Office of General Counsel

General Counsel.......................... Roman Shaul
Paralegal to General Counsel.............. Robin Ennis
Assistant General Counsel................. Jeremy W. McIver
Assistant General Counsel................. Mark B. Moody
Disciplinary Commission Clerk............. Kim Ellis
Disciplinary Clerk......................... Bonnie Mailor
Client Security Fund Coordinator......... Laurie Blazer
Paralegal/Investigator...................... Stevey Mosley
Candace Most
Receptionist................................. Julie Lee

Ethics Counsel

Ethics Counsel.......................... Tripp Vickers
Ethics Counsel/Practice Management...... Eric Anderson
Governance
GOVERNANCE

Statutory Structure

Section 34-3-40(a) states that the governing body of the Alabama State Bar shall be the Board of Bar Commissioners. The President of the Alabama State Bar serves as President of the Board of Bar Commissioners. The powers of the Board are set out in Section 34-3-43 in the Code and Section 34-3-43 permits the Board of Bar Commissioners to delegate such power as it deems appropriate to an Executive Council.

Officers and Executive Council

The President is chosen statewide for a one-year term.

The President-elect, chosen statewide by electronic ballot, serves for one year prior to assuming the presidency (§34-3-16). The president presides at all board meetings, but does not vote except in case of a tie. Both are authorized to participate in all executive sessions of the board and are members of the executive committee, as is the immediate past president.

The Board elects a vice-president from among its members, to serve in the absence of the president and succeed in case of death, disability or resignation. It also elects a secretary, plus other officers and agents it deems appropriate. These persons serve at the pleasure of the board and may be removed without cause at any time.

The Executive Council is elected by the board based on the recommendations of a nominating committee and consists of the president, president-elect, immediate past president, vice-president, secretary, and three commissioners. The Executive Council meets at the call of the president and is authorized by the board to act on its behalf in those circumstances where it would be impractical to call a meeting of the entire board.

Board of Commissioners

There are 75 bar commissioners. Sixty six are elected from 41 judicial circuits (§34-3-40) and nine at-large members are selected by the board (§34-3-41). Any member in good standing may run for election upon nomination by five or more members residing in the circuit where the nominee resides or upon a declaration of candidacy (§34-3-42). Elections are conducted by electronic ballot, with balloting lasting one week, being due at 5:00 p.m. the third Friday of May (Sec. 34-3-41). The at-large commission members are selected from applications submitted by interested bar members. The application deadline is April 1st. Commission terms run for three years, beginning at the annual meeting in July following their election or selection. Commission members receive no compensation, but expenses are reimbursed (§34-3-44).

Subject only to the approval of the Alabama Supreme Court, the Alabama State Bar was given the authority to promulgate and enforce rules relating to admissions, rules of ethics and discipline of its membership.
Briefly stated, those are the powers of the bar. That authority is vested in the board of commissioners, the elected representatives of the members (§34-3-43).

Through the Board, the bar does the following:

- Determines the qualifications and requirements for admission to the practice of law;
- Oversees the bar examination and certifies to the supreme court examinees qualified for admission;
- Formulates rules of conduct for attorneys, subject to approval of the supreme court;
- Investigates and acts on complaints concerning conduct of members and applicants for admission;
- Administers discipline by public or private reprimand, suspension or disbarment;
- Formulates rules governing the reinstatement of disbarred members and acts on petitions for reinstatement, subject to the approval of the supreme court;
- Makes rules and bylaws on selection and tenure of officers and committees, and their powers and duties, and generally for the control and regulation of the business of the board and the bar;
- Conducts educational and social meetings, publishes journals and does whatever else it can to improve the ethical and educational standing of the bench and bar; and
- Assists local bar associations.

Vacancies are filled by the board from among members residing in the circuits where the vacancies exist.

**Oversight Committee**

The Finance/Audit Committee is structured to permit continuity, allowing members to serve more than one year to gain institutional knowledge. In order to be a member of the Finance/Audit Committee, one has to be currently serving as a Bar Commissioner or ex-officio. The Finance/Audit Committee generally meets prior to every Bar Commissioner meeting to go over requested expenditures and financial reports. Any decision by this oversight committee is then referred to the Executive Council, if further consideration is required, and, when appropriate, on to the Board of Bar Commissioners. The President in office at the time serves as Chairman.
The Keller Doctrine

As an integrated bar, the activities which the bar can undertake in the political sphere are limited by the United States Supreme Court's decision in Keller v. State Bar of California, 496 U.S. 1, 110 S.Ct. 228, 110 L.Ed. 21 (1990). The State Bar of California, an integrated bar, was challenged by some of its members because of a position taken by the bar on specific and ideological issues. The Court, in declaring the expenditure of compelled membership fees for such activities impermissible, ruled:

[T]he compelled association and integrated bar are justified by the state's interest in regulating the legal profession and improving the quality of legal services. The state bar may therefore constitutionally fund activities germane to those goals out of mandatory dues of all members.

It may not, however, in such manner fund activities of ideological nature which fall outside of those areas of activity...

***

[T]he guiding standard must be whether the challenged expenditures are necessarily or reasonably incurred for the purpose of regulating the legal profession or improving the quality of the legal services available to the people of the state.

In order for a bar activity to be constitutionally permissible, it must be: (1) non-ideological and (2) germane to the regulation of the legal profession or improvement of the quality of available legal services. These are the two criteria which the Board of Commissioners has followed in deciding to take a position on an issue or to become involved with a matter outside the ambit of the bar's regulatory role. Recent examples of this involve the bar's not taking positions in the politically charged tort reform and arbitration debates.

Volunteer Liability

State bar volunteers, who are in a position to execute discretionary authority, as well as bar staff members have personal liability protection. State bar volunteers who are covered under this protection include bar officers, commissioners, bar examiners, and character and fitness committee members, as well as members of the Unauthorized Practice of Law Committee. This protection is afforded through the state's General Liability Trust Fund. (§36-1-6.1.) The bar pays the Division of Risk Management an annual premium for this coverage. The Fund's limit of liability for each occurrence, including expense and indemnity costs, is $1,000,000. The fund provides protection to volunteers and staff due to acts or omissions which occur while performing their official duties when they would be in jeopardy of having to pay damages, costs or attorneys' fees out of their own pocket.

In addition, the state bar, as an instrumentality of the state, is entitled to the constitutional immunity granted by the State of Alabama. Likewise, activities concerning licensure and regulation of lawyers have, for the most part, been accorded judicial immunity since
these functions of the bar are delegated to it by the Alabama Supreme Court. For example, see Rule 15(b) and (d), *Alabama Rules of Disciplinary Procedure.*

**Alabama Open Meeting Law**

The Board of Bar Commission meetings come under the Alabama Open Meetings Law (§§36-25A-1 et seq.) Essentially, the Open Meetings Law requires that all meetings be open to the public and prohibits secret ballots. The act further prohibits the use of electronic communications to avoid the goal of an open meeting. Commission meeting dates must be posted on the Secretary of State’s website and the minutes of all meetings must be open to the public. The minutes of the Commission, once approved, are posted on the bar’s website. The provisions of the OMA do not apply to meetings of the disciplinary commission, disciplinary panels or hearings.
Finances and Budgeting
FINANCES AND BUDGETING

License Tax, Special Membership Dues and Fees

"Attorneys-at-law" are statutory creatures, subject to §§34-3-1 through 108. All persons practicing law are required to be licensed, and the practice of law is defined (§34-3-6). Lawyers qualified to practice law but holding public office are authorized to be members of the Alabama State Bar (§34-3-17), as are lawyers not engaged in active practice (§34-3-18).

Attorneys engaged in active practice are "regular" members who pay to the state an annual license tax of $325 each October. The license tax is set by the Board of Bar Commissioners and collected by the secretary of the state bar (§40-12-49). Special, non-practicing members are entitled to all privileges and benefits accorded regular members, but may not perform acts defined as the practice of law in Alabama (§34-3-6). They pay a fee of $162.50 (§34-3-17 and §34-3-18). The state bar collects the license fees and deposits them in the State Treasury to the credit of the state bar (§34-3-4). Special member fees are deposited in a non-state fund associational account.

- Other fees include:
  - Admissions (Application) Fees: Bar Exam: $575; UBE Score Transfer: $875; Reciprocity: $875. From each application fee, $25 is remitted to the Alabama Lawyers Assistance Foundation, (§34-3-3). Certain applicants are required to have a background report prepared by the National Conference of Bar Examiners (NCBE) and the fees for such report are paid directly to NCBE.
  - Student Bar Application Fees: $0 to $250 (Rule I, Rules Governing Admission to the Alabama State Bar)
  - Pro Hae Vice Fees: $300 (Rule VII, Rules Governing Admission to the Alabama State Bar). Of this fee, $200 is transferred to the Alabama Law Foundation for civil legal services for the poor (BBC minutes, 10/26/2007).
  - Mandatory Continuing Legal Education Fees: Course application fee: $50 per course for non-presumptively-approved sponsors (Reg. 4.2), $25 per course for programs submitted by an attorney (Reg. 4.3), annual presumptively-approved sponsorship fee is $350. (Reg. 4.1) A fee of $25 shall accompany all affidavits submitted pursuant to Regulation 2.7. Penalties and Late Fees: All courses must be completed by December 31. Attorneys completing courses between January 1st and January 31 must apply for a deficiency plan to take APPROVED COURSES and include the first $100 penalty with their reporting form. (MCLE Reg. 8.2). Non-compliant attorneys must report credit to the bar by January 31. If a non-compliant attorney is tardy in reporting, he must pay the second $100 penalty. (MCLE Reg. 8.3). March 1 is the last date for standard late compliance, if an attorney is tardy, he will have to submit a request for an extension to complete courses up through April 1 listing the extraordinary reasons that he could not complete his courses timely and send the third $100 penalty to the Alabama State Bar (Reg. 8.4). Attorneys who did not send in a form and did not complete their courses by March 1st, will have incurred all three penalties and owe a total of $300 for their tardiness. If an attorney is certified, he will owe an additional penalty of $300 (ARPC). Note: this is in addition to any of the three
penalties incurred prior to certification. An attorney could owe up to $600 for non-compliance at this stage. (MCLE Rule 8).

- **Client Security Fund Fees:** A $25 annual payment for all regular and special members. (Rule VIII Alabama State Bar Client Security Fund Rules).

### State Budgeting

All fees, dues and licenses paid by attorneys and applicants for admission to the bar are deposited in the state treasury or a non-state fund associational account and disbursed by the Board of Bar Commissioners in accordance with the budget approved by the legislature (§34-3-44). Annual Client Security Fund fees are deposited in a separate non-state fund and disbursed by the Client Security Fund Committee according to the Rules of the Client Security Fund.

The bar's budget, once approved by the Board of Bar Commissioners (usually in October), is submitted to the state budget office for inclusion with the Governor's General Fund Budget submitted to the legislature each year. The bar is a self-funded agency and receives no funds other than those collected as license taxes, special membership dues or fees. The bar's funds deposited in the state treasury are disbursed by warrants or electronic funds transfers authorized by the State Comptroller upon submission of a voucher signed by the state bar president and executive director (§34-3-44). The bar fiscal year is the same as the state's and runs from October 1 through September 30.

### State Examiners of Public Accounts

Generally, every four years the Department of Examiners of Public Accounts examines and audits the books, accounts and records of the Alabama State Bar. Following the audit, a report of findings is released by the state examiners detailing any problems uncovered by the audit.

### Sunset Act

The Alabama State Bar is a non-enumerated agency and therefore is not subject to the provisions of the Sunset Act. [§41-20-1, et seq.] The Board of Bar Examiners, however, is subject to a "functional audit" every four years by the state examiners for purposes of a legislative sunset review. There is some confusion about the Board of Bar Examiners being subject to sunset review while the state bar is not. It is unlikely that the legislature could sunset the Board of Bar Examiners since the Alabama Supreme Court has made plain that bar admissions is an area which the judicial branch controls.

### Reimbursement for Officers and Board Members

As an instrumentality of the state, the Alabama State Bar is obliged to follow State Finance Department regulations for travel reimbursement. Currently, officers, board members and staff who travel on bar business can receive reimbursement at the rate approved by the IRS (currently 58 cents per mile). Per diem rates where an overnight stay is required is $85 per day.
Regulatory Functions
REGULATORY FUNCTIONS

Admissions and Attorney Licensing

Registration of Law Students

The first step in the admissions process is registration as a law student. The Alabama State Bar requires registration of every person intending to apply for admission to the Alabama State Bar within 60 days of entering law school. The Committee on Character and Fitness investigates each registrant and may require the personal appearance of a registrant before the committee. If the committee is satisfied that the registrant possesses good moral character, the committee approves the law student registration and issues a Certificate of Registration to the law student.

Application for Admission to the Alabama State Bar

The second step in the admissions process is electronically filing the application for admission to the Alabama State Bar. Upon completion of law school, applicants who seek admission to the Alabama State Bar must file an application to take the bar examination. The application contains information about the applicant. Some of the information requested includes:

- Certificate of Graduation - information from the law school (letter or transcript) verifying the applicant's graduation
- Attorney affidavits - character references from licensed attorneys
- Divorce papers, with child support information if applicable
- Previous places of residence
- Academic information (probations, suspensions, disciplinary actions) during undergraduate and law school studies
- Employment history (dismissals or investigations)
- Traffic violations and criminal history, if any (reckless driving, persistent traffic problems)
- Bankruptcy information or credit problems
- Certificates of Good Standing - if an applicant has applied or is admitted in another jurisdiction he/she must be in good standing in the state where he/she holds a license
- Information on any addictions/problems (alcohol, drugs, depression) and subsequent treatment.

If any of the above information reflects adversely on the applicant, the Committee on Character and Fitness may require the applicant to appear before the committee.
Committee on Character and Fitness

The Committee on Character and Fitness is charged with the responsibility of determining the moral character and fitness of each applicant for admission to the Alabama State Bar. There are eight individual panels of three members each who conduct the investigation and review of applicants. A majority vote of the members of a panel is required to constitute the action of that panel.

The burden is on the applicant to establish to the reasonable satisfaction of a majority of the panel that the applicant possesses such character and qualifications justifying the applicant's admission to the bar.

Board of Bar Examiners

The Board of Bar Examiners has the responsibility for administering the bar examination in February and July each year. The academic examination is given over a two day period (all day Tuesday and Wednesday). The first day of the examination consists of the Multistate Essay Exam (MEE) and the Multistate Performance Test (MPT). During the second day, the Multistate Bar Examination (MBE) is administered. Together, these examinations constitute the Uniform Bar Exam (UBE). A total UBE scaled score of 260 or higher is necessary to pass the examination. An applicant may be certified for admission to the Alabama State Bar once he/she has passed the bar exam, passed the Multistate Professional Responsibility Examination (MPRE), and completed the online course on Alabama law.

The Board of Bar Examiners consists of 15 members who are residents of the State of Alabama, and who are licensed attorneys of the state bar. Fourteen of these examiners examine in the academic subjects covered and grade the essay examinations. One examiner serves as the non-examining chairman of the Board of Bar Examiners.

The requirements for admission to the Alabama State Bar consist of the following:

A. Academic Bar Examination

Multistate Essay Exam (MEE) – a three hour, six question essay examination covering agency and partnerships, corporations and limited liability companies, federal civil procedure, conflict of laws, constitutional law, contracts, criminal law and procedure, evidence, family law, real property, secured transactions, torts, decedents’ estates, and trusts and future interests.

Multistate Performance Test (MPT) – two ninety-minute skills questions covering legal analysis, fact analysis, problem-solving, resolution of ethical dilemmas, organization and management of a lawyering task and communication.

Multistate Bar Exam (MBE) – a six hour, two hundred question multiple-choice examination covering civil procedure, constitutional law, contracts, criminal law and procedure, evidence, real property, and torts.
B. Legal Ethics

Multistate Professional Responsibility Examination (MPRE) - a two hour, fifty question multiple-choice examination on legal ethics and professional responsibility.

C. Alabama Law

The online course on Alabama law is approximately 8 hours of online video presentations covering topics related to Alabama law in the following subject matter areas: Alabama state constitution, alternative dispute resolution, civil litigation, criminal law, family law, real property, torts, and wills and trusts/probate.

Pro Hac Vice Admissions

Rule VII of the Rules Governing Admission to the Alabama State Bar provides for admission pro hac vice. An attorney who is not licensed to practice law in Alabama, but who is currently a member in good standing of the bar of another state may appear as counsel pro hac vice in a particular case before any court or administrative agency in the State of Alabama. Following is a summary pro hac vice admissions process for a foreign attorney:

- Obtain a verified application for admission from the Alabama State Bar.
- Associate an attorney who has a current occupational license to practice law in Alabama State Bar.
- Obtain a hearing date from the court or administrative agency where the case is to be heard. The notice of hearing shall be given at least 21 days before the time designated for the hearing unless the court or administrative agency has prescribed a shorter period.
- Obtain a current certificate of good standing (issued within the last 60 days) from the bar or highest court in the jurisdiction where the applicant currently practices. The certificate of good standing must be attached to the verified application.
- Submit the PHV motion and applicable fee per instructions on ASB website.
  - Civil PHV Motion: Motion must be filed via Alafile (https://www.alabar.org/resources/pro-hac-vice/civil-phv-motions/).
  - Criminal PHV Motions: Motion must be submitted to the court or administrative agency with a copy to the Alabama State Bar and applicable fees attached.

Once the application has been received and processed by the Alabama State Bar, a statement is sent to the court or the administrative agency. Once the pro hac vice hearing has been held, the local counsel is responsible for sending the Alabama State Bar a copy of the order either granting or denying the foreign attorney's application for admission pro hac vice.

**Authorized House Counsel**

Rule VIII of the *Rules Governing Admission to the Alabama State Bar* allow lawyers licensed to practice in other jurisdictions to be approved as Authorized House Counsel in Alabama without taking the bar exam. They may provide legal advice to their corporate employer but may not appear in court or sign pleadings. Individuals who elect to be so approved pay a $300 annual fee.

**Admission on Motion**

Rule III of the *Rules Governing Admission to the Alabama State Bar* permit a lawyer licensed in another jurisdiction to be admitted to practice in Alabama without sitting for the bar exam if that lawyer's home jurisdiction grants the same privilege to Alabama lawyers. Also known as reciprocity admission, lawyers who seek admission by motion submit the same application as those taking the bar exam and pay the applicable fee. They are also subject to the character and fitness process.

**UBE Admission**

Any person who has taken the Uniform Bar Exam (UBE) in another state and has scored 260 or higher may be considered for admission in Alabama. To be admitted, they must also meet all character and fitness criteria, pass the MPRE, and complete the online course on Alabama law.

**Continuing Legal Education**

Initially, the Alabama State Bar and the University of Alabama joined forces to provide legal education conferences and publications through the sixth formally organized program in the country. Cumberland School of Law joined with them shortly after its move from Tennessee to Alabama. From ten conferences the first year, the program expanded to over 50 conferences in 1981. An advisory committee of volunteer lawyers appointed by the state bar president worked with the staff developing each year's programs. Numerous dedicated lawyers served as faculty members and wrote and edited publications.

In 1980, after five years of study, the Board of Bar Commissioners approved the concept of mandatory continuing legal education. With the Supreme Court's subsequent approval, Alabama became the tenth state to adopt CLE rules and the 12-hour annual requirement went into effect January 1, 1982.

With the advent of mandatory continuing legal education, it became the board's duty to supervise the administration of the requirement. The bar was removed from active sponsorship of CLE programs, but the University of Alabama and Cumberland schools of law have continued their efforts, changing and expanding to meet the bar's needs. However, the state bar, along with pre-approved local bar and specialty bar groups, and a number of for-profit groups, sponsor a number of in-state CLE activities through the year.
The Mandatory Continuing Legal Education requirement is administered by the CLE Commission comprised of nine commissioners elected from within the Board of Bar Commissioners. The commission accredits programs and sponsors, grants waivers and exemptions, and makes policy decisions consistent with the rules adopted by the court. Its staff is housed within the state bar and maintains a clearinghouse of local, state and national CLE information.

Legal Specialization

In 1994, the Alabama Supreme Court recognized legal specialization. The Alabama State Bar Board of Legal Certification is responsible for approving national certification agencies. Upon passing an examination and meeting other criteria of an approved national certification agency, an Alabama attorney may communicate the fact that he or she has been certified as a specialist in a particular field of law. Currently, 80 Alabama attorneys in 12 specialty areas have been certified as specialists.
Lawyer Discipline

Disciplinary Process

A four-member Disciplinary Commission, composed of bar commissioners appointed by their peers, administers the rules of professional conduct and the rules of disciplinary procedure. Complaints against attorneys are investigated by the General Counsel or approved local bar association grievance committees. The reports and recommendations from these investigations are furnished to the Disciplinary Commission.

The recommendation of the General Counsel or the local grievance committee shall be (1) dismissal; (2) the imposition of a private or public reprimand; or (3) the filing of formal charges before the Disciplinary Board.

Upon receiving these reports and recommendations, the Disciplinary Commission can accept or modify the recommendation of the General Counsel or the local grievance committee. A respondent, after receiving notification from the Disciplinary Commission of its decision to impose a private or public reprimand, may demand formal charges or accept the proposed discipline.

If charges are approved or demanded in a case, one of the three Disciplinary Board panels, comprised of a disciplinary hearing officer, three bar commissioners and one layperson, shall conduct the hearing on said charges, and take such action as may be appropriate to carry out the purposes of the *Alabama Rules of Professional Conduct* and the *Alabama Rules of Disciplinary Procedure*. The types of discipline provided by the *Alabama Rules of Disciplinary Procedure*, in decreasing order of severity, are disbarment, suspension, interim suspension, indefinite suspension, summary suspension, public reprimand with general publication, public reprimand without general publication, private reprimand, probation, restitution, assessment of cost, limitation upon practice, appointment of a receiver, requirement that the respondent retake and pass the state bar examination or the professional responsibility examination, or both, requirement that the respondent attend continuing legal education courses approved by the Alabama State Bar, and other requirements that the Disciplinary Board deems consistent with the purposes of lawyer discipline.

Center for Professional Responsibility

The Center for Professional Responsibility investigates and prosecutes bar grievances by and through the General Counsel. It is also responsible for pursuing suspensions of lawyers who fail to comply with the mandatory rules for continuing legal education, client security fund rules, and rules governing insurance on lawyers’ trust accounts.

The Center for Professional Responsibility also investigates and prosecutes complaints concerning the unauthorized practice of law, deficiencies in lawyers seeking admission to practice law in the state of Alabama *pro hac vice*, represents the bar on character and fitness appeals and handles the filing of attorney advertising.
Ethics Division of the Office of General Counsel/Practice Management Assistance Program (PMAP)

The Ethics Division of the Office of General Counsel provides informal ethics advice and opinions to members of the Alabama State Bar and conducts research for use by the Disciplinary Commission in rendering formal opinions. Lawyers seeking informal ethics advice or opinions relating to their own prospective conduct may request opinions via mail, electronic mail, or telephone. Opinions provided by the Ethics Division are recorded in a searchable database.

Practice Management Assistance Program (PMAP)

PMAP has been moved under the Ethics Division of the Office of General Counsel. The program is designed to serve, in particular, members of the bar who are solo practitioners or who practice in small firms, and to help protect the public from lawyers whose management skills are inadequate. PMAP serves as a clearinghouse for dissemination of materials and publications concerning management-related issues, including access to the latest information on technology and its use in the practice of law.

The program accepts referrals from the bar's disciplinary process and conducts in-office counseling sessions with lawyers and firms. Telephone and email consultations are also available. Additionally, the PMAP program is developing programs to address and promote wellness for Alabama lawyers.

Miscellaneous Duties of the Office of General Counsel

The Office of General Counsel provides the necessary legal services to the Center for Professional Responsibility for the investigation and prosecution of bar complaints, complaints involving the unauthorized practice of law, as well as MCLE, CSF and IOLTA deficiencies.

The Office of General Counsel also provides defense in litigation involving the Alabama State Bar, the Board of Bar Commissioners, the Executive Council, the Disciplinary Commission, the Disciplinary Board, and volunteers of the state bar providing services to its membership, and petitions the Alabama Supreme Court when necessary for changes to the several sets of rules which govern admission, licensure and regulation of the legal profession.

The members of the staff of the Office of General Counsel serve as continuing legal education speakers to the several CLE providers in this state, as well as being available to speak to civic groups and local bar associations concerning the operations of the Alabama State Bar, the Center for Professional Responsibility and the Office of General Counsel.
Client Security Fund

The Client Security Fund was created by the Supreme Court in 1987. The purpose of the fund is to reimburse clients for their loss of money because of the dishonest conduct of their attorneys. Claims are reviewed by the Client Security Fund Committee. The committee determines which claims are to be paid and the amount of the claims. The maximum amount which a claimant may recover is $75,000. This amount may be prorated depending on the total number of claims filed against an attorney. The maximum aggregate amount which all claimants may recover from the fund arising from an attorney's dishonest conduct is $200,000.

The Alabama State Bar is authorized to assess each lawyer (Regular and Special Membership) an annual fee of $25.00. Attorneys who have attained the age of 65 or older and have retired may claim exemption of the fee by submitting a request in writing or by email. This fee is included on the annual Membership invoice and should be paid by the deadline listed on the invoice.
Programs
PROGRAMS

Volunteer Lawyers Program (VLP)

The Volunteer Lawyers Program provides an organized vehicle through which attorneys may volunteer to advise and represent, without expectation of compensation, low-income Alabamians who cannot afford civil legal services. Attorneys who have volunteered through the program are asked to provide assistance in two cases a year, or 20 hours of service. In order to qualify for the program, a potential client typically must have an income at or below 125 percent of the federal poverty guidelines. Responsibilities of VLP include the following:

- Attorney recruitment in 60 of 67 counties
- Retention of attorney volunteers
- Case development and case referral, maintenance and updating case files in database
- State support for four local volunteer lawyer programs
- Program development including grant writing and reporting
- Oversight and coordination of the Will For Heroes project
- Oversight of the VLP law student certificate program
- Coordinating Disaster Legal Services in partnership with the Young Lawyers Section of the Bar
- Liaison with the bar’s Pro Bono Committee, Indigent Defense Committee and Pro Bono Celebration Task Force
- Serving as a statewide resource on access to justice activities

Annually, through the Pro Bono Awards, the program honors those who have provided outstanding services to the VLP and who exemplify the spirit of professionalism through the VLP.

Alabama Lawyer Assistance Program (ALAP)

This program was established in 1998 to protect the interests of clients from the harm caused by impaired lawyers through early identification and intervention, to assist lawyers impaired by alcohol/drugs, or those suffering from depression or diminished mental capacity and to educate the bench and bar about the causes and remedies for lawyers suffering from such impairments.

Intervening early, before matters of misconduct arise, not only protects the interest of public safety and public perceptions, but can very well save a life of an otherwise valuable member of the bar. The program offers a variety of educational programs to assist firms, local bars, judicial branches and law schools in identifying this illness within the profession and offers direction when these matters arise. Other services include help with interventions, peer support, networking, monitoring, and referral services, all designed to promote awareness and assistance. The program may be accessed by calling the program’s confidential direct telephone line.
Alabama Lawyer Assistance Foundation (ALAF)

Incorporated in 2001, The Alabama Lawyer Assistance Foundation is a nonprofit corporation [501(c)(3)] under the management of an elected Board of Directors. The goal of the foundation is to work with the Alabama Lawyers Assistance Program and the Lawyers Helping Lawyers Committee to ensure lawyers in desperate need receive the financial help necessary to secure treatment.

Lawyer Referral Service (LRS)

Established in 1978, the service handles almost 12,000 calls to its toll-free number as well as online requests for a lawyer via the website each year. Non-indigent individuals needing an attorney are referred to members in their counties who have expressed a willingness to handle particular types of cases. Each service member agrees to provide a consultation of up to 30 minutes for $50 in order to determine if legal services are needed.

Membership in the service costs $100 per year and professional liability insurance with limits of $100,000/$300,000 is required. Service members also agree to pay a 5% fee back to the program, when a referral generates over $1,000 in fees. Any money received from members is used toward expanding, upgrading and advertising the program.

Committees and Task Forces

All programs and activities of the Alabama State Bar have the goal of (1) improving the administration of justice in the State of Alabama, (2) service to the members of the Alabama State Bar and (3) service to the public at large. Each program, activity, committee or task force has a particular charge or goal to accomplish during a given time. These goals are usually guided by the long-range plan of the Alabama State Bar adopted by the governing body of the bar in 2017.

The committees and task forces of the Alabama State Bar include:

COMMITTEES
The Alabama Lawyer Board of Editors
Appointed Counsel & Indigent Representation
Character and Fitness
Client Security Fund
Digital Communications
Disciplinary Rules and Enforcement
Diversity in the Profession
Government Relations Liaison
Judicial Conference for the State of Alabama
Lawyers Assistance Program
Lawyer Referral Board of Trustees
Leadership Forum Selection
Local Bar
Membership Benefits
Military Law
Pro Bono
Unauthorized Practice of Law

TASK FORCES
19th Amendment Centennial Celebration
Alabama State Bar Annual Meeting Review
Bench and Bar Relations
Consolidated Fundraising
Court Funding
Cuba
Cyber Security
Foster Care
Government Relations Process Review
Lawyer Incubator
Lawyer University
Legal Malpractice Insurance
Membership Relations
Mid-Year Meeting
President’s Task Force
Pro Bono Celebration
Quality of Life, Health & Wellness
Senior Lawyer/New Lawyer
Strategic Planning
Study the Impact of the Disciplinary Process on Minorities

Many of the programs, policies and services which are part of bar organization and management today had their origin in the work of a bar committee or task force. Task forces are appointed for a limited purpose and time period. One of the most visible functions of the bar is committee and task force service. The president-elect makes committee and task force appointments immediately after taking office as president. Committees and task forces are governed by a set of policies approved by the Board of Bar Commissioners.

Sections

One of the primary purposes of the sections is to facilitate communication and sharing of information among its members who have a common interest in a particular area of substantive law or in a specific segment of the bar, with a view toward promoting understanding and consistent application of the relevant laws throughout the state to clients served by attorneys of this state. Section membership is open to lawyers and judges with common professional interests by completing an application and payment of annual dues. Section membership expands networking and leadership opportunities by increasing your professional contacts as well as your legal expertise.

The 31 sections of the Alabama State Bar are:

Administrative Law
Appellate Practice
Sections must be chartered by the Board of Bar Commissioners. A section must operate according to its bylaws as approved by the Board of Bar Commissioners and the board's policies governing sections. Annual section dues statements are mailed and received by the state bar for the benefit of the sections. Likewise, a majority of sections has opted for the state bar to manage their funds.
Communications
COMMUNICATIONS

Communications primary responsibilities include:

- Information technology
- Website and social media
- Media and public relations
- *The Alabama Lawyer*
- Editing, proofing and distribution of digital content

Communications continues to plan and execute new initiatives and enhance operations to improve effectiveness and efficiency in delivery of digital content and the digital interface between the organization, staff, members and public. The Board of Bar Commissioners has adopted a “Digital Communications Policy” to guide the bar in this area. The policy, in part, speaks to broadcast emails and social media.

**Information Technology**

Communications maintains responsibility for all information technology needs for the bar with an IT staff of one employee. IT maintains the bar’s computer network, hardware and software, along with the servers, Internet connection, email system, back-ups and security. The programmer on staff maintains and updates the bar’s intranet along with the bar’s database which interfaces with the website and intranet to provide secure access to the bar’s data for bar staff and members.

**Communications**

Communications staff is also responsible for content generated by the bar, including *The Alabama Lawyer*, website, social media, press releases, broadcast emails and other forms of communication. The bar’s publications director serves as managing editor, working with the editor and board of editors, who are volunteer lawyers appointed by the president-elect and approved by the Board of Bar Commissioners. Each member in good standing receives a subscription to *The Alabama Lawyer* as one of the benefits of membership. Advertising rates are available on the website and upon request. The bar’s website is continually updated with a wealth of information accessible both to bar members and the public. Beyond the static content available to all, the website contains functionality and information available only to members. Examples include: MCLE history, section and committee membership, payment of bar dues, Casemaker and many other services.

**Social Media**

The bar has joined many of the most utilized social media platforms including Facebook, Twitter, Instagram and LinkedIn to better inform and engage our members and the public.
ASB
Foundation and Bar Building
ALABAMA STATE BAR FOUNDATION AND BAR BUILDING

Alabama State Bar Foundation

The Alabama State Bar Foundation was authorized by the State of Alabama Legislature in 1961 for the purpose of owning, operating and maintaining a building to be occupied by the Alabama State Bar. In furtherance of this purpose, the foundation owns and leases furnishings, fixtures and office equipment and employs appropriate personnel. (§34-3-100, et. seq.) The Alabama State Bar leases facilities, furniture and equipment from the foundation under annual agreements.

The ASBF also invests money as authorized by the ASBF Board of Trustees. The ASBF can receive devises, bequests and donations which can be used for public use. (§34-3-104).

The foundation is exempt from income taxes as an organization created by the State of Alabama to perform a function of a public nature customarily performed by government instrumentalities.

Bar Building

In 1964, pledges and donations by bar members made for a debt-free bar headquarters building with paid-for furnishings. The original building contained six offices, a library, an assembly room, and a membership file room, plus a print shop added in 1969.

By 1980, the bar had outgrown the Dexter Avenue headquarters. Another building was purchased and furnished, again with donations by bar members. The building, located at 1019 S. Perry Street, across from the Governor's Mansion, was the home of the bar's Center for Professional Responsibility.

In the fall of 1992, work was completed on a $3.5 million addition to the bar headquarters building. Member donations covered a little more than a third of the cost. The addition provided 32,000 square feet, including space for the Center for Professional Responsibility. The original headquarters building was also refurbished and included an office for the state bar president and three conference rooms that are used by state bar committees or can be reserved for use by state bar members. A portion of the previously unoccupied third floor of the bar addition was built out in 1999 to add office space for several of the bar’s newest programs. Also, a state-of-the-art video conference room was added on the third floor, and is available for use by bar committees and sections. Attorneys may use this facility for client teleconferences and tele-depositions for a reasonable charge.

Refurbishment of the first and second floors of the facility was completed in 2002. Off street parking on Dexter Avenue was also added to accommodate the needs of bar members and staff. In 2008, the final section of the third floor was built out to add additional offices. The serving area off the board room on the second floor was updated as well. In 2012, a plaza area was completed in front of the building to compliment the RSA Judicial Building encompassing the old judicial building next door.
President’s Duties
PRESIDENT'S DUTIES

Spokesperson for the State Bar

Not surprisingly, the state bar president often is called upon by the media to comment on a variety of subjects. Because the Board of Bar Commissioners is the policy-making body of the state bar, a president cannot take positions on issues or commit the state bar on an issue unless first authorized to do so by the commission. Statements or comments by the president on an issue to the effect, "In my personal opinion..." either assenting to or contrary to a prior decision by the commission, is generally insufficient to make them distinct from being construed as the official position of the state bar.

Commission Meetings

The president presides at all meetings of the Board of Bar Commissioners. In the absence of the president, the vice-president presides. Traditionally, the commission has met seven to eight times a year, usually on Fridays, and generally in September, October, December, January, March, May, and twice in July, at the start and conclusion of the annual meeting. The meeting dates are set by the president and the executive director and are announced before the president assumes office at the annual meeting. (See last section in this manual for commission meeting dates.)

Preparation for the commission meetings typically involves a meeting of the executive council the afternoon before the commission meeting the next day. An executive council agenda is prepared which includes a review and discussion of the next day's agenda items as well as action items for upcoming commission meetings. The agenda for the commission meeting is prepared by the executive director and mailed to the commissioners with any pertinent written material at least one week in advance of the meeting. The current policy is that an agenda item which requires action by the commission first must be presented to the commission as an informational item before it will be acted upon by the commission at a subsequent meeting.

Appointment of Task Forces

In keeping with state bar board policies, a president may create task forces and appoint bar members to study relevant or timely issues as circumstances dictate. A task force generally operates for a limited time. Once it concludes its designated mission, the task force terminates.

In late spring every year, the President appoints a nominating committee which makes nominations to the Board of Bar Commissioners for appointment to the Executive Council, Disciplinary Commission, disciplinary panels, hearing officers, MCLE Commission and for other state bar operations as well as ancillary groups including ALF and ALAF. The Eleventh Circuit Court of Appeals also requires the state bar president to appoint, from his or her jurisdiction, delegates to attend the Eleventh Circuit Judicial Conference.
Expenses and Reimbursements

The president is reimbursed for reasonable and necessary expenses. With regard to out-of-pocket expenses, the president may submit a voucher requesting reimbursement for telephone charges, postage expenses and copying expenses in carrying out the responsibilities of office. Similarly, the president is reimbursed for in-state travel and may receive a per diem where travel on behalf of the state bar requires overnight accommodations. When out-of-state travel is required, the president may claim reimbursement for meeting registration fees, travel (airfare), hotel charges and the reasonable cost of meals. The same expenses for the president's spouse traveling with the president are also covered. There is no reimbursement for alcohol under the state's reimbursement guidelines. All out-of-state travel must be approved in advance by the Governor's Office.

Signing of Vouchers

The state bar pays bills from fees deposited in the State Treasury account for the state bar. (§34-3-4.) The funds in this account are disbursed by warrants (checks) issued by the State Comptroller upon vouchers submitted by the secretary of the state bar. These vouchers are also required to be signed by the state bar president and the Executive Director.

Membership in Bar Related Organizations

The state bar is a member of several national bar-related organizations. Elected bar officers participate in at least two of these, the Southern Conference of Bar Presidents (SCBP) and the National Conference of Bar Presidents (NCBP). The SCBP is a collegial organization of state bar presidents, presidents-elect and executive directors from Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. This organization was formed in 1969 and meets during the midyear and annual meetings of the American Bar Association (ABA). There is also an annual meeting which is hosted each year by a different SCBP state member.

The NCBP was created in 1950 as an organization for both state and local bar leaders. It is affiliated with the American Bar Association (ABA) and conducts two meetings each year which are held in conjunction with the ABA's midyear and annual meetings. The meetings not only provide a forum for bar leaders to discuss current issues affecting the legal profession, but to exchange information about bar programs and activities.

Other affiliated organizations in which representatives of the state bar also participate include:

- American Bar Association (various entities with the ABA)
- National Association of Bar Executives (NABE)
- National Council of Bar Foundations (NCBF)
- National Conference of Bar Examiners (NCBE)
- National Organization of Bar Counsel (NOBC)
- National Client Protection Organization (NCPO)
- Continuing Legal Education Regulators Association (CLE reg)
Ex Officio Positions

The state bar president, by virtue of the office, serves as a member of the Alabama Law Institute Council. The Council generally meets at called meetings each year prior to the regular legislative session and at the annual state bar meeting. In addition, the state bar president serves on the University of Alabama Law School Foundation Board of Directors. The foundation board meets annually, usually on a Friday in September.

Annual Meeting

Every year since 1879, the Alabama State Bar has conducted an annual meeting. Many changes have occurred since that first meeting, including the fact that the president is no longer elected at the annual meeting. The bar's midyear meeting was discontinued in the 1980s. The annual meeting is held in July and usually follows a Thursday-Saturday pattern with the meeting commencing on a Thursday morning and concluding by Saturday noon. The state bar president presides at most of the plenary sessions and at the annual business meeting. In addition to the installation of new officers, the annual meeting generally affords those attending the opportunity to obtain most, if not all, of an entire year’s MCLE requirement as well as to participate in an array of social activities. Previous membership surveys and past annual meeting evaluations indicate an overwhelming desire for the annual meeting to be held at or close to the beach. The following schedule lists the locations for future annual meetings.

FUTURE ANNUAL MEETING DATES

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Date</th>
<th>Location</th>
<th>Hotel/Contract Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>June</td>
<td>24-27</td>
<td>Sandestin Hilton</td>
<td>(Signed Contract)</td>
</tr>
<tr>
<td>2021</td>
<td>July</td>
<td>13-19</td>
<td>Point Clear Grand Hotel</td>
<td>(Signed Contract)</td>
</tr>
<tr>
<td>2022</td>
<td>June</td>
<td>22-25</td>
<td>Sandestin Hilton</td>
<td>(Signed Contract)</td>
</tr>
<tr>
<td>2023</td>
<td>July</td>
<td>11-15</td>
<td>Point Clear Grand Hotel</td>
<td>(Signed Contract)</td>
</tr>
<tr>
<td>2024</td>
<td>June</td>
<td>26-29</td>
<td>Sandestin Hilton</td>
<td>(Dates on hold)</td>
</tr>
<tr>
<td>2025</td>
<td>July</td>
<td>15-20</td>
<td>Point Clear Grand Hotel</td>
<td>(Dates on hold)</td>
</tr>
</tbody>
</table>
Long-Range Plan
Alabama State Bar

Report of Long-Range Planning Task Force

August 2, 2017

Royal C. Dumas, Gilpin Givhan P.C., Co-Chair
Allison Skinner, Cadence Bank, Co-Chair
Adam P. Plant, Battle & Winn
# Table of Contents

Table of Contents .................................................................................................................................. 2

Introduction ........................................................................................................................................... 4

I. Executive Summary ...................................................................................................................... 4
   A. Duration of the Plan: 2017 to 2022 ............................................................................................. 4
   B. Terminology of the Plan ............................................................................................................. 4
   C. Scope of the Plan ......................................................................................................................... 5
   D. Committee ................................................................................................................................... 5

II. Alabama State Bar Long-Rage Strategic Plan for 2017 to 2022 ............................................ 6
   A. Mission and Value Statements .................................................................................................... 6
   B. Membership Service .................................................................................................................... 6
      C. Service to the Public ................................................................................................................. 7
      D. Service to the Membership .............................................................................................. 7

III. Goals and Strategies Regarding Service to the Public ............................................................ 8
   A. Service to the Public .................................................................................................................... 9
      1. Communication ..................................................................................................................... 9
      2. Discipline .............................................................................................................................. 10
      3. Access to Justice .................................................................................................................. 10
      4. Administration of Justice .................................................................................................... 11
      5. Education ............................................................................................................................. 14
      6. Licensing .............................................................................................................................. 14
      8. Charitable Public Outreach ................................................................................................ 15
      9. Admission and Membership .............................................................................................. 15
   B. Service to the Membership ....................................................................................................... 16
      1. Communication ................................................................................................................... 16
      2. Local Bars ........................................................................................................................... 16
      3. Member Benefits ................................................................................................................ 17
      4. Education .......................................................................................................................... 17
      5. Wellness ............................................................................................................................ 18
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>Operations ................................................................. 18</td>
</tr>
<tr>
<td>7.</td>
<td>Administration of Justice ........................................... 19</td>
</tr>
<tr>
<td>8.</td>
<td>Diversity ................................................................. 19</td>
</tr>
<tr>
<td>9.</td>
<td>Licensing ................................................................. 20</td>
</tr>
<tr>
<td>10.</td>
<td>Discipline ................................................................. 21</td>
</tr>
</tbody>
</table>
Introduction

The public and our profession benefit from the foresight of Alabama lawyers to anticipate coming threats and opportunities. There is a proud tradition of Alabama lawyers seeking, as President Lincoln put it, to "first know where we are, and whither we are tending, [so] we could then better judge what to do, and how to do it." The Alabama State Bar has recognized in its strategic plans over the past two decades that "to be strong and survive," organizations "need a beacon in the future towards which to aim: a present agreement on a general course towards next year and the years thereafter." Creation of strategic plans, like this one, remains "no easy task," but we have tried to continue the tradition of "outlining an effective and efficient vehicle for providing dedicated service to the profession and the public."

The Bar must review its rules and procedures, first, to reflect the changing world in which lawyers and our clients live and, second, to identify emerging issues and concepts that affect our members. As indicated above, this Plan is not intended to prescribe any course of action or change, but to guide active conversation that will resolve these issues before they overtake us.

I. Executive Summary

In drafting this recommendation, the 2016-'17 Task Force reviewed substantial amounts of pertinent information, including (i) the Alabama State Bar 1994 Long-Range Plan, (ii) the 2001 Task Force subcommittee reports, (iii) the reports of numerous standing committees and task forces of the Bar, (iv) the 2004 draft report, (v) input from former Bar presidents, (vi) the long-range plans of other state bars, (vii) the 2005 Long Range Plan, and (viii) the goals and trends facing the future of the profession.

A. Duration of the Plan: 2017 to 2022

While the long-range plan will guide our Bar for many years, the 2017 Task Force recommends the effective duration of the proposed 2017 Long-Range Plan be five years with an annual review given the first quarter of each year. In 2018, the Task Force recommends a full review of the Plan in anticipation of the quickly-changing landscape of the legal profession.

B. Terminology of the Plan

A mission statement is the primary purpose of existence for the organization. A values statement describes the guiding principles of leadership and staff. A goal is an objective or core competency. The goals will influence resources, staffing, committee charges and section initiatives. The 2017 Task Force adopts the 2005 Task Force broad goals with the addition of one goal related to attorney wellness, they include:

1. Assure the Highest Standards of Professional Conduct, Ethics and Professionalism.
2. Advance Improvements in the Administration of Justice.
4. Serve Member Needs.
5. Enhance the Use of Current Technology and Communication Tactics.
6. Advance the Principles of Racial, Ethnic, Gender, Age and Geographic Diversity.
7. Promote Attorney Wellness.

C. Scope of the Plan

The 2005 Task Force identified strategies to advance these goals. Where discussions highlighted issues of importance and proposed considerations, the strategies are noted herein, but not all strategies were fully developed by the present Task Force, as this is outside the scope and intent of this Plan. Future Bar presidents will use the 2017 Long-Range Plan to develop their own programs and policies, and because it is intended to cover five years, the work implementing this Plan should be spread over that period. The Plan is meant to serve merely as a guide, realizing that other issues and priorities will arise and that the Plan cannot fully comment upon the ever changing profession we practice in.

D. Committee

The 2017 Long Range Task Force was made up of members who reflect the diversity of the Bar. Members of this task force varied in their race, gender, practice area, geography, and firm size. We thank the following members of the task force for their hard work, without which this Plan could not have been developed:

Mrs. Cassandra Washington Adams
Mr. La Barron Nelson Boone
Mr. Toby Dawaine Brown
Mr. Steven Frank Casey
Mr. Lee Hall Copeland
Ms. Christina Diane Crow
Ms. Augusta Salem Dowd
Mr. Christopher John England
Mr. Michael Dwayne Ermert
Mr. Lee Franklin Knowles
Mrs. Rebekah Keith McKinne
Mr. Robert Turner Meadows, III
Mrs. Kelly Fitzgerald Pate
Mr. Edward Milton Patterson
Professor Pamela Bucy Pierson
Mr. Adam Patterson Plant
Mr. Barry Alan Ragsdale
Mr. Richard J. R. Raleigh, Jr.
Mr. James Rebarchak
Mr. Roland Cooper Shattuck
Mr. John Albert Smyth, III
Carl Gibson Vance
II. Alabama State Bar Long-Rage Strategic Plan for 2017 to 2022

A. Mission and Value Statements

The governing philosophy of the Alabama State Bar is stated in two related statements. First, the Bar **mission statement** emphasizes our dedication to the following:

- Promoting the professional responsibility, competence and satisfaction of its members;
- Improving the administration of justice; and,
- Increasing the public understanding of and respect for the law.

Second, the Bar **values statement** makes clear that our core values include the following:

- Trust
- Integrity
- Service

Task Force member and former Bar President Rich Raleigh summarized the preceding as "lawyers serve; the Bar serves lawyers; together we serve the public."

While these statements provide guidance, their themes must be viewed in the light of the changing demographics of our Bar membership. At last analysis, the Bar consisted of 17,925 members. Approximately 68% of Bar members are male; 32% are female. The Bar membership is overwhelmingly (92%) white; approximately 7% of Bar members are African-American; and 1% identify as having another ethnic background. Our Bar, like many professions nationwide, is aging. Approximately 25% of Bar members are age 61 or older and nearing retirement. Fewer than 21% of our members are under age 37.

This is a contrast from the overall demographics of the State of Alabama where, out of an estimated population of more than 4.86 million people, 51.6% of Alabamians are female, 26.8% are African-American, and only 15.7% of the population of Alabama is age 65 or older.

B. Membership Service

To implement the principles above, the Task Force understands the Bar serves two distinct constituencies. On the one hand, the Bar has a duty to the Public; on the other, the Bar owes duties to its individual members. The task force noted numerous areas of focus for each.
C. Service to the Public

The Task Force found several areas that were central to the Bar's service to the public, they can be represented as below and includes (1) Communication, (2) Discipline; (3) Volunteer Lawyers Program ("VLP"); (4) Administration of Justice; (4) Education; (5) Licensing; (6) Political Public Service; and (7) Charitable Public Outreach.

The Task Force understands that communication, licensing, and discipline constitute the major components of the Bar's service to the public. Effective communication ensures a channel through which the public can come to understand the actions of the Bar and can learn that Bar members act within sound professional and ethical norms. However, the Task Force could not overlook other areas of focus, some which have emerged recently and others which have been a focus of the Bar for more than a quarter century.

D. Service to the Membership
As much as the Bar is responsible for mandating certain service for the public, the Bar is similarly responsible to our individual members. We identified ten critical areas of member service: (1) Communication; (2) Local Bars; (3) Member Benefits; (4) Education; (5) Wellness; (6) Operations; (7) Administration of Justice; (8) Diversity; (9) Licensing; and (10) Discipline.

Again, while the traditional roles of communication, licensing, and discipline are central to any Bar service, the changing demands upon lawyers and the unique difficulties they face cannot be overlooked.

III. Goals and Strategies Regarding Service to the Public

Given the above, the Bar's core goal is to assure its members adhere to the highest standards of professionalism in our industry. To meet this goal, the Bar must vigilantly require high standards for Bar admission, professional conduct, and professional competence and service. These central areas protect the public through a system that promotes public awareness and transparency. It also should develop a system for its members which simultaneously promotes competency and wellness.
A. Service to the Public

1. Communication

Core Areas: To promote effective communication with the public as to Bar initiatives and programs; Promote the use of advancing technology in the effective and efficient practice of the law in Alabama.

Like every other area of life, technology changes the way lawyers practice their profession. Technology has changed the manner in which lawyers interact with each other, with courts, and with their clients and potential clients. This type of rapid change results in unaddressed ethical considerations. Without proper attention, technological developments threaten the core competency of our members and the Bar as an institution. As recently noted by the American Bar Association “[l]awyers who refuse to keep up with modern technology risk violating ethical obligations and face becoming obsolete.” Although the course and growth of technology are impossible to predict, the Task Force recognizes lawyers must timely incorporate relevant technological changes into their practice. This can range from adoption of electronic discovery concepts, to the distribution of appropriate and secure client communications, to information security protocols to guard client confidentiality.

Lawyers have for too long allowed technology to advance more quickly than they were willing to regulate. In the age of data breaches and ransomware attacks, however, we can no longer wait and see. Deceptive cyberattacks have been executed successfully against Alabama lawyers and law firms of all sizes. These successful attacks show that none of us are immune from this risk. Even on the Alacourt electronic filing system, inattentiveness of Alabama lawyers exposed the personally-identifying information of Alabama citizens. We recommend the Bar immediately begin to adopt and utilize best practices for the use of technology. To convey those best practices to Bar members, the Bar should begin immediately develop content for a Bar-sponsored or Bar-approved one-hour mandatory technology competency CLE that all Bar members should attend within 12 months of its development. This CLE should be offered at no or low cost, and be available both on-site in a “roadshow” format and on-demand as an online offering. This CLE should include components of both cybersecurity and effective use of technology. The effective use of technology component should include hands-on tutoring for lawyers who desire to become more technologically proficient in their practice.

The Task Force also recommends the Bar establish ethical standards and guidance for the use of artificial intelligence in document production and research, including whether the use of AI constitutes the unauthorized practice of law. We believe that effective regulation of this new technology, rather than protectionist denial of its existence, is the more prudent course of action for the law practice of the future.
The Task Force understands the public uses social media platforms and search engines to locate, engage, and evaluate lawyers. The Bar should develop methods that recognize these changes and help both lawyers and the public make informed decisions regarding the role these tools play in how legal services are provided. We encourage the Bar office of general counsel to provide effective guidance regarding these issues.

Ultimately, the Task Force proposes the Bar take action similar to other bars, including the Missouri Bar, to address technology concerns through active investigation, reporting, and implementation under canons of legal ethics. The following issues must be addressed completely:

• Considering mid-to-long term technology issues through standing committees; and
• To assist members as to relevant technology through education so as the membership can maintain a minimum standard of competency in emerging technological trends -- this should address the issue of an aging Bar which is, at times, resistant to the technological changes.

2. Discipline

Core Areas: Promote effective oversight of members and transparency to public.

The Bar's oversight of our members demands, at the least, a minimum competency among our members for the public to maintain its trust in our profession. It is similarly key for transparency amongst the Bar and to promote wellness for our members. This Task Force, like its predecessor recommends:

• Periodic review and recommendations regarding disciplinary rules and procedures;
• Consideration of uniformity and expediency in disciplinary rules, utilizing the nation model as a resource;
• Address the regulation of lawyers not licensed to practice in Alabama and including non-lawyer litigation support services;
• Develop progressive diversion and non-disciplinary system for intervention with respect to aging and impaired lawyers.

3. Access to Justice

Core Areas: Promote public access to high quality legal services regardless of financial or other circumstances; Advocate for proper funding of VLP.
The Volunteer Lawyers Program has grown and changed significantly since its founding more than twenty-five years ago. The greatest positive change is the cooperation the State VLP has with the four local Alabama VLPs: the South Alabama VLP, the Birmingham Bar VLP, the Madison County VLP, and the Montgomery County VLP.

Funding has always been the anchor that has dragged down the Bar VLP and the local VLPs. The programs derive funding from state IOLTA programs; grants from Legal Services Alabama (LSA), bar associations, and private foundations; and local fundraising. Occasionally a program(s) will receive a cy pres award. The Alabama Law Foundation is the largest single funder of the VLP programs in the state. Legal Services Alabama is the second-largest. Congress requires LSA, which is our state affiliate of the Legal Services Corporation, to spend 12.5% of its grant monies on private attorney involvement programs. For the past several years, all of the VLP programs, regardless of program size or service area, have received a $70,000 sub-grant from LSA. The State VLP's sub-grant agreement contains a clause that if LSA should receive a funding cut from Legal Service Corporation that its funding would be cut in an equal percentage. Therefore, reduced interest rates which effect IOLTA revenue or reduced funding by Congress of the Legal Services Corporation directly affect funding for the state's VLP programs.

VLP funding is constantly under threat. The Task Force recommends that the Bar should provide advocacy for LSA funding for LSA and the Legal Services Corporation. The Task Force also recommends that the Bar explore alternative methods to provide legal services for communities that have no access to affordable legal services.

In 2005, the Task Force recommended enhanced public recognition by state and local bars for lawyers excelling in providing pro bono services. The Bar has a standing Task Force devoted to dealing with access to justice and pro bono work. Included within this is the award of several state awards, numerous county bars award similar awards. The Task Force recommends further support of this effort.

Access to justice does not stop with people for whom pro bono clients, however. There are substantial numbers of people who are in the gap between those who qualify for pro bono services through LSA or another organization and those who are able and sophisticated consumers of legal services. The Task Force recommends that the Bar examine all avenues through which lawyers willing to serve these people and the people in need of legal services can be matched.

One such method would be incubators in which recent graduates are provided office space and other overhead in exchange for a commitment to serve only those persons within a defined geographic area whose legal needs fit certain defined practice areas and their financial resources were greater than what would qualify for pro bono legal services. According to the American Bar Association, “there are over 60 incubators nationwide.” These young lawyers could receive mentoring, training, and other benefits in exchange for their commitment to this incubator practice for a period of two years. Incubator programs already exist in other southeastern states, including Georgia, Mississippi, Florida, North Carolina, Virginia, and Louisiana. The Bar should work collaboratively with local bar associations, legal aid groups, and other interested parties to determine the location and manner in which such a pilot program could be established in Alabama.

4. Administration of Justice
Core Areas: Increase public and legislative understanding of the importance of courts and independent judiciary; advocate for adequate court funding with the Alabama State Legislature; and support the merit-based selection of justices and judges.

The Alabama Unified Judicial System faces reduced funding, reduced filings, and increased pressure to generate revenue for an underfunded state general fund budget. These revenues mask, but do not solve, the structural flaws in the way state government funds our courts and allocates governmental resources.

(a) Reduced Funding Impairs the Administration of Justice.

The Bar recently reported that PARCA, the Public Affairs Research Council of Alabama, "review[ed] our current court cost structure" to evaluate funding by the Alabama Legislature relative to the services provided by the court system. "PARCA's court costs study found the current structure to be archaic, inefficient, and without transparency. PARCA further found that the use of court costs as a source of court funding is inadequate."

The Alabama Unified Judicial System typically is appropriated less than 2% of the total budget of the State of Alabama. The total FY2018 budget for the judicial branch of state government was approximately $120M. Ala. Act 2017-338. The judicial system also generates revenues for the state. During FY 2015, for example, the General Fund budget received approximately $63.6M in revenues from court costs, which was 3.43% of the revenue generated for the General Fund. Only a portion of this is returned to the courts for operations; the remaining amount collected is earmarked to be distributed by the clerks of the court in each county on a monthly basis. Except on a limited basis, this collection and distribution of monies to state agencies, District Attorneys, city and county governments, and many others is without compensation to the clerks or the court system. The 2014 Baldwin County reports obtained by the Alabama State Bar illustrate this finding and also confirm the role of the court system in providing revenue to the local and state economies.

(b) Reduced Filings Create Risk for Fee-Based General Fund Revenues.

The amount of cases being filed in our court system has declined for many years. PARCA conducted a limited survey to determine if the rising court costs had any relationship to the decreased filings. The results from that survey did find such a relationship, although it is not the sole contributing cause. PARCA provided a chart illustrating the decline of court filings and distributions due to that decline over a ten year period (2002-2011). The bar has supplemented that information with comparative data for the period of 2009 through 2014.

(c) Recovering Court Costs is Difficult and an Inefficient Way to Administer Justice.

Statewide court costs to benefit the court system have increased only once in the past decade. Local court costs, by contrast, have risen at an alarming rate. In many instances, the local costs do not benefit the court system or its operations. If the local costs were implemented to assist the local court operations, much of that revenue is now being used to pay for employees who, as a result of decreased General Fund Budget appropriations, would otherwise have been laid off. PARCA found that without these local court payments for court employees, the staff within our state court system would be decreased dramatically.
Court costs are charged in both civil and criminal cases. Costs are normally collected in civil cases at a rate of nearly 100 percent. Collecting fees, fines, and costs in criminal cases is difficult in criminal cases. The courts have implemented collection dockets to attempt to collect these fees, fines, and costs, but without any additional staff. The Bar Leadership alumni group, in conjunction with the Administrative Office of Courts (AOC), studied the difficulty in collecting these criminal court costs in 2012. That group also assisted AOC in creating county-by-county charts regarding the collection and distribution of costs in each area. The 2014 Baldwin County Court collections and distributions report obtained by the bar also illustrates this information. The wisdom of jailing Alabamians who are unable to pay fees, fines, and costs in traffic or criminal matters also is an issue, and has been challenged in Federal court. In March 2017, the Southern Poverty Law Center announced a $680,000 class action settlement with Alexander City based on the Alexander City Police Department's practice of jailing persons who could not pay court costs owed to the Alexander City Municipal Court.

PARCA has noted that the amount of collections in both the civil and criminal courts has dramatically decreased over this same time period of decreased filings. This data has been updated to include 2014 in comparison to the prior three fiscal years.

The PARCA study suggested the following as ways of promoting a properly funded and efficient judiciary through uniform administration and funding and to require appropriations to be adequate and reasonable. The Task Force recommends the Bar continue its advocacy for these issues as discussed more fully in the PARCA study and as further developed.

(d) Merit Selection of Judges

The Bar has long supported the selection of justices and judges in a manner that insulates the judiciary from political pressures and influences. To this extent, the Task Force recommends, as did its predecessor, efforts to implement the recommendation made by the Board of Bar Commissioners in 2004 for establishing merit selection of appellate judges. To maintain and/or establish a committee or task force to study the issue of selection of circuit and district judges and, where appropriate, coordinate with the efforts of the various circuit and district judges associations. Finally, to consider the effectiveness of setting minimum standards and experience levels for judge selection.

Finally, the Bar should continue to enhance the relationship between the Bar and Judiciary. Two areas to develop this relationship are through setting annual meeting site and dates to correspond with State Circuit Judge's meeting, and to consider appointing a task force composed of judiciary and bar members to address both attorneys' behavior before judges and judges' behavior before attorneys.

(e) Increase Public Understanding and Legislative Understanding of Importance of Courts and Independent Judiciary

The Bar and its members should actively participate in public discourse in a manner that will increase public understanding of the importance of the rule of law, our judicial system, and an independent judiciary. We similarly should seek to inform and educate our local legislators regarding those issues and others. Among those issues we should advocate in favor of adequate funding of the judicial system; wise allocation of judicial resources across the State; the importance of judicial discipline, including the Judicial Inquiry Commission and the Court of the Judiciary; and any necessary updates to the Alabama Constitution that would improve the administration of justice.
5. Education

Core Areas: To promote public understanding.

The Bar should be vigilant in increasing public understanding and respect for the law and civil discourse. This can be achieved through continued public service announcements and campaigns, and to build relationships and partnerships with all stakeholders (government, private, associations, and foundations).

Lawyers are uniquely situated to address issues of respect for the rule of law and civil discourse, both of which are critical for public understanding of the law. Bar members should individually take the initiative to promote respect for the rule of law and civil discourse in their own communities and social circles. Alabama lawyers should evangelistically engage our own communities regarding the importance of the rule of law. We understand that the rule of law protects all persons, and have experience necessary to explain the classical understanding of the rule of law. We should share that knowledge with others. Alabama lawyers also should model words and actions that can "revive civility," as the National Institute for Civil Discourse has phrased the issue. We understand that parties can have diametrically opposing viewpoints of an issue, but can still abide by rules to govern their conduct and standards of professionalism. Modeling civility in our own daily interactions brings credit both to the concept of civil discourse, and to our profession.

6. Licensing

Core Areas: Ensure best practices and appropriate measures of competency.

The Bar should ensure that admission standards and bar examination procedures are current and consistent with the best practices nationally, and ensure the bar examination is an appropriate measure of minimum competency.

This can be achieved through enhancing the Bar's liaison with in-state law schools to address issues of mutual interest, including: (1) ensuring timely student registration with the Bar's admission office; and (2) considering post-law school internships. The Task Force further recommends a review of the "voluntary inactive" and "inactive" membership categories and the rules regarding transition to active status, with particular emphasis on: (1) reinstatement costs; (2) education accountability; and (3) economic impact on the Bar. This will ensure that the public is protected from substandard legal service providers who cannot perform to a level of acceptable competency. We want to increase public trust in legal service providers. To do that, the public must know that every Alabama lawyer can perform to an acceptable level of competency. We also recommend that the Bar communicate this licensing function better to the public, which we believe will increase public trust in the profession to self-regulate.
7. Political Public Service

Core Areas: To promote greater participation of lawyers in public service.

The Alabama Legislature has seen a decrease in lawyers-legislators who are members. This follows a national trend. According to the Pew Charitable Trusts, in 1976 approximately 22% of state legislators were attorneys. In 2015, however, only 14.4% of state legislators nationwide were attorneys. For instance, in 2017 Kansas had zero attorneys in its legislative body for the first time since 1861. Based on an April 2007 article from The Addendum of Alabama Lawyer, there were 22 members of the Bar who were members of the Alabama Legislature. As of June 2017, there were 19 lawyer-legislators in Alabama. This means that, out of 140 legislators in Alabama, only 13.6% were lawyers. While this tracks the continuing national trend, we believe that Alabamians would be better-served by Bar members taking public service in the political arena. The Task Force recommends programs which promote public service at both the national, state, and local levels to reinvest lawyers in the law making process. The Task Force also recommends that non-lawyer legislators be offered a course on the basics of law that would provide them a basic foundation from which they could write laws that are more likely to meet basic standards of constitutionality and due process.

8. Charitable Public Outreach

Core Areas: To expand charitable endeavors beyond the legal arena.

The Bar has traditionally focused tremendous energy on charities within the legal arena, most notably the VLP program. The Task Force recommends a concerted effort from the Bar to find effective means of providing charity beyond rendering legal service. The Task Force recognizes this may take any of a number of forms and will likely be directed on a year to year basis through the Bar President, Board of Bar Commissioners, and other State and Local Bar officers.

9. Admission and Membership

Core Areas: To continue developing admission programs which support further diversity within the Bar.

As discussed below in full in regard to diversity, the Task Force recommends continued promotion of diversity principles in law school admissions and to promote
opportunities for women and minorities in the legal profession. The latter can take the form
of continued focus of woman bar sections within both the State and Local Bars.

B. Service to the Membership

1. Communication

Core Areas: To promote efficient communication methods.

Technology enables the Bar to communicate more quickly and regularly with its members than it previously has. We encourage the Bar to leverage technology to decrease costs of communication with Bar members, which will enable the Bar to better steward the resources of its members. We encourage the Bar to use video, social media, and other tools to improve communication among members and between the Bar and its members. Recognizing these tools can be used by the Bar, however, does not mean that the Bar should retreat from in-person interaction with members, which we discuss more below.

2. Local Bars

Core Areas: Promote common initiatives between state and local bars; Utilize local bars as partners for state bar programs.

The Bar has approximately 18,000 members. While this number is small in relation to some other states, it marks a dramatic growth for the State of Alabama over the last quarter-century. For example, in 1992—the year in which many of our newest admittees were born—there were 8,441 in-state members of the Alabama Bar. During their lifetimes, there has been (as of June 2017) a 74% increase of in-state Bar members to 14,712. The increase of out-of-state members is even more pronounced, and has increased 138.72% to 3,397 as of June 2017 from 1,423 in December 1992. The last time there was a full year year-over-year decrease in bar membership was between 1996 and 1997; membership has increased every year since 1997. Due to this growth, local bars are important for overall implementation of State Bar programs.

The direct outreach to members and recent efforts by the Local Bar Task Force to develop a partnership between itself and the Bar has seen immediate results. For instance, the Local Bar Task Force recently outlined a two-prong plan. The first prong involved the deployment of ambassadors to all local and specialty bars to give an informative presentation about the state bar and bar programs. The second prong involved a retreat for local bar and specialty bar officers. This retreat included CLE credits.
The Task Force recommends the continued devotion of a standing Local Bar Task Force to creating connections with local and specialty bars to continue dissemination of State Bar programs through outreach and CLE programs.

3. Member Benefits

Core Areas: Promote enhanced benefits for members.

The Bar has the ability to promote the programs and resources of the Bar by making access to resources "user-friendly" and a "first choice" for lawyers. Options to further enhance benefits, as previously recommended, include:

1. Consideration of how a "Bar Concierge Service" might operate.
2. Developing benefits programs, such as group health insurance, and other programs which assist in professional, economic, and personal development for lawyers. Customize, package, and promote member benefits and services to various categories of members, such as developing "suites of benefits" targeting varied practice settings and specializations.
3. Continue partnering with allied organizations to best position the Bar to serve the public and its members.
4. Maximize benefits through corporate discounts based on purchasing power.

4. Education

Core Areas: To provide high quality continuing education; develop programs that provide reduced cost CLE programs.

Innovative and effective CLE programs are key to maintaining competency in our profession. Private CLE programs have inundated the market in recent years. While this is a benefit for the Bar as a whole, the cost associated with these CLE programs is prohibitive to many individual Bar members.

The Task Force recommends the Bar focus on providing low- to no-cost CLE programs that can take the form of roadshows and be given locally across the state. The Bar could consider increased on-line CLE programs the Task Force similarly recommends a re-evaluation of the Annual Meeting to include more input from the judiciary and other bar associations.
In conjunction with the wellness component of this report, a mandatory 1 hour CLE on overall wellness issues should be considered. The Bar should also look toward creating more CLE programs which focus on work/life balance.

Finally, the Task Force recognizes that our profession is in transition. Thought should be given for the Bar to help lawyers in the need of transitioning their practice to different areas of law. This could be achieved through innovations such as Lawyer University and similar Bar programs. The Bar also should consider taking an active role in enabling aging lawyers to recruit and train young lawyers or new admittees to take over their practices. If young lawyers are not actively recruited to rural and underserved communities, access to justice issues will get worse—not better.

5. Wellness

Core Areas: Promote health and wellness, increase awareness of existing bar programs, develop progressive diversion and non-disciplinary system for intervention with respect to aging and impaired lawyers, develop more CLE programs on work/life balance, consider mandatory 1 hour CLE, professional satisfaction, transitions, financial and retirement planning.

The Task Force recommends that the Bar conduct a quality of life survey in 2017-’18 with special focus on student loan debt, and utilize results to be a member-driven organization.

Based on the understanding that a growing number of our Bar members experience dissatisfaction in their careers that many times leads to changes in career, burnout, and poor work/life balance, the Alabama State Bar established a Wellness Task Force. In line with understanding this concern the Task Force recommends continued conducting of quality of life surveys including a focus on student loans, life-work balance, and general wellness issues.

The Task Force recognizes the Alabama Lawyer Assistance program is a beacon in nationally for assisting our Bar members with numerous wellness issues. With that said, the Task Force recommends specific thought be given to addressing wellness issues proactively with our membership. Example programs could include a focus on addiction issues, professional satisfaction, succession planning, and financial and retirement planning.

6. Operations

Core areas: Lower cost for improving practice, low- to no-cost CLE costs, increased interaction, reevaluate annual meeting participation, discounts, member benefits, communication.
The Bar should rigorously preserve the role of the Bar as an independent organization for maintaining professional integrity and self-regulation. As before, this requires our Bar remain financially sound and take the following active steps:

i. Maximize the purpose and utilization of the State Bar foundations.

ii. Monitor income and expenses and develop new revenue sources.

iii. Promote an effective structure for service by Bar Commissioners.

1. Consider term limits of not more than two consecutive terms, with an option to seek re-election after sitting out a term.

2. Develop a template or uniform electronic report for Bar Commissioners to send to local members.

3. Appropriately post minutes of the Bar Commission meetings on the Bar’s website.

iv. Study the opportunity for and impact of affiliate relationships with the Bar.

v. Study the committee and section structure of the Bar to ensure that the Bar is best situated to meet its mission and goals, including consideration of “Rapid Response” committees to volunteer for short, intense projects.

vi. Encourage lawyer participation in meaningful ways on committees, in sections and in other Bar roles, including promotion of a “menu” of opportunities for participation in the Bar.

7. Administration of Justice

| Core Areas: Increase public and legislative understanding of the importance of courts and independent judiciary; advocate for adequate court funding with the Alabama State Legislature; and support the merit-based selection of justices and judges. |

As discussed above, the Alabama Unified Judicial System faces reduced funding, reduced filings, and increased pressure to generate revenue for an underfunded state general fund budget. It also faces circumstances where some circuits have too few judges to hear the number of filings in that circuit. The Bar can serve its members more effectively by advocating for evidence-based, thoughtful policies that can improve the administration of justice statewide. No geographic area of the state should be given a short-shrift. The administration of justice is best served when resources and demands on those resources are based in the reality of the continually-changing demographics of the state and the court filings that accompany those changing demographics.

8. Diversity
The Diversity Committee of the ASB started as a Task Force in 2001. The Diversity Task Force was chaired by Hon. Hugh Maddox, Warren B. Lightfoot, and John L. Carroll. The mission statement adopted was: "To increase racial and gender diversity at all levels of the legal profession in Alabama by promoting full and equal participation in the legal profession by minorities and women." As a result of the efforts of this Task Force, the Board of Bar Commissioners approved language to create nine at-large commissioner positions in March of 2003. Before then, only eight women had previously been bar commissioners. From 1987 to 2003, the Bar has record of there being only three African-Americans members of the Board of Bar Commissioners.

That change has increased female and minority participation. Following that change in 2003, 40 females have been members of the Board of Bar Commissioners, 17 of which held a position on the Board of Bar Commissioners as a result of at-large commissioner designation. Since 2003, there have been 17 African Americans who have been members of the Board of Bar Commissioners, eleven of which held their position as a result of the at-large designation.

As a result of the 2005 Long Range Plan, the Diversity Task Force was made a permanent standing committee. Beginning in 2010, the Diversity Committee began providing CLE programs and a Diversity Celebration at the annual meeting. The Committee has also previously assisted with the Minority Pre-Law Conference, a one-day event provided to high school students in Huntsville, Birmingham, Montgomery, and Mobile. This year, the Diversity Committee initiated a College Minority Pre-law Conference in Birmingham and Montgomery. The program, which was patterned after the high school program, encouraged minority students enrolled in various colleges and junior colleges close to those metropolitan areas to consider a profession in law. College Pre-Law Program received rave reviews from the students and faculty advisors in attendance. Further, the Committee has been gathering information regarding methods to continue to increase diversity and minority participation at the state bar level, including through outreach efforts to engage in a dialogue with the State's various minority bar associations. The Committee is also committed to providing a continuing legal education session at the annual meeting along with a cocktail mixer. These efforts will continue to generate conversation regarding diversity within our state and profession. The mixer will offer an opportunity for a free exchange of ideas and the ability for attorneys to associate and build diverse relationships.

The Task Force recommends continued promotion of diversity principles in law school admissions and to promote opportunities for women and minorities in the legal profession. The latter can take the form of continued focus of woman bar sections within both the State and Local Bars.
Core Areas: Ensure best practices and appropriate measures of competency.

The Bar should ensure that admission standards and bar examination procedures are current and consistent with the best practices nationally, and ensure the bar examination is an appropriate measure of minimum competency.

The Bar should work collaboratively with in-state law schools to address issues of mutual interest, including: (1) ensuring timely student registration with the Bar’s admission office; and (2) considering post-law school internships. The Task Force further recommends a review of the "voluntary inactive" and "inactive" membership categories and the rules regarding transition to active status, with particular emphasis on: (1) reinstatement costs; (2) education accountability; and (3) economic impact on the Bar.

Furthermore, with respect to professional competence and service the Task Force recommends the following:

a. The Bar partner with local bars to encourage creation of mentoring programs.

b. Review existing CLE requirements and needs, with special focus on:
   i. Effectiveness of carry-over of hours provision;
   ii. Exemption at age 65 and above;
   iii. Number, availability and quality of programs; and
   iv. Course on professionalism for new lawyers to ensure that content, length, and presentation are appropriate and effective.

c. Develop programs for lawyer training on personal finances, law practice management, and quality of life issues.

d. Encourage lawyers to pursue public service and to seek public office.

10. Discipline

Core Areas: Promote effective oversight of members and transparency to public.
As stated earlier, this Task Force, like its predecessor recommends:

- Periodic review and recommendations regarding disciplinary rules and procedures;
- Consideration of uniformity and expediency in disciplinary rules, utilizing the nation model as a resource;
- Address the regulation of lawyers not licensed to practice in Alabama and including non-lawyer litigation support services;
- Develop progressive diversion and non-disciplinary system for intervention with respect to aging and impaired lawyers.

We believe that appropriate service to our members in this regard will allow them to conform their conduct to the highest standards of professionalism.
Election Procedures
ALABAMA STATE BAR RULES GOVERNING ELECTION AND SELECTION OF PRESIDENT-ELECT AND MEMBERS OF THE BOARD OF COMMISSIONERS

STATEMENT OF PURPOSE

The Board of Bar Commissioners believes that the honor and responsibility of the offices of President-Elect and Commissioner should attract only the most qualified persons who have given repeatedly and unstintingly of their time and abilities in the strengthening of the profession, the work of the Bar, and the discharge of its duties to the public and to the judicial system, and who have thereby gained the experience and understanding necessary to properly discharge the important and complex tasks inherent in these offices. Recognizing the diversity of the bar in terms of geography, background, practice areas, ethnicity, and gender, the rules governing the election of these important officers of the Bar were adopted in order to encourage a broad participation in the work of the Bar and to avoid the type of campaigning which can cause divisiveness, polarization, and diminished collegiality of the Bar. These rules attempt to discourage intense campaigning for these offices which entail the outlay of considerable amounts of time and money and tend to limit candidates to wealthy lawyers, to members of large firms, or to members of organized groups. We earnestly request that all persons who seek these high offices in Alabama will conduct their campaigns, and encourage their friends and supporters to campaign on their behalf, in the spirit of these rules and in keeping with the dignity of these offices.

These rules are adopted to govern election of the President-Elect and Commissioners of the Alabama State Bar, pursuant to Sections 34-3-16 and 34-3-40 through 43, Code of Alabama (1975). In adopting these rules, the Board of Commissioners of the Alabama State Bar expresses its intent that they supersede all previous rules and policies on these matters.

ELECTION OF PRESIDENT-ELECT

The President-Elect of the Alabama State Bar is chosen annually and takes office as President-Elect at the end of the annual meeting held during the year of such election.

I. Qualifications of candidates

Candidates for the office of President-Elect shall be members in good standing of the Alabama State Bar as of February 1 of the year of the election. They shall possess a current privilege license or special membership.
II. Nominations

Candidates must be nominated by petition of at least twenty-five (25) Alabama State Bar members in good standing. Such petitions shall be on a form prescribed by the Alabama State Bar, and are to be filed with the secretary of the Alabama State Bar (hereinafter “secretary”) on or before February 1 preceding the election. Petitions filed after 5:00 p.m. on February 1 shall not be accepted and the member will not be qualified as a candidate for the office of President-Elect. Nominating petitions may be hand-delivered, submitted by mail, or transmitted by e-mail, and it shall be the responsibility of the candidate to confirm receipt by the secretary. A nominating petition for a candidate for President-Elect shall be certified as being sufficient if the number of valid signatures on the petition is at least equal to twenty-five (25), at which time no further verification is required on such petition.

III. Publication of candidacy

Also by February 1, a candidate for the office of President-Elect may submit to the secretary biographical and professional data and a high resolution color photograph. If received by February 1, this information will be published in the March issue of The Alabama Lawyer, as an announcement of the candidacy, and included on the Alabama State Bar’s Web site. Any information received after February 1 shall not be published.

IV. Campaigns

A. Candidates shall not campaign prior to February 1 of the election year but they may inform others of their candidacy at any time when done by the candidate in person or verbally by telephone.

B. Each candidate shall be entitled to one bar-wide distribution by the state bar by electronic means (“e-mail”) of campaign literature. The Alabama State Bar shall not distribute a list of the names, contact information, or other data associated with its members to any candidate for President-Elect or anyone acting on the candidate’s behalf.

C. Candidates and anyone acting on a candidate’s behalf shall refrain from seeking or accepting financial or in-kind contributions.

D. Candidates and anyone acting on his or her behalf shall not encourage mailings or e-mailings by or to groups with which the candidate may be associated, such as
alumni groups, specialty bars, county or circuit bar associations, or any other identifiable groups within the bar.

E. The use of phone banks, list-servs, or electronic billboards by the candidates or anyone acting on the candidate's behalf is prohibited.

F. Solicitation or support by mail or e-mail for a nominee, by an individual lawyer to his or her personal acquaintances is proper, provided such letter or e-mail is on the lawyer's personal stationery or the law firm's stationery, and is sent at his or her own expense or at the expense of his or her firm. Mailings or e-mailings sent in accordance with this paragraph shall not be directed to a group as prohibited in paragraph D of this section. Two or more lawyers shall not by mail, e-mail, or other similar communication jointly solicit support of any candidate or publicize their own support of any candidate.

G. Candidates shall not seek or publicize endorsements by groups. Groups such as alumni groups, specialty bars, county or specialty bar associations, or any other identifiable group within the bar shall not endorse a candidate.

H. The President of the Alabama State Bar shall appoint five (5) Alabama State Bar members in good standing to serve as the Bar Election Supervision Committee ("Supervision Committee") to ensure compliance with these campaign rules. Three (3) members of the Supervision Committee shall constitute a quorum, which shall be required for any action taken by the Supervision Committee.

I. The Supervision Committee's scope of authority includes, but is not limited to, the following:

1. Hearing election complaints, challenges, and contests, and issuing written rulings on same.

2. Issuing advisory opinions upon written request of any candidate or qualified elector. A written record of those opinions shall be kept by the state bar.

3. Issuing a ruling on any complaint filed by any member of the state bar prior to the counting of ballots. The ruling may provide for sanctions, giving due consideration to the nature of any violation that is determined to have occurred. Such rulings may include: (a) the imposition of sanctions consisting of, but not limited to, disqualification; (b) extension of the deadline for the dispatch of ballots by up to one week; and (c) the granting to other candidates of additional rights as may be appropriate.
4. Hearing post-election complaints, challenges or contests, which shall be filed in affidavit form with the secretary of the state bar no later than seven (7) days after certification of the election results.

All rulings of the Bar Election Supervision Committee shall be construed as final determination and there shall be no appeal.

V. Election procedures

A. The secretary shall announce the election by publication in the January and March issues of The Alabama Lawyer each year and on the Alabama State Bar Web site. In the March issue of The Alabama Lawyer, biographical and professional data and photographs of each candidate for President-Elect shall be published. This same information shall be included on the Alabama State Bar's Web site beginning no later than March 1, and continuing through the close of the election.

B. The secretary shall see that an electronic and paper ballot is prepared and that the ballots contain the name of each qualified candidate for the office of President-Elect.

C. The election for President-Elect shall open on the third Monday in May each year. On this day, every Alabama State Bar member in good standing, who is not excluded by paragraph D of this section, shall be notified by e-mail with a link to the electronic ballot. The Alabama State Bar shall select and engage a vendor to develop and administer a secure ballot delivery system, which shall, at least, contain appropriate means for authenticating the voting member and preventing the voting member from casting multiple ballots while preserving the anonymity of the voting member.

D. Appropriate provisions shall be made to accommodate members in good standing who wish to cast their vote by paper ballot. In such instance and upon written request received on or before the first Friday in May, a printed paper ballot, privacy envelope and return envelope with space for a signature shall be mailed by U.S. mail to the member requesting a paper ballot. A member who has requested a paper ballot shall not receive access to the electronic ballot and shall not be allowed to cast an electronic ballot.

Each paper ballot shall be marked by the recipient member, placed in the privacy envelope provided and both shall be placed in the return envelope provided. The return envelope shall be signed by the member, in the space provided, certifying it as the member's vote for the office of President-Elect and certifying that the
member is qualified to vote, (i.e., is a member in good standing with the Alabama State Bar). Only one ballot may be returned in each certification envelope.

E. All ballots (paper and electronic) must be cast and received in the office of the Alabama State Bar by 5:00 p.m. on the Friday in May immediately following Monday on which the election opens. Any ballot received after the deadline in this paragraph shall be null and void.

F. A Bar Election Certification Committee ("Certification Committee") composed of at least two bar commissioners appointed by the president and the secretary, or designee, shall certify the results of the balloting as soon as practicable after the deadline for the receipt of the ballots.

G. In the event more than two candidates qualify for the position of President-Elect and no candidate receives a majority of the votes (50% + one vote), then the names of the two candidates with the highest vote totals shall appear on a run-off election ballot. The run-off election shall open, and run-off ballots shall be made available on the first Monday in June. All run-off ballots (paper and electronic) must be cast and received in the office of the Alabama State Bar by 5:00 p.m. on the Friday in June immediately following the Monday on which the run-off election opens. Run-off ballots received after the deadline in this paragraph shall be null and void.

H. If a run-off election for President-Elect results in a tie between the two candidates, the run-off election shall be decided by lot by the Election Supervision Committee in the presence of the candidates.

VI. Assumption of office, duties

The successful candidate for President-Elect shall assume office at the conclusion of the annual meeting following the election and shall serve as a member of the executive council of the Board of Commissioners.
ELECTION OF COMMISSIONERS
AND SELECTION PROCESS FOR AT-LARGE COMMISSIONERS

The Board of Commissioners of the Alabama State Bar is composed of at least one member from each judicial circuit, a member from that part of the Tenth Judicial Circuit known as the "Bessemer Cut-off" electoral district, and one additional commissioner for each 306 members of the state bar who maintain their principal office in a circuit as of March 1 of each year, up to ten commissioners per circuit.

In addition, pursuant to amendments to §§ 34-3-40 and 34-3-41 of the Code of Alabama ("the governing statute"), the Board of Bar Commissioners ("Board") shall be responsible for the selection of nine at-large members to the existing Board and shall, to the extent possible, select candidates who reflect the racial, ethnic, gender and age diversity, as well as the geographical diversity, of the members of the Alabama State Bar.

I. Qualifications of candidates and members

A. Each candidate for commissioner shall be a member in good standing of the Alabama State Bar and maintain his or her principal office in the circuit he or she seeks to represent.

B. Each commissioner shall maintain his or her principal office in the circuit represented. Should an incumbent commissioner's principal office be removed from the circuit represented, the position of commissioner shall be declared vacant and the unexpired term shall be filled in accordance with Section 34-3-43(a)(8) Code of Alabama (1975).

II. Nominations of Commissioners to be elected

A. One or more candidates may be nominated on one petition. Each petition must be signed by at least five (5) members in good standing maintaining their principal offices in the circuits where the nominees maintain their principal offices. A nominating petition for candidates for commissioner shall be certified as being sufficient if the number of valid signatures on the petition is at least equal to five (5), at which time no further verification is required on such petition.

B. A member in good standing may become a candidate from the circuit of his or her principal office by filing a written declaration of candidacy.
C. Each candidate must be nominated or declare for a designated position; however, all elections in multi-commissioner circuits shall be at-large elections.

D. Either nominating petitions or declarations of candidacy shall be filed with the secretary of the Alabama State Bar no later than 5:00 p.m. of the last Friday in April of the election year and shall be null and void after that date. Nominating petitions and declarations of candidacy may be hand-delivered, submitted by mail, or transmitted by e-mail, and it shall be the responsibility of the candidate to confirm receipt by the secretary.

E. A candidate may submit to the secretary a high resolution color photograph of the candidate, and biographical and professional data of no more than one 8 ½ x 11 page and no smaller than 12 point type by the last Friday in April for posting on the Alabama State Bar Web site. These items shall be submitted electronically. Any item received after the last Friday in April shall not be posted.

III. Campaigns

A. Each candidate and his or her supporters should make a reasonable effort to represent the candidacy in a dignified manner.

B. Each candidate may receive, free of charge, a list of those persons eligible to vote in his or her circuit. Additional lists shall be provided at reasonable cost.

C. The Election Supervision Committee of the Alabama State Bar shall resolve any complaints or challenges with respect to campaign practices. Such complaints or challenges must be in affidavit form, filed with the secretary of the Alabama State Bar no later than June 30 of the election year.

IV. Election procedures

A. By March 15 of each year, the secretary shall certify to the board the number of members in good standing maintaining their principal office in each circuit and in the "Bessemer Cut-off" electoral district. In order to be a qualified elector in the election of commissioners, a member must provide the physical address of the member’s principal office. A home address shall be used only when the member in good standing maintains no office. The circuit in which a member is qualified to vote will be determined by the member’s physical address as of 5:00 p.m. on the last Friday in April of any given election year.
B. Places and Terms

1. Based on the census, the secretary shall certify to the board the number of commissioners to which each circuit is entitled.

2. If a circuit is entitled to fewer commissioners than it had the previous year, the most recently created place will be eliminated as of June 30 of the census year.

3. If a circuit is entitled to more commissioners than it had the previous year, one or more places shall be created and a commissioner or commissioners shall be elected for a three-year term.

4. Beginning in 1987, places will be designated "Place Number 1" (the present commissioner position), "Place Number 2" (the next commissioner position), and so on. All elections in multi-commissioner circuits shall be at-large elections; however, each candidate must be nominated or declare for a designated position.

5. Terms of incumbent commissioners are hereby retained. Terms of commissioners for a particular circuit should not expire simultaneously; therefore, for the 1987 election only, commissioners elected to the following places shall be elected for the terms specified. Regardless of the length of the initial term, subsequent terms shall be three years.

<table>
<thead>
<tr>
<th>Place Number</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1 year</td>
</tr>
<tr>
<td>3</td>
<td>2 years</td>
</tr>
<tr>
<td>4</td>
<td>3 years</td>
</tr>
<tr>
<td>5</td>
<td>1 year</td>
</tr>
<tr>
<td>6</td>
<td>2 years</td>
</tr>
<tr>
<td>7</td>
<td>3 years</td>
</tr>
<tr>
<td>8</td>
<td>1 year</td>
</tr>
<tr>
<td>9</td>
<td>2 years</td>
</tr>
<tr>
<td>10</td>
<td>3 years</td>
</tr>
</tbody>
</table>

C. Notice of election

In the January and March issues of The Alabama Lawyer each year, the secretary shall give notice of the circuits due to elect commissioners that year, with a disclaimer that some places might change as a result of the annual March 1 census.
D. Balloting

1. The secretary shall see that an electronic and paper ballot is prepared for each circuit election.

2. The election for commissioners shall open on the third Monday in May each year. On this day, each Alabama State Bar member in good standing, whose principal office is in the circuit where the election is occurring, and who is not precluded by paragraph 3 of this section, shall be notified by e-mail with a link to the electronic ballot. The Alabama State Bar shall select and engage a vendor to develop and administer a secure ballot delivery system, which shall, at least, contain appropriate means of authenticating the voting member while preserving the anonymity of the voting member and preventing the voting member from casting multiple electronic ballots.

3. Appropriate provisions shall be made to accommodate members in good standing who wish to cast their vote by paper ballot. In such instance and upon written request received on or before the first Friday in May, a printed paper ballot, privacy envelope and return envelope with space for a signature shall be mailed by U.S. mail to the member requesting a paper ballot. A member who has requested a paper ballot shall not receive access to the electronic ballot and shall not be allowed to cast an electronic ballot.

Each paper ballot shall be marked by the recipient member and placed in the privacy envelope. Both shall be placed in the return envelope and it shall be signed in the space provided, certifying it as the member's vote for a commissioner or commissioners, and certifying that the member is qualified to vote (i.e., is a member in good standing with the bar and maintains his or her principal office in the circuit where the election is occurring). Only one ballot may be returned in each certification envelope.

4. All ballots (paper and electronic) must be cast and received in the office of the Alabama State Bar by 5:00 p.m. on the Friday in May immediately following the Monday on which the election opens. Any ballot received after the deadline in this paragraph shall be null and void.

5. The Bar Election Certification Committee appointed to certify president-elect ballots shall certify the results for the commissioners’ elections as soon as practicable after the deadline for receipt of ballots.

6. In the event more than two candidates qualify for the position of commissioner and no candidate receives a majority of the votes (50% + one vote), then the names of the two candidates with the highest vote totals shall appear on a run-off
election ballot. The run-off election shall open, and run-off ballots shall be made available on the first Monday in June. All run-off ballots (paper and electronic) must be cast and received in the office of the Alabama State Bar by 5:00 p.m. on the Friday in June immediately following the Monday on which the run-off election opens.

7. In a run-off election for commissioner where there is a tie between the two candidates, the run-off election shall be decided by lot by the Election Supervision Committee in the presence of the candidates.

V. Assumption of office, duties

Successful candidates for commissioner shall assume office on July 1 following the election and shall carry out those duties specified in Section 34-3-43, Code of Alabama (1975).

VI. Nominations of At-Large Members

A. Notice

The Board shall, by March 1 of each year, send a letter to all known minority bar associations, all sections of the Alabama State Bar, and the committee charged with the responsibility of overseeing the Alabama State Bar's leadership program, and to each Bar Commissioner seeking a nominee for one of the at-large commissioner positions.

B. Application

A nominee's application outlining, among other things, the nominee's bar service and other related activities must be received by the Executive Committee of the Alabama State Bar by no later than April 1 of the selection year.

C. Applicants Recommended by Executive Committee

The Executive Committee of the Alabama State Bar shall review all timely submitted applications. From those applications, the Executive Committee shall recommend to the Board a name for each of the nine at-large places as described in VII (A) below. In carrying out this charge, the Executive Committee shall, to the extent possible, recommend candidates who adequately reflect needed or underrepresented racial, ethnic, gender and age diversity, as well as the geographical diversity, of the members of the Alabama State Bar.
VII. At-Large Selection Process

A. Initial Terms

Pursuant to § 34-3-41(5), the initial terms of nine at-large members shall be staggered as follows: three at-large members shall be selected for terms of one (1) year each, three at-large members shall be selected for terms of two (2) years each, and three at-large members shall be selected for terms of three (3) years each. The Executive Committee will divide the positions by place and initial terms, and will recommend a candidate for each place and initial term ("Recommended Name") from the applications.

B. Board Consideration of Applicants

The names of all applicants shall be provided to the Board of Bar Commissioners. The list of applicants provided to the Board of Bar Commissioners shall be split into categories by the Executive Committee, namely: (1) Qualified Diverse Applicants, applicants who enhance the racial, ethnic, gender, age diversity and geographical diversity of composition of Commissioners, as determined by the Executive Committee, and (2) Other Applicants, applicants who apply but fail to enhance the diversity of the Board of Bar Commissioners or whose presence does not coincide with the goals of the governing statute. This information will be provided to the Board of Bar Commissioners in advance of its May meeting in which those names will be considered by the Board. The Recommended Name shall be from the list of Qualified Diverse Applicants. Names may also be nominated from the floor for any of the at-large positions, but any name so nominated for an at-large position must come from the existing applicants listed as Qualified Diverse Applicants with all Commissioners being required to take into account the goals of the governing statute.

C. Majority Vote

Each Recommended or Nominated Name receiving a majority vote of the members of the Board of Bar Commissioners present and voting at the meeting shall be elected to an at-large position.

D. Assumption of Office

The terms of the at-large board members shall correspond with the elected members of the Board.

Approved December 5, 1986
Amended December 3, 1999
Amended December 3, 2004
Statement of Policy for Committees and Task Forces
STATEMENT OF POLICY FOR COMMITTEES AND TASK FORCES OF THE ALABAMA STATE BAR

1. Functions and Responsibilities. The functions and responsibilities of each committee created by the Board of Bar Commissioners shall be set out in an Appendix on this Statement of Policy. The functions and responsibilities of each task force established by the President shall also be set out in an Appendix on this Statement of Policy.

2. Organization of Committees and Task Forces. Each committee and task force may adopt, amend and repeal such rules for its own government as it may deem advisable, not inconsistent with any resolution of the Board of Bar Commissioners or the Executive Council, or with those portions of this Statement of Policy phrased in mandatory terms.

3. Composition of Committees and Selection of Members. In order to provide continuity, unless the Board of Bar Commissioners provides otherwise, the terms of the members of each committee shall be three years and so staggered that the terms of one third of the members shall expire at the adjournment of each annual meeting. The President-elect may appoint members to a committee in such numbers as may appear appropriate. The President may add to a committee such additional members as may appear appropriate.

If a committee is created by the Board of Bar Commissioners or if the status of an existing task force is changed to a committee authorized by the Board of Bar Commissioners so that it becomes appropriate under this Statement of Policy for the committee to have members appointed for three-year terms, initial appointments of members shall be made for staggered terms of varying lengths so as to accomplish this result.

In appointing members of committees, care should be exercised that the opportunity to participate in the affairs of the Alabama State Bar is extended to as many members as possible. Ordinarily no person should be appointed to more than one committee or task force if the nature of the committee or task forces is such that the demands made upon their members are likely to conflict. The President-elect is encouraged to consult the chairperson of each committee and the person he intends to appoint as successor to that chairperson before selecting those persons he will appoint to that committee.

Regular committee members who miss two consecutive meetings of a committee without prior notification to the Chairperson or who are absent from a majority of the scheduled meetings of a committee during any year shall be deemed to have resigned from the committee and may be replaced.

4. Task Forces. The President may appoint a task force to study a specific problem and offer recommendations, undertake a special project or create and direct a short term program. The President shall determine the number of members for each task force that
he establishes. Continuance of a task force from one year to the next is without the discretion of the incoming president.

5. **Chairperson.** Ordinarily no person should serve more than two successive terms as chairperson of a committee or task force. The chairperson of each committee and task force shall convene and preside over its meetings. Each committee and task force chairperson shall be invited to attend meetings of the Board of Bar Commissioners, without regard to whether the committee or task force has a report to make to the Board, in order that chairpersons may keep abreast of all the various activities of the State Bar and the actions of the Board of Bar Commissioners.

6. **Meetings.** Each committee and task force should hold a meeting as soon as practical after the adjournment of the annual meeting of the State Bar, and, if any event, before the fall meeting of the Board of Bar Commissioners. At this meeting the committee or task force should ordinarily plan its work for the ensuing year. Thereafter, such meetings as are necessary for the committee or task force to carry out its assigned functions should be scheduled. Meetings of committees and task forces or their subcommittees may be held at such places as are convenient to its members. Meetings may be called by the chairperson, by a majority of the regular members of the committee or task force or by the President of the State Bar. Meetings should be scheduled after consultation with the Staff Liaison to the committee or task force, so that conflicts with other meetings can be avoided.

   The chairperson of each committee and task force should appoint a person to act as secretary at each meeting.

   Notices of meetings, which may be mailed from the State Bar headquarters, should contain a proposed agenda for the meeting, and should be sent sufficiently in advance to allow members adequate time.

7. **Voting.** Committees or task forces may vote by mail, telegraph or telephone upon any matter which might properly come before them at a meeting. A record of any vote taken in this manner shall be made by the chairperson and preserved with the minutes of the committee or task force. A quorum of committee or task force members is sufficient to conduct business.

8. **Minutes and Records.** Each committee and task force should maintain the following records:

   (a) Minutes of each meeting;
   (b) A record of those attending each meeting; and
   (c) Such other records as are necessary to preserve the record of the committee’s or task force’s activities and the actions taken. In addition, a file of all committee or task force correspondence should be maintained. All of these materials should be turned over by the chairperson to his successor. Duplicate records of committee and task force minutes and attendance of members
should be maintained at the State Bar headquarters by the staff liaison. Copies of all correspondence, meeting notices and other written communications related to the work of any committee or task force should be sent to the President, the President-elect, the Executive Director, staff liaison assigned to the committee and the board liaison to the committee or task force if one is assigned.

9. **Reports.** Each committee and task force shall submit:

(a) A written plan of action to the President by September 1, outlining its activities or programs for the year;

(b) A written midyear report to the President by March 15, detailing activities and accomplishments to date;

(c) A report of its year’s activities at least two weeks in advance of the meeting of the Board of Bar Commissioners immediately preceding the annual meeting of the State Bar.

In addition, a committee or task force may submit such other written reports as it may deem appropriate. All such reports should be submitted on schedule so that they may be mailed to members of the Board of Bar Commissioners in time to receive their attention prior to the meeting at which the report is to be considered. This is particularly important in the case of any report which proposes affirmative action on the part of the Board of Bar Commissioners. The presentation of matters to the Board of Bar Commissioners where this provision has not been complied with will be in the discretion of the President. All requests to make an oral presentation to the Board of Bar Commissioners shall be directed to the President. Such requests should ordinarily be limited to those instances in which Board action is being requested. The committee or task force chairperson should, however, be prepared to respond at the meeting of the Board of Bar Commissioners to any questions concerning the committee’s or task force’s written report.

10. **Expenditure of Funds.** No committee or task force shall extend or commit any funds of the state bar without the prior approval of the Executive Director. Any request for authorization of major expenditures not provided for the budget of the state bar shall be submitted to the Board of Bar Commissioners for approval.

11. **Legislative Liaison Subcommittee.** Each committee and task force of the state bar, as appropriate, shall designate a Legislative Liaison Subcommittee to deal with legislation introduced in the State Legislature touching on or affecting the committee’s or task force’s area of interest. This subcommittee shall furnish to the Legislative Counsel a list of all statutes by section number and of all subjects or topics in which it has an interest. The duties and activities of the committee and task force and their subcommittees shall be governed by the following procedures:

A. **Positions advanced by bar committees or task forces**
(1) Any proposed legislation should be presented to the Board of Bar Commissioners for its consideration as far ahead of the legislative session as is reasonably practical. Proposed position statements relating to executive or judicial matters should also be presented to a regular meeting of the Board of Bar Commissioners.

(2) Any committee or task force who wish to propose legislation should make a presentation to the Board of Bar Commissioners and include the following:

(a) a copy of the legislation; and
(b) a written statement summarizing the legislation, setting forth its purpose and why it should be supported by the state bar, and articulating arguments in its favor and anticipated arguments against its passage;
(c) the statement should contain a recitation of whether or not committee or task force members, as the case may be, were given an opportunity for input into the position advanced by the committee or task force and, if so, the method by which this was accomplished.

(3) A presentation consistent in form and content with that suggested above must also be presented in support of any position sought to be advocated by any committee or task force related to executive or judicial matters.

B. Positions not advanced by committees or task forces

Where a committee or task force of the bar is not proposing legislation but recommends that the bar take a position for or against proposed legislation and in cases where the committee or task force recommends the bar take a position with regard to executive or judicial matters, the question shall be submitted to the Board of Bar Commissioners in similar fashion to that outlined in Section 11A of this Statement of Policy.

12. Awards. No committee or task force shall make any award in the name of the Alabama State Bar without the approval of the Board of Bar Commissioners.
Statement of Policy for Sections
STATEMENT OF POLICY FOR SECTIONS OF THE ALABAMA STATE BAR

1. **Origination.** Any Alabama State Bar members interested in establishing a new Section may request that the state bar president appoint a task force to ascertain membership interest in the creation of the recommended section. Upon making due inquiry, the task force must make a written report of its findings and recommendation to the Board of Bar Commissioners. If the Board of Bar Commissioners concludes that sufficient interest is shown for the creation of a new section, then the section shall be activated and authorized to organize the section structure and to adopt by-laws for approval by the Board of Bar Commissioners.

2. **Jurisdiction.** The jurisdiction of the section shall be within the purposes of the Alabama State Bar and not in conflict with the jurisdiction of any other section or committee. Section activities shall at all times be subject to any policies of the Board of Bar Commissioners.

3. **Membership Qualification.** Qualifications for membership in any section all be membership in the Alabama State Bar and payment of section dues.

4. **Officers.** Each section, through its by-laws, shall provide for the election of a chairperson and vice chairperson and such other officers as it may deem advisable.

   Officers of the section shall serve a one year term which shall coincide with the terms of office of the Alabama State Bar. No section officer shall serve more than two consecutive terms in the same office.

   The chairperson of each section shall be invited to attend the regular meetings of the Board of Bar Commissioners of the state bar and to report on the activities of the section during such meetings if the chairperson so desires.

5. **Council.** The section shall have a council composed of the officers of the section and as many as the section shall deem necessary who shall be elected by the membership of the section.

   The council shall be the governing body of the section subject to the control of the Board of Bar Commissioners of the Alabama State Bar and shall hold meetings as needed.

6. **Committees.** The section may designate such committees as it deems appropriate and shall establish the jurisdiction of the committees.

7. **Annual Meeting.** The section shall have at least one meeting each year for the entire membership of the section.
8. Reports. Each section shall submit prior to the annual meeting of the Alabama State Bar a written report of the activities of the section during the preceding year. Before conclusion of the annual meeting of the state bar, each section shall notify the Executive Director of the names and addresses of its council members and elected officers for the coming year.

9. Publication. The section may produce and distribute a newsletter or other publication in furtherance of its objectives. Any such publication shall be produced in consultation with the President, the Executive Director and the Director of Programs of the Alabama State Bar. All costs are to be paid by the section.

10. Legislative Committee. Each section, as appropriate, shall designate a Legislative Committee to deal with legislation introduced in the Alabama legislature touching on or affecting the section’s area of interest. The committee shall furnish to the state bar staff and state bar’s Legislative Liaison Committee a list of all statutes by section number of all subjects or topics in which it has an interest. The duties and activities of such committees shall be governed by the following procedures:

A. Positions advanced by bar sections

(1) Any proposed legislation recommended by a section should be presented to the Board of Bar Commissioners for its consideration as far ahead of the legislative session as is reasonably practical. Proposed position statements relating to executive or judicial matters should also be presented to a regular meeting of the Board of Bar Commissioners.

(2) Any section wishing to propose legislation should make a presentation to the Board of Bar Commissioners and include the following:

a. a copy of the legislation; and
b. a written statement summarizing the legislation, setting forth its purpose and why it should be supported by the state bar, and articulating arguments in its favor and anticipated arguments against its passage;
c. the statement should contain a recitation of whether or not section members, were given an opportunity for input into the position advanced by the section and, if so, the method by which this was accomplished.

(3) A presentation consistent in form and content with that suggested above must also be presented in support of any position sought to be advocated by any section related to executive or judicial matters.

B. Where a section of the bar is not proposing legislation but recommends that the bar take a position for or against proposed legislation and in cases where the section
recommends the bar take a position with regard to executive or judicial matters, the question shall be submitted to the Board of Bar Commissioners in similar fashion to that outlined in Section 11A of this Statement of Policy.

11. Fiscal Arrangement. Each section shall have the power, subject to the approval of the Board of Bar Commissioners, to determine section dues and make expenditures from such funds not inconsistent with the purposes of such section, but shall incur no obligation which is not currently payable from such funds.

Any change in annual dues of a section shall be made with approval of the Board of Bar Commissioners of the Alabama State Bar and any request for change must be presented to the Board at least by the spring meeting of the Board.

In the exercise of its authority to dissolve, consolidate, and divide sections, should the Board of Bar Commissioners:

a. dissolve a section, its dues and other funds shall be forfeited to the Alabama State Bar;

b. consolidate two or more sections, the respective dues and other funds shall be combined;

c. divide a section into two or more sections, the respective dues and other funds of the original section shall be prorated according to the number of members in each newly created section.

12. Awards. No section shall make any award in the name of the Alabama State Bar without the approval of the Board of Bar Commissioners.

13. Certification. No section shall be permitted to become a certifying organization under the Alabama State Bar Rules of Legal Specialization.
Financial Guidelines for Sections
FINANCIAL MANAGEMENT POLICY FOR SECTIONS

The purpose of this policy is to provide general financial guidelines for operating opt-in and opt-out sections of the Alabama State Bar. It is essential there be a system of adequate controls to maintain accountability of section resources. This policy was developed in coordination with generally accepted accounting principles and IRS regulations. It has been reviewed and approved by the Board of Bar Commissioners of the Alabama State Bar.

BANKING GUIDELINES

Opt-Out Sections
Opt-out sections must maintain a separate, interest-bearing bank account to avoid the risk of commingling section funds with business or personal funds. Accounts must be established with a banking institution that offers competitive rates and product value as an appendage to their service. Minimum requirements of the selected bank include 1) deposit insurance through FDIC or NCUA that covers deposits up to at least $250,000, and 2) a rating of at least 1 or higher from bankrate.com. It is further required that banking services be evaluated periodically to ensure that the present rate of return and all fees are competitive.

Section accounts also are required to have at least two authorized signatories: the chairperson, who will act as primary, and the treasurer, who will act as secondary in absence of the chairperson. The chairperson and treasurer both will be deemed fiduciaries of such funds of the section. For control purposes, section councils/officers responsible for initiating and authorizing financial transactions must not retain custody of checks. Blank checks, or check stock, must be safeguarded by storing in a secured location.

Additional check controls include:

- pre-numbered checks issued in sequential order
- no pre-signed, blank checks (all checks must be filled out before signing)
- defacement and retention of voided checks for future reference and audits

Opt-In Sections
The ASB Sections Account serves as the official bank account for all opt-in sections and their activities. Financial transactions are identified by section in order to keep an accurate account of activities and balances related to each. Section checks are signed by one of two authorized signatories at the bar, based on payment request forms signed by section officers.

The bank reconciliation function is performed by bar staff.
FINANCIAL MANAGEMENT POLICY FOR SECTIONS

BANK RECONCILIATIONS FOR OPT-OUT SECTIONS

Best recordkeeping practices require that bank statements be reconciled in a timely manner to ensure balances are sufficient to support operations. A routine performance of bank reconciliations presents the opportunity to identify and resolve possible discrepancies and preserve the integrity of financial records. An effective procedure to help minimize the risk of asset misappropriation is to require two levels of review on bank statements: a first review by the section chairperson or designee, and a second review by the treasurer who also performs the reconciliation. A section should require the banking institution to provide cancelled check images for review with each bank statement in compliance with the Check 21 Act of 2003.

RECEIPTS (DEPOSITS)

Funds generated from section activities must be made payable and deposited to only the section account. Members appointed to collect receipts in connection with seminars, dues, sponsorships, etc., are required remit the funds for deposit, in original form, to the section treasurer within three business days of receipt to effectively optimize cash flow. An itemized deposit report detailing every receipt is required to ensure funds are appropriately allocated. All checks must be endorsed “For Deposit Only” before being submitted for deposit. Bank deposit tickets must agree with the combined total of receipts as indicated on the documentation included with each deposit.

Opt-in sections must forward their deposits and related documentation to the state bar to the attention of Mary Frances Garner at P.O. Box 671, Montgomery, AL 36101.

DISBURSEMENTS

All disbursements must relate to the general purpose of section operations. The section chairperson must coordinate with the section treasurer to ensure that adequate funding is available before authorizing any disbursement. Payment requests must be substantiated with a Section Check Request form that has been completed and signed by the requestor, and include an itemized invoice or receipt in order to be processed and paid. Proof of payment must accompany all requests for reimbursement for purchases made with personal funds on behalf of the section. In addition, major contracts must be presented to bar staff for review before being finalized.

Opt-in sections must forward their payment requests to the state bar to the attention of Mary Frances Garner at P.O. Box 671, Montgomery, AL 36101 for processing.
FINANCIAL MANAGEMENT POLICY FOR SECTIONS

ELECTRONIC PAYMENT OPTIONS

Opt-Out Sections
With increased reliance on technological innovations to improve operational efficiencies, the demand for electronic payment options is on the rise. Fortunately, there are a number of resources available to help sections manage this developing trend. One recommendation for opt-out sections is Square, or other comparable USB card readers that are used primarily to process in-person credit card transactions. Square is most suitable for processing transactions on-site at an event. An advantage of using services like Square is the convenience of processing credit card transactions independently of establishing merchant accounts. A disadvantage is fees charged may be marginally higher than those charged with merchant accounts. Through Square, credit cards fees are netted as a percentage of the gross fees charged per transaction. Sales proceeds are deposited into the designated bank account. Opt-out sections are responsible for acquiring and maintaining any hardware necessary to execute the use of Square.

Opt-In Sections
Opt-In sections will have the full benefit of using USB card reader equipment provided by LawPay, the authorized credit card processor for the state bar. LawPay operates with a merchant account which charges lower credit card fees than Square. Opt-in sections must contact the ASB Finance Department at financedept@alabar.org to reserve use of equipment. Requests must be received at least two weeks in advance of the event date to allow appropriate time for setup and testing.

Event Registration Options
A recommendation for sections is Eventzilla, an online event registration and management software that can be used to set up events with single- or multi-level registration fee categories. This product offers the ability to create a customized event web page that allows attendees to register online and pay by credit cards, or utilize other payment options. Unlike Square, Eventzilla can be integrated with a merchant account to minimize credit card processing fees normally charged through the vendor. All opt-in sections are required to use the ASB merchant account utilizing this feature. Sales proceeds will be distributed to the applicable section account net of credit card fees upon being reconciled. Presently, there is not a mechanism in place to process credit card transactions on-site using Eventzilla software. However, on-site payments can be facilitated by accepting checks or using the USB card reader equipment. Because of the technical aspects involved, ASB staff will be available to assist in setting up an event via Eventzilla. For requests, complete the Event Requirements Form and submit to the ASB Finance Department (financedept@alabar.org) at least one month in advance of the open registration date for the planned event.
FINANCIAL MANAGEMENT POLICY FOR SECTIONS

The overall cost-benefit of accepting credit card payments must be evaluated before ultimately making a decision of which payment methods to use for each event. Among the determining factors to consider in choosing the payment method should be convenience and number of attendees anticipated for the event. Refer to the respective websites of *Square* and *Eventzilla* for additional information. As a final point, be sure to comply with Payment Card Industry (PCI) guidelines when operating a credit card payment system.

RECORD RETENTION – OPT-OUT SECTIONS

In accordance with the ASB Records Destruction Authority, financial records must be kept a minimum of three years. Contracts must be held for a period of six years. Retain items such as bylaws and bank signatory cards until obsolete. Records must be stored in a secured location and easily retrievable in event of review or audit.

GUIDELINES FOR TRANSITIONING TO AN OPT-IN SECTION

All pertinent financial records must be finalized when transitioning to an opt-in section. Business accounts must be reconciled and closed once all outstanding checks have cleared the bank. A final check payable to the "ASB Sections Account" should be issued for the remaining account balance in order to establish the section's account at the state bar. The supporting bank statement and reconciliation must be included with the check as verification of the balance transferred. Bills, invoices and incoming receipts may continue to be addressed to the appointed section officer; however, they must be validated and forwarded to the state bar with required documentation for further processing and payment. All section dues collected in conjunction with the Consolidated Fee Invoice (CFI) will be held in the ASB Sections Account to the credit of the designated section. A summarized financial report of section activities and balances will be provided to officers on a quarterly basis, or as requested.
Staff Policies
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leave</td>
<td>1</td>
</tr>
<tr>
<td>Work Schedule</td>
<td>3</td>
</tr>
<tr>
<td>Travel Policy</td>
<td>5</td>
</tr>
<tr>
<td>Outside Employment Policy</td>
<td>11</td>
</tr>
<tr>
<td>Harassment</td>
<td>11</td>
</tr>
<tr>
<td>Executive Director Succession &amp; Management Plan</td>
<td>13</td>
</tr>
<tr>
<td>Digital Communications Policy</td>
<td>15</td>
</tr>
<tr>
<td>Accessing Building and Parking Lots</td>
<td>23</td>
</tr>
<tr>
<td>Dress Code</td>
<td>23</td>
</tr>
<tr>
<td>Electronic Deposit</td>
<td>24</td>
</tr>
</tbody>
</table>
1. Each employee of the Alabama State Bar shall accrue annual leave on a bi-monthly basis as follows:

<table>
<thead>
<tr>
<th>Employee's Total Service</th>
<th>Bi-Monthly Accrual</th>
<th>Annual Accumulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fewer than 5 years</td>
<td>4 hours 20 minutes</td>
<td>13 days</td>
</tr>
<tr>
<td>5 years but less than 10</td>
<td>5 hours 25 minutes</td>
<td>16 days 2 hours</td>
</tr>
<tr>
<td>10 years but less than 15</td>
<td>6 hours 30 minutes</td>
<td>19 days 4 hours</td>
</tr>
<tr>
<td>15 years but less than 20</td>
<td>7 hours 35 minutes</td>
<td>22 days 6 hours</td>
</tr>
<tr>
<td>20 years but less than 25</td>
<td>8 hours 40 minutes</td>
<td>26 days</td>
</tr>
<tr>
<td>25 years or more</td>
<td>9 hours 45 minutes</td>
<td>29 days 2 hours</td>
</tr>
</tbody>
</table>

2. For purposes of annual leave, employees with prior employment service with an agency of the State of Alabama may not transfer accrued annual leave upon employment with the Alabama State Bar. (Prior employment and service time purchased with the Retirement Systems of Alabama will count towards years of service for calculating longevity pay and annual leave with the Alabama State Bar.)*

3. Requests for annual leave should be made at least 24 hours in advance.

4. Permanent part-time staff members will be granted leave on a prorated basis equal to the percentage of time worked.

5. No more than sixty (60) days (480 hours) of accumulated annual leave may be carried over beyond the end of the calendar year.

6. Upon separation from Alabama State Bar service, an employee shall be paid for the number of hours of annual leave earned up to a maximum of 480 hours with the amount being computed on the basis of hourly pay rate at the time of separation multiplied by the number of hours of annual leave due.

7. These amendments upon adoption shall relate back to July 12, 2006.

Amended 7/12/06
Amended 3/30/12

*June 2012 – According to the Alabama Examiners of Public Accounts, the Board of Bar Commissioners does not have the authority to award increased longevity pay and annual leave for service time purchased with the Retirement Systems of Alabama.
1. Each employee of the State Bar will accumulate four (4) hours of sick leave time per pay period. With a 24 pay period basis, 96 hours (12 days) will be earned during a calendar year.

2. Requests for sick leave for scheduled doctor, dentist, etc. appointments are to be submitted as far in advance as possible and no later than the working day immediately preceding the appointment. Sick leave request forms for other than appointments are to be submitted on the day the employee returns to work.

3. Sick leave in excess of an employee’s accumulated sick leave will be deducted from the employee’s accumulated annual or optional leave. If annual leave and optional leave are exhausted, employee will remain on the payroll and the sick leave time will be deducted from employee’s salary at the next pay period. When all leave time has been exhausted and extended sick leave is required, employee will be removed from the state bar payroll for the time employee is out.

The state bar will pay hospitalization premiums through the State Employees’ Health Insurance plan for up to twelve weeks for an employee who is under the care of a physician and has exhausted all accumulated sick and annual leave.

4. Employees with prior employment service with an agency of the State of Alabama or a public school or public university in Alabama, may transfer accumulated sick leave upon employment with the Alabama State Bar.

5. Employees will not be compensated for accumulated sick leave when they are separated from Alabama State Bar service, except that those employees who are eligible for state retirement may apply accumulated sick leave toward retirement credit as permitted under applicable retirement statutes and policies of the Retirement Systems of Alabama.

Amended 10/29/99
Amended 7/9/08
Amended 1/1/09
Amended 3/30/12

Donated

1. A full-time employee of the Alabama State Bar may donate accrued and unused sick or annual leave to a state bar employee who has suffered a catastrophic illness or injury or is a caregiver for a member of his or her immediate family suffering a catastrophic illness or injury. A doctor’s verification may be requested by the employer. As a condition to receiving donated leave, the recipient employee must exhaust all his or her annual and sick leave. A donated leave form must be
completed and donated leave will be credited as sick leave for the recipient employee. Donated leave that is unused by the recipient employee cannot be returned to the donating employee.

2. A full-time employee may also donate accrued and unused sick or annual leave to the Alabama State Bar Leave Bank ("the bank"). Donated leave given from the bank must comply with the purposes and requirements of paragraph 1 above.

3. No employee may receive more than 480 hours of donated leave under this policy during his or her term of employment by the Alabama State Bar.

Adopted: 1/13/12
Revised: 5/7/17

Compensatory

There will be no compensatory leave granted to salaried employees. This does not apply to holidays worked under the bar’s flexible holiday policy.

Adopted: 11/3/89

State of Alabama Holidays

The state bar office will be closed on official State holidays unless notified otherwise by the Executive Director. The office will be open on any State holiday that falls within a work intensive period (i.e. bar examinations, bar conventions, etc.) Employees working on a state holiday will be permitted to use the day as leave anytime during the calendar year in which the holiday was observed. Unused holiday leave may not be carried forward to the next calendar year. Upon separation from state bar service, employees will not be paid for any accrued and unused holidays except the Mardi Gras holiday. Gubernatorial designated “holidays” may or may not be observed at the discretion of the Executive Director.

Amended 3/20/98
Amended 3/30/12

Work Schedule

The Executive Director, after consultation with the Executive Council, shall set state bar staff work schedules. The state bar hours of operation shall be 8:00 a.m. to 5:00 p.m., Monday through Friday.
The Alternate Work Schedule (AWS) will go into effect on January 5, 2004. The following guidelines have been established.

1. **Core Hours.** The bar’s hours will remain 8:00 a.m. - 5:00 p.m., Monday through Friday. The work options will be:
   a. All schedules are based on a **40-hour workweek.** Any additional hours not worked need to be taken as regular or sick leave.
   b. Designated schedules will be set up on a monthly basis, with schedule requests turned into supervisors on the third Friday of the month for the following month.
   c. Schedules may vary on a weekly basis, but must meet department needs.
   d. There is a choice of designated schedules of an 8 or 9-hour workday between the hours of 7:30 a.m. and 5:30 p.m. (See sample schedule below) If a 9-hour workday schedule is chosen, the half-day off must be taken in the afternoon of that week in a 4-hour increment (i.e., 1:00 p.m.-5:00 p.m.)
   e. An hour lunch, from Noon - 1:00 p.m. is to be taken.
   f. There are certain already established “black out” days or weeks that will require an 8:00 a.m. -5:00 p.m. schedule for all staff members. Weeks of all major holidays that contain two or more days off are considered black out weeks and the entire week will be worked on an 8:00 a.m. - 5:00 p.m. schedule. On a single holiday or required event day (i.e. Board of Bar Commissioners meeting) the hours from 8:00 a.m. - 5:00 p.m. must be worked on that day only; the rest of the week can be on your AWS schedule.
   g. Current bar-related responsibility time, such as hearings, bar exam, Roadshow, committee meetings, etc., is excluded from the AWS Schedule.
   h. If an optional holiday is not taken, the 9-hours would be worked as scheduled. If an employee takes sick leave on a 9-hour day, 9 hours of sick leave must be taken.
   i. Any questions about the schedules should be directed to your department head.
   j. Schedules will be determined based on specific needs of departments.

2. **Supervision.** All supervisors will be responsible for insuring department coverage at all times and oversight of all schedules.

3. **Accountability.** This is a significant aspect of the alternative work schedule plan. Everyone must take responsibility for adhering to work hours and productivity during the AWS times.
SCHEDULE OPTIONS

8-HOUR DAY SCHEDULE (Employee chooses one of the following):
7:30 a.m. - 4:30 p.m.
8:00 a.m. - 5:00 p.m.
8:30 a.m. - 5:30 p.m.

9-HOUR DAY SCHEDULE:
7:30 a.m. - 5:30 p.m. (for 4 days)
8:00 a.m. - Noon (for 1 day)

SAMPLE SCHEDULES

<table>
<thead>
<tr>
<th>Employee</th>
<th>MON</th>
<th>TUES</th>
<th>WED</th>
<th>THURS</th>
<th>FRI</th>
<th>HRS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7:30 A-4:30P</td>
<td>7:30 A-4:30P</td>
<td>7:30 A-4:30P</td>
<td>7:30 A-4:30P</td>
<td>7:30 A-4:30P</td>
<td>40</td>
</tr>
<tr>
<td>2</td>
<td>8:00 A-5:00P</td>
<td>8:00 A-5:00P</td>
<td>8:00 A-5:00P</td>
<td>8:00 A-5:00P</td>
<td>8:00 A-5:00P</td>
<td>40</td>
</tr>
<tr>
<td>3</td>
<td>8:30A-5:30P</td>
<td>8:30A-5:30P</td>
<td>8:30A-5:30P</td>
<td>8:30A-5:30P</td>
<td>8:30A-5:30P</td>
<td>40</td>
</tr>
<tr>
<td>4*</td>
<td>7:30A-5:30P</td>
<td>7:30A-5:30P</td>
<td>7:30A-5:30P</td>
<td>7:30A-5:30P</td>
<td>8:00A-12:00P</td>
<td>40</td>
</tr>
</tbody>
</table>

*4-hour work day can be determined on departmental needs, but hours off must always be 1:00 - 5:00 p.m.

Travel Policy

Statement of Purpose

The purpose of the Alabama State Bar travel policy is to establish guidelines in maintaining travel expenses that are reasonable and allowable, and within the ordinary course of business. This policy applies to all bar commissioners and staff seeking reimbursement of travel expenses incurred while in service of the bar. As a state agency, this policy was developed in accordance with the travel policy adopted by the State of Alabama (Code of Alabama 1975, §36-7-20 through §36-7-23, as amended). While it is administratively impracticable to address all conditions in this policy, travelers are expected to apply sound business judgement where applicable. This policy has been reviewed and approved by the President and Secretary of the Board of Bar Commissioners.
Approved Travel

All requests submitted for reimbursement of travel expenses are subject to approval by the Executive Director. The consent to travel in service of the bar and receive reimbursement is limited to funding availability in any given fiscal operating year. The individual roles, responsibilities, and professional requirements of staff will determine the eligibility and extent of staff travel. Events commonly participated in by bar officers, commissioners, and staff, and thus authorized for travel reimbursement, as applicable, are outlined below:

- Board of Bar Commissioners’ Meetings
- Annual Meeting
- Executive Council Retreat
- Disciplinary and Bar Examiner Meetings
- Bar Hearings
- Bar Representation and Program Travel
- Other seminars, conventions, and meetings held in association with professional development

In-State Travel

Authorized bar commissioners and staff are to receive reimbursement of selected travel expenses while conducting bar business in state. These expenses include mileage, per diem, registration fees, and other incidentals such as parking and toll fees. Itemized documentation is required for all expenses in order to be considered for reimbursement. Overnight travel requires pre-approval by the Executive Director and department head by completion of the Overnight Travel Authorization Form, which provides the preliminary details and justification of travel. Personal days are permitted with travel and must be properly notated to ensure expense reimbursement is pro-rated accordingly. A Statement of Official In-State Travel (Form FRMS 6D) must be completed at conclusion of travel and submitted to the Finance Department for further processing through the State Comptroller’s Office as applicable.

1. Mileage. Mileage expenses are reimbursable to the extent of the current rate as determinable by the IRS or otherwise authorized by the State Comptroller during the period of travel. Acceptable mileage includes the total distance of traveling directly to and from the base (city or town) and point of destination, times the current rate. The term base commonly refers to the city or town of the business location in which the traveler is departing from, or personal residence, whichever applies. Mileage expenses are not allowed if travel occurs within the city or town of the base station or personal residence of the traveler. Group travel is encouraged, however; only one authorized traveler will be eligible for mileage reimbursement.

2. Per Diem Allowance. A per diem allowance is paid when the travel period extends beyond 6 hours. Per diem is not allowed if travel takes place within the city or town
of the base station or personal residence of the traveler. Additionally, per diem is not paid when traveling to single meetings and hearings held at the bar as meals are normally provided. The current full daily rate of $75, as established by the State Comptroller, applies when staying overnight for business travel. A recap of the full and pro-rated per diem rates is as follows:

- Overnight stay - $75
- 6 - 12 hours - $11.25
- Over 12 hours - $30

Out-of-State Travel

Ordinarily, reimbursement for authorized out-of-state travel in service of the bar includes actual and necessary expenses. Most out-of-state travel pertinent to the bar involves participation in conferences and meetings for purposes of advancing the legal profession, speaking engagements, and professional development. Out-of-state travel requires pre-approval by the Executive Director and department head by completion of the Overnight Travel Authorization Form, which provides the preliminary details and justification of travel. Once agency authorization has been granted, a travel request must be submitted with related documentation including the business itinerary, method of travel, and hotel reservations at least one month in advance in order to obtain pre-approval by the Governor as required by state law. Personal days are permitted with travel and must be properly notated to ensure expense reimbursement is pro-rated accordingly. A Statement of Official Out-of-State Travel (Form FRMS 6A) must be completed at conclusion of travel and submitted to the Finance Department for further processing through the State Comptroller’s Office as applicable. Failure to comply with this standard before traveling out of state may result in unreimbursed travel expenses.

1. Mileage. Mileage expenses will apply when the travel time to drive out-of-state is equal to 4 hours or less going one direction. The option to drive or fly is available when travel time is between 4 and 8 hours going one direction, of which the traveler is expected to select the most economical method. Flying is the most efficient and recommended method of travel when total time to drive will exceed 8 hours going one direction. However, when electing to drive the maximum allowable distance for personal convenience, total reimbursed mileage or fuel expenses will be capped at the total estimated costs of flying at the economy rate. Acceptable mileage includes the total distance of traveling directly to and from the base (city or town) and point of destination, times the current rate as determinable by the IRS or otherwise authorized by the State Comptroller during the period of travel. The term base commonly refers to the city or town of the business location in which the traveler is departing from, or personal residence, whichever applies.

2. Commercial Airfare. The cost of commercial airfare is allowable when the travel time to drive out of state will exceed 4 hours going one direction. The following conditions must apply when booking airline travel:
• Book airfare at a minimum of 4 weeks before the expected date of travel in efforts of obtaining the most optimal rate
• Use websites such as Priceline, Kayak, and Expedia as tools in finding the most reasonable, comparable rates
• Economy fare or equivalent; no business class or first-class travel
• Evaluate the additional cost of mileage when electing to depart from an airport outside of the local area
• Purchase non-refundable tickets only; additional insurance fees are not reimbursable
• Preferred and upgrade seating charges are not reimbursable

3. **Lodging.** The lodging arrangement should be single occupancy, standard business, or convention rate, and must be conveniently located in the vicinity of the scheduled event. Luxury hotels are to be avoided while traveling on bar business. Bar staff may qualify for government rates offered by hotels, and are encouraged to do so where practical. Some hotels require prepayment as an incentive for reserving at cheaper rates; however, reimbursement of lodging expenses is usually not allowed until conclusion of travel. An itemized receipt must be presented for lodging expenses to qualify for reimbursement. Refer to [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) for comparable lodging rates by location.

4. **Meals.** Total daily meal reimbursements cannot exceed the aggregate total of the GSA per diem rate, which can vary by city location, and must be fully supported by itemized receipts that include proof of payment. Meals under $10 may be certified in writing if no receipt is present. A fixed per diem rate is paid in lieu of meal claims when traveling out of state to bar functions such as the annual meeting (see annual meeting exception). Reimbursement for alcohol is not permitted.

5. **Other Expenses.** Other reimbursable out-of-state travel expenses include, but are not limited to, taxi, parking, and baggage fees. Baggage fees cannot exceed the standard cost of $25 for one suitcase ($50 total per round-trip). A waiver can apply if the total travel period will exceed 7 consecutive days. Internet service is not allowed unless there is a business purpose and must be pre-approved. Cancellation and change fees are not reimbursable in most cases; however, an exception can apply in the event of an emergency. Car rentals are not reimbursed, except in extraordinary circumstances.

6. **Tips.** Tips are reimbursable when made in conjunction with service-related travel expenses and must be notated on the corresponding receipt. Below are some tipping guidelines as recommended by the State Comptroller via website [http://money.cnn.com/pf/features/lists/tipping](http://money.cnn.com/pf/features/lists/tipping):
   - **Waiter/waitress:** 15% of bill (excl. tax) for adequate service; 20% for very good service; no less than 10% for poor service.
   - **Food delivery person:** 10% of the bill (excl. tax), at least $1 for bills up to $10. Should tip 15%-20% for a difficult delivery.
• **Taxi driver:** Assume 15% will be enough; extra $1 to $2 for help with bags

• **Skycap at airport:** $1 per bag if you check in curbside; $2 per bag if skycap takes bags to check-in counter.

• **Hotel doorman:** $1 per bag for help with luggage; $1 per person for hailing a cab.

• **Hotel bellhop:** $1 per bag for bringing luggage to your room (but a $2 minimum if you have just one bag)

---

**Annual Meeting Exception**

The Board of Bar Commissioners previously adopted a resolution to only reimburse commissioners the full daily per diem rate of $75 plus mileage. Lodging and mileage expenses are paid by the bar for all staff. Payment of per diem is limited to only those staff members who are attending the meeting and assigned a specific annual meeting function. Completing the *Overnight Travel Authorization Form* is not required for the annual meeting.

---

**Disciplinary Board Exception**

Rule 4 of the *Alabama Rules of Disciplinary Procedure* allows for reimbursement of actual and necessary expenses to members of the Disciplinary Board for all travel. Refer to the out-of-state travel section of this policy for more information regarding actual and necessary expenses.

---

**Supplemental Information:**

1. **Travel Times.** The State of Alabama offers a provision of travel times for flying or driving to a scheduled event as a cost-saving resource. The following information is quoted directly from travel guidelines issued by the state.
   
a. **Flying**
   
i. **If business participation begins** after 5PM, standard arrival is the same day.
   
   ii. **If business participation begins** before 5PM, standard arrival is the same day OR the previous day with arrival within 24 hours.

   iii. **If business participation ends** before 2PM, standard departure is the same day.

   iv. **If business participation ends** after 2PM, standard departure is the same day OR the following day departing by 2PM.

   b. **Driving**
   
i. **If business participation begins** after 5PM (2PM for 0-4 hours), standard arrival is the same day.
ii. If business participation begins before 5PM (2PM for 0-4 Hours), standard arrival is the same day OR the previous day with arrival after 5 PM.

iii. If business participation ends before 2PM (5PM for 0-4 Hours), standard departure is the same day.

iv. If business participation ends after 2PM (5PM for 0-4 Hours), standard departure is the same day OR the following day departing by 8AM.

2. **Registration Fees.** The base registration fee must be submitted for reimbursement. The additional cost of entertainment activities or functions will not be reimbursed unless the business of the bar necessitates attendance at the event.

3. **Travel Advances.** The bar will provide travel advances to staff if the costs associated with travel will place an undue burden on the traveler. Please see the Personnel and Operations Director to arrange travel advance payment.

4. **Board of Bar Commissioners' Travel**

   a. President – In addition to regular bar functions, the bar covers cost of attendance of the ABA Annual Meeting, ABA Midyear Meeting, and Southern Conference of Bar Presidents' Meeting. The President's spouse receives travel reimbursement.

   b. President-elect – In addition to regular bar functions, the bar covers cost of attendance of the ABA Annual Meeting, ABA Midyear Meeting, Southern Bar Presidents' Meeting and Bar Leadership Institute Meeting (BLI). The President-elect's spouse does not receive travel reimbursement.

   c. Immediate Past President – In addition to regular bar functions, the bar covers cost of attendance of either the ABA Annual Meeting or the Southern Conference of Bar Presidents. The Immediate Past President's spouse does not receive travel reimbursement.

   d. Executive Director (Secretary) – The bar covers cost of attendance of the ABA Annual Meeting, ABA Midyear Meeting, and Southern Conference of Bar Presidents' Meeting. The Executive Director's spouse receives travel reimbursement.

Approved 6/22/2016
Outside Employment Policy

Full time employees considering secondary employment while the Alabama State Bar employs them shall advise the employee's department director and the Executive Director in writing. The Executive Director shall apprise the Executive Council of the employee's secondary employment request. If secondary employment has the potential for interfering with the performance of state bar duties or presents an actual or perceived conflict of interest for the employee or the Alabama State Bar, approval may be denied.

Employees may not conduct secondary employment activities on Alabama State Bar time or use Alabama State Bar equipment, systems, facilities, materials, labor or other resources (including propriety records, files, documents, etc.).

The employee's letter requesting permission to engage in secondary employment while employed by the Alabama State Bar must describe, in detail, the nature of the secondary employment. This correspondence will be placed in the employee's personnel file.

The Alabama State Bar assumes no responsibility for any injuries sustained by an employee during secondary employment and such injuries will not be covered by the Alabama State Bar's worker's compensation insurance or the Alabama State Employee Injury Trust Fund.

Approved: September 18, 2015

Harassment

1. Introduction

The purpose of this policy is to provide employees with an environment free from all forms of discrimination including harassment.

2. General Provisions

The Alabama State Bar will not tolerate conduct by any employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

The term "harassment" includes slurs, jokes, and other verbal, graphic or physical conduct relating to an individual's race, color, sex, religion, national origin, age, or disability. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic or physical conduct of a sexual nature. Such conduct includes:
• sexual flirtations, touching, advances or propositions;
• verbal abuse of a sexual nature;
• graphic or suggestive comments about an individual's dress or body;
• sexually degrading words to describe an individual;
• the display in the workplace of sexually suggestive objects or pictures, including nude photographs; and
• the use of information systems, including e-mail system (Intranet, and the Internet) for the display or transmission of sexually explicit images, messages, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

Each supervisor has a responsibility to maintain a workplace free of any form of unlawful harassment. No supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

Unwelcome sexual advances, (either verbal or physical), requests for favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

• submission to such conduct is either an explicit or implicit term or condition of employment, e.g., promotion, training, timekeeping, or overtime assignments, etc.; or
• submission or rejection of the conduct is used as a basis for making employment decisions; or
• the conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

This policy covers conduct in the workplace, at social functions sponsored by the Alabama State Bar (such as holiday dinners, picnics, etc.) and business functions (such as annual meetings, etc.).

In order to maintain a work environment free of harassment, employees must make the Bar aware of such conduct. Any employee who believes that the actions or words of a supervisor or fellow employee constitute unwelcome harassment has a responsibility to report the conduct in writing as soon as possible to his or her supervisor. If an employee is not comfortable reporting the harassing conduct to his or her supervisor for any reason, whether the supervisor committed the harassing conduct or other reason, he or she should report the conduct to the Executive Director or the General Counsel.
All complaints of harassment will be investigated promptly and in an impartial manner. In all cases, the employee is to be advised of the results of the investigation. The facts of the complaint and the investigation will be kept confidential to the extent reasonably possible, but there is no guarantee of confidentiality.

Employees are encouraged to report harassing conduct immediately. Employees who report harassment or provide information in a matter involving harassment will not be retaliated against or penalized in any way. Any employee who believes he or she has been retaliated against should report this to a supervisor or the person designated above.

Any employee or supervisor who is found, after appropriate investigation, to have engaged in harassment of another employee will be subject to appropriate disciplinary action depending on the circumstances up to and including termination.

Adopted: 3/17/00

Executive Director Succession & Management Plan

Purpose

To formalize the process for administering the Alabama State Bar in the event of the executive director’s sudden death, departure, incapacitation, or extended absence. This plan is intended to alleviate the need for an "acting" or "interim" executive director. This plan is not intended as a substitute for having an executive director/chief staff executive. It is designed for implementation only during an interim period or during a transition between executive directors.

Management Team

The Management Team shall consist of the General Counsel, Assistant Executive Director and Director of Communications. All administrative issues not specifically designated below shall be handled in a manner determined by the majority vote of the Management Team. General Counsel shall serve as chair, with full voting rights, of the Management Team.

Specific Delegations of Authority

1. Departmental Functions: Each department (General Counsel’s Office, Membership Department, Admissions Office, Administrative Department, Programs Department, Bookkeeping Department, Communications Department) head shall have general supervision and control of the departmental functions previously
delegated to that department. The authority to hire or fire shall be subject to the concurrence of the Management Team.

2. Personnel Administration:
   a. The Executive Council shall set salaries for all personnel during the period of this plan.
   b. The Management Team shall have the authority to hire or fire support staff with the concurrence of the supervising department head.
   c. The Management Team shall have the authority to hire or fire department heads for extreme misconduct or derogation of duty with the concurrence of the Executive Council.
   d. Determination of personnel policies shall be subject to concurrence of the Executive Council and, when appropriate, the Board of Bar Commissioners.

3. Board of Bar Commissioners Support: The General Counsel shall serve as liaison to the Board of Bar Commissioners including setting the commission meeting agendas, preparation of meeting materials, minutes, correspondence and implementation of policy decisions.

4. Financial Administration: The Assistant Executive Director shall serve as the Chief Financial Officer, including the preparation of budgets and financial reports, supervision of investments, cash flow, purchasing and enforcement of expense policies. The Assistant Executive Director shall have signature authority on bank accounts.

5. Contract Authority: Except as otherwise specifically delegated, the General Counsel shall have contractual authority for the Alabama State Bar.

6. Spokesperson: The Director of Communications, with counsel and concurrence of the Management Team shall respond to media inquiries when necessary.

7. Rules and Policies: Insofar as rules or policies of the Alabama State Bar call for action by the Executive Director, e.g., the release of confidential information or certification of bar examination applicants, the Assistant Executive Director shall be authorized to sign as "Acting Executive Director" or "Acting Secretary of the Board of Bar Examiners."

Adopted: 3/17/2000
Inappropriate use of Alabama State Bar (ASB) information technology (IT) resources exposes the ASB and its data to risks including potential virus attacks, compromise of network systems and services, and legal liabilities. Effective security is a team effort involving the participation and support of every employee who deals with information and/or information systems. It is the responsibility of every IT user to know these rules and to conduct their activities accordingly. These rules are in place to protect the Employee, the ASB, as well as ASB's data. Therefore, it is important to delineate compliant use of ASB-owned IT resources.

This policy applies to all Employees. Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media and network accounts providing electronic mail, Internet Access and Web browsing are the property of the ASB. These systems are to be used for business purposes in serving the interest of the ASB and of those it serves in the course of normal operations.

1. **Personal Use.** Limited personal use of ASB-managed computing resources is anticipated; however, Employees and supervisors are responsible for exercising good judgment regarding the reasonableness of personal use.

2. **Prohibited Use.** Prohibited use of the ASB IT resources include, but are not limited to, the following activities:

   a. Any activity that is illegal under local, state, federal, or international law;
   b. Activities in support of personal or private business enterprises;
   c. Unauthorized use of copyrighted material;
   d. Exporting software, technical information, encryption software, or technology, in violation of international or regional export control laws;
   e. Introducing malicious software into the network or systems within reason of user's control;
   f. Making fraudulent offers of products or services;
   g. Making warranty statements, expressed or implied, unless part of normal duties;
   h. Accessing, possessing, or transmitting material that is in violation of sexual harassment or hostile workplace laws;
   i. Accessing, possessing, or transmitting any sexually explicit, offensive, or inappropriate images and/or text;
   j. Effecting security breaches or disruptions of network communication including accessing data of which the Employee is not an intended recipient or logging into a server or account that the Employee is not expressly authorized to access, unless within the scope of regular duties.
k. Executing any form of network monitoring which will intercept data not intended for the Employee's host, unless this activity is a part of the Employee's normal job/duty;

l. Circumventing user authentication or security of any host, network, or account;

m. Interfering with or denying service to any user except in the course of assigned duties;

n. Accessing web sites offering online gambling, games, and related information.

3. **Internet Access and Content Policies.** Use of Internet resources for prohibited activities and other categories of use may expose the ASB and its data to risks including virus attacks, spyware and other malware threats, compromise of network systems and services, and potential legal issues. To mitigate these risks, access to certain categories of Internet content is restricted (blocked) at the discretion of the Executive Director or his or her designee. Exceptions may be granted to access blocked web sites for Employees that have a business need for access in order to perform their jobs. Each request for access to a blocked web site requires a legitimate business need and written approval of the Executive Director or his or her designee.

4. **Personal Use of Social Media Sites.** Employees may use personal social media for limited family or personal communications during normal business hours so long as those communications do not interfere with their work. Employees and their supervisors are responsible for exercising good judgment regarding personal use. Users shall not use their ASB email account or password in conjunction with a personal social media site. For added security, all users of social media are encouraged to enable SSL activation in their social media account settings.

5. **Software Licensing and Use Policies.** Under the provisions of U.S. copyright law, illegal reproduction of software can be subject to civil and criminal penalties including fines and imprisonment. Therefore, any person using any ASB managed computer system must only use properly licensed software and must use that software in accordance with the terms and conditions of the license agreement.

IT Users shall NOT:

a. Copy, download, nor install unlicensed software

b. Install personally-owned software onto ASB managed computer systems

c. Install ASB-owned software on any non-ASB-owned computer systems, including home computers, unless specifically authorized in the software license agreement.

The term “software” includes any set of coded instructions (programs) stored on computer-readable media that commands computer functions, including any operating system and any software application.
6. **Policy Enforcement.** Users should report security-related issues and policy non-compliance to their immediate supervisor or to the Director of Digital Communications.

7. **Standards of Email Signature**

- Email signatures must include your name, job title (as provided by the Director of Personnel and Operations), mailing address (P.O. Box), telephone (main line), email address, and website address. This information should comply with the ASB Style Guide. Should you wish to include the ASB logo or another approved logo (ASB Annual Meeting, VLP) in your email signature, obtain the correct version of the logo from the Digital Communications Content Manager. Only one logo may be used at any given time. You may have multiple signatures that include different logos, but only one may be used per signature.

- Elements that are not to be included in email signatures include colored text, very large or complicated fonts, images, clip art, italics, personal quotes, and digital signatures.

- All emails must include the disclaimer:

  "This email, including any attachments, is for the sole use of the intended recipient(s) and may contain private, confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, employee or agent responsible for delivering this email, please contact the sender by reply email and destroy all copies of the original email."

- Email signatures on mobile devices must be similar in stature to section one above. The signature on the mobile device should contain: your name, job title, telephone number (main line), and "This message was sent via my mobile device."

- For Emails to All State Bar Members or Associated Member Groups, please refer to the ASB Broadcast Email Guidelines.

---

**Social Media Policy**

This section of the policy describes how the ASB, through its employees and agents, makes use of social media. For the purpose of this document, the term “social media” shall refer to a website or platform that allows the creation and exchange of user-generated content. In light of the ASB’s mission, the ASB uses social media to build relationships with the legal field, the media, and the public as part of its efforts to fulfill that mission. Its use of social media enables it to dialogue with its various audiences about issues and trends as they affect the ASB and its members, and to ensure that the perspectives and needs of ASB members are clearly articulated and understood. It is with these purposes in mind that the ASB has adopted the following guidelines for social media use.
1. Procedure.

- Site administration, including setup, content development and management, is the responsibility of the state bar with input from other staff and/or members with regard to the information posted.
- Department directors should provide information about programs, projects and activities in their discrete areas to the Digital Communications Content Manager on a weekly basis so that such information may be posted. In the absence of the Digital Communications Content Manager, any person designated by the Director of Digital Communications is authorized to post information on any and all social media sites maintained by the state bar.
- The ASB will maintain an official presence on a social networking site in order to maintain control of content, provide for the most effective use of staff time and avoid confusion over what is deemed the official bar message. Other entities within the bar (i.e., sections) are encouraged to submit appropriate information through communication with their bar staff liaisons.
- ASB engages in communications with current and prospective members and the general public via ASB-sponsored social media. ASB-sponsored social media are for business use only and the ASB owns the accounts and all the content on such accounts. Only ASB employees and agents who are authorized by ASB can prepare content for or delete, edit or otherwise modify content on ASB-sponsored social media.
- The following disclaimer is to be posted whenever possible on a social media site used by the ASB:

DISCLAIMER. The Alabama State Bar presents the information on this site as a service to our members and other Internet users. While the information on this site is about legal issues, it is not legal advice. Moreover, due to the rapidly changing nature of the law and our reliance on information provided by outside sources, we make no warranty or guarantee concerning the accuracy or reliability of the content at this site or at other sites to which we link. You agree, through the use of this site: We have the ability to remove objectionable posts and we will make every effort to do so within a reasonable time frame, allowing for the manual nature of the removal process. We reserve the right to remove any post without providing a reason.

2. Standards of Social Media. When engaging in social media, ASB employees and agents are responsible for protecting ASB’s proprietary and confidential information. Using or disclosing ASB’s proprietary and confidential information is prohibited.

- ASB employees and agents are responsible for ensuring that their activities do not violate ASB policies, including in particular policies prohibiting harassment, discrimination and retaliation. For example, employees are prohibited from
using social media to post or display comments about ASB employees, agents, members, vendors, suppliers or other third parties that are vulgar, obscene, physically threatening or intimidating, harassing, or otherwise constitute a violation of the ASB's policies against discrimination or harassment on account of an individual's race, national origin, religion, age, sex, sexual orientation, disability, or other protected characteristic.

- ASB employees and agents are responsible for abiding by all applicable laws when using social media, including without limitation intellectual property, data protection, privacy, and libel/slander laws.
- When an ASB employee or agent posts its personal point of view on social media site via its personal profile, they are responsible for avoiding any statement or implication that the views it expresses are those of the ASB. ASB employees and agents may not at any time make statements about the ASB that cannot be substantiated.
- If the ASB requests you to blog, chat or otherwise advertise about the ASB as part of your job duties, the ASB employee or agent is responsible for complying with the FTC's guidelines concerning endorsements. This includes adequately disclosing your relationship with the ASB. Simply listing the ASB as your employer on your profile is not adequate disclosure. The following is an example of an appropriate disclosure: “I am the Special Events Manager for the Alabama State Bar, the organization that is sponsoring this event. I am disclosing this employment relationship in accordance with the Federal Trade Commission's ‘Guides Concerning the Use of Endorsements and Testimonials in Advertising.’

Password Policy

The purpose of this policy is to establish a standard for creation of strong passwords, the protection of those passwords and the frequency of change.

1. Procedure.

   a. User ASB logon passwords must be changed every ninety (90) days.
   b. Upon entering a password five (5) times incorrectly, the user account will be disabled for thirty (30) minutes or the user can request that Digital Communications staff reactivate the account.
   c. Upon termination of any employee their password will be immediately changed or their account will be disabled to prevent unauthorized access to ASB systems.
   d. If the employee being terminated had administrative access, the administrative passwords will be changed immediately and secured by multiple staff members.
   e. An employee password must meet the following criteria:
      i. The password must have at least eight (8) characters.
      ii. You cannot use your last five passwords.
      iii. The password must contain at least three (3) of the four (4) following character classes:
iv. The password cannot contain the user's account name or parts of the user’s full name that exceed two consecutive characters. (Your password cannot contain your name or login name, i.e. “John” or “Doe”)

v. The password should not use only a word found in a dictionary (English or foreign).

vi. The password should not use names of family, pets, friends, co-workers, fantasy characters, etc.

vii. The password should not use word or number patterns

viii. Try to create passwords that can be easily remembered. One suggestion is to create a password based on a phrase. (E.g. song title, book title.)

2. Password Protection Standards.

- Always use different passwords for ASB accounts from other non-ASB access (e.g., personal email accounts, option trading, benefits, banking, Facebook, Twitter, etc.).
- Always use different passwords for various ASB access needs whenever possible. This is why your ASB logon should not be the same as your database (“Alabar”) application.
- Do not share ASB passwords with anyone, including administrative assistants or secretaries. All passwords are to be treated as sensitive, confidential information.
- Passwords should never be written down.
- Do not reveal a password in email, chat, or other electronic communication.
- Do not hint at the format of a password (e.g., "my family name")
- Do not reveal a password on questionnaires or security forms
- If someone demands a password, refer them to this document and direct them to the Digital Communications staff.
- Always decline the use of the "Remember Password" feature of applications.
- If an account or password compromise is suspected, report the incident to the Digital Communications staff immediately.

Mobile Device Policy

The ASB grants its employees the privilege of using smartphones, tablets, and other similar devices of their choosing at work for their convenience. The ASB reserves the right to revoke this privilege if users do not abide by the policies and procedures outlined below regardless of whether the devices are owned by the ASB or owned by the individual.
This policy is intended to protect the security and integrity of the ASB’s data and technology infrastructure. Limited exceptions to the policy may occur due to variations in devices and platforms.

The ASB’s employees must agree to the terms and conditions set forth in this policy in order to be able to connect their devices to the company network.

1. Acceptable Use. The ASB defines acceptable business use as activities that directly or indirectly support the business of the ASB.

   a. Employees are blocked from accessing certain websites during work hours/while connected to the corporate network that the ASB may deem unacceptable.
   b. Devices may not be used at any time to:
      i. Store or transmit illicit materials;
      ii. Harass others; or
      iii. Engage in any illegal activities.

2. Prohibited Use.

Prohibited use of the ASB IT resources include, but are not limited to, the following activities:

- Any activity that is illegal under local, state, federal, or international law;
- Activities in support of personal or private business enterprises;
- Unauthorized use of copyrighted material;
- Exporting software, technical information, encryption software, or technology, in violation of international or regional export control laws;
- Introducing malicious software into the network or systems within reason of user’s control;
- Making fraudulent offers of products or services;
- Making warranty statements, expressed or implied, unless part of normal duties;
- Accessing, possessing, or transmitting material that is in violation of sexual harassment or hostile workplace laws;
- Accessing, possessing, or transmitting any sexually explicit, offensive, or inappropriate images and/or text.
- Effecting security breaches or disruptions of network communication including accessing data of which the Employee is not an intended recipient or logging into a server or account that the Employee is not expressly authorized to access, unless within the scope of regular duties.
- Executing any form of network monitoring which will intercept data not intended for the Employee’s host, unless this activity is a part of the Employee’s normal job/duty;
- Circumventing user authentication or security of any host, network, or account;
• Interfering with or denying service to any user except in the course of assigned duties;
• Accessing web sites offering online gambling, games, and related information.

3. **Devices and Support.** Devices must be presented to the ASB’s IT Department for proper job provisioning and configuration of standard apps, such as browsers, office productivity software and security tools, before they can access the network.

4. **Security.** In order to prevent unauthorized access, devices must be password protected.
   
a. The ASB’s strong password policy is: Passwords must be at least six characters and a combination of upper- and lower-case letters, numbers and/or symbols. If your device only allows a numeric password, the password must be at least four digits and the password shall not be 1234, 4321, 1111, or other similar passwords.
   
b. The device must lock itself with a password or PIN if it’s idle for five minutes.
   
c. The employee’s device may be remotely wiped if: (1) the device is lost; (2) the employee terminates his or her employment; or (3) The ASB’s IT Department detects a data or policy breach, a virus or similar threat to the security of the ASB’s data and technology infrastructure.

5. **Risks/Liabilities/Disclaimers.**
   
• While the ASB’s IT Department will take every precaution to prevent the employee’s personal data from being lost in the event it must remote wipe a device, it is the employee’s responsibility to take additional precautions, such as backing up email, contacts, etc.
• The ASB reserves the right to disconnect devices or disable services without notification.
• Lost or stolen devices must be reported to the ASB within 24 hours. Employees are responsible for notifying their mobile carrier immediately upon loss of a device.
• The employee is expected to use his or her devices in an ethical manner at all times and adhere to the ASB’s acceptable use policy as outlined above.
• The employee is personally liable for all costs associated with his or her device.
• The employee assumes full liability for risks including, but not limited to, the partial or complete loss of company and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures, or programming errors that render the device unusable.
• The ASB reserves the right to take appropriate disciplinary action up to and including termination for noncompliance with this policy.

*Approved 1/20/2017*
Accessing Building and Parking Lots

Access to the Alabama State Bar building and parking lots is controlled. Employees may request a key card and a remote gate opener from the Building Superintendent or the Foundation Assistant.

Designated personnel may enter the building any time. A key card allowing access 24/7 and a security code will be assigned to arm/disarm the alarm system. Most employees receive standard key cards. These cards grant access to the building from 6:30 a.m. to 7:00 p.m. Before attempting to enter the building, ensure the security alarm has been turned off.

Notify the Building Superintendent immediately if a key card is lost or stolen so it can be deactivated.

Parking spaces in the garage are reserved. Parking in the north and west lots is unassigned. Even so, a specific lot must be chosen. The remote gate openers are programmed to a specific gate and do not work interchangeably. Gates may also be opened manually. The codes are below.

Employees should not park in the visitor spaces which border the west parking lot.

Key cards and remote gate openers should be returned to building superintendent or foundation assistant prior to leaving on the last day of employment.

Gate codes:
Garage - 1879
North lot - 1923
West lot - 1887

Dress Code

We work for a professional organization and our dress should reflect such. We have casual Friday and cookout events which are business casual. The following are unacceptable on any day of the work week: flip flops, sundresses, miniskirts and mini dresses, sweatshirts, leggings, beachwear, shorts, short capri pants, low-cut tops and jeans. The longer capri pants and denim skirts are acceptable with the appropriate shirt or blouse.

The Building Superintendent is allowed to wear jeans in the print shop. The men in the IT department are allowed to wear ASB polo shirts or other polo type shirts with khaki or dress pants. All other male professional staff should wear a tie with the exception of casual Friday.
If a staff member fails to meet dress code requirements, he/she will be asked to go home and change, utilizing annual leave for the time it takes to change and return to work.

**Electronic Deposit**

All employees are required to accept electronic deposit of their payroll checks. Upon acceptance of employment, a cancelled check or a direct deposit form from your bank must be provided to initiate the electronic deposit.
Travel Policies
Table of Contents
STATEMENT OF PURPOSE .................................................................................................................... 1
APPROVED TRAVEL ............................................................................................................................... 1
IN-STATE TRAVEL ................................................................................................................................... 1
  1. Mileage ............................................................................................................................................ 2
  2. Per Diem Allowance ...................................................................................................................... 2
OUT-OF-STATE TRAVEL ........................................................................................................................ 2
  1. Mileage ............................................................................................................................................ 2
  2. Commercial Airfare ....................................................................................................................... 3
  3. Lodging ........................................................................................................................................... 3
  4. Meals ................................................................................................................................................ 3
  5. Other Expenses ............................................................................................................................... 3
  6. Tips ................................................................................................................................................... 4
ANNUAL MEETING EXCEPTION ........................................................................................................ 4
DISCIPLINARY BOARD EXCEPTION .................................................................................................. 4
SUPPLEMENTAL INFORMATION ....................................................................................................... 4
  Travel Times ........................................................................................................................................... 4
    • Flying ........................................................................................................................................... 4
    • Driving ......................................................................................................................................... 5
Registration Fees .................................................................................................................................... 5
Travel Advances ..................................................................................................................................... 5
Board of Bar Commissioners' Travel .................................................................................................. 5
  • President ...................................................................................................................................... 5
  • President-elect ............................................................................................................................ 5
  • Immediate Past President ........................................................................................................... 5
  • Executive Director (Secretary) .................................................................................................. 5
Contact ..................................................................................................................................................... 5
Alabama State Bar Travel Policy

STATEMENT OF PURPOSE

The purpose of the Alabama State Bar travel policy is to establish guidelines in maintaining travel expenses that are reasonable and allowable, and within the ordinary course of business. This policy applies to all bar commissioners and staff seeking reimbursement of travel expenses incurred while in service of the bar. As a state agency, this policy was developed in accordance with the travel policy adopted by the State of Alabama (Code of Alabama 1975, §36-7-20 through 36-7-23, as amended). While it is administratively impracticable to address all conditions in this policy, travelers are expected to apply sound business judgement where applicable. This policy has been reviewed and approved by the President and Secretary of the Board of Bar Commissioners.

APPROVED TRAVEL

All requests submitted for reimbursement of travel expenses are subject to approval by the Executive Director. The consent to travel in service of the bar and receive reimbursement is limited to funding availability in any given fiscal operating year. The individual roles, responsibilities, and professional requirements of staff will determine the eligibility and extent of staff travel. Events commonly participated in by bar officers, commissioners, and staff, and thus authorized for travel reimbursement, as applicable, are outlined below:

- Board of Bar Commissioners’ Meetings
- Annual Meeting
- Executive Council Retreat
- Disciplinary and Bar Examiner Meetings
- Bar Hearings
- Bar Representation and Program Travel
- Other seminars, conventions, and meetings held in association with professional development

IN-STATE TRAVEL

Authorized bar commissioners and staff are to receive reimbursement of selected travel expenses while conducting bar business in state. These expenses include mileage, per diem, registration fees, and other incidentals such as parking and toll fees. Itemized documentation is required for all expenses in order to be considered for reimbursement. Overnight travel requires pre-approval by the Executive Director and department head by completion of the Overnight Travel Authorization Form, which provides the preliminary details and justification of travel. Personal days are permitted with travel and must be properly notated to ensure expense reimbursement is pro-rated accordingly. A Statement of Official In-State Travel (Form FRMS 6D) must be completed at conclusion of travel and submitted to the Finance Department for further processing through the State Comptroller’s Office as applicable.
Alabama State Bar Travel Policy

1. Mileage
Mileage expenses are reimbursable to the extent of the current rate as determinable by the IRS or otherwise authorized by the State Comptroller during the period of travel. Acceptable mileage includes the total distance of traveling directly to and from the base (city or town) and point of destination, times the current rate. The term base commonly refers to the city or town of the business location in which the traveler is departing from, or personal residence, whichever applies. Mileage expenses are not allowed if travel occurs within the city or town of the base station or personal residence of the traveler. Group travel is encouraged, however; only one authorized traveler will be eligible for mileage reimbursement.

2. Per Diem Allowance
A per diem allowance is paid when the travel period extends beyond 6 hours. Per diem is not allowed if travel takes place within the city or town of the base station or personal residence of the traveler. Additionally, per diem is not paid when traveling to single meetings and hearings held at the bar as meals are normally provided. The current full daily rate of $75, as established by the State Comptroller, applies when staying overnight for business travel. A recap of the full and pro-rated per diem rates is as follows:

- Overnight stay - $75
- 6 - 12 hours - $11.25
- Over 12 hours - $30

OUT-OF-STATE TRAVEL
Ordinarily, reimbursement for authorized out-of-state travel in service of the bar includes actual and necessary expenses. Most out-of-state travel pertinent to the bar involves participation in conferences and meetings for purposes of advancing the legal profession, speaking engagements, and professional development. Out-of-state travel requires pre-approval by the Executive Director and department head by completion of the Overnight Travel Authorization Form, which provides the preliminary details and justification of travel. Once agency authorization has been granted, a travel request must be submitted with related documentation including the business itinerary, method of travel, and hotel reservations at least one month in advance in order to obtain pre-approval by the Governor as required by state law. Personal days are permitted with travel and must be properly notated to ensure expense reimbursement is pro-rated accordingly. A Statement of Official Out-of-State Travel (Form FRMS 6A) must be completed at conclusion of travel and submitted to the Finance Department for further processing through the State Comptroller’s Office as applicable. Failure to comply with this standard before traveling out of state may result in unreimbursed travel expenses.

1. Mileage
Mileage expenses will apply when the travel time to drive out-of-state is equal to 4 hours or less going one direction. The option to drive or fly is available when travel time is between 4 and 8 hours going one direction, of which the traveler is expected to select the most economical method. Flying is the most efficient and recommended method of travel when total time to drive will exceed 8 hours going one direction. However, when electing to drive the maximum allowable distance for personal convenience, total reimbursed mileage or fuel expenses will be capped at the total estimated costs of flying at the
Alabama State Bar Travel Policy

economy rate. Acceptable mileage includes the total distance of traveling directly to and from the base (city or town) and point of destination, times the current rate as determinable by the IRS or otherwise authorized by the State Comptroller during the period of travel. The term base commonly refers to the city or town of the business location in which the traveler is departing from, or personal residence, whichever applies.

2. Commercial Airfare
The cost of commercial airfare is allowable when the travel time to drive out of state will exceed 4 hours going one direction. The following conditions must apply when booking airline travel:

- Book airfare at a minimum of 4 weeks before the expected date of travel in efforts of obtaining the most optimal rate
- Use websites such as Priceline, Kayak, and Expedia as tools in finding the most reasonable, comparable rates
- Economy fare or equivalent; no business class or first-class travel
- Evaluate the additional cost of mileage when electing to depart from an airport outside of the local area
- Purchase non-refundable tickets only; additional insurance fees are not reimbursable
- Preferred and upgrade seating charges are not reimbursable

3. Lodging
The lodging arrangement should be single occupancy, standard business, or convention rate, and must be conveniently located in the vicinity of the scheduled event. Luxury hotels are to be avoided while traveling on bar business. Bar staff may qualify for government rates offered by hotels, and are encouraged to do so where practical. Some hotels require prepayment as an incentive for reserving at cheaper rates; however, reimbursement of lodging expenses is usually not allowed until conclusion of travel. An itemized receipt must be presented for lodging expenses to qualify for reimbursement. Refer to www.gsa.gov/perdiem for comparable lodging rates by location.

4. Meals
Total daily meal reimbursements cannot exceed the aggregate total of the GSA per diem rate, which can vary by city location, and must be fully supported by itemized receipts that include proof of payment. Meals under $10 may be certified in writing if no receipt is present. A fixed per diem rate is paid in lieu of meal claims when traveling out of state to bar functions such as the annual meeting (see annual meeting exception). Reimbursement for alcohol is not permitted.

5. Other Expenses
Other reimbursable out-of-state travel expenses include, but are not limited to, taxi, parking, and baggage fees. Baggage fees cannot exceed the standard cost of $25 for one suitcase ($50 total per round-trip). A waiver can apply if the total travel period will exceed 7 consecutive days. Internet service is not allowed unless there is a business purpose and must be pre-approved. Cancellation and change fees are not reimbursable in most cases; however, an exception can apply in the event of an emergency. Car rentals are not reimbursed, except in extraordinary circumstances.
6. Tips
Tips are reimbursable when made in conjunction with service-related travel expenses and must be notated on the corresponding receipt. Below are some tipping guidelines as recommended by the State Comptroller via website http://money.cnn.com/pf/features/lists/tipping:

- **Waiter/waitress:** 15% of bill (excl. tax) for adequate service; 20% for very good service; no less than 10% for poor service.
- **Food delivery person:** 10% of the bill (excl. tax), at least $1 for bills up to $10. Should tip 15%-20% for a difficult delivery.
- **Taxi driver:** Assume 15% will be enough; extra $1 to $2 for help with bags
- **Skycap at airport:** $1 per bag if you check in curbside; $2 per bag if skycap takes bags to check-in counter.
- **Hotel doorman:** $1 per bag for help with luggage; $1 per person for hailing a cab
- **Hotel bellhop:** $1 per bag for bringing luggage to your room (but a $2 minimum if you have just one bag)

**ANNUAL MEETING EXCEPTION**
The Board of Bar Commissioners previously adopted a resolution to only reimburse commissioners the full daily per diem rate of $75 plus mileage. Lodging and mileage expenses are paid by the bar for all staff. Payment of per diem is limited to only those staff members who are attending the meeting and assigned a specific annual meeting function. Completing the *Overnight Travel Authorization Form* is not required for the annual meeting.

**DISCIPLINARY BOARD EXCEPTION**
Rule (4) of the *Alabama Rules of Disciplinary Procedure* allows for reimbursement of actual and necessary expenses to members of the Disciplinary Board for all travel. Refer to the out-of-state travel section of this policy for more information regarding actual and necessary expenses.

**SUPPLEMENTAL INFORMATION**

**Travel Times**
The State of Alabama offers a provision of travel times for flying or driving to a scheduled event as a cost-saving resource. The following information is quoted directly from travel guidelines issued by the state.

- **Flying**
  - If business participation begins after 5PM, standard arrival is the same day.
  - If business participation begins before 5PM, standard arrival is the same day OR the previous day with arrival within 24 hours.
 Alabama State Bar Travel Policy

- If business participation ends before 2PM, standard departure is the same day.
- If business participation ends after 2PM, standard departure is the same day OR the following day departing by 2PM.

Driving
- If business participation begins after 5PM (2PM for 0-4 Hours), standard arrival is the same day.
- If business participation begins before 5PM (2PM for 0-4 Hours), standard arrival is the same day OR the previous day with arrival after 5 PM.
- If business participation ends before 2PM (5PM for 0-4 Hours), standard departure is the same day.
- If business participation ends after 2PM (5PM for 0-4 Hours), standard departure is the same day OR the following day departing by 8AM.

Registration Fees
The base registration fee must be submitted for reimbursement. The additional cost of entertainment activities or functions will not be reimbursed unless the business of the bar necessitates attendance at the event.

Travel Advances
The bar will provide travel advances to staff if the costs associated with travel will place an undue burden on the traveler. Please see the Personnel and Operations Director to arrange travel advance payment.

Board of Bar Commissioners' Travel
- President – In addition to regular bar functions, the bar covers cost of attendance of the ABA Annual Meeting, ABA Midyear Meeting, and Southern Conference of Bar Presidents' Meeting. The President’s spouse receives travel reimbursement.
- President-elect – In addition to regular bar functions, the bar covers cost of attendance of the ABA Annual Meeting, ABA Midyear Meeting, Southern Bar Presidents’ Meeting and Bar Leadership Institute Meeting (BLI). The President-elect’s spouse does **not** receive travel reimbursement.
- Immediate Past President – In addition to regular bar functions, the bar covers cost of attendance of either the ABA Annual Meeting or the Southern Conference of Bar Presidents. The Immediate Past President’s spouse does **not** receive travel reimbursement.
- Executive Director (Secretary) – The bar covers cost of attendance of the ABA Annual Meeting, ABA Midyear Meeting, and Southern Conference of Bar Presidents’ Meeting. The Executive Director’s spouse receives travel reimbursement.

Contact
Please contact the Finance Department at financedept@alabar.org if you have any further questions involving travel.
Fraud Prevention Guidelines
ASB Fraud Prevention Guidelines

Purpose and Scope
These guidelines are intended to establish procedures and controls, and assign responsibility to bar members and staff, to aid in the prevention and deterrence of fraud, waste, and abuse in the workplace. As a publicly supported organization, the bar has a fiduciary responsibility to safeguard, preserve, and efficiently use all resources. Therefore, bar members and staff must continuously promote a culture of integrity and resistance to fraud in all forms. These guidelines apply to any irregularity or suspected irregularity involving employees, bar officers, board and committee members, consultants, vendors, contractors, and/or any other parties with a business relationship with the Alabama State Bar.

Responsibilities
There will be zero tolerance for any perpetration or concealment of fraud. It is fully expected that all bar members and staff be vigilant of fraudulent acts and unusual transactions that strongly indicates the presence of fraud. Executive Management will be primarily responsible for promoting, maintaining, and enforcing the pertinent policies and procedures to prevent and detect fraud, waste, and abuse. Accordingly, Department Heads will have the responsibility of assisting in the deterrence and prevention of fraud by becoming familiar with the types of irregularities that could occur in their specific area and maintaining the proper controls to prevent such activity. Department Heads must also be responsible for directing their employees to immediately report suspected instances of fraud, waste, and abuse to the appropriate authorities. The General Counsel Office will be responsible for investigating any allegations of fraudulent acts committed against the bar.

Definitions of Fraud, Waste, and Abuse
Fraud is defined by Black's Law Dictionary as: A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. Consequently, fraud includes any intentional or deliberate act to deprive another of property or money by guile, deception, or other unfair means (Association of Certified Fraud Examiners).

“Waste” means the careless or needless spending, consumption, mismanagement, or use of resources owned or operated by the bar to the detriment or potential detriment of the bar. Waste also includes incurring unnecessary costs because of deficient practices, systems, controls, or decisions. Waste does not normally lead to an allegation of “fraud,” but has the potential to.

“Abuse” means the intentional, wrongful, or improper use of resources owned and operated by the bar, or misuse of position or authority that causes the loss or misuse of resources of the bar. “Abuse” does not necessarily lead to an allegation of “fraud,” but has the potential to.

Examples of fraud, waste, and abuse activities include, but are not limited to:
- Forgery or alteration of documents (checks, purchase orders, invoices, contracts, etc.)
- Misrepresentation of information on documents (employment history, leave records, travel reimbursements requests, financial records, etc.)
- Theft, unauthorized removal, or willful destruction of the organization’s records, property, or the property of other persons.
- Misappropriation of funds, equipment, supplies, or any other asset.
• Serious abuse of the organization’s time such as unauthorized time away from work, falsification of work hours reported, or excessive use of the organization’s time for personal business.
• Authorizing or receiving payment for goods or services not expected to be received or performed.
• Vendor kickbacks
• Authorizing or receiving payment for hours not worked.
• Misuse of authority for personal gain.
• Any computer-related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes.
• Inappropriate use of company-provided electronic devices such as computers, iPads, cell phones, or email.

Reporting Fraud
According to studies conducted by the Association of Certified Fraud Examiners (ACFE), the most common method of detecting fraud is through tips. Thus, anyone who has a legitimate reason to suspect any instances of fraud has occurred must report it immediately through his or her respective supervisor and not attempt a personal investigation of their own. If the respective supervisor is the alleged perpetrator of fraud, the matter must be reported directly to the Executive Director. The Executive Director must report the fraud allegation to the state bar president before submitting to the Office of General Counsel to conduct a formal investigation. All employees are expected to act in good faith in reporting fraud, and not by any means of malice or retaliation. Fraud allegations must be kept confidential, as failure to do so can compromise the integrity of the investigation.

Any proven allegations of fraud will result in immediate termination or possible criminal charges filed against all parties involved.

Anyone who knowingly makes a false allegation of fraud will be subject to disciplinary action, up to and including termination.

Please contact the Executive Director regarding any questions involving these guidelines.
Investment Policy
ALABAMA STATE BAR
INVESTMENT POLICY

Statement of Investment Objectives and Guidelines

This investment policy is adopted by the Alabama State Bar Board of Commissioners ("Commission") to serve as a framework within which non-state treasury funds of the Alabama State Bar, funds of the Alabama State Bar Foundation and funds of the Client Security Fund will be managed.

The objective of the investment portfolio of the above funds is the protection and preservation of capital (and its purchasing power) while obtaining optimum yield and minimizing inherent risks. These funds should be invested with care, skill, prudence and diligence under the circumstances prevailing from time to time that a prudent person acting in a like capacity and familiar with such matters would use in the investment of a fund of like character, with like aims with due consideration.

The Investment Committee ("Committee") shall consist of the Executive Council which shall be responsible to the Commission for prudent and productive management of these funds. The objectives and guidelines that the Committee shall adhere to in making investments involving these funds are as follows:

I. Investment Objectives

A. Return on Investment Objectives

1. To experience a net total return after all management fees, commissions and other expenses that in the long run are in excess of what the Alabama State Bar could have obtained without the engagement of an outside manager given the parameters described below.

2. To achieve a total return that should exceed the rate of inflation (as measured by the CPI) by 3 percent.

The performance evaluation of these funds will be submitted to the Committee quarterly and the Commission annually.

B. Risk Objectives. To subject the assets only to those risks necessary and appropriate to ensure, primarily, security of principal and, secondarily, capital appreciation, in meeting the investment objectives set forth above.
II. Portfolio Construction

A. Asset Mix. Assets may be allocated among equities, fixed income

1. Equities
   
<table>
<thead>
<tr>
<th>Maximum</th>
<th>Minimum</th>
<th>40 Percent</th>
<th>0 Percent</th>
</tr>
</thead>
</table>

2. Fixed Income

<table>
<thead>
<tr>
<th>Maximum</th>
<th>Minimum</th>
<th>75 Percent</th>
<th>20 Percent</th>
</tr>
</thead>
</table>

3. Cash Reserves

<table>
<thead>
<tr>
<th>Maximum</th>
<th>Minimum</th>
<th>80 Percent</th>
<th>10 Percent</th>
</tr>
</thead>
</table>

B. Guidelines for Authorized Investments

1. Equities. The Alabama State Bar may invest in no-load equity index funds comprised of stock issues listed on the New York, American and NASDAQ stock exchanges which have annual operating expenses of less than 1 percent.

2. Fixed Income Investments

   a) Direct Investments

      i. U. S. Government or U. S. Agency Bonds. The Alabama State Bar may invest in any U. S. Treasury or U. S. agency securities with a maturity not to exceed ten years.

      ii. Corporate Bonds. The Alabama State Bar may invest in corporate bonds with a Standard and Poors rating of at least "A" and/or Moody’s rating of at least "A", and a maturity of not more than ten years. Not more than 5 percent of an individual issue shall be purchased by the Alabama State Bar nor shall more than 5 percent of the assets be invested in securities of any one issuer.

\textsuperscript{1} It is understood that cash reserves in the ASB account may from time to time drop below this minimum reserve amount in order to meet operational needs.
iii. **Mortgage-Backed Securities.** The Alabama State Bar may invest in mortgage-backed securities which are backed by the U. S. Treasury or another federal agency (GNMA, FNMA or FHLMC).

b) **Fixed Investment Funds.** The Alabama State Bar may invest in no-load, fixed investment funds which have annual operating expenses of less than 1 percent. No more than 10 percent of the assets shall be invested in any single fund.

3. **Cash (or cash equivalent) Reserves**

a) **Cash Management Account.** A cash management account through a fund manager or a broker may be used as a cash account.

b) **U. S. Treasury Bills or Short Term (less than 1 year) U. S. Government or Agency Notes.** These securities may be purchased through an authorized security broker or bank.

c) **Certificate of Deposit.** A certificate of deposit with a maturity of one year or less with any U. S. bank meets all the regulatory reserve requirements and minimal capital requirements may be purchased.

4. **Unauthorized Investments.** Direct purchases or purchases of indexed equity funds or fixed investment funds that include leveraged investments, options, puts or calls, commodities, or other vehicles that are subject to unreasonable risks or jeopardy are not authorized for investment. Unauthorized investments shall include "load" funds (whether front or back loaded), selling short, commodities, lettered stock and foreign securities other than those listed on the New York Stock Exchange. Unless an investment is specifically listed as an "authorized investment," it cannot be purchased even if it is not included in the list of unauthorized investments. Exceptions to this general policy may be made upon recommendation of the Committee followed by a majority vote of the Commission, in keeping with the objective of maintaining security of principal and obtaining as much appreciation as possible under the investment guidelines.
III. Management and Monitoring of Performance

A. **Investment(s).** The Committee may engage one or more fee-for-service investment managers and delegate individual investment decisions to such investment managers within the guidelines of this statement and the specific direction of the Committee. The investment managers may contact the designated liaison of the Committee, who shall be the Executive Director of the Alabama State Bar, between meetings of the Committee to implement or suggest changes in investments or strategy. If necessary, the Committee may meet by telephone to consider changes in investments or strategies.

The selection and allocation of funds to individual statement managers will be made by the Committee. Only with the approval of the Commission may the Committee engage a commission securities broker to manage all or any portion of the assets, but a securities broker may be utilized to execute trades authorized by the Committee or its investment manager(s), except that the Alabama State Bar shall not be charged any additional fee for this service.

B. **Committee Meetings.** The Committee will meet at least quarterly to monitor the performance of the assets. In addition to quantitative factors, the Committee will consider manager personnel, investment philosophy, decision-making process, growth plans, and related qualitative issues.

C. **Performance Standards.** To assess the stewardship of the Committee and the effectiveness of any investment managers, the standard of performance that will apply will be whether the investment objectives set forth in Section I above have been met or exceeded.

D. **Annual Review.** This statement of investment guidelines and policies shall be reviewed at least annually by the Commission.

Adopted:  
Amended: 10/29/04; 5/16/08; 2/5/09; 11/2/12
Policy on Reserves (ASB, ASBF, CSF)
I. **Statement of Purpose:** The purpose of this Policy on Reserves is to establish a target amount of reserves to ensure the long term viability and orderly operation of the Alabama State Bar and for maintaining state bar facilities while ensuring that funds collected for the Client Security Fund are held for the operation of this program.

II. **Objectives:** It is important for the Alabama State Bar ("ASB"), Alabama State Bar Foundation ("ASBF") and Client Security Fund ("CSF") to accumulate and retain financial reserves that are sufficient to: (1) sustain the orderly operation of the state bar through financially difficult times, (2) preserve and properly maintain the state bar building and its contents and (3) maintain the financial viability of the Alabama State Bar Client Security Fund.

III. **Levels of Reserves**

A. **Alabama State Bar Reserves**

ASB will maintain reserves of at least 60 percent of the state bar's prior year annual expenses that may be used, in the event of a severe decline in revenue or unanticipated increase in expense, to maintain its basic operations. The goal will be to establish and maintain reserves of at least 100 percent of the state bar's prior year annual expenses.

B. **Alabama State Bar Foundation**

The ASBF will maintain financial reserves equivalent to at least 50 percent of the foundation's total capital assets as determined by the most recent financial statement. This fund shall be used to cover the cost of computers, equipment, furniture and fixtures as well as enhancements to the facilities or any other purpose consistent with the mission of the state bar foundation.
C. Client Security Fund

The Alabama Supreme Court and the Alabama State Bar created the CSF in 1987. Although it is not an indemnity fund, CSF funds are used for the purpose of relieving or mitigating a loss sustained by a client due to the dishonesty of, or failure to account for money or property entrusted, to a member of the state bar in connection with the member’s practice of law. The CSF receives funds from several sources including a mandatory assessment from each active state bar member, recoupments and investment returns.

IV. Strategies for Maintaining and Replenishing Reserves

The Alabama State Bar and Alabama State Bar Foundation will strive to maintain at all times the recommended level for each of the reserve funds through annual net surpluses. The Client Security Fund will operate with the funds it receives from the sources stated in III. C. above.

Adopted by the Alabama State Bar Board of Commissioners at its meeting on 10/29/2010.

Adopted by the Alabama State Bar Foundation Board of Trustees at its meeting on 10/29/2010.
Policy on Dues Increase
Policy on Dues Increase

(1) An increase in bar dues cannot be passed by the commission without having appeared as a discussion item on at least one meeting agenda prior to the meeting where it is passed and there can be no suspension of the rules to pass an increase when it appears on the agenda as a discussion item.

(2) Written stand alone notice should be given to the Board of Commissioners at least ten (10) days prior to the meeting at which any increase in bar dues will be a discussion item.

(3) Any increase in bar dues requires approval by 66 2/3 percent of the commissioners voting on the issue, at a meeting where a quorum is present.

(4) Any amendment to these four policies requires approval by 66 2/3 percent of the commissioners’ vote on the issue at a meeting where a quorum is present.

Adopted January 2012
Officer and Commission Conflict Rule
RE: REPRESENTATION OF LAWYERS OR BAR APPLICANTS IN THE
ADMISSIONS OR DISCIPLINARY PROCESS BY OFFICERS AND FORMER
OFFICERS OF THE ALABAMA STATE BAR AND MEMBERS AND FORMER
MEMBERS OF THE BOARD OF BAR COMMISSIONERS

The Board of Commissioners adopted the following resolution September 23, 1994. Although compliance is voluntary, the entire commission unanimously adopted the resolution.

RESOLUTION

WHEREAS, the Board of Bar Commissioners of the Alabama State Bar being mindful that the purpose of the admissions process, lawyer discipline, and disability proceedings of the Alabama State Bar is to maintain appropriate standards of professional conduct of lawyers in order to protect the public and the administration of justice, and

WHEREAS, the Board of Bar Commissioners of the Alabama State Bar being mindful of its duties and responsibilities in the admissions, discipline, and disability process of the Alabama State Bar conferred on it by the Supreme Court of Alabama and by the Code of Alabama, and

WHEREAS, the Board of Bar Commissioners of the Alabama State Bar being mindful of the importance that the admissions, discipline and disability process of the Alabama State Bar be free from improper and undue influence and further that it be free from even the appearance of impropriety, and

WHEREAS, the Board of Bar Commissioners of the Alabama State Bar being mindful that the representation of lawyers and bar applicants in the admissions, discipline, and disability process of the Alabama State Bar by members of the Board of Bar Commissioners, the Disciplinary Commission, the Disciplinary Board, and elected and appointed officers of the Alabama State Bar creates, a possible appearance of impropriety:

NOW THEREFORE BE IT RESOLVED as policy of the Alabama State Bar (1) that no Bar Commissioners shall, during his or her term of office and three (3) years thereafter, represent a respondent in an admissions, discipline, or disability matters; (2) that the President of the Alabama State Bar, the Chairman of the Disciplinary Commission and the Chairman of any Disciplinary Panel shall not represent a respondent in an admissions, discipline, or disability matter during his or her term of office and for five (5) years thereafter. For the purpose of the above policy, the term admissions matter shall include a reinstatement matter.
Protocol for Responding to Unfair Criticism of Judges, Courts and the Administration of Justice
ALABAMA STATE BAR PROTOCOL
FOR RESPONDING TO UNFAIR CRITICISM OF
JUDGES, COURTS AND THE ADMINISTRATION OF JUSTICE

I. STATEMENT OF PURPOSE

A. OBJECTIVE OF PROTOCOL

The goal of this protocol is to maintain and support public confidence in the
judiciary by providing timely assistance to members of the bench in responding to
adverse publicity, misinformation, or unwarranted criticism of an individual judge,
the judiciary, or the administration of justice.

B. WHY A PROTOCOL IS NEEDED

Over the past several years, judges in the State of Alabama, as well as around the
country, have come under increased criticism for the decisions and orders. Unanswered criticism undermines the public's respect for our judicial system, and
is often based on a misunderstanding of either the judicial process or the facts of a
particular case. Judges are restricted by the Alabama Canons of Judicial Ethics
from responding to public criticism, yet the public often mistakes a judge's silence
in the face of disapproval as a tacit admission of wrongdoing. It is generally
unethical for a judge to answer criticism of her or his actions appearing in the news
media regarding pending or impending matters. Canon 3(A)(6) of the Alabama
Canons of Judicial Ethics expressly provides, in part:

A judge should abstain from public comment about a
pending or impending proceeding in any court, and
should require similar abstention on the part of court
personnel subject to his direction and control.

Attorneys who are better able to provide an explanation to the press and public are
often unsuccessful because of their inability to contact the press in a meaningful way
as a result of the rapid news cycle.

To help address this problem, the Alabama State Bar adopted a protocol for
responding to unfair criticism of judges, courts and the Administration of Justice in
1986. In 2005, the State Bar asked its Judicial Liaison Committee to review and
revise the original protocol to ensure its timeliness and accuracy.

This Protocol has been developed to ensure the dignity of the administration of
justice, to prevent interference with pending litigation, and to reaffirm the
commitment to an independent judiciary, a judiciary dedicated to decision making
based on facts and law as presented. Therefore, cooperation of attorneys is
necessary to respond to accurately, quickly, and fairly to unwarranted criticism of judges and courts.

In formulating its recommendations, the Committee recognized that one of the fundamental principles of the Alabama State Bar is its support for the rule of law. The Bar also has a unique ability to respond to unwarranted criticism of the judiciary. Education, including educating the public about the judicial system, is a core element of the Bar's mission. Moreover, the Bar can draw on the expertise of its members in every area of the law in deciding whether a response is appropriate and what form that response should take. Finally, its leadership has credibility with the public, and access to the resources that enable it to participate in the public discussion in a timely manner.

The Committee concluded that it remains appropriate for the Alabama State Bar to have a policy as set forth in this Report.

Section I describes the purpose of the Protocol.

Section II describes the referral procedure.

Section III describes the guidelines to determine when the Alabama State Bar should respond.

Section IV describes the response.

II. REFERRAL PROCEDURE

A. There is hereby established a committee to make responses as hereafter outlined to consist of the Executive Committee, Executive Director and General Counsel of the Alabama State Bar.

B. In the event any unfair or unwarranted criticism of a judge or the judicial system comes to the attention of any member of the Alabama State Bar that appears to warrant a response, that member, or the judge or court criticized, should direct a request for review and possible response to the Executive Director of the Alabama State Bar. The referral may be oral or written, but in all cases the referring person must be available to assist in gathering background and factual information and must present written material when requested.

C. The Executive Director or his designee should immediately begin to gather all pertinent background and factual information including a copy of the text (whether in live or print media) of the criticism, and shall promptly notify the other members of the Committee, and, where appropriate, the Committee shall formulate a plan for responding to the criticism;
D. If approval for a response is granted by the President a majority of the Committee may still determine after considering the matter that no response is warranted. If a response is to be prepared and disseminated, the Committee will determine on a case-by-case basis who shall draft the response, approve the form and substance of the draft response, and where and by whom the response should be delivered.

E. The committee should consult with the judge or court involved in the criticism and any local or specialty bar association the Committee deems desirable to notify. In the event the Committee determines a response is in the public interest, the judge being criticized will be provided with an advance copy of the draft response proposed by the Committee. Any comments or suggestions regarding the substance of the draft response made by the judge being criticized will be fully and carefully considered by Committee. Any such comments or suggestions will not, however, preclude the Committee from ultimately drafting the response in the form it deems to best serve and promote the public interest consistent with these guidelines.

F. Should the Committee determine that the Alabama State Bar Association should not make a response it should promptly notify the judge or court involved in the criticism and the person making the referral.

III. GUIDELINES TO DETERMINE WHEN THE ALABAMA STATE BAR SHOULD RESPOND

These proposed guidelines do not attempt to prevent just criticism, but merely seek to address those instances where an organized public information program or response can promote the public interest through fair commentary on unjust or unwarranted criticism of a judge, the courts or the administration of justice.

A. A public response by the Alabama State Bar Association should be made to criticism or attacks on judges, courts or the administration of justice in the following instances:

1. A public utterance that is unwarranted or an unjust attack on a judge in relation to specific cases, regardless of the source of the attack;

2. Any “unwarranted” or “unjust” attack or series of attacks on a judge or court which may adversely affect the administration of justice;

3. When the criticism is directed towards the judicial system or the rule of law that governs the system;

4. When a response provides the opportunity to educate the public about an important aspect of the administration of justice and the judicial system.
B. The following are the kinds of cases in which responding to criticism is appropriate, except in unusual circumstances:

1. When the criticism is serious and will most likely have more than a passing or de minimis negative effect in the community;

2. When the criticism displays a lack of understanding of the legal system or the role of the judge and is based at least partially on such misunderstanding;

3. When the criticism is materially inaccurate; the inaccuracy should be a substantial part of the criticism so that the response does not appear to be "nit-picking."

C. The following factors should be considered in determining whether a response should be made in a close case and considered in every case in determining the type of response:

1. Whether a response would serve a public information purpose and not appear "nit-picking";

2. Whether the criticism adequately will be met by a response from some other appropriate source;

3. Whether the criticism substantially and negatively affects the judiciary or other parts of the legal system, or whether continuing discussion of the controversy would serve to lower public perceptions as to the dignity of the court, the judiciary or the judicial system;

4. Whether the criticism is directed at a particular judge but unjustly reflects on the judiciary generally, the court, or another element of the judicial system (e.g., grand jury, lawyers, probation, bail, etc.);

5. Whether a response provides the opportunity to inform the public about an important aspect of the administration of justice (e.g., sentencing, bail, evidence rules, due process, fundamental rights, etc.);

6. Whether a response would appear defensive or self-serving;

7. Whether the critic is so obviously uninformed about the judicial system that a response can be made on a factual basis;
8. Whether the criticism or report, although generally accurate, does not contain all or enough of the facts of the event or procedure reported to be fair to the judge or matter being criticized;

9. Whether the overall criticism is not justified or fair;

10. Whether the criticism; while not appearing in the local press, pertains to a local judge or a local matter;

11. Whether the timing of the response is especially important and can be best met by the committee.

E. The following are the kinds of cases in which response to criticism IS NOT appropriate, except in unusual circumstances:

1. When the criticism is a fair comment or opinion;

2. When the feud is between the critic and the judge on a personal level;

3. When the criticism is vague or the product of innuendo, except when the innuendo is clear;

4. When criticism raises issues of judicial ethics appropriate for presentation to the Judicial Inquiry or Disciplinary body;

5. When a lengthy investigation to develop the true facts is necessary;

6. When the response would prejudice a matter at issue in a pending proceeding;

7. When the controversy is insignificant;

8. When the criticism arises during a political campaign and the bar's response may be construed as an endorsement of a particular candidate for judicial office;

9. When the criticism is essentially political in nature;

10. When the criticism is of such a local nature as to have little or no impact on the state judicial system;

11. When the Committee feels no compelling reason to make a response.
IV. THE RESPONSE

A. TIMING

To be effective, the response must be prompt, but accurate. If at all possible, the response should be made within 24-48 hours of publication of the criticism or report, especially keeping in mind the deadline(s) of the news media that reported the original criticism. Ideally, a response can be made more immediate and occur even before publication, for example, through direct communication with a reporter or editor which may clarify the facts and defuse the situation.

B. FORM OF RESPONSE

The form and manner of the response should be such that it will receive the same exposure and notoriety as the criticism. A letter to the editor is an effective form of response, because it is the most likely to be printed fully and accurately. Press releases are usually more subject to editing and are frequently viewed as less credible, and pamphlets are too elaborate. Television or radio talk shows may be effective forms of response but should be used more cautiously and sparingly. In some circumstances, press conferences provide effective means to disseminate a response. Direct communication with reporters and editors intended to clarify facts and present another position is encouraged. Whenever possible, any response should be coordinated with the court public information officer if one exists.

C. DRAFTING CONSIDERATIONS

1. The response should be a concise, accurate, “to the point” statement, devoid of emotional, inflammatory or subjective language;

2. The statement should be informative and not argumentative or condescending;

3. The statement should include a correction of the inaccuracies, citing facts and relevant authorities when appropriate;

4. The statement should be written in lay terms suitable for inclusion in a newspaper story;

5. Where appropriate, the statement should include the point that the judge had no control or discretion (e.g., decision required by state law);

6. Where appropriate, the statement should include an explanation of the process involved (e.g., sentencing, bail, temporary restraining order, etc.);

7. The statement should not attempt to discredit the critic, that is, attack the competence, good faith, motives or associates of the critic;
8. The statement should not provide evidence that the critic has hit a nerve, causing overreaction;

9. The statement should not defend the indefensible;

10. The committee should consider the cause of the criticism or controversy, which might not be immediately apparent.

D. CONTENT OF THE RESPONSE

The following points may be included in a typical response:

1. Identify the criticism and its source;

2. We may frequently disagree with the decisions and actions of public officials, including judges. The federal and state constitutions protect our rights to express that disagreement;

3. We must remember that judges have no control over what cases come before them, but they must decide each and all of those cases. Judges must follow the law. One side always loses in every lawsuit;

4. Avoid taking a position on the merits of the controversy, since to do so will probably eliminate any educational benefit the balance of the points might have for those who agree with the criticism;

5. The need for independent judges, who will not be influenced by criticism of them or their decisions, requires that the organized bar remind both lawyers and the public of these facts;

6. The law has established appellate courts so that decisions of judges may be reviewed, and if appropriate, corrected. Our present judicial system provides for change in the law through legislative action or by constitutional revision.
Lawyers' Creed
Alabama State Bar Lawyer’s Creed

To my clients, I offer faithfulness, competence, diligence and good judgment.
I will strive to represent you as I would want to be represented and to be worthy of your trust.
To the opposing parties and their counsel, I offer fairness, integrity and civility.
I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one.
To the courts, and other tribunals, and to those who assist them, I offer respect, candor and courtesy.
I will strive to do honor to the search for justice.
To my colleagues in the practice of law, I offer concern for your welfare.
I will strive to make our association a professional friendship.
To the profession, I offer assistance.
I will strive to keep our business a profession and our profession a calling in the spirit of public service.
To the public and our systems of justice, I offer service.
I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.

(Approved by the Alabama Board of Bar Commissioners 4/10/92)
State Bar Awards
STATE BAR AWARDS

Described below are the awards presented by the state bar or a section of the state bar. Except as indicated, these awards are not necessarily presented each year.

1. William D. "Bill" Scruggs, Jr. Award

This award was created in 2002 in honor of the late Bill Scruggs, former state bar president to recognize outstanding and dedicated service to the Alabama State Bar.

2. Award of Merit

In 1966, the Board of Bar Commissioners established the Award of Merit for outstanding constructive service to the legal profession in Alabama.

3. Judicial Award of Merit

The Judicial Award of Merit was created by the Board of Bar Commissioners to recognize both trial and appellate level judges, not yet retired, for their contribution to the administration of justice in Alabama.

4. Pro Bono Awards

At the request of the VLP committee, the Board of Bar Commissioners created several pro bono awards which are given annually. They are as follows:

a. Student Pro Bono Award
b. Al Vreeland Award (given to an individual)
c. Group/Firm Pro Bono Award
d. Clarence Darrow Award presented by the VLP to an individual who has distinguished himself/herself by the representation of those charged with crimes.

These awards are to recognize individuals or groups for their outstanding contribution to providing civil legal services to those who cannot afford an attorney.

5. Local Bar Award of Achievement

This award was created in the early 1990's to recognize the work of local bar associations for the programs or activities conducted in a particular year. Three awards can be made which are based on the size of the bar: large, medium, small.

6. Local Bar Special Project Award

This award was created in the mid-90's to recognize bar association programs of a long-standing nature which are unique and have contributed to the bar's local community.
7. Commissioners Award

This award was created by the Board of Bar Commissioners in 1998 to recognize individuals who have had a long-standing commitment to the improvement of the administration of justice in Alabama.

8. Administrative Law Section: Eugene W. Carter Medallion

The Board of Bar Commissioners authorized the creation of this award at the request of the Administrative Law Section to recognize an individual who has made a valued contribution through an administrative board, commission, agency or through the administrative law process.

9. Women’s Law Section: Maud McLure Kelly Award

This award was created and awarded in 2002. Named after Alabama’s first woman lawyer, it is given to a woman lawyer in recognition of that individual’s contributions to the profession.

10. Chief Justice’s Professionalism Award

The Professionalism Award was created jointly by the Chief Justice’s Commission on Professionalism and the Alabama State Bar. It recognizes a judge or a lawyer for his or her outstanding contribution in advancing professionalism of the legal profession in Alabama.

11. J. Anthony “Tony” McLain Professionalism Award

This award was created in 2014. It recognizes bar members for distinguished service in the advancement of professionalism.
Board of Bar Commissioners
Meeting Dates 2019-2020
MEMORANDUM

TO: Board of Bar Commissioners
FROM: Phillip W. McCallum, Executive Director
RE: Board of Bar Commissioners Meetings 2019-2020

Below is a list of the Board of Bar Commissioners meetings for the 2019-2020 bar year.

September 6, 2019
November 1, 2019
January 10, 2020
March 6, 2020
May 1, 2020
June 24-27, 2020

Montgomery
Montgomery
Montgomery
Shoals Area
Montgomery
Destin, Florida