

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

**State Bar Building
Montgomery, Alabama**

Friday, September 6, 2019

1. CALL TO ORDER

President Christy Crow convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in the board room of the Alabama State Bar building, Montgomery, Alabama. Commissioner Elizabeth Smithart gave the invocation.

2. ROLL CALL

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

LaBella S. Alvis	Emily L. Baggett	Raymond L. Bell, Jr.
Mark S. Boardman	Robert L. Bowers, Jr.	Sally Bowers
Jeffrey L. Bowling	John A. Brinkley, Jr.	William H. Broome, Jr.
Brannon J. Buck	Joel Connally	Bradley Cornett
Jeffery C. Duffey	J. Langford Floyd	Anne Malatia Glass
Dana Grimes	H. Thomas Heflin, Jr.	Frederick G. Helmsing, Jr.
Erik Stephen Heninger	Scott B. Holmes	Ralph E. Holt
Richard M. Kemmer	William R. Lancaster	Karen Laneaux
David Martin	William Randall May	Clint L. Maze
Rebekah K. McKinney	R. Cliff Mendheim	Kenneth Moore
Larry W. Morris	George R. Parker	Manish H. Patel
Taylor T. (Tom) Perry, Jr.	Chuck Price, II	James Rebarchak
Chrissy Riddle	Pat Sefton	Tazewell T. Shepard, III
Allison O. Skinner	Elizabeth Smithart	John A. Smyth
John T. Stamps	Terri O. Tompkins	Halron W. Turner
C. Gibson Vance	Gregory M. Varner	

The following commissioners were absent:

Sally Bowers	Robert H. Brogden	Bryan E. Comer
Latisha R. Davis	Diandra Debrosse	Deborah Dunsmore
Michael D. Ermert	Kira Y. Fonteneau	Erskine R. Funderburg, Jr.
Jana R. Garner	J. Kirkman Garrett	Christy Williams Graham
Carmen Howell	Clinton H. Hyde	Brett A. King
Jason P. Knight	F. Patrick Loftin	Donald B. Mansell

M. Clay Martin
 J. Lynn Perry
 Jeanne Dowdle Rasco
 James Michael Terrell

Charles Zackery Moore
 Amanda Porter
 Andrew D. Stanley

J. Levi Nichols
 Barry A. Ragsdale
 Charles C. Tatum, Jr.

Also in attendance were President-elect Bob Methvin and Immediate Past President Sam Irby. Staff members in attendance were: Roman Shaul, Justin Aday, Margaret Murphy, Linda Lund, Merinda Hall, Robert Thornhill, Ashley Penhale, Melissa Warnke and Diane Locke.

3. INTRODUCTION OF GUESTS

President Crow recognized special guests including Associate Justice Will Sellers, Associate Justice Sarah Stewart, Associate Justice Jay Mitchell, Robert Shreve, president of the Young Lawyers Section, Kitty Brown, Legislative Counsel Suzi Huffaker, and Mary Margaret Bailey, president of the Alabama Law Foundation Board of Trustees.

Associate Justice Sarah Stewart addressed the commissioners and informed them that electronic notice of appeal would be in effect starting October 1, 2019. She also encouraged commissioners to submit to the Supreme Court names of attorneys who may be interested in serving on Supreme Court committees. Finally, Justice Stewart informed the board that the Supreme Court is working to hold oral arguments every month except July and that oral arguments for October have been tentatively set for October 22, 2019.

4. APPROVAL OF THE MINUTES OF THE JULY 17, 2019 AND JULY 20, 2019 BOARD MEETINGS AND THE MINUTES OF THE JULY 20, 2019 GRANDE CONVOCATION AND BUSINESS MEETING

President Crow stated that the minutes of the July 17, 2019 and July 20, 2019 Board Meetings and the minutes of the July 20, 2019 Grande Convocation and Annual Business Meeting had been transcribed and circulated prior to the meeting. She asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER SHEPARD MOVED TO APPROVE THE MINUTES OF THE JULY 17, 2019 AND JULY 20, 2019 BOARD MEETINGS AND THE MINUTES OF THE JULY 20, 2019 GRANDE CONVOCATION AND ANNUAL BUSINESS MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. REPRIMANDS

5. a. Jerry Dean Roberson, ASB 2016-334, 2016-405, 2017-69

Mr. Roberson received a public reprimand with general publication and pay any and all costs taxed pursuant to Rule 33, *Alabama Rules of Disciplinary Procedure*, including but not limited to a \$1,000 administrative fee for violating Rules 1.1; 1.3; 1.4; 8.4(a); 8.4 (g) of the *Alabama Rules of Professional Conduct* and Rules 3.3(a)(1); 3.4 (c); 4.1(a); 5.5(a); 7.3(a); 8.4(a); 8.4(c), 8.4(d) and 8.4 (g) of the *Alabama Rules of Professional Conduct*.

5. b. John Tracy Fisher, Jr., ASB 2016-1191, 2016-1196

Mr. Fisher received a public reprimand with general publication for violating Rules 1.3, 1.4, 1.15(a) and (e) and 8.4 (g) of the *Alabama Rules of Professional Conduct*.

5. c. Woodrow Eugene Howard, III, ASB 2018-25

Mr. Howard received a public reprimand without general publication and pay any all costs taxed pursuant to Rule 33, *Alabama Rules of Disciplinary Procedure*, including but not limited to a \$1,000 administrative fee for violating Rules 8.4(d) and 8.4 (g) of the *Alabama Rules of Professional Conduct*.

5. d. Marcus E. McCrory, ASB 2018-45

Mr. McCrory received a public reprimand without general publication and pay any all costs taxed pursuant to Rule 33, *Alabama Rules of Disciplinary Procedure*, including but not limited to a \$1,000 administrative fee for violating Rules 3.3 (a), 5.3, 8.4 (c) and 8.4 (g) of the *Alabama Rules of Professional Conduct*.

5. e. John Daniel Hawke, ASB 2017-1098, 2017-1335, 2018-761

Mr. Hawke received a public reprimand without general publication and pay any all costs taxed pursuant to Rule 33, *Alabama Rules of Disciplinary Procedure*, including but not limited to a \$1,000 administrative fee for violating Rules 1.1, 1.15(a), 1.15(c), 1.15(d), 1.15(f), 8.4(a), 8.4(b), 8.4(c), 8.4(d) and 8.4(g) of the *Alabama Rules of Professional Conduct*.

6. PRESIDENT'S REPORT

President Crow informed the board that she has been actively engaged in outreach on behalf of the bar at local and national events. She reported that she attended the ABA Annual Meeting in San Francisco and the Southern Conference of Bar Presidents. She has also attended an event in Huntsville related to the 19th Amendment Centennial Celebration, as well as local bar events in Scottsboro and Tallapoosa County.

President Crow reminded the board of upcoming events including the reception honoring Commissioner Allison Skinner as the recipient of the Susan B. Livingston

Award, the Leadership Symposium on October 3, 2019, and the Mid-Year Meeting in conjunction with the judges on January 22-23, 2020. She also reminded the board that October 21, 2019, is the deadline to receive applications for the Leadership Forum.

President Crow informed the commissioners that she is about half of the committee and task force appointments finalized, and she encouraged commissioners to contact her if they wished to serve on a committee or task force or if they know of someone who does.

President Crow recognized Robert Thornhill and informed the board that he is retiring from his position as director of the Alabama Lawyer Assistance Program. She also informed the board that the position has been posted. She also recognized Director of Communications Melissa Warnke, and encouraged commissioners to review the updates that have taken place with the bar's social media and to submit content that will continue to make it vibrant.

7. SECRETARY / EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director McCallum informed the commissioners that the 2019-2020 Board of Bar Commissioners Directory had been distributed in hard copy and that it is available online. He also informed the board that the President's and Leaders' Manual is available online. Mr. McCallum reported to the board that the annual Consolidated Fee Invoice is open and that the process is running smoothly, including the annual IOLTA certification.

Mr. McCallum also recognized Director of Digital Communications Melissa Warnke and commended her for the hard work that she has already done to update the website and increase the bar's presence on various social media platforms.

8. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Roman Shaul reminded the commissioners of the Office of General Summit that will be held on September 19, 2019, and encouraged them to attend. He also informed the board that he continues to monitor litigation related to challenges to mandatory bar status in several states. Mr. Shaul concluded by informing the board that two lawsuits have been filed against the bar since the last meeting and that he expects them to be disposed of in favor of the bar.

9. ANNUAL MEETING RECAP

Director of Programs Ashley Penhale provided a recap of the 2019 Annual Meeting. She informed the board that nearly 900 people registered for the meeting, including 419 attorneys. She also reported that the Legal Expo was extremely successful, with 43 vendors participating. Ms. Penhale concluded by informing the board that all of the financials are not finalized, but that the meeting as a whole would end with net positive revenue.

10. PRO BONO MONTH REPORT

Commissioners Emily Baggett and Scott Holmes provided an update on the Celebrate Pro Bono Task Force and upcoming events for Pro Bono Month. They informed the board that Governor Ivey will sign a proclamation on September 16, 2019, proclaiming October 2019 as Pro Bono Month in Alabama. They also informed the board that President Crow will be cutting video clips and giving interviews related to the Pro Bono Month Celebration.

Ms. Baggett and Mr. Holmes encouraged commissioners to participate in Pro Bono Month events that are going on around the state, including outreach to senior organizations about scams that target the elderly, local bar CLE events, and volunteering at clinics and help desks. They also encouraged commissioners to use content that will be pushed out via social media to promote Pro Bono Month and all of the activities that are taking place.

11. MEMBER BENEFITS COMMITTEE REPORT

Commissioner George Parker, co-chair of the Member Benefits Committee, reported to the board that the committee has met and they are working to identify potential member benefits. He also informed the commissioners that several younger lawyers are on the committee and they have creative ideas for benefits that will be especially attractive to younger bar members.

Commissioner Parker informed the board that the Member Benefits Committee has considered and approved the following as member benefits providers: Cartography Consulting, Well Being Coaching Consulting, Identillect, and Meridian One (Office Depot, and Lenovo). He explained the benefits that would be offered by each provider and asked the board for its approval of each at the next board meeting.

12. LAWYERS HELPING LAWYERS TASK FORCE UPDATE

Commissioner Gibson Vance updated the board on the work of the Lawyers Helping Lawyers Task Force. He informed the board that the task force has met several times already and has divided itself into subcommittees. Each subcommittee has completed tasks and the task force is preparing to submit an application for a license plate. He informed the board that proceeds from license plate sales could be used to help lawyers who are struggling with finances, health issues, or other issues. Commissioner Vance informed the board that a charitable 501(c)(3) organization must be established and serve as the applicant for the license plate, and that the task force would present a proposal at the next board meeting to establish that organization.

13. FY2021 BUDGET PROPOSAL

Director of Finance Merinda Hall informed the board that the FY2021 budget materials were circulated prior the board meeting. She reviewed the budget proposal and informed the board that the total budget of \$6.81 million represents a 0.6% decrease from the FY2020 budget.

14. EDWARD M. PATTERSON SERVANT LEADERSHIP AWARD

President Crow recognized Kitty Brown of the Leadership Forum Alumni Section to make a presentation regarding the Edward M. Patterson Servant Leadership Award. Ms. Brown informed the board that the award was created in 2013 by the Leadership Forum Alumni Section to honor the work of Ed Patterson with the Leadership Forum. She said that the Section has presented the award annually to an alumnus of the Forum in recognition of servant leadership. Ms. Brown reported to the board that the Leadership Forum Alumni Section wishes for the award to be recognized as an official Alabama State Bar award, with the recipient being recommended by the section and approved by the board.

15. FILLING UNEXPIRED TERM OF ROBERT G. METHVIN, 10TH JUDICIAL CIRCUIT, PLACE 4

President Crow informed the board that there is a vacancy on the board, created when Bob Methvin was installed as president-elect. She reminded the board that vacancies in the 10th Judicial Circuit had customarily been filled with a nominee submitted by the Birmingham Bar Association. She informed the board that the Birmingham Bar Association should submit a nominee by the next board meeting and that the vacancy would be filled at that meeting.

16. COMMISSIONER COMMENTS

President Crow recognized Commissioner Tom Perry and Commissioner Cliff Mendheim to provide comments to the board regarding their respective circuits. Commissioner Perry told the board about a shooting involving 17th Judicial Circuit District Attorney Greg Griggers. He reminded the commissioners that, even in small towns, lawyers and citizens must be aware of threats to their safety and way of life. Commissioner Perry also reflected on the loss of Rick Manley, who serve many terms on the Board of Bar Commissioners and was a senior partner at Commissioner Perry's law firm.

Commissioner Mendheim updated the board on the bench and bar of the 20th Judicial Circuit (Henry and Houston counties). He said that there currently 257 active attorneys in the circuit, including 238 in Houston County and 19 in Henry County. Mr. Mendheim encouraged commissioners to continue to be leaders in their communities, and he relayed the comments of Circuit Judge Todd Derrick who said that it is encouraging and refreshing to see daily the work that lawyers do in their community.

17. LEGAL SERVICES ALABAMA BOARD APPOINTMENTS

President Crow reported that Legal Services Alabama has submitted the nominations of Bryan Blackwell of Dothan and Nathan Gordon of Birmingham to serve on the board of Legal Services Alabama.

COMMISSIONER MAZE MOVED TO CLOSE NOMINATIONS FOR THE LEGAL SERVICES ALABAMA BOARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER SHEPARD MOVED TO APPROVE THE APPOINTMENT OF BRYAN BLACKWELL AND NATHAN GORDON TO THE BOARD OF LEGAL SERVICES ALABAMA. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. CONSOLIDATED FUNDRAISING POLICY

President Crow presented to the board consideration of the Consolidated Fundraising Policy that was discussed at the previous meeting. She reminded the board that the purpose of the policy is to centralize fundraising among bar groups in an effort to maximize fundraising on an annual basis. She also reminded the board that participation by bar groups and sections is optional.

COMMISSIONER PARKER MOVED TO APPROVE THE ADOPTION OF THE ALABAMA STATE BAR CONSOLIDATED FUNDRAISING POLICY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

(A copy of this policy is attached to these minutes as Attachment A.)

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

President Crow presented to the board consideration of amendments to the *Rules Governing Admission to the Alabama State Bar*. She reminded the board that amendments to the rules were approved at the board meeting in May 2019, and that the change made regarding appeals of hearings of the Character & Fitness Committee are being changed back and the process for those appeals will remain as it is currently. She also informed the board that the proposed amendments would be submitted to the Supreme Court for consideration at its Rules Conference in October.

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

20. STAFF COMPENSATION FY2019-20

President Crow explained that a total of \$3,096,775 was recommended for staff compensation for FY2019-20.

COMMISSIONER MORRIS MOVED TO APPROVE STAFF COMPENSATION FOR FY2019-20 IN THE AMOUNT OF \$3,096,775. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. ADJOURNMENT

President Crow asked if there was any further business to come before the commission. There being no further business to come before the commission, a motion was made and duly seconded to adjourn. The motion was approved by voice vote and the meeting was adjourned at 11:21 a.m.

Christina D. Crow, President
Alabama State Bar

ATTEST:

Phillip W. McCallum, Secretary
Alabama State Bar