

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Due to the COVID-19 pandemic, this meeting of the Board of Bar Commissioners was held via video teleconference in accordance with the provisions of Section III of the First Supplemental State of Emergency: Coronavirus (COVID-19) issued by Proclamation of the Governor of the State of Alabama on March 18, 2020.

Friday, May 1, 2020

1. CALL TO ORDER

President Christy Crow convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. via video teleconference. Commissioner Emily Baggett gave the invocation.

2. ROLL CALL

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

Emily L. Baggett	Raymond L. Bell, Jr.	Mark S. Boardman
Sally Bowers	Jeffrey L. Bowling	John A. Brinkley, Jr.
Robert H. Brogden	William H. Broome, Jr.	Brannon J. Buck
Bryan E. Comer	Joel Connally	Bradley Cornett
Latisha R. Davis	Diandra S. Debrosse	Jeffery C. Duffey
Deborah Dunsmore	Michael D. Ermert	J. Langford Floyd
Kira Y. Fonteneau	Erskine R. Funderburg, Jr.	Jana Russell Garner
J. Kirkman Garrett	Anne Malatia Glass	Dana Grimes
H. Thomas Heflin, Jr.	Frederick G. Helmsing, Jr.	Erik Stephen Heninger
Scott B. Holmes	Ralph E. Holt	Carmen Howell
Richard M. Kemmer	Brett A. King	Jason P. Knight
William R. Lancaster	Karen Laneaux	David Martin
M. Clay Martin	William Randall May	Clint L. Maze
LaBella S. McCallum	Rebekah K. McKinney	R. Cliff Mendheim
Charles Zackery Moore	Kenneth Moore	J. Levi Nichols
George R. Parker	Manish H. Patel	J. Lynn Perry
Taylor T. (Tom) Perry, Jr.	Amanda Porter	Chuck Price II
Barry A. Ragsdale	James Rebarchak	Chrissy Riddle
Jeanne Dowdle Rizzardi	Freddy Rubio	Pat Sefton
Tazewell T. Shepard III	Allison O. Skinner	Elizabeth Smithart
John A. Smyth	John T. Stamps	Andrew D. Stanley
James Michael Terrell	Terri O. Tompkins	Halron W. Turner
C. Gibson Vance	Gregory M. Varner	

The following commissioners were absent:

Robert L. Bowers, Jr.	Christy Williams Graham	F. Patrick Loftin
Donald B. Mansell	Larry W. Morris	Charles C. Tatum, Jr.

Also in attendance was President-elect Bob Methvin and Immediate Past President Sam Irby. Staff members in attendance were: Roman Shaul, Justin Aday, Ashley Penhale, Melissa Warnke, Megan Hughes, Hunter Harris, Linda Lunda and Suzi Huffaker.

3. **INTRODUCTION OF GUESTS**

President Crow recognized special guests including Chief Justice Tom Parker, Associate Justice Will Sellers, Associate Justice Tommy Bryan, Billy Bedsole, Michael Upchurch, Brent Irby, Glenda Freeman, Marcus Maples, Harlan Prater, Kelly Pate, Andrew Blake, and Leigh King Forstman.

4. **PRESIDENT'S REPORT**

President Crow thanked the members of the Board from the Shoals area for their gracious hospitality in hosting the last Board meeting in Florence.

The president sent out condolences to Commissioner Robert Bowers, Jr. in the death of his father, attorney Robert Bowers, Sr.

President Crow recognized Commissioner Brannon Buck to update the Board on the work of the Quality of Life, Health and Wellness Task Force. Mr. Buck informed the Board of three free CLE opportunities being presented by the task force. He also stated that a Wellness Challenge Calendar is available for the month of May and the task force will be tracking activity by participating firms. Mr. Buck concluded by reminding the commission that wellness information will be published throughout the month of May via the bar's website and social media challenge.

President Crow informed the Board that today is Law Day and that they have the opportunity to view the premier of Jenna Bedsole's documentary on the Women's Suffrage Movement and the 19th Amendment. She also stated that as part of the Lawyer in Every Classroom program, information has been disseminated to schools around the state about the documentary and the Frank M. Johnson Institute.

President Crow recognized Chief Justice Tom Parker, Associate Justice Will Sellers and Associate Justice Tommy Bryan to address the Board. Chief Justice Parker thanked President Crow for her continued efforts in building a strong relationship between the Alabama State Bar and the Alabama Supreme Court. Chief Justice Parker said that the Supreme Court and the Unified Judicial System has made many adjustments to continue to operate during the pandemic and he thanked the Board for the work of the bar in

sending out critical information to lawyers. Associate Justices Sellers and Bryan echoed the remarks of Chief Justice Parker.

The president informed the Board of the formation of the COVID-19 Bench and Bar Task Force. The task force has made recommendations to the Supreme Court on keeping the courts open and effective during the pandemic. They are also working on recommendations regarding rule changes on access to courts and any changes needed to keep cases moving in the trial courts.

President Crow recognized Linda Lund to brief the Board on the expansion of the Wills for Heroes Program, in response to the COVID-19 pandemic. Mrs. Lund informed the Board that the bar is working with the vendor of the Wills for Heroes software to provide updates that will allow the program to provide estate planning document services for healthcare workers.

The president also informed the Board that rates were received for the State Bar association health insurance plan. She stated that other preliminary work is being done to implement the program and that she hopes it will be rolled out as a member benefit on August 1, 2020.

President Crow informed the Board that the Spring Admission Ceremony was cancelled and that those eligible for that ceremony will be invited to participate in the Fall Admission Ceremony in October. She reminded the Board that the Annual Meeting initially was going to be postponed but then informed them that leadership had decided to transform it to a virtual format for the same dates.

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

Emily Baggett	8th Judicial Circuit
Ralph Holt	11th Judicial Circuit
Zackery Moore	13th Judicial Circuit, Place 1
Jeff Duffey	15th Judicial Circuit, Place 5
Randall May	18th Judicial Circuit, Place 1
Taze Shepard	23rd Judicial Circuit, Place 1
Erskine Funderburg	30th Judicial Circuit
Tom Heflin	31st Judicial Circuit
Clynt Hyde	35th Judicial Circuit

Greg Varner

40th Judicial Circuit

President Crow informed the board that she has appointed a Nominating Committee comprised of Vice President Rebekah McKinney, Commissioner Elizabeth Smithart, and Commissioner Kira Fonteneau.

President Crow informed the board that she has appointed an Election Certification Committee comprised of Commissioner Joel Connally, Commissioner Gibson Vance, and Secretary Phillip McCallum.

5. **PRESIDENT-ELECT REPORT**

President-elect Bob Methvin asked the Board to contact him with any thoughts on how the bar can assist lawyers who are struggling during the uncertain times of the COVID-19 pandemic. He updated the Board on the economic impact study and said that a tentative date of June 1, 2020, has been set to send out the questionnaires for the study.

6. **SECRETARY / EXECUTIVE DIRECTOR'S REPORT**

Secretary/Executive Director McCallum recognized the bar staff for continuing to provide critical bar services during the pandemic. He recognized the lawyers and judges of Alabama for being adaptable during the pandemic.

Mr. McCallum reviewed the upcoming bar elections, which will be held online May 18 – 22, 2020. He also informed the Board that the Lawyers Renders Service, Inc. 501(c)(3) application to the IRS is nearly complete and will be filed soon.

Mr. McCallum sent condolences to Commissioner Robert Bowers in the passing of his father, and to Past President Phil Adams in the loss of his son.

7. **OFFICE OF GENERAL COUNSEL REPORT**

General Counsel Roman Shaul informed the Board that, due to technology upgrades, the Office of General Counsel continues to operate remotely during the pandemic. He said that the office continues to offer free ethics advice at nearly the same rate as before the pandemic. Mr. Shaul said that complaints against lawyers are also coming in at nearly the same rate. He informed the Board that the most significant impact of the pandemic has been the cancellation of in-person hearings.

8. **FINANCIAL REPORT**

Director of Finance Merinda Hall informed the Board that the bar is at the mid-way point of the current fiscal year and that, despite the pandemic, revenues are up approximately 1% over the prior year. She also informed the Board that expenses are up slightly, but approximately the same as the prior year after timing differences are taken into account.

9. **WOMEN'S SUFFRAGE ACTIVITIES**

Leigh King Fortsman was recognized to review the activities of the 19th Amendment Centennial Celebration Task Force. Mrs. Fortsman gave a presentation on the history of the Women's Suffrage Movement around the world, in the United States and the State of Alabama. She recognized Commissioners Allison Skinner and Tom Heflin for their work in co-chairing the task force.

10. **DIVERSITY & INCLUSION COMMITTEE REPORT**

Marcus Maples and Kelly Pate, co-chairs of the Diversity and Inclusion in the Profession Committee were recognized to give a report on the work of the committee. Mrs. Pate informed the Board that the committee recommends the expansion of demographic data collected by the bar for prospective and current members of the bar. Mr. Maples reviewed the Big Ideas Campaign launched by the committee. The campaign called for each member of the committee to present new ideas for initiatives that can be launched to change the profile of the bar. The committee has prioritized the ideas and will provide the Board with a presentation of the ideas.

11. **LEGISLATIVE UPDATE**

Legislative Counsel Suzi Huffaker informed the Board that the legislature is set to reconvene on a limited basis. She said that the only items up for consideration will be the budgets and local legislation. She said that the budget that came out of Senate Committee level funded most agencies, but that some, including the court system, received a small increase. Mrs. Huffaker said that she anticipates a special session later in the year.

12. **JUDGES TASK FORCE REPORT**

Commissioner Lang Floyd updated the Board on the ongoing work of the Judges Task Force to bridge participation between the bench and bar. He said work is being done to establish a Judge's Section of the bar, which would allow the judges to take advantage of the infrastructure that can be provided by the bar.

13. **LEGAL FOOD FRENZY KICKOFF ANNOUNCEMENT**

Laura Lester and Andrew Blake addressed the Board about the kickoff of the annual Legal Food Frenzy. Ms. Lester reminded the Board that all donations made through the Legal Food Frenzy go to the local food banks in Alabama. She also informed the Board

that this year's campaign will be done in a virtual format. The competition begins on May 4, 2020, and will run for two weeks. Alabama attorneys are encouraged to register by law firm so that donations can be tracked. She reminded the Board that each dollar donated can provide five meals for hungry families in Alabama. Mr. Blake encouraged commissioners to take the time to register, participate and promote the Legal Food Frenzy in their respective circuits.

14. DATABASE MODERNIZATION & IT UPGRADE UPDATE

Secretary/Executive Director Phillip McCallum informed the Board that work continues on the database modernization and IT upgrades. He informed the Board that the Executive Council authorized engagement of an IT consultant and that the consultant is reviewing the database and IT infrastructure to make recommendations for the scope of the project.

15. LAWYER SPECIALIZATION UPDATE / LEGAL SPECIALIZATION BOARD APPOINTMENTS

Brent Irby updated the Board on the work of the Lawyer Specialization Task Force, which was formed to review how the bar can offer more opportunities for lawyer specialization and certification in Alabama. Mr. Irby said that the task force has reviewed the Alabama State Bar Specialization Rules and that the task force believes it is paramount to have the Legal Specialization Board appointed and active again. He said after the Board of Legal Specialization is in place he anticipates that it will be active in recommending changes to the specialization and certification process. President Crow asked commissioners to submit nominations for appointments to the Board of Legal Specialization.

16. DISCIPLINARY RULES & ENFORCEMENT COMMITTEE REPORT ON SEVEN SERIES RULES

President Crow recognized Harlan Prater and Michael Upchurch to give a report on the work of the Disciplinary Rules & Enforcement Committee. Mr. Prater thanked Mr. Upchurch for his leadership and asked him to give an update on the work of his subcommittee. Mr. Upchurch reminded the Board that the current version of the proposed rule changes have been provided in their meeting materials. He asked that commissioners provide feedback on the current proposals. Mr. Upchurch said that after the Board has had the opportunity to provide feedback that the proposed rules would be published to all members of the bar for feedback before a final version of the proposed rule changes are presented for action by the Board.

17. APPOINTMENT REQUESTS

President Crow informed the Board that appointments will be made at the next meeting for Disciplinary Board Panels, Disciplinary Hearing Officers, members of the Client Security Fund Committee, and members of the Alabama Law Foundation Board of Trustees. She asked commissioners to submit nominations for those positions to be considered at the next meeting.

18. APPROVAL OF CONSENT AGENDA – ACTION ITEMS

President Crow informed the Board that the following items constitute a consent agenda and will be considered as a single action item:

- a. Approval of Agenda (*Consistent with the Governor's March 18 proclamation regarding COVID-19 and/or essential minimal functions*)
- b. Approval of re-electing currently serving At-Large members of the Board of Bar Commissioners (*John Stamps and Kira Fonteneau*)
- c. Approval of Awards
 - Award of Merit – Commissioner Allison Skinner*
 - Judicial Award of Merit – Judge Madelyn Hikela*
 - Bill Scruggs Award – Commissioner Tom Heflin*
 - Tony McLain Award – Michael Upchurch and Harlan Prater*
 - Maud McLure Kelly Award – Past President Augusta Dowd*
 - Susan Bevill Livingston Award – President Christy Crow*
 - Commissioners Award – Judge John Graham*
 - Jeanne Marie Leslie Award – Robert Thornhill*
- d. Approval of Financial Reports as presented by Merinda Hall

COMMISSIONER MCKINNEY MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED. THE MOTION WAS SECONDED.

AFTER DISCUSSION OF THE CONSENT AGENDA THE MEMBERS OF THE BOARD OF BAR COMMISSIONERS VOTED BY ROLL CALL VOTE AND THE CONSENT AGENDA WAS APPROVED.

19. ELECTION OF AT-LARGE COMMISSIONER, PLACE 3

President Crow stated that a list of all of the applicants for at-large commissioner seats have been included in the meeting materials. She informed the commission that an at-large commissioner must be chosen for At-Large, Place 3.

COMMISSIONER MENDHEIM MOVED TO CLOSE NOMINATIONS FOR AT LARGE COMMISSIONER, PLACE 3. THE MOTION WAS SECONDED.

AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED ON EACH NOMINEE AND PRESIDENT CROW ANNOUNCED THAT HOLLY SAWYER WAS ELECTED AS AT-LARGE COMMISSIONER, PLACE 3.

20. SUBMISSION OF RULE SEVEN SERIES PROPOSED RULE CHANGES FOR MEMBERSHIP COMMENT

President Crow presented the Board with a proposal to submit the Rule Seven Series proposed rules changes for membership comment.

COMMISSIONER HEFLIN MOVED TO SUBMIT THE RULE SEVEN SERIES PROPOSED RULE CHANGES FOR MEMBERSHIP COMMENT. THE MOTION WAS SECONDED.

AFTER DISCUSSION OF THE PROPOSAL, THE MEMBERS OF THE BOARD OF BAR COMMISSIONERS VOTED BY ROLL CALL VOTE AND IT WAS APPROVED TO SUBMIT THE RULE SEVEN SERIES PROPOSED RULE CHANGES FOR MEMBERSHIP COMMENT.

21. MEMBER BENEFITS APPROVAL - FASTCASE

President Crow presented the Board with a proposal to approve Fastcase as a member benefit.

COMMISSIONER PERRY MOVED TO APPROVE FASTCASE AS A MEMBER BENEFIT. THE MOTION WAS SECONDED.

AFTER DISCUSSION OF THE PROPOSAL, THE MEMBERS OF THE BOARD OF BAR COMMISSIONERS VOTED BY ROLL CALL VOTE AND FASTCASE WAS APPROVED AS A MEMBER BENEFIT.

22. ELECTION OF DELEGATES TO THE ABA HOUSE OF DELEGATES

President Crow informed the Board that the terms of Rich Raleigh, Bobby Poundstone, and Michael Vercher are expiring on the ABA House of Delegates. She reported that each has expressed an interest to continue serving.

COMMISSIONER MENDHEIM MOVED TO CLOSE NOMINATIONS FOR DELEGATES TO THE ABA HOUSE OF DELEGATES. THE MOTION WAS SECONDED.

AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED ON EACH NOMINEE AND PRESIDENT CROW ANNOUNCED THAT RICH RALEIGH, BOBBY POUNDSTONE AND MICHAEL VERCHER ARE ELECTED TO SERVE AS DELEGATES TO THE ABA HOUSE OF DELEGATES.

23. INCREASING PRO HAC VICE FEES

President Crow reminded the Board that a proposal was made at the last meeting to increase the *Pro Hac Vice* fees and to add an annual certification for active cases.

COMMISSIONER MENDHEIM MOVED TO INCREASE THE PRO HAC VICE FEES AND TO ADD AN ANNUAL CERTIFICATION FOR ACTIVE CASES. THE MOTION WAS SECONDED.

AFTER DISCUSSION OF THE PROPOSAL, THE MEMBERS OF THE BOARD OF BAR COMMISSIONERS VOTED BY ROLL CALL VOTE AND IT WAS APPROVED TO INCREASE THE PRO HAC VICE FEES AND TO ADD AN ANNUAL CERTIFICATION FOR ACTIVE CASES.

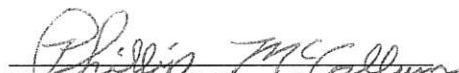
24. ADJOURNMENT

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 12:10 p.m.



Christina D. Crow, President
Alabama State Bar

ATTEST:



Phillip W. McCallum, Secretary
Alabama State Bar