

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Due to the COVID-19 pandemic, this in-person meeting of the Board of Bar Commissioners was also available 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 7 2021
Alabama State Bar
415 Dexter Avenue
Montgomery, Alabama 36104

1. CALL TO ORDER AND INVOCATION

President Bob Methvin convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. Commissioner John Stamps gave the invocation.

2. ROLL CALL

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

Raymond L. Bell, Jr.	Edgar Black	Mark S. Boardman
Sally Bowers	Jeffrey L. Bowling	John A. Brinkley, Jr.
Brannon J. Buck	Clay Carr	Joel Connally
Bradley Cornett	Mark Debro	Diandra S. Debrosse
Michael D. Ermert	J. Langford Floyd	Kira Y. Fonteneau
Anne Malatia Glass	Christy W. Graham	Dana Grimes
Fred G. Helmsing, Jr.	Erik S. Heninger	Scott B. Holmes
Carmen Howell	Richard M. Kenner	Edwin Lamberth
William R. Lancaster	Karen Laneaux	David Langston
Felicia Long	David Martin	Clint L. Maze
LaBella S. McCallum	Rebekah K. McKinney	Bob McMillan
R. Cliff Mendheim	Tina Moon	George R. Parker
Manish H. Patel	Tom Perry	Chuck Price II
Barry A. Ragsdale	John Rea	James Rebarchak
Chrissy Riddle	Jeanne Rizzardia	Freddy Rubio
Holly Sawyer	Pat Sefton	Allison O. Skinner
Elizabeth Smithart	John T. Stamps	Charles C. Tatum, Jr.
Jimbo Terrell	Terri O. Tompkins	Halron W. Turner
C. Gibson Vance		

The following commissioners were absent:

Robert H. Brogden	William H. Broome, Jr.	Bryan E. Comer
Deborah Dunsmore	Jana Garner	Kirkman Garrett
Brett A. King	Jason P. Knight	Leigh Anne Landis
Patrick Loftin	Donald B. Mansell	C. Clay Martin
Kenneth Moore	Larry W. Morris	Levi Nichols
Lynn Perry	Amanda Porter	John Smyth
Andrew D. Stanley	Mallory B. Whitley	

Also present were President Bob Methvin, President-Elect Taze Shepard and Immediate Past President Christy Crow. Staff members in attendance were: Ellen Brooks, Roman Shaul, Justin Aday, Merinda Hall, Ashley Penhale, Melissa Warnke, Michelle Shaw, Hilaire Armstrong, Suzi Huffaker, Robyn Bernier, Margaret Murphy, and Linda Lund.

3. APPROVAL OF THE AGENDA OF THE MAY 7, 2021 BOARD MEETING

President Methvin stated that the agenda of the May 7, 2021 Board Meeting had been published prior to the meeting. He asked if there were any corrections, additions or deletions.

COMMISSIONER RIZZARDI MOVED TO AMEND THE AGENDA TO ADD AN ITEM TO APPROVE A 2% PAY RAISE FOR ASB EMPLOYEES. THE MOTION FAILED FOR LACK OF A SECOND.

COMMISSIONER VANCE MOVED TO APPROVE THE AGENDA OF THE MAY 7, 2021 BOARD MEETING. THE MOTION WAS SECONDED AND UNANIMOUSLY APPROVED.

4. INTRODUCTION OF GUESTS

President Methvin recognized special guests including John Phelps, ASB Consultant.

5. PUBLIC REPRIMANDS

President Methvin delivered public reprimands to 4 attorneys: Dawn Marie Quinn; Cynthia Rena Wright; George Alexander Hartline, III; and James Joseph Enfinger.

6. MOTION TO AMEND AGENDA AND EXECUTIVE SESSION

COMMISSIONER BOARDMAN MOVED TO AMEND THE AGENDA OF THE MAY 7, 2021 BOARD MEETING TO ADD AN EXECUTIVE SESSION THE MOTION WAS

SECONDED AND UNANIMOUSLY APPROVED.

COMMISSIONER BOARDMAN MOVED THE BOARD GO INTO EXECUTIVE SESSION AND CERTIFIED THE FOLLOWING: "THE BAR COMMISSION CAN MEET IN EXECUTIVE SESSION TO DISCUSS THE LEGAL RAMIFICATIONS OF AND LEGAL OPTIONS FOR PENDING LITIGATION CONTROVERSIES NOT YET LITIGATED BUT IMMINENTLY LIKELY TO BE LITIGATED, OR CONTROVERSIES IMMINENTLY LIKELY TO BE LITIGATED IF THE COMMISSION PURSUES A PROPOSED COURSE OF ACTION. ANY ACTION THE COMMISSION TAKES, HOWEVER, MUST BE DELIBERATED IN PUBLIC. THIS IN COMPLIANCE WITH ALABAMA CODE § 36-25A-7(a)(3)." HE ESTIMATED THE EXECUTIVE SESSION WOULD LAST 30 MINUTES. THE MOTION WAS SECONDED AND UNANIMOUSLY APPROVED.

At 10:35a.m. the Board of Bar Commissioners convened in Executive Session and all non-Board members were excused from the meeting for the duration of the executive session. The executive session concluded at 11:05 a.m. and the regular session resumed at 11:14a.m. on motion of Commissioner Boardman which was seconded and unanimously approved.

7. PRESIDENT'S REPORT

President Methvin noted that there was a scrivener's error in the Fred Gray proclamation approved March 19, 2021 and that it had been corrected.

President Methvin shared that he has been traveling the state making presentations to various groups about the values of attorneys.

President Methvin provided a BBC election update.

President Methvin described the unique Law Day program in Escambia county in which high school seniors sit as a jury in a criminal case. He encouraged others to consider emulating this program.

President Methvin announced the death of former Commissioner Courtney Potthoff.

President Methvin announced that Megan Hughes had delivered a baby and was on maternity leave. Both are in good health.

President Methvin announced that Terri Bozeman Lovell would begin work as the new Executive Director on June 1.

President Methvin expressed his appreciation for those Commissioners who were completing their terms in July.

8. INTERIM EXECUTIVE DIRECTOR REPORT

Interim Executive Director Ellen Brooks stated that since the last regular BBC meeting March 19, she has been busy doing the following:

- Supporting the Executive Director Search Task Force
- Attending the Law Day Proclamation signing with Gov. Kay Ivey - She commended Commissioner Long for her excellent leadership of Law Day activities that generated positive publicity across the state
- Leading ethics training for the ASB staff
- Progressing with team building, including consolidating the Communications Department staff on the same floor & planned office-wide events
- Supporting the work of the Governance & Internal Operations Task Force
- Supporting the work of the Programs Department as Ashley Penhale & Robyn Bernier prepare for the Annual Meeting
- Supporting the summer Bar Exam preparation led by Justin Aday
- Preparing for the full re-opening of the ASB building
 - Carpet replacement
 - Painting
 - Security upgrades
 - Revising mask policy based on science & national & state recommendations
 - Encourage Commissioners to use building for meetings, including zoom meetings, depositions, mediations
- Exploring the creation of an Archives Task Force
- Offering a free virtual CLE on Ethics May 13 with over 200 already registered; Ellen will moderate and Grab Butrus & Othni Lathram will present
- Publicizing in new ways member benefits

Ellen thanked the ASB staff, BBC Executive Council, Commissioners, and other volunteers for their support, challenges and dedication to serving Alabama attorneys.

9. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Roman Shaul encouraged Commissioners to not argue that the ASB does not use state funds. To do otherwise would endanger our use of sovereign immunity as a defense.

10. FINANCIAL REPORT

Director of Finance Merinda Hall indicated that she expects a surplus this budget year as revenues are up 1.3% and expenses down 8%. Investments are performing well.

COMMISSIONER MENDHEIM MOVED TO APPROVE THE REPORT. THE MOTION WAS SECONDED AND UNANIMOUSLY APPROVED.

11. ANNUAL MEETING UPDATE

Director of Programs Ashley Penhale reminded commissioners to register for the Annual Meeting, which will be held July 14-17, 2021, at The Grand Hotel in Point Clear. As of this date 225 attorneys have registered, 35 Commissioners, 8 trial judges, and 9 appellate judges. Our block of rooms is filling quickly. In addition to Fred Gray, a former CIA agent will speak on methodology in recognizing deception. She reminded Commissioners to indicate their Committee & Task Force preferences.

12. APPOINTMENTS TO ALABAMA COURT OF THE JUDICIARY

President Methvin stated that the terms of Rocky Watson and Dale Marsh are set to expire in July. Both have indicated a willingness to serve another term. Nominations will be accepted and the appointments will be made at the July BBC meeting.

13. APPOINTMENTS TO CLIENT SECURITY FUND COMMITTEE

President Methvin stated that the terms of James S. Ward and Glenda B. Williams are expiring. By CSF rules, they are not eligible for re-appointment. Nominations will be accepted and the appointments will be made at the July BBC meeting.

14. LEGISLATIVE UPDATE

Legislative Counsel Suzi Huffaker reported that the current legislative session has only 1 day left in the session, and it has been a good legislative session for the ASB. The Judicial Restructure and District Attorneys Compensation package passed and is awaiting the Governor's signature. It is the first time since 2000 that judges will receive a raise.

15. GOVERNANCE & INTERNAL OPERATIONS TASK FORCE UPDATE

Raymond Bell and John Phelps provided an update on this group's work. There are 2 subcommittees: Governance chaired by Commissioners Bell and Sefton and Internal

Operations chaired by Commissioner Tompkins. The groups have been reviewing current ASB practices. They will make recommendations on changes based on best practices.

16. REPORT OF MCLE RULES AND REVISION TASK FORCE

Brannon Buck and Elizabeth Smithart presented the report, thanking Taze and the other Task Force members for their work. The recommendations will be voted on in July.

17. APPOINTMENT OF DELEGATES TO THE ABA HOUSE OF DELEGATES

President Methvin stated that the terms of Leslie Barineau and Aaron Chastain are expiring. Ms. Barineau has indicated a willingness to continue serving. Mr. Chastain reports that the Young Lawyers Section recommends the appointment of Brett Holsombeck as the YLS representative. The appointments were discussed at the last BBC meeting, and nominations have been open since then. No more nominations were received. COMMISSIONER VANCE MOVED TO CLOSE NOMINATIONS. IT WAS SECONDED AND UNANIMOUSLY APPROVED. COMMISSIONER BUCK MOVED TO APPROVE THE NOMINATIONS OF LESLIE BARINEAU AND BRETT HOLSOMBECK AS DELEGATES TO THE ABA HOUSE OF DELEGATES. IT WAS SECONDED AND UNANIMOUSLY APPROVED.

18. ADMINISTRATIVE LAW SECTION BYLAW CHANGES

Barry Ragsdale reported that the Administrative Law Section has recommended changes to its bylaws. Those proposed bylaws changes were presented at the March BBC meeting and were included in the meeting materials. Section Bylaws changes must be approved by the BBC. COMMISSIONER RAGSDALE MOVED TO APPROVE THE BYLAWS CHANGES. IT WAS SECONDED AND UNANIMOUSLY APPROVED.

19. APPROVAL OF AWARD RECIPIENTS

The following people were nominated and approved by vote for the following awards:

- Award of Merit - Ellen Brooks
- Judicial Award of Merit - Judge Brendette Brown Green, Judge Sibley Reynolds
- Bill Scruggs Award - Christy Crow
- Tony McLain Award - LaBella S. McCallum
- Maud McLure Kelly Award - Jacqueline Austin
- Commissioners Award - John Brinkley, Mike Ermert, Jana Garner, Rebekah McKinney

20. ELECTION OF AT-LARGE COMMISSIONERS

President Methvin announced there were 3 at-large positions (Places 1, 4, and 7) up for election this year. The incumbent Commissioner for Place 4, Chuck Price, is eligible for

re-election. Diandra Debrosse and Jeanne Rizzardi are not eligible for re-election this year. Applications for these positions were due to be postmarked by April 1. The following applications have been received:

- David R. Boyd
- Meredith Woods Carpenter • Kitty Grubb
- Angela Kennedy
- Chuck Price
- Lindsey O. Simmons
- Leila Hiayama Watson

By rule, the Executive Council is charged with reviewing the applications and recommending to the Board candidates who reflect the racial, ethnic, gender, age, and geographic diversity of the members of the ASB. The Board can elect any applicant or nominee from the floor, but should take into consideration the same diversity goals. The following people were elected by vote:

- Chuck Price (Place 4)
- Leila Hiayama Watson (Place 7)
- Angela Kennedy (Place 1)

21. ADJOURNMENT

President Methvin asked if there was any further business to come before the BBC. There being no further business to come before the Commission, COMMISSIONER BOWLING MOVED THAT THE MEETING BE ADJOURNED. IT WAS SECONDED AND APPROVED UNANIMOUSLY. The meeting was adjourned at 12:44 p.m.



Robert G. Methvin, Jr., President
Alabama State Bar

ATTEST:

Ellen Brooks, Acting Secretary
Alabama State Bar