

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 provision of Section IV of the State of Emergency: Coronavirus (COVID-19) issued by Proclamation of the Governor of the State of Alabama on August 13, 2021, Amended October 8, 2021.

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

RSA Activity Center and via Zoom
201 Dexter Avenue
Montgomery, Alabama 36104

Friday, September 17, 2021

1. **INVOCATION:**

Prior to convening the Board of Bar Commissioners meeting, Justice Will Sellers gave the invocation.

2. **CALL TO ORDER**

President Taze Shepard convened this meeting of the Alabama State Bar Board of Commissioners at 10:02 a.m. at the RSA Activity Center, 201 Dexter Avenue, Montgomery Alabama.

3. **PLEDGE OF ALLEGIANCE AND GUEST SPEAKER**

Guest Speaker Governor Kay Ivey introduced and led the Commissioners and guests in the Pledge of Allegiance. Governor Ivey shared brief remarks and encouraged the good work of the Alabama State Bar.

4. **ROLL CALL**

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

Raymond Bell
Sally Bowers
Will Broome
Aaron Chastain
Mark Debro
Kira Fonteneau
Anne Glass
Leon Hampton

Edgar Black
Jeff Bowling
Clay Carr
Bradley Cornett
Lang Floyd
Scott Foster
Dana Grimes
Fred Helmsing

Erik Heninger	Scott Holmes
Carmen Howell	Mitch Kemmer
Angela Kennedy	Brett King
Edward Lamberth	Bill Lancaster
Leigh Anne Landis	Karen Laneaux
David Langston	Felicia Long
Don Mansell	David Martin
Clay Martin	Doug Martinson
Clint Maze	LaBella McCallum
Rebekah McKinney	Bob McMillan
Cliff Mendheim	Bob Methvin
Tina Moon	Kenneth Moore
George Parker	Manish Patel
Tom Perry	Chuck Price, II
Barry Ragsdale	John Rea
James Rebarchak	Chrissy Riddle
Ryan Robichaux	Freddy Rubio
Holly Sawyer	Pat Sefton
Taze Shepard	Jason Simmons
Allison Skinner	John Smyth
Kyra Sparks	Angeline Sperling
John Stamps	Andrew Stanley
Charles Tatum, Jr.	Jimbo Terrell
Terri Tompkins	Halron Turner
Gibson Vance	Leila Watson

The following commissioners were absent:

Mark Boardman	Bob Brogdon
Joel Connally	Deborah Dunsmore
Michael Ermert	Kirk Garrett
Christy Graham	Jason Knight
Patrick Loftin	Kenneth Moore
Larry Morris	Lynn Perry
Mallory Whitley	

Also in attendance were Justice Will Sellers, Justice Kelli Wise, Justice Tommy Bryan, and Supreme Court Clerk Julia Weller, Jones School of Law Dean Charles Campbell and Jones School of Law students Caleb Carr, Kyley Rosemary, Ava Peterson, Shelby Andrews, and Anna Spidle. Staff members in attendance were: Terri Lovell, Roman Shaul, Melissa Warnke, Megan Hughes, Michelle Shaw, Merinda Hall, Linda Lund, Hilaire Armstrong, Katarina Essenmacher, Suzi Huffaker, Margaret Murphy, Stacey Moseley, Cathy Sue McCurry, Autumn Caudell, Robyn Bernier, Dawynrico McCain.

5. **APPROVAL OF AGENDA**

President Shepard stated that a revised agenda of the September 17, 2021 Board Meeting had been published prior to the meeting. He asked if there were any corrections, additions or deletions.

COMMISSIONER BOWERS MOVED TO APPROVE THE REVISED AGENDA OF THE SEPTEMBER 17, 2021 BOARD MEETING. THE MOTION WAS SECONDED AND UNANIMOUSLY APPROVED.

6. **INTRODUCTION OF GUESTS**

President Shepard recognized special guests including Justice Will Sellers, Justice Kelli Wise, Justice Tommy Bryan, and Supreme Court Clerk Julia Weller, Jones School of Law Dean Charles Campbell and Jones School of Law students Caleb Carr, Kyley Rosemary, Ava Peterson, Shelby Andrews, and Anna Spidle.

7. **APPROVAL OF THE MINUTES OF THE JULY 14, 2021, JULY 17, 2021 CONVOCATION, AND THE JULY 17, 2021 BOARD MEETINGS**

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

MOTION TO APPROVE THE MINUTES OF THE JULY 14, 2021, JULY 17, 2021 CONVOCATION, AND THE JULY 17, 2021 BOARD MEETINGS. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

8. **PRESIDENT'S REPORT**

President Shepard stated that it was a great honor to serve as bar president and to work with excellent people. He informed the commission that his health was improving and that all the prayers and love were the best medicine. President Shepard emphasized that our team goal is to improve the services and products we have, and to impart value to our almost 19,000 members. He also told the commissioners that they are leaders in their communities and that when we can provide more value, the better they will be able to improve we need to help them in all the ways that they serve. He also stated that one way we are trying to connect with our lawyers is by livestreaming. He shared with the commissioners that he had established a Past President's advisory council with a past president from each federal judicial district and he and Terri Lovell had enjoyed a lively exchange by zoom during the week. President Shepard said that providing a digitized format or search engine of Bar Commission meetings and articles from The Alabama Lawyer will be a project that we will be working on as a student project. He also said that leadership is working with Examiner of Public Accounts on addressing some areas of concern and also looking to improve on Open Records and Open Meetings Act. One

way to do this is by having a permanent Parliamentarian. He concluded by sharing that his theme is Responsive, Accountable and Transparent.

9. PRESIDENT-ELECT REPORT

President-elect Gibson Vance recognized that many of our commissioners have faced difficulty days, including the loss of family members. He announced the passing of Allison Skinner's father Jerry O'Neal, Terri Tompkin's father Jerry Olive, and Larry Morris' son Kevin Russell Morris. Mr. Vance also shared that Elizabeth Smithart's father was currently in ICU and then shared with the commissioners an update on Michael Ermert's courageous battle and recovery from a double lung transplant. He asked that we continue to keep each other in our prayers.

10. SECRETARY/EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director Lovell announced that the results of the July Bar Exam would be released on Friday, September 24. She recognized Suzi Huffaker for her leadership and assistance with the admissions process. Lovell announced that the Admissions Ceremony would be held on October 28th and would include all admittees for 2020 and 2021. The February 2022 and July 2022 Bar Exams are scheduled for Montgomery. Law school orientations are concluding and the law student registrations and the February Bar Exam applications are being processed. Dues invoices were sent to all members in early September and as of the meeting, 3,400 lawyers had responded with over 87% of the payments being processed online. She announced that the Leadership Forum 15 Class would conclude with the final class and graduation on September 19th and 20th in Opelika. Activities before the next Bar Commission meeting on October 29, 2021, would include the Red Mass and Opening of Court celebration on October 4th, Pro Bono Month the entire month of October, and Leadership Symposium for the chairs of the Sections, Committees and Task Forces. Lovell announced the promotion of Cathy Sue McCurry to Regulatory and Membership Coordinator and Robyn Bernier to Meeting and Events Coordinator, that Katarina Essenmacher has joined the ASB staff as Bankruptcy Assistant Program Coordinator. She commended the lawyers that have agreed to serve on the Governance and Internal Operations Task Force and reminded everyone that the commitment and courage to take a close look at how we prepare for the future should be commended. Lovell ended by complimenting the hard-working ASB staff and their ability to embrace her emphasis on the ASB core values of trust, integrity, and service.

11. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Roman Shaul stated that the Alabama Supreme Court recently sent over the public comments they received on the proposed advertising rule changes. Michael Upchurch and Harlan Prater are the co-chairs of the committee reviewing the comments. They have 90 days to provide a response to the public comments. Mr. Shaul updated the Board of Bar Commissioners on the disciplinary rule changes that became effective July 23, 2021. The Alabama Supreme Court entered those new rules sua

sponte. He explained the more substantive changes which include 1) the Supreme Court having the ability to initiate an investigation into members of the Alabama State Bar; 2) the Supreme Court's initial review of all complaints against BBC members and lawyers employed by the Bar, and 3) the Supreme Court's authority to approve future changes involving the Office of General Counsel.

12. COMMUNICATIONS REPORT

Director of Communications Melissa Warnke updated the commission on the circuit-specific meeting summaries. Each commissioner will have an email created with their picture and information with an accompanying summary of the most recent Bar Commission meetings. She announced that each commissioner has a list serve for their circuit. Mrs. Warnke then shared her work on one of the president's initiatives of launching an ASB swag store. She said we still need to determine how we will use the proceeds and ensure that we are handling our online store in compliance with all state guidelines.

13. FINANCIAL REPORT

Director of Finance Merinda Hall reported to the commission that the FY2023 state budget proposal of \$6.46 million represents a 0.7% decrease from the FY2022 state budget appropriation. Some of the highlights of the budget proposal include 2% increases in personnel costs; the normal adjustments to the travel budget lines to account for anticipated cost increases, and the alternation of the annual meeting from in-state to out-of-state each year; and a decrease in the grants budget line with discontinuing the Bar Outreach Grant. Although the total budget proposal is subject to change before the October meeting, the overall budget details will remain relatively the same.

14. APPOINTMENT OF 15TH CIRCUIT, PLACE 4 COMMISSIONER

The 15th Circuit, Place 4 Bar Commissioner position was left vacant when Gibson Vance vacated to become President-elect. The Montgomery County Bar Association nominated Leon Hampton.

A MOTION TO CLOSE NOMINATIONS FOR APPOINTMENT TO THE 15TH CIRCUIT, PLACE 4. THE MOTION WAS SECONDED AND APPROVED UNANIMOUSLY.

COMMISSIONER TOM PERRY MOVED TO APPROVE THE NOMINATION OF LEON HAMPTON AS THE 15TH CIRCUIT, PLACE 4 BAR COMMISSIONER. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUSLY.

15. APPOINTMENT OF MEMBERS TO THE STUDY COMMISSION ON PRE-TRIAL SERVICES AND ALTERNATIVE COURTS

President Shepard informed the Commission that it has an appointment to the Study Commission on Pre-Trial Services and Alternative Courts, but no nominations had been received. The President called for nominations from the floor and received none. This item was carried over to the Commission meeting to be held on October 29, 2021.

16. APPOINTMENT TO THE ALABAMA COURT OF JUDICIARY

President Shepard informed the Commission that it has two appointments to the Alabama Court of the Judiciary, but no nominations were received. The President called for nominations from the floor and received none. This item was carried over to the commission meeting to be held on October 29, 2021.

17. APPOINTMENT TO THE DISCIPLINARY COMMISSION

President Shepard informed the Commission that it has an appointment to the Disciplinary Commission. He reported that Clay Martin was nominated. The President called for nominations from the floor and received none.

COMMISSIONER VANCE MOVED TO SUSPEND THE RULES TO CONSIDER THE APPOINTMENT OF CLAY MARTIN TO THE DISCIPLINARY COMMISSION. THE MOTION WAS SECONDED AND APPROVED UNANIMOUSLY.

COMMISSIONER BELL MOVED TO APPROVE THE NOMINATION OF CLAY MARTIN TO THE DISCIPLINARY BOARD. THE MOTION WAS SECONDED AND APPROVED UNANIMOUSLY.

18. REAPPOINTMENTS TO THE DISCIPLINARY BOARD

President Shepard informed the Commission that the terms of Jim Rebarchak, LaBella McCallum, and David Martin are set to expire. These appointees are willing to serve a second 3-year term. The President asked if there were any objections and there were none.

MOTION TO CLOSE THE NOMINATIONS FOR THE REAPPOINTMENTS TO THE DISCIPLINARY BOARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

MOTION MADE TO APPROVE THE REAPPOINTMENT OF JIM REBARCHAK, LABELLA MCCALLUM, AND DAVID MARTIN TO THE DISCIPLINARY COMMISSION, THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOTE.

19. **TASK FORCES SEEKING TO BECOME COMMITTEES: BENCH AND BAR RELATIONS AND QUALITY OF LIFE, HEALTH & WELLNESS**

President Shepard informed the Board that the Bench and Bar Relations and Quality of Life, Health & Wellness Task Forces have requested to become committees.

MOTION WAS MADE TO APPROVE TO CONVERT THE BENCH AND BAR RELATIONS AND QUALITY OF LIFE, HEALTH & WELLNESS TO COMMITTEES. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOTE.

20. **PARLIAMENTARIAN AS A PERMANENT BOARD OF BAR COMMISSION POSITION**

President Shepard informed the Commission he had created a Parliamentarian position on the Board. He recommended the Commission make this a permanent Board position and the member be appointed each year by the incoming President. President Shepard stated that the member would be a voting member of the Bar Commission, but a non-voting member of the Executive Council.

COMMISSIONER SKINNER MOVED TO APPROVE THE PARLIAMENTARIAN AS A PERMANENT BOARD OF BAR COMMISSION POSITION. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOTE.

21. **APPOINTMENTS TO THE CLIENT SECURITY FUND COMMITTEE**

President Shepard informed the Commission that it has two appointments to the Client Security Fund. Jessica McDill and Julia Roth were nominated to be appointed to this committee. The President called for nominations from the floor and received none.

MOTION WAS MADE TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOTE.

MOTION WAS MADE TO APPROVE TO APPOINTMENTS OF JESSICA MCDILL AND JULIA ROTH TO THE CLIENT SECURITY FUND COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOTE.

22. **STAFF COMPENSATION FY2021-2022**

President Shepard explained that a total of \$3,010,000 was recommended for staff compensation for FY2021-2022, which represented a 2% COLA raise for each employee.

MOTION WAS MADE TO APPROVE STAFF COMPENSATION FOR FY2021-2022 IN THE AMOUNT OF \$3,010,000. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOTE.

23. ADJOURNMENT

President Shepard asked if there was any further business to come before the Commission. There being no further business to come before the Board, COMMISSIONER SKINNER MOVED THAT THE MEETING BE ADJOURNED. IT WAS SECONDED AND APPROVED UNANIMOUSLY. The meeting was adjourned at 10:58 a.m.



Tazewell T. Shepard, III
President, 2021-2022

ATTEST:



Terri B. Lovell, Secretary
Alabama State Bar