

MINUTES
ALABAMA STATE BAR
BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, November 1, 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 John Stamps gave the invocation.

2. ROLL CALL

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

LaBella S. Alvis	Raymond L. Bell, Jr.	Mark S. Boardman
Sally Bowers	Jeffrey L. Bowling	William H. Broome, Jr.
Brannon J. Buck	Bryan E. Comer	Joel Connally
Bradley Cornett	Latisha R. Davis	Diandra S. Debrosse
Michael D. Ermert	J. Langford Floyd	Erskine R. Funderburg, Jr.
Jana Russell Garner	J. Kirkman Garrett	Anne Malatia Glass
H. Thomas Heflin, Jr.	Frederick G. Helmsing, Jr.	Erik Stephen Heninger
Scott B. Holmes	Carmen Howell	Clinton H. Hyde
Richard M. Kemmer	William R. Lancaster	Karen Laneaux
Donald B. Mansell	David Martin	Charles Zackery Moore
Kenneth Moore	J. Levi Nichols	George R. Parker
Manish H. Patel	J. Lynn Perry	Taylor T. Perry, Jr.
Amanda Porter	Chuck Price, II	Jeanne Dowdle Rasco
James Rebarchak	Chrissy Riddle	Pat Sefton
Allison O. Skinner	Elizabeth Smithart	John A. Smyth
John T. Stamps	Andrew D. Stanley	James Michael Terrell
Halron W. Turner	C. Gibson Vance	

The following commissioners were absent:

Emily L. Baggett	Robert L. Bowers, Jr.	John A. Brinkley, Jr.
Robert H. Brogden	Jeffery C. Duffey	Deborah Dunsmore
Kira Y. Fonteneau	Christy Williams Graham	Dana Grimes

Ralph E. Holt	Brett A. King	Jason P. Knight
F. Patrick Loftin	M. Clay Martin	William Randall May
Clint L. Maze	Rebekah K. McKinney	R. Cliff Mendheim
Larry W. Morris	Barry A. Ragsdale	Tazewell T. Shepard, III
Charles C. Tatum, Jr.	Terri O. Tompkins	Gregory M. Varner

Also in attendance were President-elect Bob Methvin and Immediate Past President Sam Irby. Staff members in attendance were: Roman Shaul, Justin Aday, Linda Lund, Merinda Hall, Robert Thornhill, Ashley Penhale, Melissa Warnke, Bonnie Mainor, Kim Ellis, Melissa Lawson and Diane Locke. Also in attendance was Glenda Freeman, Ex-Officio Member of the Executive Council.

3. **SPECIAL GUESTS – VALIANT CROSS ACADEMY**

President Crow recognized Kimberly Baker, Director of Development for Valiant Cross Academy in Montgomery and scholars of the academy. Mrs. Baker and the scholars told the board about the history of Valiant Cross Academy, which is the only all-male school in Montgomery County. Commissioners were given an opportunity to question the scholars about their backgrounds, how they became involved with Valiant Cross and their future aspirations. President Crow thanked the scholars and encouraged commissioners to stay tuned to the many great things that are happening at Valiant Cross Academy.

4. **INTRODUCTION OF GUESTS**

President Crow recognized special guests including Associate Justice Will Sellers, Associate Justice Brad Mendheim, Mac Holcomb, Tracy Daniel, executive director of the Alabama Law Foundation, Judge Jimmy Pool, Laura Crum, Flynn Mozingo, Glenda Freeman, president of the Alabama Lawyers Association, Legislative Counsel Suzi Huffaker, and Janine Smith, Kimberly Baker, director of development for Valiant Cross Academy, and scholars of Valiant Cross Academy.

5. **APPROVAL OF THE MINUTES OF THE SEPTEMBER 6, 2019 BOARD MEETING**

President Crow stated that the minutes of the September 6, 2019 Board Meeting had been transcribed and circulated prior to the meeting. She asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER ERMERT MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 6, 2019 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

6. REPRIMANDS

6. a. Martin Kassab Berks, ASB 2018-128 and ASB 2018-583

Mr. Berks received a public reprimand with general publication for violating Rule 1.4 of the *Alabama Rules of Professional Conduct*.

6. b. Darryl Tyrone Blackmon, ASB 2019-228

Mr. Blackmon received a public reprimand without general publication for violating Rules 5.5 and 8.4 (d) and (g) of the *Alabama Rules of Professional Conduct*.

6. c. Lindsay Brooke Erwin, ASB 2018-1377

Ms. Erwin received a public reprimand without general publication for violating Rules 1.3, 1.4, 8.1 (a) and 8.4 (g) of the *Alabama Rules of Professional Conduct*.

6. d. Samuel Mark Hill, ASB 2019-247

Mr. Hill received a public reprimand without general publication for violating Rules 5.5 and 8.4 (d) and (g) of the *Alabama Rules of Professional Conduct*.

6. e. Paul Ricky Kornis, ASB 2018-838

Mr. Kornis received a public reprimand with general publication for violating Rule 3.5 of the *Alabama Rules of Professional Conduct*.

7. PRESIDENT'S REPORT

President Crow recognized Janine Smith and Commissioner Fred Helmsing to give an update on the planning for the 2020 Midyear Meeting. Ms. Smith and Mr. Helmsing reminded the board that the 2020 Midyear Meeting would be held, in conjunction with the judges' Midwinter Meeting, on January 22 and 23, 2020, at The Lodge at Gulf State Park. They informed the board that the meeting is a lower-cost alternative to the annual meeting, but will still provide the same opportunities to network and earn CLE credit.

President Crow informed the board that she had been traveling and attending a number of meetings on behalf of the bar, including the Office of General Counsel Summit, the Southern Conference of Bar Presidents meeting in Atlanta, the Leadership Symposium, Opening of Courts and Red Mass, presentations at law school orientations, and oral arguments of the appellate courts held in Birmingham. She also informed the board that she has continued to travel to local bar associations and other organizations making State of the Bar presentations.

President Crow thanked Director of Communications Melissa Warnke for her work in increasing the State Bar's presence on social media and for broadcasting so much of the great work of the bar and its members. She also commended the staff and volunteers who worked hard during another successful Pro Bono Month Celebration in October. President Crow concluded by recognizing Commissioner Allison Skinner and congratulating her on being presented with the Susan B. Livingston Award from the Women's Section.

8. SECRETARY / EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director McCallum informed the commissioners that he had visited the Limestone County Bar Association, which was the only local bar that he had not visited since becoming Executive Director. Mr. McCallum thanked the commissioners for inviting the bar to local events and encouraged them to continue in that regard.

Mr. McCallum informed the board that during the month of November the bar would be highlighting members who are military veterans. He said there would be a Salute to Veterans section of the website and social media posts devoted to the recognition of veterans. Mr. McCallum encouraged commissioners to contact members who are veterans and ask them to submit their photo and military service information.

Mr. McCallum recognized Assistant Executive Director Justin Aday to introduce staff members to the board. Mr. Aday introduced the staff members of the Office of Admissions & Attorney Licensing – Sonia Douglas, Cathy Sue McCurry, Morgan Lott and Angie Fuqua. Mr. Aday informed the commissioners of the role of each staff member and thanked them for their service to the bar.

9. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Roman Shaul informed the board that the Office of General Counsel Summit was a success and he thanked those who were able to attend and participate. Mr. Shaul introduced to the board his new paralegal, Melissa Lawson. Mr. Shaul also recognized Bonnie Mainor and Kim Ellis, OGC staff members who are retiring at the end of the year, and thanked them for their many years of service to the bar.

Mr. Shaul informed the board that he and Assistant Executive Director Justin Aday had met with the Supreme Court regarding proposed amendments to the *Rules Governing Admission to the Alabama State Bar* that were discussed and approved by the board at previous meetings. He described some minor revisions that the Court suggested and requested the board to approve him in making those revisions and resubmitting the proposed amendments.

COMMISSIONER COMER MOVED TO SUSPEND THE RULES AND TO MAKE THIS DISCUSSION ITEM AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER PARKER MOVED TO AUTHORIZE GENERAL COUNSEL SHAUL TO MAKE CHANGES TO THE PROPOSED AMENDMENTS TO THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*, AS SUGGESTED BY THE SUPREME COURT OF ALABAMA, AND TO RESUBMIT THE PROPOSED AMENDMENTS TO THE COURT FOR ITS CONSIDERATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

10. FINANCE REPORT AND BUDGET OVERVIEW

Director of Finance Merinda Hall informed the board that FY2019 year-end numbers reflect a surplus, with increased revenue and decreased expenses over the prior year. She also informed the board that investment balances increased over the prior year and that most of the surplus will be reinvested.

Mrs. Hall informed the board that the FY2021 budget proposal did not change from the version discussed at the previous 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.

11. 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. He showed the board two license plate designs that were approved by the task force and reminded commissioners that approval of the tags is an action item later on the agenda. Commissioner Vance also reminded the board that a charitable 501(c)(3) organization must be established and serve as the applicant for the license plate, and he informed the board that the executive council would be reviewing draft documents for the formation of a charitable organization and making a recommendation to the board at its next meeting.

12. PRO BONO MONTH REPORT

Commissioner Scott Holmes provided informed the board that Pro Bono Month in Alabama was a huge success again this year. He thanked commissioners for participating in events all across the state and he thanked bar staff, particularly VLP Director Linda Lund and Director of Communications Melissa Warnke, for assistance in coordinating, executing and promoting the events.

Mr. Holmes introduced the law students who had participated in pro bono service and pro bono celebration activities this year. The following students were introduced and asked to stand and be recognized by the commission: Jayme Smith, University of Alabama School of Law; Courtney Howard, Cumberland School of Law; Joseph Holley, Jones School of Law; and Shevon Thomas, Jones School of Law.

13. QUALITY OF LIFE, HEALTH & WELLNESS TASK FORCE REPORT

Commissioner Brannon Buck updated the board on the work of the Quality of Life, Health & Wellness Task Force, which was formed to make recommendations regarding wellness issues and initiatives. Mr. Buck presented the board with statistics related to the increased prevalence of alcoholism, depression, anxiety and stress among lawyers. He informed the board that the task force realizes that these issues can ultimately result in professional responsibility issues and that the task force is committed to making recommendations that will assist lawyers who may be dealing with these and other issues. Commissioner Buck urged commissioners to pay attention to the work of the task force and provide assistance where possible as programs and initiatives are introduced by the task force.

14. AMENDMENTS TO THE BYLAWS OF THE BANKRUPTCY AND COMMERCIAL LAW SECTION

President Crow recognized Mac Halcomb of the Bankruptcy and Commercial Law Section to present the board with bylaws changes being recommended by the section. Mr. Halcomb explained to the board that the bylaws changes brought the bylaws in line with current practices of the section. In particular, the changes made the position titles gender neutral, changed the secretary/treasurer position to two separate positions (secretary and treasurer) and codified the order from which officers promote from year to year. Mr. Halcomb thanked the board and asked for approval of the bylaws changes at the next board meeting.

15. APPOINTMENTS TO THE BOARD OF BAR EXAMINERS

President Crow reported that the terms of James Bradford and Warren Matthews on the Board of Bar Examiners had expired. She stated that both examiners have indicated their willingness to serve for another four year term on the Board of Bar Examiners. She informed the board that other nominations may be made and that approval of the appointments would be an action item on the agenda for the next board meeting.

16. MEMBER BENEFITS COMMITTEE REPORT

Commissioners George Parker and Jimbo Terrell, co-chairs of the Member Benefits Committee reported on the recent activities of the Member Benefits Committee. Mr. Parker reminded commissioners that current member benefits could be accessed through the Alabama State Bar website and that the committee is exploring the possibility of creating a mobile application for members to access member benefit offerings. Mr. Parker also informed the board that the committee is considering ways in which the process of approving member benefits may be streamlined so that benefits can be approved in a more expedient manner. Commissioner Rebarchak asked if the executive committee could approve member benefits to streamline the process.

Commissioner Terrell informed the board that the Member Benefits Committee has considered and approved the following member benefits providers: Smith.ai, Indexed.io, Hertz Dollar Thrifty Rental Car, and Orange Theory Fitness.

COMMISSIONER BUCK MOVED TO SUSPEND THE RULES AND MAKE THIS DISCUSSION ITEM AN ACTION ITEM AND THAT THE MEMBER BENEFITS PRESENTED BY THE COMMITTEE BE INCLUDED WITH THOSE AS ACTION ITEMS ON THE CURRENT AGENDA. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

17. MILITARY SPOUSE RULE

President Crow recognized Commissioner Carmen Howell to present a military spouse exception to Rule III (reciprocity) of the *Rules Governing Admission to the Alabama State Bar*. Commissioner Howell reminded the board that a military spouse rule was adopted by the board in 2014 and the rule failed to gain approval of the Supreme Court of Alabama. She informed the board that the 2014 rule had been revised and post-admission requirements that were included in the 2014 version had been removed. The current military spouse exception requires eligible applicants to comply with all provisions of Rule III, except they need not show that they have been engaged in the active practice of law for five of the six years preceding the date of their application and they need not show that they are admitted in a reciprocal jurisdiction. Assistant Executive Director Justin Aday added that this approach provides more accommodations to military spouses and is much easier to administer.

COMMISSIONER MANSELL MOVED TO SUSPEND THE RULES AND MAKE THIS DISCUSSION ITEM AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER MANSELL MOVED TO APPROVE THE MILITARY SPOUSE EXCEPTION TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. HALL OF FAME SELECTION COMMITTEE APPOINTMENTS

President Crow reported that the terms of Everette Price, Sam Rumore, Ed Sledge and Sandra Lewis on the Alabama Lawyers Hall of Fame Selection Committee have expired. With the exception of Ed Sledge, she stated that each has shown a willingness to serve, if appointed by the commission to another term on the selection committee. She informed the board that additional nominations may be made and the appointments would be an action item at the next meeting.

19. COMMISSIONER COMMENTS

Commissioner Sally Bowers provided the board with an update from the 29th Judicial Circuit (Talladega County). She informed the commission that the Talladega County Bar is proud to have started the Lift the Load Project in their circuit by providing DHR with \$1000 donation as seed money to buy suitcases for foster children. In the future they hope to partner with other community organizations such as Callie's Kids to keep the project going. She said that the members of the Talladega County Bar continue to support the Blake Lazenby Memorial Scholarship Fund.

Commissioner Bowers also informed the commission that they will be conducting a Wills for Heroes clinic on December 18 but this is not the first time this has been done. It has been several years but the Talladega County Bar has rendered this service in the past.

20. ECONOMIC IMPACT STUDY FOR THE LEGAL PROFESSION

President-Elect Bob Methvin and Legislative Counsel Suzi Huffaker informed the board that plans are being made for the Alabama State Bar to commission a study of the economic impact of the legal profession in Alabama. Mr. Methvin and Mrs. Huffaker informed the board that similar studies had been performed in other states and the reports show significant direct and indirect economic impacts by the legal profession. They stated that the information from such a study will be useful in promoting a positive image of lawyers, as well as showing the financial and service contributions of those in the legal profession. Mr. Methvin informed the board that Dr. Sam Addy of the University of Alabama has presented a proposal to perform the study and estimated it will cost approximately \$16,500.00.

21. APPROVAL OF MEMBER BENEFITS

President Crow reminded the board that a number of member benefits providers were approved by the Member Benefits Committee and presented for discussion at the last board meeting. Those member benefit providers include Cartography Consulting, Office Depot, Lenovo, Wellbeing Coaching Consultants, and Identillect. She also reminded the board that it previously suspended the rules and added to the current approval the following member benefits providers: Smith.ai, Indexed.io, and Orange Theory Fitness.

COMMISSIONER HEFLIN MOVED TO APPROVE CARTOGRPAHY CONSULTING, OFFICE DEPOT, LENOVO, WELLBEING COACHING CONSULTANTS, IDENTILLECT, SMITH.AI, INDEXED.IO, AND ORANGE THEORY FITNESS AS MEMBER BENEFITS PROVIDERS OF THE ALABAMA STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. EDWARD M. PATTERSON SERVANT LEADERSHIP AWARD

President Crow reminded the board that, at the last meeting, the Leadership Forum Alumni Section made a presentation regarding the Edward M. Patterson Servant Leadership Award, which was created in 2013 by the Leadership Forum Alumni Section to honor the work of Ed Patterson with the Leadership Forum. The section recommended that the award be designated as an official Alabama State Bar Award.

COMMISSIONER PARKER MOVED TO APPROVE THE EDWARD M. PATTERSON SERVANT LEADERSHIP AWARD AS AN OFFICIAL AWARD OF THE ALABAMA STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

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

President Crow reminded the board that the 10th Judicial Circuit, Place 4 seat on the board was vacated when Bob Methvin became president-elect. She informed the board that the Birmingham Bar Association recommended Freddy Rubio to fill the unexpired term for the seat.

COMMISSIONER BUCK MOVED TO CLOSE NOMINATIONS FOR THE 10TH JUDICIAL CIRCUIT, PLACE 4 SEAT ON THE BOARD OF BAR COMMISSIONERS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER GLASS MOVED TO APPROVE FREDDIE RUBIO AS BAR COMMISSIONER TO FILL THE UNEXPIRED TERM IN THE 10TH JUDICIAL CIRCUIT, PLACE 4. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

24. **APPROVAL OF LICENSE PLATE DESIGNS PROPOSED BY LAWYERS HELPING LAWYERS TASK FORCE**

President Crow reminded the board that Commissioner Vance had given an updated from the Lawyers Helping Lawyers Task Force and that the task force has presented two license plates for approval.

COMMISSIONER DEBROSSE MOVED TO APPROVE THE TWO LICENSE PLATE DESIGNS PRESENTED BY THE LAWYERS HELPING LAWYERS TASK FORCE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

25. **APPROVAL OF 2020-2021 BUDGET**

President Crow reviewed the requested budget for FY2021, as previously reported by Finance Director Merinda Hall. Mrs. Hall had stated that the requested amount is \$6,810,000, which is a reduced amount as compared to the FY2020 budget request.

COMMISSIONER GLASS MOVED TO APPROVE THE BUDGET AS PRESENTED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

26. 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 11:59 a.m.



Christina D. Crow, President
Alabama State Bar

ATTEST:



Phillip W. McCallum, Secretary
Alabama State Bar