

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 Alabama Code § 36-25A-5.1.

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

RSA Activity Center
201 Dexter Avenue
Montgomery, Alabama 36104

Friday, March 11, 2022

INVOCATION:

Prior to convening the Board of Bar Commissioners meeting, Commissioner Raymond Bell delivered the invocation.

CALL TO ORDER

President Taze Shepard convened this meeting of the Alabama State Bar Board of Commissioners at 10:03 a.m. at the RSA Activity Center, 201 Dexter Avenue, Montgomery, Alabama, 36104.

PLEDGE OF ALLEGIANCE

Birmingham School of Law student Bridges Crawford led the Pledge of Allegiance.

ROLL CALL

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

Raymond Bell	Edgar Black
Mark Boardman	Sally Bowers
Jeff Bowling	Bob Brogden
Will Broome	Clay Carr
Brad Cornett	Mark Debro
Deborah Dunsmore	Lang Floyd
Kira Fonteneau	Scott Foster
Kirk Garrett	Dana Grimes
Fred Helmsing	Erik Heninger
Carmen Howell	Angela Kennedy
Bill Lancaster	Leigh Anne Landis
Karen Laneaux	David Langston
Clay martin	David Martin
Dough Martinson	Clint Maze

LaBella McCallum
 Cliff Mendheim
 Kenneth Moore
 Tom Perry
 Barry Ragsdale
 Jim Rebarchak
 Ryan Robichaux
 Holly Sawyer
 Jason Simmons
 Kyra Sparks
 John Stamps
 Halron Turner
 Mallory Whitley

Rebekah McKinney
 Bob Methvin
 George Parker
 Chuck Price
 John Rea
 Chrissy Riddle
 Freddy Rubio
 Pat Sefton
 Elizabeth Smithart
 Angeline Sperling
 Jimbo Terrell
 Gibson Vance

The following commissioners were absent:

Aaron Chastain
 Joel Connally
 Christy Graham
 Felicia Long
 Bob McMillan
 Larry Morris
 Lynn Perry
 John Smyth
 Charles Tatum

Bryan Comer
 Anne Glass
 Leon Hampton
 Don Mansell
 Tina Moon
 Manish Patel
 Allison Skinner
 Andrew Stanley

QUORUM PRESENT.

Also in attendance were Past President Bob Methvin. Staff Members in attendance were: Roman Shaul, Linda Lund, Merinda Hall, Hilaire Armstrong, Autumn Caudell, Robyn Bernier, Amy Fawcett, Michelle Shaw, Melissa Warnke, and Jeremy Rakes.

APPROVAL OF AGENDA

A motion was made by Bill Lancaster, seconded by Kira Fonteneau, to approve the previously prepared agenda. There were no corrections, additions or deletions.

VOTE WAS TABLED FOR A ROLL CALL VOTE WITH THE APPROVAL OF MINUTES.

INTRODUCTION OF GUESTS

The secretary recognized special guests including Retired Magistrate Judge Vanzetta Penn McPherson, Associate Justice Tommy Bryan, Eileen Harris, Ane Debro, Birmingham School of Law Dean Scott Garrett and law students Bridges Crawford, Wesley Johnson and Valerie Sawyer.

APPROVAL OF MINUTES

A motion was made by Raymond Bell, seconded by Pat Sefton, to approve the minutes of the January 14, 2022, board meeting as transcribed. There were no corrections, additions or deletions.

ROLL CALL VOTE TAKEN AND THE MOTION TO APPROVE AGENDA AND MOTION TO APPROVE MINUTES OF THE JANUARY 14, 2022, BOARD MEETING WERE APPROVED BY UNANIMOUS ROLL CALL VOTE.

REPRIMANDS

a. Samuel Ray Holmes, ASB 2012-1546

Mr. Holmes received a public reprimand with general publication for violating Rules 1.2, 1.4, 1.5, 1.15 (e) of the *Alabama Rules of Professional Conduct*.

b. Samuel Ray Holmes, ASB 2013-1799

Mr. Holmes received a public reprimand with general publication for violating Rules 1.2, 1.4, 1.15 of the *Alabama Rules of Professional Conduct*.

c. Davis Lawson Middlemas, ASB 2018-1332

Mr. Middlemas received a public reprimand with general publication for violating Rules 1.3 and 1.15 of the *Alabama Rules of Professional Conduct*.

d. Gary Alan Smith

Mr. Smith received a public reprimand without general publication for violating Rules 1.8 (f)(1), 1.15 (a) (b) (c) and 8.4 (a) (c) and (g) of the *Alabama Rules of Professional Conduct*.

PRESIDENT'S REPORT

President Taze Shepard announced that in the absence of our mid-year meeting, the mid-year review had been electronically transmitted to the Supreme Court, the Bar Commissioners, and to all lawyers. He informed the Board that the Bar is moving in a positive direction with many of the goals set for this year already being accomplished and continued progress being made on those remaining.

GENERAL COUNSEL'S REPORT

The General Counsel announced that there are three open positions for hearing officers on the Disciplinary Panel, an open position on the Disciplinary Commission, and an open position on the Client Security Fund. Nominations will be accepted and The General Counsel also announced that Angie Burkhalter has been hired as a new paralegal in the Office of General Counsel.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director highlighted bar activities to include ABA events, Leadership Forum, Judges Mid-Year Conference, Susan B. Livingston Award Receptions, Bench & Bar Brunch, and planning for the Annual Meeting to be held June 22-25 at the Sandestin Hilton. The February Bar Exam was held February 22-24 with a total of 283 examinees. The Hall of Fame Ceremonies that were postponed during the pandemic are scheduled following upcoming Bar Commission meetings. The 2019 inductees will be honored at the ceremony following this meeting. The Executive Director thanked the chairs of the Governance and Internal Operations Task Force: Terri Tompkins, Raymond Bell, Pat Sefton and Leon Hampton, along with all the Bar Commissioners that served on the task force and for their work to complete the report to be submitted during the meeting. Brannon Buck qualified for President-Elect without opposition and nominations for Bar Commission elections are approaching for at-large on April 1 and open seats on April 29. A Bar Leadership Symposium will be held with the local bars on March 31, 2022.

LEGISLATIVE REPORT

The 2022 Regular Session is moving into the second half of the session, continuing with the pattern of three-day weeks. There have been over 450 bills introduced in the House of Representatives and approximately 300 bills introduced in the Senate. The introduction of bills continues to slow but some new filings of interest include absentee ballots, the election of appellate judges, campaign finance filings, changes to DUI law and gambling legislation. Recent public hearings involved everything from guns, municipal fees, occupational taxes and the education budget. Other bills in committee included legislation creating a more consistent process in the commitment of people with mental illness and the expansion of jurisdiction involving probate judges who are attorneys. As always, the Alabama State Bar encourages all members to be aware of legislation that may impact courts costs and fees. Access to Justice is a priority. Please be aware of advertisements that may be occurring for local bills and those that may already be filed to use the courts as a fundraiser for non-court entities. We encourage you to be informed and notify us as well. The Alabama State Bar provides legislative status reports concerning pending legislation that may be of interest to our members. The reports divide legislation into the following categories for your convenience: criminal, domestic relations, judicial, court costs, elections ethics and government relations (EEGR), civil/ general and tax. To view these reports, [click here](#).

LEGAL FOOD FRENZY

J. Pratt Austin-Trucks addressed the Board about the kickoff of the annual Legal Food Frenzy. Ms. Austin reminded the Board that all donations made through the Legal Food Frenzy go to the local food banks in Alabama. The competition runs for two weeks from April 4 through April 15. 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. Ms. Austin encouraged commissioners to take the time to register, participate and promote the Legal Food Frenzy.

MEMBER BENEFITS COMMITTEE

Ane Debro, co-chair of the Member Benefits Committee, informed the Board that the committee has approved new member benefits offered by

1. Procertas. Procertas is a benchmark assessment and training application that administers proficiency tests for Microsoft Word, PowerPoint, and Excel, as well as PDF products and Bluebook citations. Procertas gives the user immediate feedback and offers video tutorials showing the correct way to execute the given assignment.
2. Monesq. Monesq is payment processing platform that allows clients to easily pay online. Law firms can create and send invoices, offer payment plans, generate payment links, and provide secure client payment portals.
3. Cognito. Cognito is a workflow application that allows for collaborative research, organization, and drafting of projects and documents. It allows you to assign different people to work on a project, in which they can gather their research, and then Cognito generates an outline using the collected research. The group can then collaboratively draft the document in real time.
4. LEX Reception. LEX Reception is a virtual receptionist service that specializes in legal answering. It provides answering 24/7, 365 days a year.
5. Lawcus. Lawcus is an all-in-one law practice management application. Lawcus helps attorneys keep up with clients, matters, billing, and automates processes. Lawcus also includes intake forms and e-signature capabilities.
6. RMail/RSign. RMail offers email encryption, certified e-delivery proof, email opens tracking, send for e-signature, the ability to securely share large files, and more. RSign allows users to securely share and collaborate to create eSignature documents, send documents for signing to multiple clients at once, and track the status of documents.
7. Caseroads. Caseroads provides a law firm with scheduling, intake, and conflict management; case/matter management including assigning and tracking deadlines and tasks, document management, time, expenses, billing, and trust account management, integrated payments, and data and reporting.

APPOINTMENT OF HEARING OFFICERS FOR DISCIPLINARY PANEL

President Shepard informed the Board that three current officers' terms expire at the annual meeting. These officers are not required to be bar commissioners. Nominations may be submitted to the Executive Director and the appointment will become an action item for the next meeting.

APPOINTMENT TO THE DISCIPLINARY COMMISSION

President Shepard informed the Board that John Smyth's final term on the Disciplinary Commission has expired. Nominations may be submitted to the Executive Director and the appointment will become an action item for the next meeting.

APPOINTMENT TO THE CLIENT SECURITY FUND

President Shepard informed the Board that there will be three opening in June to the Client Security Fund. The members rolling off are Mike Ballard-Chair, Kendall Dunson-Vice-Chair, and Craig Cargile. The following have asked to be considered: James Steven Ward (Birmingham) to serve as Chairperson; Gilda Branch Williams (Montgomery) to serve as member. Nominations may be submitted to the Executive Director and the appointments will become an action item for the next meeting.

REPORT OF THE GOVERNANCE AND INTERNAL OPERATIONS TASK FORCE

President Shepard announced that the Governance and Internal Operations Task Force Report had been completed and provided to the Board along with an introductory video from ASB consultant John Phelps. President Shepard announced that the report had been received by the Executive Council. He then informed the Board that they could discuss the report, that a follow-up zoom session could be scheduled to address any concerns or question, or that the Board could also move forward and receive the report.

COMMISSIONER TOM PERRY MOVED TO SUSPEND THE RULES AND TO RECEIVE THE REPORT. THE MOTION WAS SECONDED BY CLAY MARTIN AND APPROVED BY TWO-THIRDS VOTE.

COMMISSIONER TOM PERRY MOVED TO RECEIVE THE REPORT AS SUBMITTED BY THE TASK FORCE. THE MOTION WAS SECONDED BY CLAY MARTIN AND APPROVED UNANIMOUSLY BY VOICE VOTE.

APPROVAL OF APPOINTMENT TO ALABAMA BOARD OF COURT REPORTING

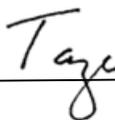
President Shepard reminded the Board that nominations were open to fill a vacancy on the Alabama Board of Court Reporting. She reported that Jennifer Egbe had been nominated to serve on the Alabama Board of Court Reporting. The Board is allowed to vote on the nominations and transmit no more than three names to the Lt. Governor for an appointment to be made to the Alabama Board of Court Reporting.

COMMISSIONER FRED HELMSING MOVED TO CLOSE NOMINATIONS OR THE ALABAMA BOARD OF COURT REPORTING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER MARK DEBRO MOVED TO APPROVE THE APPOINTMENT OF JENNIFER EGBE TO THE ALABAMA BOARD OF COURT REPORTING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

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, President Shepard announced the meeting adjourned at 11:20 a.m.



Tazewell T. Shepard, III
President, 2021-2022

ATTEST:



Terri B. Lovell, Secretary
Alabama State Bar