

# 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 Alabama Code § 36-25A-5.1.*

**The Cooper House and via Zoom  
405 Randolph Avenue SE  
Huntsville, Alabama 35801**

**Friday, May 13, 2022 at 10:00 a.m.**

### 1. CALL TO ORDER

President Taze Shepard convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. Past President Rich Raleigh gave the invocation and the pledge was led by incoming President-Elect Brannon Buck. Speaker of the House Mac McCutcheon of Huntsville was invited to give welcoming remarks.

### 2. ROLL CALL

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

Edgar Black	Mark Boardman
Jeff Bowling	Will Broome
Clay Carr	Aaron Chastain
Joel Connally	Brad Cornett
Mark Debro	Deborah Dunsmore
Lang Floyd	Scott Foster
Anne Glass	Christy Graham
Dana Grimes	Fred Helmsing
Erik Heninger	Scott Holmes
Carmen Howell	Mitch Kenner
Angela Kennedy	Edwin Lamberth
Bill Lancaster	Leigh Anne Landis
Karen Laneaux	David Langston
Don Mansell	David Martin
Clay Martin	Doug Martinson
LaBella McCallum	Rebekah McKinney
Cliff Mendheim	Bob Methvin

Kenneth Moore	George Parker
Manish Patel	Lynn Perry
Tom Perry	Chuck Price
Barry Ragsdale	John Rea
Jim Rebarchak	Ryan Robichaux
Freddy Rubio	Pat Sefton
Allison Skinner	Elizabeth Smithart
John Smyth	Kyra Sparks
Jimbo Terrell	Terri Tompkins
Halron Turner	Gibson Vance

The following commissioners were absent:

Raymond Bell	Sally Bowers
Bob Brogden	Bryan Comer
Kira Fonteneau	Kirk Garrett
Leon Hampton	Brett King
Jason Knight	Felicia Long
Bob McMillan	Tina Moon
Larry Morris	Chrissy Riddle
Jason Simmons	Angeline Sperling
John Stamps	Andrew Stanley
Charles Tatum	Leila Watson
Mallory Whitley	

Also in attendance was President-elect Gibson Vance and Immediate Past President Bob Methvin, incoming President-elect Brannon Buck, and Past Presidents Sam Rumore, Rich Raleigh and Sam Irby. Staff members in attendance were: Terri Lovell, Roman Shaul, Merinda Hall, Michelle Shaw, Melissa Warnke, Karen Laneaux, Suzi Huffaker, Robyn Bernier, and Amy Fawcett.

### **3. INTRODUCTION OF GUESTS**

President Shepard recognized special guests including Chief Justice Tom Parker, Bill Broom, Jim Frost and Sandra Lewis.

### **4. PRESIDENT'S REPORT**

President Shepard thanked the members of the Board for traveling to Huntsville and additionally for so many coming to his home the evening before. He announced that together we have been able to accomplish so much this year. He announced that a Long-Range Planning Task Force and Bylaws Task Force would be announced within the week.

5. **PRESIDENT-ELECT REPORT**

President-elect Gibson Vance thanked President Shepard and his wife for hosting the Bar Commissioners in Huntsville. Mr. Vance announced that his initiatives for the coming year would involve engagement with the members through visits to each of the 41 circuits and addressing mental health concerns of our profession by offering five free counseling sessions to all lawyers.

**SECRETARY / EXECUTIVE DIRECTOR'S REPORT**

Secretary/Executive Director Terri Lovell thanked the Huntsville Bar Association and HBA Executive Director Cindy Seely for their support and assistance for many activities over the past year, including this BBC meeting and the Hall of Fame Ceremony to follow. She announced that the Hall of Fame Ceremony for the 2020 inductees would follow the meeting and that everyone was invited to stay for the ceremony and lunch. Mrs. Lovell briefly highlighted the many activities of the past two months to include: Leadership Forum Class 16 graduation, May as Wellness Month, Law Week Activities and Lawyers in the Classroom, Legal Food Frenzy, Bar Exam Results, Audit Completions and Sunset Review of the Board of Bar Examiners, 11<sup>th</sup> Circuit Conference, the Annual Meeting June 22-25, Bar Commissioner Elections May 16-20, and New Bar Commissioner Orientation on June 21.

6. **OFFICE OF GENERAL COUNSEL REPORT**

General Counsel Roman Shaul discussed the recent mandatory bar litigation including the U.S. Supreme Court's decision declining to hear First Amendment challenges against the mandatory State Bar of Michigan, Oklahoma and Texas. The lawsuits against all three bars sought to extend the court's 2018 *Janus* decision to include mandatory bars. Mr. Shaul also announced that there would be a vote to appoint a new member of the Disciplinary Commissioner, members of the Disciplinary Panel, and members of the Client Security Fund.

7. **FINANCIAL REPORT**

Director of Finance Merinda Hall explained that ASB 2<sup>nd</sup> quarter revenues decreased approximately 4% over last year as anticipated with the dues reduction effective for this year; however, upticks in other revenues such as bar exam, pro hac vice, and disciplinary admin fees have offset some of the overall decreases.

Expenses declined from the previous year by 3.5%, notably in personnel costs with no staff retirements and leave payouts so far this year, and in the professional services line due to large sums of legal fee payments made last year. In consideration of the low travel expenses this year, the finance and audit committee approved commissioners attending the annual meeting to receive full lodging reimbursement at the standard rate, as opposed to the usual lodging reimbursement of \$100 per night. For investments, the market volatility has resulted in minimal gains for this year. The 2<sup>nd</sup> Quarter ASB Foundation report will be presented at the annual meeting in June.

**8. APPOINTMENTS TO THE DISCIPLINARY BOARD AS HEARING OFFICERS**

President Shepard informed the Board that there is a need to fill three positions on the Disciplinary Board. He reported that the following nominations were received: James Rebarchak, Chuck Stewart, Angela Kennedy, Rebecca McKinney, David Martin, and Wilbor Hust.

NOMINATIONS WERE CLOSED. AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED ON EACH NOMINEE AND PRESIDENT SHEPARD ANNOUNCED THAT JAMES REBARCHAK, REBECCA MCKINNEY AND DAVID MARTIN WERE ELECTED TO SERVE ON THE DISCIPLINARY BOARD AS HEARING OFFICERS.

**9. APPROVAL OF CONSENT AGENDA – ACTION ITEMS**

President Shepard informed the Board that the following items constitute a consent agenda and with no objection were considered as a single action item:

- a. Approval of Agenda
- b. Approval of the Minutes of March 11, 2022 Board of Bar Commissioners
- c. Approval of Financial Report as presented by Merinda Hall
- d. Appointment of Jim Rebarchak to a second three-year term on the Alabama Law Foundation Board of Trustees
- e. Approval of re-electing currently serving At-Large members of the Board of Bar Commissioners *Raymond Bell (Place 2) and Mitch Kemmer (Place 8)*.
- f. Approval of *Jana Garner* to serve as At-Large member of the Board of Bar Commissioners *Place 5*.
- g. Approval of Awards
  - Tony McLain Professionalism Award – Mike Ballard*
  - Bill Scruggs Award – ASB President Taze Shepard*
  - Judicial Award of Merit – Circuit Judge Gaines McCorquodale*
  - Maud McLure Kelly Award – Circuit Judge Carole Smitherman*
  - Susan Bevill Livingston Award – Retired Chief Justice Sue Bell Cobb*
- h. Appointment of Leila Watson to a three-year term on the Disciplinary Commission
- i. Appointment of James Steven Ward to serve as Chairperson and Gilda Branch Williams to serve as a member of the Client Security Fund

- j. Approval of the resolutions approving changes to Alabama State Bar awards and awards committee, with an exception made by Bar Commissioner Alison Skinner to any change involving the Women's Section Awards

**RESOLUTIONS OF THE BOARD OF BAR COMMISSIONER OF THE  
ALABAMA STATE BAR**

I, the undersigned, president of the Alabama State Bar (the "ASB") hereby certify that the following resolution was duly presented to, voted on, and approved by the Board of Bar Commissioner of the Alabama State Bar (the "Board") at a regularly called meeting held on May 13, 2022:

WHEREAS, the ASB wishes to honor former Bar Commissioner Michael D. Ermert; and

WHEREAS, the ASB intends to clarify that the Commissioners Award and to provide that one awards committee shall be appointed each year to make recommendations as to the Bill Scruggs Service to the Bar Award and the Tony McLain Professionalism Award.

NOW, THEREFORE, BE IT RESOLVED, that the Award of Merit is hereby renamed the "Michael D. Ermert Award of Merit". This award is given for outstanding constructive service to the legal profession in Alabama. The recipient or recipients of this award are chosen by the president of the Alabama State Bar, and the award is presented at the Alabama State Bar's annual meeting. The recipient or recipients must be or have been licensed as an attorney in Alabama. It is not required that this award be presented every year;

FURTHER RESOLVED, that the Commissioners Award is given to recognize individuals who have had a long-standing commitment to the improvement of the administration of justice in Alabama. The recipient or recipients of this award are chosen by the president of the Alabama State Bar, and the award is presented at the Alabama State Bar's annual meeting. The recipient or recipients of this award must be or have been a member of the Board of Bar Commissioners. It is not required that this award be presented every year;

FURTHER RESOLVED, that the Executive Council will serve as an awards committee each year. The purpose of this committee will be to review nominations for the Bill Scruggs Service to the Bar Award and the Tony McLain Professionalism Award and to make a recommendation to the Board of Bar Commissioners as to who should receive said awards. It is not required that this award be presented every year; and

FURTHER RESOLVED, that a copy of these resolutions shall be placed with the permanent records of the ASB.

IN WITNESS WHEREOF, the undersigned President of the ASB has executed this instrument effective as of the date first above written.

PRESIDENT OF THE ALABAMA STATE BAR:



Tazewell T. Shepard, III

COMMISSIONER TURNER MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED. THE MOTION WAS SECONDED BY ALLISON SKINNER. THE MEMBERS OF THE BOARD OF BAR COMMISSIONERS VOTED BY ROLL CALL VOTE AND THE CONSENT ITEMS WERE APPROVED.

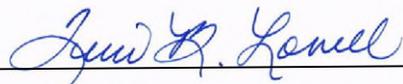
**10. ADJOURNMENT**

President Shepard asked if there was any further business to come before the Board. There being no further business to come before the Board, President Shepard announced the meeting adjourned at 12:17 p.m.



Tazewell T. Shepard, III  
President, 2021-2022

ATTEST:



Terri B. Lovell, Secretary  
Alabama State Bar