

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

**The Grand Hotel
Azalea Ballrooms C-F
Point Clear, Alabama**

Wednesday, July 17, 2019

1. CALL TO ORDER

President Sam W. Irby convened this meeting of the Alabama State Bar Board of Commissioners at 1:30 p.m. in Azalea Ballrooms C-F of The Grand Hotel, Point Clear, Alabama. Commissioner Rebekah McKinney gave the invocation.

2. ROLL CALL

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

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| Alvis, LaBella S. | Baggett, Emily L. | Bell, Raymond L. Jr. |
| Boardman, Mark S. | Bowers, Robert L., Jr. | Bowers, Sally |
| Bowling, Jeffrey L. | Broome, William H., Jr. | Buck, Brannon J. |
| Comer, Bryan E. | Cornett, Bradley | Davis, Latisha R. |
| Debrosse, Diandra S. | Dunsmore, Deborah | Ermert, Michael D. |
| Floyd, J. Langford | Fonteneau, Kira Y. | Garner, Jana Russell |
| Garrett, J. Kirkman | Helmsing, Frederick G., Jr. | Holmes, Scott B. |
| Holt, Ralph E. | Howell, Carmen | Kemmer, Richard M. |
| Knight, Jason P. | Lancaster, William R. | Laneaux, Karen |
| Martin, David | Martin, Clay | McKinney, Rebekah K. |
| Mendheim, R. Cliff | Moore, Charles Zackery | Morris, Larry W. |
| Nichols, J. Levi | Parker, George R. | Perry, Taylor T. (Tom), Jr. |
| Price, Chuck, II | Ragsdale, Barry A. | Rasco, Jeanne Dowdle |
| Rebarchak, James | Riddle, Chrissy | Sefton, Pat |
| Shepard, Tazewell T., III | Skinner, Allison O. | Smithart, Elizabeth |
| Smyth, John A. | Stamps, John T. | Stanley, Andrew D. |
| Tatum, Charles C., Jr. | Terrell, James Michael | Tompkins, Terri O. |
| Turner, Halron W. | Vance, C. Gibson | |

The following commissioners were absent:

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| Brinkley, John A., Jr. | Brogden, Robert H. | Connally, Joel |
| Duffey, Jeffery C. | Funderburg, Erskine R., Jr. | Glass, Anne Malatia |
| Graham, Christy Williams | Grimes, Dana | Heflin, H. Thomas, Jr. |
| Heninger, Erik Stephen | Hyde, Clinton H. | King, Brett A. |
| Loftin, F. Patrick | Mansell, Donald B. | May, William Randall |
| Maze, Clint L. | Moore, Kenneth | Patel, Manish H. |
| Perry, J. Lynn | Porter, Amanda | Varner, Gregory M. |

Also in attendance were President-elect Christy Crow and President-elect Designate Bob Methvin. Staff members in attendance were: Roman Shaul, Jeremy McIntire, Mark Moody, Tripp Vickers, Justin Aday, Merinda Hall, Linda Lund, Ashley Penhale, Margaret Murphy, and Diane Locke.

3. INTRODUCTION OF GUESTS

President Irby recognized special guests including Justice Mike Bolin, Past President Cole Portis, Judge Carole Medley, president of the Alabama District Judges Association, Judge Teresa Pulliam, president of the Alabama Circuit Judges Association, Bennett Wright, executive director of the Alabama Sentencing Commission, Maibeth Porter, Lee Johnsey, Tracy Daniel, executive director of the Alabama Law Foundation, Bill Broome, Tim Gallagher, Judge Don Rizzardi, Madison County District Court Judge, and Billy Bedsole.

4. APPROVAL OF THE MINUTES OF THE MAY 3, 2019 BOARD MEETING

President Irby stated that the minutes of the May 3, 2019 Board Meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER SHEPARD MOVED TO APPROVE THE MINUTES OF THE MAY 3, 2019 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. RECOGNITION OF RETIRING COMMISSIONERS AND NEW COMMISSIONERS

President Irby recognized those members of the commission who are retiring. They were:

Courtney R. Potthoff

3rd Judicial Circuit

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| William H. (Bill) Broome, Sr. | 7th Judicial Circuit |
| J. Flynn Mazingo | 15th Judicial Circuit, Place 3 |
| B. Scott Shipman | 25th Judicial Circuit |
| Roy W. Williams, Jr. | 32nd Judicial Circuit |
| Monet M. Gaines | At Large, Place 8 |

Next, President Irby recognized the new members of the commission whose terms commenced on July 1, 2019. They were:

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| Elizabeth Smithart | 3rd Judicial Circuit |
| William H. (Will) Broome, Jr. | 7th Judicial Circuit |
| Joel Connally | 15th Judicial Circuit, Place 3 |
| Chrissy Riddle | 25th Judicial Circuit |
| Jason P. Knight | 32nd Judicial Circuit |
| Richard M. Kemmer, Jr. | At Large, Place 8 |

6. **RECOGNITION OF JEANNE RASCO AS RECIPIENT OF THE COMMISSIONERS' AWARD**

President Irby recognized Commissioner Jeanne Rasco as the recipient of the Commissioners' Award. President Irby remarked that Commissioner Rasco is one of the hardest working bar members he has ever known and that she has never declined a request from him to work on bar projects. In particular, President Irby recognized Commissioner Rasco's work in coordinating the Legal Food Frenzy collaboration between the Alabama State Bar and the Alabama Attorney General's Office. Commissioner Rasco accepted the award and thanked her fellow commissioners for the honor and for all of their assistance in the bar programs in which she's volunteered.

7. **PRESIDENT'S REPORT**

President Irby updated the commission on "State of the Bar" presentations that have been given to date and thanked the members of the commission for helping host bar leadership in their respective circuits. Mr. Irby remarked that being President of the

Alabama State Bar provided him with one of the most rewarding experiences of his career, which is to travel the state and meet lawyers.

President Irby thanked the commissioners for their participation in the 2019 Legal Food Frenzy and he reported to the commission that over 160,000 pounds of food were donated and will directly benefit food banks across Alabama.

President Irby reminded the commissioners of the networking, social and educational opportunities of the Annual Meeting.

8. PRESIDENT-ELECT REPORT

President Irby recognized President-Elect Christy Crow to give a brief report to the commission. Mrs. Crow remarked that it was an honor to work with President Irby and she commended him for reaching out to lawyers across the state and letting them know how important they are to the Alabama State Bar. She informed the commissioners that she would soon begin the process of appointing committees and task forces and she encouraged commissioners to provide names of bar members who are looking to serve the state bar. Mrs. Crow closed by encouraging commissioners to contact her with any questions or concerns, and that she would be happy to visit their local bars and talk about the Alabama State Bar.

9. SECRETARY/EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director McCallum thanked the Alabama State Bar staff for putting in many long hours in preparation for the Annual Meeting. He reminded the commissioners that a reception would be held at the home of Commissioner Helmsing.

Mr. McCallum informed the commission of several staff changes since the last meeting, including the following: Justin Aday has been named Assistant Executive Director and he will also continue to direct the Office of Admissions & Attorney Licensing; Melissa Johnson Warnke has been hired as Director of Communications; and Vickie Stewart has been hired as an assistant in the Programs Department. He also introduced Hilaire Armstrong, who has been hired as a bankruptcy program attorney by the Volunteer Lawyers Programs and who is working from the Alabama State Bar building.

Mr. McCallum encouraged the commissioners to visit the exhibitors at the Legal Expo and to thank them for their support of the Annual Meeting and the Alabama State Bar. He also reminded commissioners that the Grand Convocation would be held on Saturday morning, immediately followed by a short board meeting.

Mr. McCallum concluded his remarks by reminding commissioners to submit nominations for the Harold Albritton Award by the deadline of August 1, 2019.

10. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Roman Shaul reminded the commissioners that an Office of General Counsel Disciplinary Summit will be held on September 19, 2019, at the Alabama State Bar headquarters. He informed the commission that the summit would be used to educate bar members on the disciplinary process and to solicit feedback in how the process may be improved.

11. FINANCIAL REPORT

Director of Finance Merinda Hall reported to the commission that third quarter revenue increased by approximately 1% over the prior year and that expenses in the same time period were down by approximately 4%. She reported that investment balances are approximately 13% over the prior year and that the Alabama State Bar is on target to report a surplus greater than 10%-15% over the prior year.

12. LEGAL SERVICES ALABAMA BOARD APPOINTMENTS

President Irby informed the commissioners that Legal Services Alabama Board of Directors had recommended Bryan Blackwell replace Ashley Penhale and recommended that Nathan Gordon replace Merceria Ludgood. President Irby also informed the commissioners that this would be an action item at the September 6, 2019 meeting.

13. PRO BONO CELEBRATION TASK FORCE UPDATE

Tim Gallagher, chair of the Pro Bono Celebration Task Force, and Commissioner Emily Baggett, vice chair of the Pro Bono Celebration Task Force, updated the commission on planning that is underway for the 2019 Pro Bono Month in October. They informed the commission that this was the 11th year of the nationwide Pro Bono Month, and that Alabama has participated each year and been recognized nationally for its participation. They informed the commission that the focus of the task force work this year will be local bars and they encouraged commissioners to get with their circuits to look for opportunities to host an even.

Mr. Gallagher was recognized for his work as chair of the 2018 Pro Bono Celebration Task Force and he was presented with a signed Proclamation of the Governor, recognizing October as Pro Bono Month.

14. CONSOLIDATED FUNDRAISING TASK FORCE UPDATE

President-elect Christy Crow and Lee Johnsey informed the commission that the Consolidated Fundraising Task Force has continued to meet and now is recommending that if a section does not want to participate they can opt out. This will be an action item on the September 6 meeting agenda.

15. UPDATE ON AMENDMENTS TO RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR

Director of Admissions and Attorney Licensing Justin Aday informed the commissioners that the amendments to the *Rules Governing Admission to the Alabama State Bar*, approved at the last board meeting, would be submitted to the Supreme Court of Alabama for consideration at its rules docket in October. He also stated that the proposed change for the Board of Bar Examiners to hear appeals of the Character and Fitness Committee would not be included in the proposal submitted to the Court.

16. APPOINTMENT OF DISCIPLINARY BOARD PANEL MEMBERS

President Irby informed the commission that the terms of Commissioner Robert Bowers and Commissioner Emily Baggett are expiring on the Alabama State Bar Disciplinary Board. He reported to the commission that each has expressed an interest to continue serving.

COMMISSIONER PERRY MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER SHEPARD MOVED TO APPROVE ROBERT BOWERS AND EMILY BAGGETT AS PANEL MEMBERS OF THE ALABAMA STATE BAR DISCIPLINARY BOARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. APPOINTMENT OF DISCIPLINARY BOARD LAY MEMBERS

President Irby informed the commission that the lay member terms of Cynthia Burton and Ken Jordan are expiring on the Alabama State Bar Disciplinary Board. He reported to the commission that each has expressed an interest to continue serving.

COMMISSIONER DAVID MARTIN MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER SHEPARD MOVED TO APPROVE CYNTHIA BURTON AND KEN JORDAN AS LAY MEMBERS OF THE ALABAMA STATE BAR

DISCIPLINARY BOARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. RE-APPOINTMENT OF MEMBERS TO THE CLIENT SECURITY FUND COMMITTEE

President Irby informed the commission that the terms of Craig Cargile and Kendall Dunson are expiring on the Client Security Fund Committee. He reported to the commission that each has expressed an interest in continuing to serve.

COMMISSIONER PERRY MOVED TO CLOSE NOMINATIONS FOR MEMBERS OF THE CLIENT SECURITY FUND COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER VANCE MOVED TO RE-APPOINT CRAIG CARGILE AND KENDALL DUNSON AS MEMBERS OF THE CLIENT SECURITY FUND COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. APPOINTMENT OF MEMBER TO THE CLIENT SECURITY FUND COMMITTEE

President Irby informed the commission that the term of Michael Ballard is expiring on the Client Security Fund Committee. He reported to the commission Mr. Ballard does not wish to be re-appointed.

COMMISSIONER SHEPARD MOVED TO CLOSE NOMINATIONS FOR MEMBERS OF THE CLIENT SECURITY FUND COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED AND TIM DONAHUE WAS ELECTED AS A MEMBER OF THE CLIENT SECURITY FUND COMMITTEE.

20. APPOINTMENT OF LAY MEMBER TO THE CLIENT SECURITY FUND COMMITTEE

President Irby informed the commission that the term of lay member John Ashworth is expiring on the Client Security Fund Committee. President Irby informed the commission that no nominations had been received for this position.

COMMISSIONER GARNER MOVED TO DELEGATE TO THE EXECUTIVE COMMITTEE THE AUTHORITY TO APPOINT A LAY MEMBER TO THE

CLIENT SECURITY FUND. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. APPOINTMENT OF MEMBERS TO ALABAMA LAW FOUNDATION BOARD OF TRUSTEES

President Irby informed the commission that nominations were solicited for a vacancy on the Alabama Law Foundation Board of Trustees. President Irby called for additional nominations and Commissioner Jim Rebarchak was nominated.

COMMISSIONER COMER MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED TO FILL VACANT ALABAMA LAW FOUNDATION BOARD OF TRUSTEES POSITION AND ELECTED JIM REBARCHAK AS A MEMBER OF THE ALABAMA LAW FOUNDATION BOARD OF TRUSTEES.

22. APPOINTMENT OF MEMBER TO THE ALABAMA COURT OF THE JUDICIARY

President Irby informed the commission that the term of Commissioner Jana Garner is expiring on the Court of the Judiciary. He reported to the commission that Commissioner Garner has expressed an interest to continue serving.

COMMISSIONER HELMSING MOVED TO CLOSE NOMINATIONS FOR MEMBER OF THE COURT OF THE JUDICIARY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER PERRY MOVED TO APPROVE JANA GARNER AS A MEMBER OF THE COURT OF THE JUDICIARY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

23. APPOINTMENT OF MEMBER TO THE JUDICIAL INQUIRY COMMISSION

President Irby informed the commission that the term of Maibeth Porter is expiring on the Judicial Inquiry Commission. He reported to the commission that Ms. Porter has expressed an interest to continue serving.

COMMISSIONER PERRY MOVED TO CLOSE NOMINATIONS FOR MEMBER OF THE JUDICIAL INQUIRY COMMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER SHEPARD MOVED TO APPROVE MAIBETH PORTER AS A MEMBER OF THE JUDICIAL INQUIRY COMMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

24. COLORADO STATE BAR RESOLUTION

President Irby reminded the commission that a resolution from the Colorado State Bar was presented as a discussion item at the last board meeting. He recognized Secretary/Executive Director McCallum to review the purpose of the resolution. Mr. McCallum informed the commission that the resolution is meant to encourage the American Bar Association to support and assist in advocating for expansion of broadband servers in rural areas across the country.

COMMISSIONER MENDHEIM MOVED TO APPROVE THE ALABAMA STATE BAR AS A CO-SPONSOR OF THE COLORADO STATE BAR RESOLUTION TO ENCOURAGE EXPANSION OF BROADBAND IN THE UNITED STATES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

25. 2019 ALABAMA LAWYERS HALL OF FAME CLASS

President Irby reported that the selection committee of the Alabama Lawyers Hall of Fame had recommended four individuals who have been deceased at least two years. They are Richard T. Rives, Clifford J. Durr, Broox G. Garrett and Ellene G. Winn. He stated that the selection committee had also recommended the induction of Henry Hilliard who has been deceased more than 100 years.

COMMISSIONER BUCK MOVED TO APPROVE THE INDUCTION OF RICHARD T. RIVES, CLIFFORD J. DURR, BROOX G. GARRETT, ELLENE G. WINN AND HENRY HILLIARD TO THE ALABAMA LAWYERS HALL OF FAME. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

26. NOMINATING COMMITTEE REPORT

Commissioner Shepard, chair of the 2019-2020 nominating committee, reported that the nominating committee had concluded its work for the upcoming bar year and that nominations had been circulated. Commissioner Shepard made himself available for any questions of the commission and there were none.

27. ADJOURN TO A DATE CERTAIN

President Irby asked if there was any more business to come before the commission.

COMMISSIONER LANCASTER MOVED THAT WHEN THE BOARD CONCLUDES FOR THE DAY, IT ADJOURN TO A DATE CERTAIN, SPECIFICALLY TO SATURDAY MORNING IMMEDIATELY FOLLOWING THE GRAND CONVOCATION AND ANNUAL BUSINESS MEETING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

28. ADJOURNMENT

President Irby asked for a motion to adjourn. A motion to adjourn was duly made and seconded. At 2:32 p.m., the meeting was adjourned to a date certain.

Sam W. Irby
President, 2018-2019

ATTEST:

Phillip W. McCallum, Secretary
Alabama State Bar