

## MINUTES

### ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Azalea Ballrooms A-B, The Grand Hotel  
Point Clear, Alabama

Wednesday, July 12, 2017

#### 1. CALL TO ORDER

President Cole Portis convened this meeting of the Alabama State Bar Board of Commissioners at 3:00 p.m. in the Azalea Ballrooms A-B at the Grand Hotel in Point Clear, Alabama. Parker Miller, president of the Alabama State Bar Young Lawyers Section, gave the invocation.

#### 2. ROLL CALL

The Secretary called the roll of the Commission and the following Commissioners were present:

Halron W. Turner	J. Levi Nichols	Courtney R. Potthoff
Jana Russell Garner	Terri O. Tompkins	Hays Webb
William H. Broome	Emily L. Baggett	John A. Smyth, III
Barry A. Ragsdale	Robert G. Methvin, Jr.	LaBella S. Alvis
Michael D. Ermert	Allison O. Skinner	Brannon J. Buck
Frederick G. Helmsing, Jr.	Kenneth Moore	Ralph E. Holt
James Rebarchak	William R. Lancaster	Bryan E. Comer
J. David Martin	George R. Parker	C. Gibson Vance
William Randall May	Donald R. Rhea	Tom Perry, Jr.
Robert L. Bowers	Mark S. Boardman	Anne Malatia Glass
Rebekah K. McKinney	J. Kirkman Garrett	Tazewell T. Shepard, III
J. Lynn Perry	M. Clay Martin	J. Daryl Burt
Roy W. Williams, Jr.	J. Langford Floyd	H. Thomas Heflin, Jr.
Andrew D. Stanley	Jeffrey L. Bowling	Christy Williams Graham
LaTisha R. Davis	Diandra S. Debrosse	R. Cooper Shattuck
Jeanne Dowdle Rasco	Karen L. Laneaux	Kira Fonteneau
Monet M. Gaines	John T. Stamps, III	Brett A. King
R. Cliff Mendheim		

The following commissioners were absent:

Larry W. Morris	Dana Grimes	Leslie R. Barineau
Erik Stephen Heninger	Thad Yancey, Jr.	C. Zack Moore
Charles C. Tatum, Jr.	Les Pittman	J. Flynn Mozingo
Jeffery C. Duffey	Audrey O. Strawbridge	Manish H. Patel
John A. Brinkley, Jr.	Steven D. Adcock	F. Patrick Loftin
Clint L. Maze	Clinton H. Hyde	Erskine R. Funderburg, Jr.
Robert H. Brogden	Gregory M. Varner	Matthew C. Mitchell
Donald B. Mansell	Rebecca G. DePalma	

Also in attendance were President-elect Augusta Dowd and Immediate Past President Lee Copeland. Staff members present included Douglas McElvy, Justin Aday, Diane Locke, Merinda Hall, Ed Patterson, Laura Calloway, Margaret Murphy, Angela Parks, Eric Anderson, Jeremy McIntire, Linda Lund, Mark Moody and Tripp Vickers. Also in attendance was legislative counsel Suzi Huffaker and Eileen Harris, the new director of the Center for Dispute Resolution.

**3. INTRODUCTION OF GUEST SPEAKER – ARTUR DAVIS, DIRECTOR OF LEGAL SERVICES OF ALABAMA**

President Portis introduced guest speaker Artur Davis, Director of Legal Services of Alabama. Mr. Davis reported on the work and the importance of continuing the work of Legal Services of Alabama in delivering legal aid to underprivileged and underserved citizens of Alabama. He shared specific examples of how Legal Services of Alabama is meeting those needs, including resolution of a case that resulted in an Alabama Court of Civil Appeals Opinion, which protects the first \$1,000 of income from garnishment. Mr. Davis noted that there are approximately 900,000 people in Alabama within the income eligibility limits of Legal Services of Alabama. He reported that Legal Services of Alabama handles between 11,000 and 13,000 cases per year, roughly one third of which are victims of domestic violence and 25 percent of which are involved in collection actions. Mr. Davis commended the partnership of Legal Services of Alabama with other organizations including the various Volunteer Lawyer Programs across the state. He also recognized Commissioner Taze Shepard and encouraged upcoming work of a task force that will be led by Commissioner Shepard and will conduct listening sessions across Alabama to determine where we can better meet legal needs of underserved populations.

**4. MINUTES OF THE MAY 5, 2017 BOARD OF BAR COMMISSIONERS MEETING**

President Portis stated that the minutes of the May 5, 2017 board meeting had been transcribed and circulated prior to the meeting. He asked if there were corrections, additions or deletions. There were none.

COMMISSIONER GARNER MOVED TO APPROVE THE MINUTES OF THE MAY 5, 2017 BOARD OF BAR COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND UNANIMOUSLY APPROVED BY VOICE VOTE.

**5. INTRODUCTION OF GUESTS**

Guests included Laveeda Battle, president of Legal Services of Alabama Board of Directors; Cassandra Adams, Legal Services of Alabama Board of Directors; Stephanie Hunter, president of Alabama Lawyers Association; Lee Johnsey, incoming president of Young Lawyers Section; and Fred Gray, past president of the Alabama State Bar. President Portis specially recognized Commissioner Bill Broome. Mr. Broome was given a point of personal privilege in which he thanked the members of the Board of Bar Commissioners for their prayers, calls, cards and visits during his hospitalization and continued battle with cancer.

6. **RECOGNITION OF RETIRING COMMISSIONERS AND NEW COMMISSIONERS**

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

J. Eric Coale	21 <sup>st</sup> Judicial Circuit
Sam Irby	28 <sup>th</sup> Judicial Circuit, Place 2
Lee F. Knowles	33 <sup>rd</sup> Judicial Circuit
Sharon Hindman Hester	34 <sup>th</sup> Judicial Circuit
Tommy Chapman	35 <sup>th</sup> Judicial Circuit
Scott L. McPherson	41 <sup>st</sup> Judicial Circuit
Meredith Shay Peters	At-Large, Place 3
Ashley S. Fincher	At-Large, Place 9

Next, President Portis introduced the new members of the commission whose terms commenced July 1, 2017. They were:

Kirk Garrett	21 <sup>st</sup> Judicial Circuit
Hon. Lang Floyd	28 <sup>th</sup> Judicial Circuit, Place 2
Robert H. Brogden	33 <sup>rd</sup> Judicial Circuit
Jeffrey L. Bowling	34 <sup>th</sup> Judicial Circuit
Clinton H. Hyde	35 <sup>th</sup> Judicial Circuit
Brett A. King	41 <sup>st</sup> Judicial Circuit
LaTisha R. Davis	At-Large, Place 3
John T. Stamps, III	At-Large, Place 9

8. **PRESIDENT'S REPORT**

President Portis reminded the board that the Commissioners Reception will be held at the family home of Commissioner Fred Helmsing and thanked Mr. Helmsing for the generosity of his family in hosting the reception. President Portis announced that the Annual Meeting was filled with great programming that is the result of a lot of hard work by many individuals. He encouraged the commissioners to attend as many sessions and

activities as possible. President Portis reported that the joint Bench-Bar Symposium over the past two days was a success and that earlier on this day he had the opportunity to present the Judicial Award of Merit to Judge John Ott, Chief Magistrate Judge of the U.S. District Court for the Northern District of Alabama.

President Portis recognized Commissioner Taze Shepard and asked him to give a brief introduction to the Access to Civil Justice Summit that is being planned through the Alabama State Bar and partners. Commissioner Shepard described the project as one where a task force will spend the next year examining how pro bono works in the state and how it should work. The group will conduct listening sessions around the state and conclude with a summit that will examine, among other things, funding, coordination and communications involved in delivering legal services to underserved populations.

President Portis concluded his report by thanking the board and other bar leaders for their support during his presidency. He stated that he enjoyed the opportunity to cast a vision and set an agenda, but that it was the board and many others who were responsible for many accomplishments.

## **7. PRESIDENT-ELECT REPORT**

President-Elect Augusta Dowd reported that she is honored to have the opportunity to serve as president of the Alabama State Bar and to be able to work closely with the Board of Bar Commissioners and other bar leaders. She recognized Billy Bedsole, a former commissioner and current chair of the Judicial Inquiry Commission. She reported that the coming bar year will be focused on relationships, particularly improving relationships among each other, between the bar and the judiciary, and the Alabama State Bar and the Supreme Court of Alabama. President-Elect Dowd highlighted upcoming board meetings including the September 2017 meeting, where Chief Justice Lyn Stuart will be present; the October 2017 meeting, which will be held at the University of Alabama School of Law in Tuscaloosa; and the March 2018 meeting, which will be held in Mobile. She concluded her report by reminding commissioners to submit recommendations for committee and task force appointments, all of which she hopes to complete by mid-August.

## **8. SECRETARY'S REPORT**

Secretary Phillip W. McCallum reported that he had been in office as Executive Director of the Alabama State Bar just over a month and has had a wonderful experience so far. He thanked the board for the opportunity to serve and said that he looks forward to serving and representing lawyers. He also mentioned that he was going to be in communities around the state and asked board members to notify him of opportunities to meet with local bars.

Secretary McCallum stated that a memorial resolution from the Mobile Bar Association had been submitted for David Stephen Conrad to be included in the Alabama State Bar Book of Memorial Resolution.

COMMISSIONER REBARCHAK MOVED TO ACCEPT THE RESOLUTION FROM THE MOBILE BAR ASSOCIATION IN MEMORY OF DAVID STEPHEN CONRAD AND PLACE IT IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**11. OFFICE OF GENERAL COUNSEL REPORT**

J. Douglas McElvy, Acting General Counsel of the Alabama State Bar thanked President Portis for his service and said that he looked forward to working with President-elect Dowd and other incoming bar leaders. Mr. McElvy gave 2016 statistics of the work of the Office of General Counsel, which included 1,775 files opened of which 1,149 were complaints of violations of the *Alabama Rules of Professional Conduct*. Mr. McElvy reported that 839 of the complaints were screened out by the office. He also reported that the office takes 3,300-3,500 calls per year from lawyers seeking informal ethics opinions. Mr. McElvy closed by recognizing Jeremy McIntire, Mark Moody and Tripp Vickers, the attorneys who serve in the office as Assistant General Counsel.

**12. FINANCIAL REPORT**

Merinda Hall, Director of Finance for the Alabama State Bar gave a report of FY2017 third quarter financials of the Alabama State Bar and the Alabama State Bar Foundation. Mrs. Hall reported that overall revenue is up 8.2 percent over last year and that the increase is mostly attributable to the increase last year to bar license fees. Mrs. Hall reported that overall expenses are up 4.9 percent over last year and that the increase is mostly attributable to personnel costs associated with separation costs of retiring employees. Mrs. Hall concluded that, for the first time in many years, a surplus will likely be reported at fiscal year-end. Following the report, Mrs. Hall asked if there were any questions and there were none.

**13. NOMINATIONS FOR LEGAL SERVICES ALABAMA BOARD OF DIRECTORS**

President Portis reminded the board that it has a designated number of positions on the Legal Services Alabama Board of Directors and that he had solicited input of nominations to fill the vacancy left by Doug McElvy's resignation from the board. Since that time, another vacancy was created by Jimbo Terrell's resignation from the board. Mr. Portis announced that he received recommendations of the following individuals: Glory McLaughlin, Joe Van Heest, Taze Shepard, and Anil Mujumdar. President Portis also solicited a recommendation from Legal Services Alabama and was given a recommendation of Ashley Penhale.

COMMISSIONER SMYTH 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.

A MOTION WAS MADE BY COMMISSIONER PARKER TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

AFTER DISCUSSION OF THE NOMINEES, A VOTE WAS TAKEN SEPARATELY ON EACH OF THE NOMINEES AND THE TWO NOMINEES WITH THE HIGHEST VOTE TOTAL WERE TAZE SHEPARD AND ANIL MUJUMDAR.

**14. LONG RANGE STRATEGIC PLAN TASK FORCE**

Commissioner Allison Skinner and Royal Dumas, co-chairs of the Long Range Strategic Plan Task Force, provided the commissioner with an update of the work of the task force. They indicated that a report of the task force would circulate soon and that the report should serve as a roadmap to see where our bar needs to go in the coming years. They asked the commissioners to review the report and provide feedback so that a final version of the report could be considered for approval at the next meeting of the board.

**15. FOSTER CARE TASK FORCE REPORT/SUITCASE INITIATIVE**

President Portis updated the commission on an initiative that was started by Judge Angela Terry and is now becoming a statewide initiative. The purpose of the program is to help foster children by providing a suitcase with basic needs as they go into a new foster home environment. President Portis encouraged commissioners to learn more about the program and participate in it.

**16. LAW SCHOOLS AND LEGAL EDUCATION TASK FORCE**

President Portis briefed the commission on the work of the Law Schools and Legal Education Task Force, which was assembled at the beginning of his term and has been conducting its work ever since. He reported that the task force co-chairs, Dorman Walker and Commissioner Karen Laneaux, would be presenting a report to law school deans at the Annual Meeting on Thursday, July 13, 2017.

**17. PRO BONO CELEBRATION REPORT**

Commissioner Jana Garner and Tim Gallagher provided the commission with a report on the plans for the 2017 Pro Bono celebration on October 12, 2017 in Tuscaloosa. They encouraged the commissioners to support the events of pro bono month and said they were particularly focused on involving local bars and ASB sections in those events. Following the report, former committee chair Christy Crow was called to the podium and recognized Royal Dumas for his service as the previous year's chairman and presented him with a framed resolution signed by the Governor proclaiming last October as pro bono month in Alabama.

**18. REPORT OF THE NOMINATING COMMITTEE**

Commissioner Ermert reported that the nominating committee had concluded its work for the upcoming bar year and that nominations had been circulated. Mr. Ermert made himself available for any questions of the commission and there were none.

**19. RULE III APPLICATIONS**

President Portis stated that Alan Michael Albright (GA), Courtney Katharine Cross (DC), Rosalie Kane Doggett (VA), Kathryn Shirley Firsching (TN), Bryan Stuart Foster (DC) and James Ronald Williams (GA) seek admission by motion pursuant to Rule III of the *Alabama State Bar Rules Governing Admission*. He reported that the candidates met all of the requirements of Rule III in order to be considered for admission.

COMMISSIONER METHVIN MOVED TO ADMIT ALAN MICHAEL ALBRIGHT, COURTNEY KATHARINE CROSS, ROSALIE KANE DOGGETT, KATHRYN SHIRLEY FIRSCHING, BRYAN STUART FOSTER AND JAMES RONALD WILLIAMS PURSUANT TO RULE III OF THE ALABAMA STATE BAR RULES GOVERNING ADMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**20. 2017 ALABAMA LAWYERS HALL OF FAME CLASS**

President Portis reported that the selection committee of the Alabama Lawyers Hall of Fame recommended four individuals who have been deceased less than 100 years for induction in the 2017 class. They are Mahala Ashley Dickerson, Bibb Allen, Hon. John C. Goldbold, and Alto V. Lee, III. He stated that the selection committee had also recommended the induction of Charles Tate who has been deceased more than 100 years.

COMMISSIONER SHATTUCK MOVED TO APPROVE THE INDUCTION OF MAHALA ASHLEY DICKERSON, BIBB ALLEN, HON. JOHN C. GOLDBOLD, ALTO V. LEE, III AND CHARLES TATE TO THE ALABAMA LAWYERS HALL OF FAME. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**21. REAPPOINTMENT OF KAREN LANEUX TO BOARD OF BAR EXAMINERS**

President Portis reported that the term of Karen Laneaux on the Board of Bar Examiners concluded with the February 2017 bar exam. He stated that Mrs. Laneaux indicated her willingness to serve another four-year term on the Board of Bar Examiner commencing with the July 2017 bar exam.

COMMISSIONER FONTENEAU MOVED THE REAPPOINTMENT OF KAREN LANEUX TO A FOUR YEAR TERM AS A MEMBER OF THE BOARD OF BAR EXAMINERS COMMENCING WITH THE JULY 2017 BAR EXAM. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**22. ADJOURN TO A DATE CERTAIN**

President Portis stated that the hour was getting late and there was still more business to come before the commission. He asked the pleasure of the commission.

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

**23. ADJOURNMENT**

President Portis asked for a motion to adjourn. A motion to adjourn was duly made and seconded.

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J. Cole Portis  
President, 2016-2017

Attest:

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Phillip W. McCallum  
Secretary