

MINUTES

ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETING

Coral Ballroom A
Hilton Sandestin
Destin, Florida

Wednesday, July 12, 2006

1. CALL TO ORDER

President Bobby Segall convened this meeting of the Alabama State Bar Board of Commissioners at 2:00 p.m. in Coral Ballroom A of the Hilton Sandestin, Destin, Florida. Commissioner Bedsole gave the invocation.

2. RECOGNITION OF NEW BOARD MEMBERS

President Segall recognized as new members the following Commissioners:

Michael E. Jones, Luverne
Replacing Randall K. Bozeman, 2nd Judicial Circuit

J. Garrison Thompson, Selma
Replacing Philip Henry Pitts, 4th Judicial Circuit

W. N. (Rocky) Watson, Fort Payne
Replacing Robert K. Jordan, 9th Judicial Circuit

Gregory H. Hawley, Birmingham
Replacing Edward P. Meyerson, 10th Judicial Circuit, Place No. 5

James R. Pratt, III, Birmingham
Replacing Carol H. Stewart, 10th Judicial Circuit, Place No. 9

Richard W. Whittaker, Enterprise
Replacing Terry L. Butts, 12th Judicial Circuit

Lee H. Copeland, Montgomery
Replacing James E. Williams, 15th Judicial Circuit, Place No. 6

Ronald H. Strawbridge, Jr., Vernon
Replacing John E. Paluzzi, 24th Judicial Circuit

John C. Gullahorn, Albertville (returning to Commission)
Replacing Dan Warnes, 27th Judicial Circuit

Robert L. Rumsey, Sylacauga
Replacing R. Blake Lazenby, 29th Judicial Circuit

President Segall next congratulated Commissioner Sam Crosby on his election as President-elect. President Segall also welcomed back Commissioner Ronnie Keahey who had recently undergone bypass surgery and Everette Price who continues to progress since his surgery and treatments. President Segall introduced Cooper Rutland, son of Commissioner Louis Rutland.

2. ROLL CALL

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

Ronnie E. Keahey	Michael E. Jones	Louis C. Rutland
Cooper Shattuck	Alyce M. Spruell	William H. Broome
Nicholas B. Roth	W. N. (Rocky) Watson	Anthony A. Joseph
S. Greg Burge	Jack Neal	Phillip W. McCallum
Greg Hawley	Maibeth J. Porter	Joseph A. Fawal
Robert E. Moorer	Jim Pratt	William A. (Pete) Short
Richard W. Whittaker	Michael D. Knight	Cecilia J. Collins
William M. Cunningham	Billy C. Bedsole	James H. Anderson
Mary Margaret Bailey	Les Hayes III	Sim Penton
Donald R. Jones, Jr.	Thomas J. Methvin	John E. Medaris
Lee H. Copeland	K. Scott Stapp	Thomas B. Albritton
Robert L. Bowers, Jr.	Everette A. Price, Jr.	Richard J.R. Raleigh, Jr.
Harold Stephens	L. Thomas Ryan, Jr.	John C. Gullahorn
Ronald H. Strawbridge, Jr.	Kenneth E. White, III	Robert L. Rumsey
Samuel N. Crosby	Tut Wynne	Robert H. Brogden
Elizabeth Parsons	Roy W. Williams	Timothy D. Littrell
Roger Bedford, Jr.	David T. Hyde, Jr.	Wayman Sherrer
Gerald R. Paulk	David F. Law	Alicia F. Bennett
Walter E. McGowan	Deborah Byrd Walker	Kelly T. Lee
Pamela H. Bucy	Dawn Wiggins Hare	John L. Kennemer

The following Commissioners were absent:

J. Garrison Thompson	Oliver Kitchens	Phillip W. McCallum
Albert J. Trousdale, II	Charles R. Stephens, Sr.	F. Michael Haney
Joseph A. Morris	William H. Atkinson	Robert T. Meadows, III
Jerry C. Trent	Claude E. Hundley, III	Merceria Ludgood
Kyra Sparks		

Also in attendance were President-elect Boots Gale and Immediate Past President Douglas McElvy. Staff members present included Tony McLain, Ed Patterson, Robby Lusk, Sam Partridge, Jeremy McIntire, Linda Lund, Laura Calloway, Anita Hamlett and Jeanne Marie Leslie. Tracy Daniel, Executive Director of the Alabama Law Foundation and Christy Crow, President of the Alabama Young Lawyers Section were also in attendance.

4. **APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR MAY 19, 2006**

President Segall stated that the minutes of the Board of Commissioners meeting on May 19, 2006 had been disseminated to the Board. He asked if there were any corrections, additions or deletions.

Commissioner Fawal stated that the minutes incorrectly reflected that he was in attendance. The Secretary noted the correction.

COMMISSIONER BEDSOLE MOVED THE APPROVAL OF THE MINUTES OF THE BOARD OF BAR COMMISSIONERS MEETING FOR MAY 19, 2006 AS CORRECTED. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY VOICE VOTE.

5. **PRESIDENT'S REPORT**

President Segall expressed his appreciation to the Commission members for their service during his presidency as well as to the members of the Executive Council. He mentioned that former Commissioner John Paluzzi would become probate judge for Pickens County after receiving the Democratic nomination and there being no Republican opposition for the general election. He also noted that Commissioner Spruell's partner, Joe Powell, received the Republican nomination for probate judge in Tuscaloosa County. Mr. Powell received the Local Lawyer Recognition from the Commission last year for his public service.

6. **SECRETARY'S REPORT**

The Secretary stated that shuttle buses would be available from the hotel to the Burnt Pine Golf Club for the Commissioners' Dinner and that maps would be made available at the conclusion of the meeting for those wishing to travel by car.

7. **PROGRAMS UPDATE**

Ed Patterson informed the Commission that applications for the third Leadership Class were available. He also announced the dates of the Leadership Forum meetings for 2007.

8. **GENERAL COUNSEL'S REPORT**

Mr. McLain informed the Commission that additional lay members were needed for the disciplinary panels. He explained the selection process and noted that six new lay members were needed as alternates. He asked the Commission members to nominate lay members from their circuits by sending resumes or vitas to the Secretary that would be circulated later for consideration by the board. Mr. McLain next explained the need for amending Rule 5(d) of the Alabama Rules of Disciplinary Procedure.

He stated that the current rule applies to recusals and does not cover situations which arise when a member is absent to serve either through inability or ineligibility. Mr. McLain further recommended that the Commission ratify the President's interim appointment of Commissioner Watson and Commissioner Lee to the Disciplinary Commission.

COMMISSIONER WHITE MOVED THE RATIFICATION OF PRESIDENT SEGALL'S ORDER APPOINTING W.N. "ROCKY" WATSON AND KELLY T. LEE AS ACTING MEMBERS OF THE DISCIPLINARY COMMISSION FROM JULY 1, 2006 THROUGH JULY 15, 2006. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

NEXT, COMMISSIONER ANDERSON MOVED THE SUSPENSION OF THE RULES TO ALLOW CONSIDERATION OF THE AMENDMENT OF RULE V.D. OF THE ALABAMA RULES OF DISCIPLINARY PROCEDURE AS AN ACTION ITEM. THE MOTION WAS SECONDED AND PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS CARRIED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER PARSONS MOVED THE ADOPTION OF THE AMENDMENT TO RULE V.D. OF THE ALABAMA RULES OF DISCIPLINARY PROCEDURE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

(A copy of the rule as adopted is included as Attachment A.)

9. MEMORIAL RESOLUTION

President Segall stated that a resolution memorializing John A. Caddell, former state bar president, had been prepared for consideration by the Board of Bar Commissioners.

COMMISSIONER ROTH MOVED THE ADOPTION OF THE RESOLUTION MEMORIALIZING FORMER STATE BAR PRESIDENT JOHN A. CADDELL. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The resolution as approved by the Commission reads as follows:

WHEREAS, John A. Caddell, a former president of the Alabama State Bar was born on April 23, 1910, and departed this life on February 7, 2006 in Decatur, Alabama at the age of 95; and

WHEREAS, the Board of Commissioners of the Alabama State Bar desires to recognize and memorialize his outstanding record of service as a prominent lawyer, citizen and leader of the Alabama State Bar.

NOW, THEREFORE, BE IT REMEMBERED, that John A. Caddell, served this association nobly and well as Bar Commissioner, member of the Board of Bar Examiners, and Alabama State Bar President in 1951-52.

Johnny was born in Tuscumbia, Alabama, and received his undergraduate and law degrees from the University of Alabama. He became a member of the Alabama State Bar in 1933. Upon his admission to the bar, Johnny began his practice in Decatur. At the time of his death 73 years later, he was senior partner of the Harris, Caddell and Shanks firm. His legal acumen was highly regarded and widely sought. At age 95, he was still the attorney of choice for many individuals, corporations and government clients.

In 1954, following his year as National President of the Alabama Alumni Association, Johnny was appointed to the University of Alabama Board of Trustees. He served the university conscientiously and well for a quarter century. During his tenure as trustee, Johnny was selected as Chairman of the Board of Trustees and served for a brief while as interim president of the university. He was selected Emeritus Trustee in 1979.

Johnny was not only the consummate lawyer, he was active in community affairs for the city of Decatur and Morgan County. He worked tirelessly to improve Decatur and Morgan County and was generally recognized as the chief spokesman, organizer and leader of virtually every worthwhile community enterprise in Decatur and Morgan County.

BE IT FURTHER REMEMBERED, that John A. Caddell was a man of humility, integrity, wisdom, dedication and loyalty. He leaves surviving him a daughter, Lucinda and three sons, Tom, Jack and Hank, who are lawyers and eight grandchildren.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Alabama State Bar meeting this day assembled that the life of John A. Caddell be recognized as one of deep dedication to the Bar of this state, to his community and his family and that his death represents a great loss to each.

BE IT FURTHER RESOLVED that this resolution be recorded in the permanent minutes of this association.

DONE this the 12th day of July, 2006.

10. **AMENDMENTS TO THE OPERATING RULES FOR THE LAWYER REFERRAL SERVICE**

Bryan Blackwell, vice chair of the Lawyer Referral Board, appeared before the Commission to answer questions concerning the changes recommended at the previous meeting to the operating rules of the Lawyer Referral Service. He stated that the language of Rule 3.7(c) was changed as suggested at the last meeting to ensure that the Board of Bar Commissioners approves any fee change.

President Segall asked if there were any questions. There were none.

COMMISSIONER FAWAL MOVED THE APPROVAL OF THE AMENDMENTS TO THE LAWYER REFERRAL SERVICE RULES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Segall thanked Mr. Blackwell and the members of the Lawyer Referral Service Board.

(A copy of the amendments to the Alabama State Bar Lawyer Referral Service Rules as adopted are included as Attachment B.)

11. **FEE DISPUTE PROGRAM RULE CHANGE**

President Segall explained the proposed rule change which was discussed at the last meeting. He asked if there were any questions. There were none.

COMMISSIONER BEDSOLE MOVED THE AMENDMENT OF THE FEE DISPUTE RULES SO AS TO PERMIT ATTORNEYS WITH FEE DISPUTES TO AVAIL THEMSELVES OF THIS SERVICE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

12. **HISTORY AND ARCHIVES COMMITTEE: AUTHORIZATION TO WRITE AND PUBLISH A HISTORY OF THE LEGAL PROFESSION IN ALABAMA**

President Segall recognized Mr. Ben Spratling, chair of the History and Archives Committee. Mr. Spratling outlined for the Commission, as he had at the previous meeting, the committee's recommendation of the writing and publication of a history of the legal profession in Alabama.

COMMISSIONER CROSBY MOVED THE APPROVAL OF THE HISTORY AND ARCHIVES COMMITTEE PROPOSAL TO WRITE AND PUBLISH A HISTORY OF THE LEGAL PROFESSION IN ALABAMA AS A SELF-FUNDED PROJECT THROUGH THE SOLICITATIONS OF CONTRIBUTIONS FROM LAWYERS AND LAW FIRMS AND THE SALE OF THE PUBLICATION, AND IF NEEDED, THE SALE OF FIRM HISTORIES FOR THE PUBLICATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

13. ANNUAL LEAVE POLICY FOR ALABAMA STATE BAR EMPLOYEES

President Segall stated that the proposal for augmenting state bar employee annual leave had been circulated. He asked if there were any questions concerning the change in the leave policy as proposed. There were none.

COMMISSIONER SPRUELL MOVED THE ADOPTION OF THE NEW LEAVE POLICY FOR ALABAMA STATE BAR EMPLOYEES THAT PROVIDES ANNUAL LEAVE BASED ON LENGTH OF SERVICE MATCHING THE CURRENT LEAVE POLICY FOR ALABAMA STATE EMPLOYEES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

(A copy of the Leave Policy as amended is included as Attachment C.)

14. REPORT OF THE NOMINATING COMMITTEE

Chairman Michael Knight reported on the Executive Council nominations and stated that the Nominating Committee would receive recommendations for other appointments. He noted that the Nominating Committee report would be made at the conclusion of the Grande Convocation on Saturday morning.

Commissioner Knight then stated that the MCLE Commission had two vacancies due to the expiring terms of Commissioners Carol Stewart and Jim Williams. He reported that the Nominating Committee recommended as replacements Commissioners Walter McGowan and Sim Penton.

President Segall asked if there was a motion to approve the nominations for the MCLE Commission.

COMMISSIONER WHITE MOVED THAT NOMINATIONS BE CLOSED AND THAT COMMISSIONERS WALTER MCGOWAN AND SIM PENTON BE APPOINTED TO THE MCLE COMMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

Finally, Commissioner Knight stated that the Nominating Committee would be making a recommendation concerning someone to fill the one year remaining on the unexpired term of Commissioner Crosby.

President Segall thanked Commissioner Knight and the members of the Nominating Committee for their efforts.

15. MOTION TO ADJOURN UNTIL JULY 15, 2006

President Segall noted that the hour was late and there was still additional business to be considered. He asked the pleasure of the Commission.

COMMISSIONER PRICE MOVED THAT WHEN THE COMMISSION ADJOURNED, IT WOULD ADJOURN UNTIL IMMEDIATELY AFTER THE GRANDE CONVOCATION AND ANNUAL BUSINESS MEETING ON SATURDAY, JULY 15, 2006. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. DISASTER TV AND RADIO PRODUCTION PROPOSAL

Linda Lund, Director of the VLP appeared before the Commission to discuss the production of TV spots and radio announcements to help inform the public as well as state bar members on how to contact the Volunteer Lawyers Program following a natural disaster. She stated that the commercials would run on radio and TV stations as part of the Bar's NCSA partnership with the Alabama Broadcasters Association and would be run only following a natural disaster such as a flood or hurricane. She stated that the productions cost was approximately \$3,600. President Segall stated that he would like this proposal to be moved to an action item so that these radio and TV announcements could be available during this hurricane season if needed.

COMMISSIONER WHITE MOVED TO SUSPEND THE RULES IN ORDER TO CONSIDER THE DISASTER TV AND RADIO PRODUCTION PROPOSAL AS AN ACTION ITEM. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER WHITE MOVED TO AUTHORIZE THE EXPENDITURE OF UP TO \$3,600 FOR THE PRODUCTION OF THE DISASTER TV AND RADIO SPOTS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. MOTION TO ADJOURN

President Segall asked if there was any further business to come before the Commission. There being none, a motion was duly made and seconded to adjourn.