

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, May 4, 2018

1. CALL TO ORDER

President Augusta S. Dowd convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in the board room of the Alabama State Bar building, Montgomery, Alabama. Commissioner John Stamps gave the invocation.

2. ROLL CALL

The secretary took the roll of the commission and the following commissioners were present and a quorum was established.

LaBella S. Alvis	Emily L. Baggett	Leslie R. Barineau
Mark S. Boardman	Jeffrey L. Bowling	John A. Brinkley, Jr.
Robert H. Brogden	William H. Broome	Brannon J. Buck
Bryan E. Comer	Latisha R. Davis	Diandra S. Debrosse
Jeffery C. Duffey	Michael D. Ermert	J. Langford Floyd
Kira Y. Fonteneau	Erskine R. Funderburg, Jr.	Monet M. Gaines
Jana Russell Garner	J. Kirkman Garrett	Anne Malatia Glass
Christy Williams Graham	Dana Grimes	H. Thomas Heflin, Jr.
Frederick G. Helmsing, Jr.	Erik Stephen Heninger	Ralph E. Holt
Clinton H. Hyde	Brett A. King	William R. Lancaster
Karen Laneaux	Donald B. Mansell	M. Clay Martin
David Martin	William Randall May	Clint L. Maze
R. Cliff Mendheim	Robert G. Methvin, Jr.	C. Zachery Moore
Kenneth Moore	J. Flynn Mozingo	J. Levi Nichols
George R. Parker	Manish H. Patel	Taylor T. (Tom) Perry, Jr.
Les Pittman	Courtney R. Potthoff	Jeanne Dowdle Rasco
James Rebarchak	Donald R. Rhea	Tazewell T. Shepard
Scott Shipman	Allison O. Skinner	John A. Smyth
John T. Stamps	Andrew D. Stanley	Audrey O. Strawbridge
Charles C. Tatum, Jr.	Terri O. Tompkins	Halron W. Turner
C. Gibson Vance	Hays Webb	Roy W. Williams, Jr.
Thad Yancey, Jr.		

The following commissioners were absent:

Steven D. Adcock	Robert L. Bowers, Jr.	Rebecca G. DePalma
F. Patrick Loftin	Rebekah K. McKinney	Matthew C. Mitchell
Larry S. Morris	James Lynn Perry	Barry A. Ragsdale
Gregory M. Varner		

Also in attendance were President-elect Sam Irby and Immediate Past President Cole Portis. Staff members in attendance were: Diane Locke, Ed Patterson, Douglas McElvy, Justin Aday, Laura Calloway, Merinda Hall, Linda Lund, Alex Rice, and Margaret Murphy. Also in attendance was Lee Johnson, Young Lawyers' Section President and Tracy Daniel, director of the Alabama Law Foundation.

3. INTRODUCTION OF GUESTS

President Dowd recognized special guests including Justices Mike Bolin and Will Sellers, associate justices of the Supreme Court of Alabama, Alan Rogers, president of the Birmingham Bar Association, Jennifer Buettner, executive director of the Birmingham Bar Association, Eileen Harris, director of the Alabama Center for Dispute Resolution, past president Sam Rumore, and the following members of the General Counsel Search Committee: past president Rich Raleigh, Alicia Bennett, Mike Haney, Cooper Shattuck and Lee Knowles.

4. APPROVAL OF THE MINUTES OF THE MARCH 2, 2018 BOARD MEETING

President Dowd stated that the minutes of the March 2, 2018 Board Meeting had been transcribed and circulated prior to the meeting. She asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER DEBROSSE MOVED TO APPROVE THE MINUTES OF THE MARCH 2, 2018 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. PRESIDENT'S REPORT

President Dowd briefly recognized the retiring commissioners and encouraged them to attend the Annual Meeting to receive formal recognition of their service on the Board of Bar Commissioners.

President Dowd updated the commission on "State of the Bar" presentations that have been given to date and future presentations that have been scheduled already. She reported that bar leadership was represented at minority pre-law conferences that have been held across the state. President Dowd encouraged commissioners to attend the Hall of Fame Induction Ceremony, to be held at the Supreme Court Building immediately following the board meeting.

President Dowd informed the commission that she had attended ABA Day in Washington, D.C., which allowed her to interact with Alabama's congressional delegation and seek funding for Legal Services Alabama. She also recognized Tommy Wells, past president of the ABA, in coordinating the ABA Day efforts for Alabama for the past 22 years.

President Dowd informed the commission that the Supreme Court of Alabama has approved amendments to Rules 26(c), 27(j), and 30(b) of the Rules of Disciplinary Procedure regarding Disability Inactive status, as proposed by the commission. She also informed the commission that the Supreme Court currently has before it the amendments to the Rules Governing Admission to the Alabama State Bar that were approved by the commission.

President Dowd informed the commission that she has appointed Commissioner Monet Gaines, Commissioner David Martin, and Secretary/Executive Director McCallum to serve as the Election Certification Committee. President reviewed the prior approach used in appointing members to the Disciplinary Commission, Disciplinary Panels and Hearing Officers. She informed the commission that she would be seeking nominations from the board for these positions and that recommended appointees would be considered and voted on at the Annual Meeting. She also informed the commission that she would solicit nominations for positions on the Alabama Law Foundation Board of Trustees and that those nominations would be considered at the Annual Meeting.

President Dowd concluded her remarks by reminding the commission of the Annual Meeting to be held June 27-30, 2018, at the Sandestin Hilton. She encouraged commissioners to attend and to promote attendance to their constituents.

6. SECRETARY/EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director McCallum informed the commission that the bar staff has worked hard with leadership in planning and preparation for the Annual Meeting, to be held June 27-30 at the Hilton Sandestin, and encouraged commissioners to make their reservations. Mr. McCallum also recognized the generosity of state bar staff in making contributions to Legal Food Frenzy totaling over 8,000 pounds of food.

Secretary/Executive Director McCallum informed the commission of the death of attorney Elisha Calvin Poole of Greenville. Mr. Poole is the father of former commissioner Cleve Poole.

Secretary/Executive Director McCallum concluded his remarks by reviewing the 2018 Alabama State Bar Election. He informed the commission that 24 seats are up for election in 2018 and that seven of those seats are contested. Mr. McCallum reminded the commission that the online election will open on May 21 and close on May 25. He asked commissioners to encourage participation in those contested circuits.

7. **PRESIDENT-ELECT COMMENTS**

President Dowd recognized President-elect Sam Irby to give remarks to the commission. President-elect Irby thanked President Dowd for her leadership and said that she was leaving the bar better than she found it. He encouraged commissioners to attend the Annual Meeting and said that he was working hard in preparation for his year as bar president.

8. **OFFICE OF GENERAL COUNSEL REPORT**

Acting General Counsel Douglas McElvy gave a brief overview of the search process to recommend a permanent General Counsel. He commended President Dowd and Secretary/Executive Director McCallum for organizing the search committee and process. He informed the commission that the process was thorough and that he felt confident the best candidate was selected.

Commissioner Bill Broome was recognized for a point of personal privilege. Commissioner Broome thanked Mr. McElvy for his service as Acting General Counsel.

9. **FINANCIAL REPORT**

Director of Finance Merinda Hall reported to the commission that revenues are up above average due to sharp increases in bar exam fees and PHV fees. She reported that expenses are down by 2% over the prior year. Mrs. Hall reported that decreases to expenses are largely due to efficiencies that have caused decreases to personnel costs.

10. **LEGISLATIVE UPDATE**

Legislative Counsel Suzi Huffaker reported that the 2018 legislative session has concluded and that the 2019 legislative session will not begin until March 2019. Mrs. Huffaker reminded the commission that all legislative seats are up for election in 2018 and that it would be a great time for commissioners to make relationships and get involved with legislative elections and the legislative process.

11. **COMMISSIONER COMMENTS – JEFF BOWLING**

Commissioner Jeff Bowling greeted the commission on behalf of the Franklin County Bar Association. He said that the lawyers in the Franklin County bar are appreciative of the state bar and the updates that are provided from the bar commission on the proceedings of meetings of the commission.

12. TASK FORCE ON CONSOLIDATED FUNDRAISING

Commissioner George Parker updated the commission on the work of the Task Force on Consolidated Fundraising, which he co-chairs with president-elect designate Christy Crow. He reported that the task force is developing a proposal where fundraising solicitation from the state bar would be centralized instead of various groups making solicitations to law firms multiple times throughout the year.

13. LEGAL FOOD FRENZY – JEANNE RASCO

Commissioner Jeanne Rasco was recognized to provide information on the 2018 Legal Food Frenzy. She reported that today is the final day to participate in the campaign and that commissioners should do so if they have not already. Commissioner Rasco recognized Alabama State Bar staff members Katherine Church, Eric Anderson and Phillip McCallum for their work to promote and organize the Legal Food Frenzy. President Dowd and Commissioners Brannon Buck, Bob Methvin, Diandra Debrosse, Christy Williams Graham, Gibson Vance, and Cliff Mendheim were recognized for their efforts in the friendly competition among commissioners and their contributions to the Legal Food Frenzy.

14. LEGAL SERVICES ALABAMA BOARD VACANCY

President Dowd reported that Legal Services Alabama has submitted the nominations of Ashley Penhale of Montgomery and Lucy Tufts of Mobile to fill a vacancy on the board of Legal Services Alabama created by the resignation of board member Mary Pons.

COMMISSIONER BROOME MOVED TO MAKE FILLING THE VACANCY ON THE LEGAL SERVICES ALABAMA BOARD AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO THIRDS VOTE.

COMMISSIONER VANCE MOVED TO CLOSE NOMINATIONS FOR THE LEGAL SERVICES ALABAMA BOARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE. AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED ON EACH NOMINEE AND ASHLEY PENHALE, HAVING RECEIVED THE MAJORITY OF VOTES, WAS SELECTED TO SERVE ON THE BOARD OF LEGAL SERVICES ALABAMA.

15. OFFICE OF GENERAL COUNSEL SEARCH COMMITTEE'S RECOMMENDATION OF NEW GENERAL COUNSEL

President Dowd made a presentation of the search process used to arrive at a recommendation of the new General Counsel of the Alabama State Bar. She informed the commission that the information that had been given to date was what she felt was appropriate as to not compromise the integrity of the process. She thanked Cooper

Shattuck for coordinating the work of the search committee and the members of the committee for their hard work during the search process.

President Dowd presented the names of each member of the search committee and informed the commission that they represented a diverse group of bar members in terms of age, race, and practice background. She informed the commission that the position was advertised widely to national, state and local bar organizations and specialty bars. She reviewed the characteristics of the applicant pool, which included 73 applicants. The process of narrowing down the applicant pool was presented. President Dowd informed the committee that at the conclusion of the process, the search committee was unanimous in its recommendation of Judge Roman Shaul of Montgomery as the next General Counsel of the Alabama State Bar.

COMMISSIONER GEORGE PARKER MOVED THAT THE COMMISSION ADOPT THE RECOMMENDATION OF THE GENERAL COUNSEL SEARCH COMMITTEE AND HIRE ROMAN SHAUL AS THE GENERAL COUNSEL OF THE ALABAMA STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. COMMENTS OF ROMAN SHAUL

President Dowd introduced Roman Shaul to the board as the General Counsel of the Alabama State Bar. Mr. Shaul thanked the commissioners for the time that they give to improve the legal profession in Alabama. He said that he is humbled by the opportunity to serve the board and the legal profession. Mr. Shaul said that he would do his best to give good advice to the lawyers in Alabama and always be accessible to members of the bar. He said that he looked forward to spending the remainder of his career serving as General Counsel of the Alabama State Bar.

17. ELECTION OF AT-LARGE COMMISSIONERS

President Dowd stated that a list of all of the applicants for at-large commissioner seats have been included in the meeting materials. She informed the commission that three at-large commissioners must be chosen for the three seats that are up for election this year and that a fourth at-large commissioner will be chosen to serve the balance of the term of the vacant position created by the resignation of Cooper Shattuck. The recommended nominees were: Raymond L. Bell, Jr., Timothy P. Chinaris, Cedrick Coleman, Diandra S. Debrosse, Hope S. Marshall, Candis A. McGowan, Lateefah Muhammad, Harold D. Mooty, III, Charles (Chuck) Price, Jeanne Dowdle Rasco, Holly Sawyer, Kyle C. Shirley, E. Glenn Smith, Jr., Rusha C. Smith, and Elizabeth C. Smithart.

THE PRESIDENT ASKED FOR ANY FURTHER NOMINATIONS FROM THE FLOOR. COMMISSIONER MAZE MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE. AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED ON EACH

NOMINEE AND PRESIDENT DOWD ANNOUNCED THAT THE FOLLOWING WERE ELECTED AS AT-LARGE COMMISSIONERS: DIANDRA S. DEBROSSE (PLACE 1); CHARLES (CHUCK) PRICE (PLACE 4); JEANNE D. RASCO (PLACE 7); AND RAYMOND L. BELL, JR. (PLACE 2 UNEXPIRED TERM).

18. APPROVAL OF DELEGATES TO THE ABA HOUSE OF DELEGATES

President Dowd informed the commission that the terms of Robert Poundstone, Rich Raleigh and Michael Vercher are expiring on the ABA House of Delegates. She reported to the commission that each has expressed an interest to continue serving.

COMMISSIONER RHEA MOVED TO CLOSE NOMINATIONS FOR DELEGATES TO THE ABA HOUSE OF DELEGATES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER MANSELL MOVED TO APPROVE ROBERT POUNDSTONE, RICH RALEIGH, AND MICHAEL VERCHER TO THE ABA HOUSE OF DELEGATES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. APPROVAL OF RECIPIENTS OF AWARD OF MERIT, COMMISSIONERS AWARD, TONY MCLAIN PROFESSIONALISM AWARD, BILL SCRUGGS SERVICE TO THE BAR AWARD, AND JUDICIAL AWARD OF MERIT

President Dowd reported that the following nominations had been made for awards to be presented at the Annual Meeting: Dan Johnson (Award of Merit); LaBella Alvis (Commissioners Award); Billy Bedsole (Tony McLain Professionalism Award); Justice Mike Bolin (Bill Scruggs Service to the Bar Award); and Judge Harold Hughston (Judicial Award of Merit).

COMMISSIONER DEBROSSE MOVED TO ACCEPT THE NOMINATIONS FOR RECIPIENTS OF THE AWARD OF MERIT, COMMISSIONERS AWARD, TONY MCLAIN PROFESSIONALISM AWARD, BILL SCRUGGS SERVICE TO THE BAR AWARD, AND JUDICIAL AWARD OF MERIT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. REAPPOINTMENT OF TARA LOCKETT AND HOLLY ALVES TO THE BOARD OF BAR EXAMINERS

President Dowd reported that the terms of Tara Lockett and Holly Alves on the Board of Bar Examiners concluded with the February 2018 bar exam. She stated that both examiners indicated their willingness to serve another four year term on the Board of Bar Examiners, commencing with the July 2018 bar exam.

COMMISSIONER FONTENEAU MOVED THE REAPPOINTMENT OF TARA LOCKETT AND HOLLY ALVES TO A FOUR YEAR TERM ON THE BOARD OF

BAR EXAMINERS COMMENCING WITH THE JULY 2018 BAR EXAM THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. APPOINTMENTS TO THE CODE OF ETHICS REFORM AND CLARIFICATION COMMISSION

President Dowd informed the commission that legislature had ordered the Alabama Ethics Commission to make a comprehensive review of state ethics laws and procedures of the Ethics Commission. The Board of Bar Commissioners has two appointments to the commission tasked with the review. The Executive Council has recommended and seeks ratification of Commissioner Mike Ermert and President-Elect Designate Christy Crow to serve on the Code of Ethics Reform and Clarification Commission.

COMMISSIONER SHEPARD MOVED TO APPROVE THE APPOINTMENT OF MIKE ERMERT AND CHRISTY CROW TO THE CODE OF ETHICS REFORM AND CLARIFICATION COMMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. ADJOURNMENT

President Dowd asked if there was any further business to come before the commission. There being no further business to come before the commission, a motion was made and duly seconded to adjourn. The motion was approved by voice vote and the meeting was adjourned at 11:26 a.m.

Augusta S. Dowd, President
Alabama State Bar

ATTEST:

Phillip W. McCallum, Secretary
Alabama State Bar