

## MINUTES

### ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

**State Bar Building  
Montgomery, Alabama**

**Friday, January 10, 2020**

#### 1. CALL TO ORDER

President Christy Crow 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 Dana Grimes gave the invocation.

#### 2. ROLL CALL

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

Emily L. Baggett	Raymond L. Bell, Jr.	Mark S. Boardman
Sally Bowers	Jeffrey L. Bowling	John A. Brinkley, Jr.
William H. Broome, Jr.	Brannon J. Buck	Bryan E. Comer
Joel Connally	Jeffery C. Duffey	Deborah Dunsmore
Michael D. Ermert	J. Langford Floyd	Kira Y. Fonteneau
Erskine R. Funderburg, Jr.	Jana Russell Garner	J. Kirkman Garrett
Dana Grimes	H. Thomas Heflin, Jr.	Frederick G. Helmsing, Jr.
Erik Stephen Heninger	Ralph E. Holt	Clinton H. Hyde
Richard M. Kemmer	Brett A. King	Jason P. Knight
William R. Lancaster	Karen Laneaux	F. Patrick Loftin
David Martin	M. Clay Martin	William Randall May
LaBella S. McCallum	Rebekah K. McKinney	R. Cliff Mendheim
Kenneth Moore	Larry W. Morris	J. Levi Nichols
George R. Parker	Taylor T. Perry, Jr.	Chuck Price II
James Rebarchak	Chrissy Riddle	Jeanne Dowdle Rizzardi
Pat Sefton	Allison O. Skinner	Elizabeth Smithart
John A. Smyth	John T. Stamps	Charles C. Tatum, Jr.
James Michael Terrell	Terri O. Tompkins	Halron W. Turner
Gregory M. Varner		

The following commissioners were absent:

Robert L. Bowers, Jr.	Robert H. Brogden	Bradley Cornett
Latisha R. Davis	Diandra S. Debrosse	Anne Malatia Glass
Christy Williams Graham	Scott B. Holmes	Carmen Howell

Donald B. Mansell  
 Manish H. Patel  
 Barry A. Ragsdale  
 Andrew D. Stanley

Clint L. Maze  
 J. Lynn Perry  
 Freddy Rubio  
 C. Gibson Vance

Charles Zachery Moore  
 Amanda Porter  
 Tazewell T. Shepard, III

Also in attendance were President-elect Bob Methvin, Immediate Past President Sam Irby and Glenda Freeman, ex-officio member of the executive council. Staff members in attendance were: Roman Shaul, Justin Aday, Linda Lund, Merinda Hall, Robert Thornhill, Ashley Penhale, Melissa Warnke, Joycelyn Hill, Shannon Knight and Diane Locke.

**3. INTRODUCTION OF GUESTS**

President Crow recognized special guests including Associate Justice Will Sellers, Associate Justice Jay Mitchell, Associate Justice Tommy Bryan, Associate Justice Sarah Stewart, Past President Rich Raleigh, Eileen Harris, executive director of the Alabama Center for Dispute Resolution, Nikki Thomas, executive director of the Alabama Civil Justice Foundation, Ben Dupre, chief of staff to Chief Justice Tom Parker, Lauren White, Judge Jill Ganus, and Legislative Counsel Suzi Huffaker.

**4. APPROVAL OF THE MINUTES OF THE NOVEMBER 1, 2019 BOARD MEETING**

President Crow stated that the minutes of the November 1, 2019 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 SKINNER MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 1, 2019 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

**5. REPRIMANDS**

5. a. Jack B. McNamee, ASB 2015-1538

Mr. McNamee received a public reprimand with general publication for violating Rule 8.4(c) and 8.4 (g) of the *Alabama Rules of Professional Conduct*.

5.b. Barry Glenn Curtis, ASB 2019-735

Mr. Curtis received a public reprimand without general publication for violating Rules 5.5 and 8.4(d) and (g) of the *Alabama Rules of Professional Conduct*.

5.c. Nathan James Rubino, ASB 2019-270

Mr. Rubiono received a public reprimand without general publication for violating Rules 5.5 and 8.4(d) and (g) of the *Alabama Rules of Professional Conduct*.

5.d. Martin Kassab Berks – ASB 2018-128 and ASB 2018-583

Mr. Berks received a public reprimand with general publication for violating Rule 1.4 of the *Alabama Rules of Professional Conduct*.

## 6. **PRESIDENT'S REPORT**

President Crow informed the commission that Justice Sellers had brought with him a copy of notice that the Supreme Court of Alabama had approved the military spouse exception to the reciprocity rule that was approved by the commission. She reported to the commission that she has continued to keep a busy travel schedule and had represented the State Bar at various events around the state since the last board meeting. She also reminded the commission that the Midyear Meeting will be held on January 22 and 23 at The Lodge at Gulf State Park.

President Crow reminded commission of Robert Thornhill's resignation and that his last day as Director of the Alabama Lawyers Assistance Program (ALAP) would be later this month. She also informed the commission that, after a thorough search and several interviews, the decision was made to hire Jeremy Rakes of Birmingham to replace Mr. Thornhill.

President Crow recognized Commissioner Jim Rebarchak, one of the commission's representatives on the Alabama Law Foundation Board of Trustees for a special presentation. Mr. Rebarchak reminded the commission of the purposes of the Alabama Law Foundation to provide funding in the areas of legal aid and access to justice. He then presented a check to Linda Lund, director of the Alabama State Bar Volunteer Lawyers Program, in the amount of \$168,500 to assist that program in furtherance of its work.

President Crow concluded her report by reminding the commission that wellness is a focus of her year as president and that a wellness page has been added to the State Bar website, with new content being added weekly. She also reminded the commission of the kickoff of the 19<sup>th</sup> Amendment Centennial Celebration, which will be held on February 17, 2020, at Vulcan Park in Birmingham.

## 7. **SECRETARY / EXECUTIVE DIRECTOR'S REPORT**

Secretary/Executive Director McCallum reminded the commission that the next board meeting will be held on March 6, 2020, in Florence, Alabama. He also informed the commission that the annual Lawyer Legislator Breakfast will be held in Montgomery on February 19, 2020, and that more information would be forthcoming about

reserving for the breakfast, Mr. McCallum informed the commission that the mileage reimbursement rate for 2020 has been reduced to \$0.575 per mile.

Mr. McCallum welcomed Freddy Rubio from Birmingham to the bar commission. He also recognized Commissioner LaBella Alvis McCallum and congratulated her on her recent marriage to Birmingham attorney Chip McCallum. He also informed the commission that Commissioner Taze Shepard's mother-in-law passed away in December and asked the commissioners to keep Commissioner Shepard in their thoughts and prayers.

Mr. McCallum introduced Robert Thornhill, director of the Alabama Lawyers Assistance Program (ALAP) and asked him to address the commission and highlight the work and employees of ALAP. Mr. Thornhill thanked the board for the opportunity to serve as director of ALAP and for all of the encouraging words that had been given since he announced his resignation from the State Bar. He said that he looked forward to working with his successor, Mr. Jeremy Rakes, and wished him much success with the program. Mr. Thornhill introduced Joycelyn Hill, ALAP program coordinator and administrative assistant, and Shannon Knight, ALAP case manager. He thanked both ladies for their support of him and the difference that they have made for many lawyers who have been involved with ALAP.

#### **8. OFFICE OF GENERAL COUNSEL REPORT**

General Counsel Roman Shaul informed the commission that Autumn Caudell had been hired as Assistant Ethics Counsel and that she will also coordinate the Practice Management Assistance Program. He also informed the commission that Stacey Moseley has been promoted to Disciplinary Clerk, a single position made by consolidating the former positions of Disciplinary Board Clerk and Disciplinary Commission Clerk. Mr. Shaul pointed out that with the promotion of Mrs. Moseley, there is vacant Paralegal/Investigator position for which he is seeking to fill.

Mr. Shaul informed the commission the Advertising Committee, co-chaired by Michael Upchurch and Harlan Prater, has met and is developing a draft of a series of rule changes with annotations on what various courts have upheld as being constitutional. He said these rule changes will be considered within the committee and proposed rule changes should come before the commission in the near future.

#### **9. FINANCE REPORT**

Director of Finance Merinda Hall presented the first quarter financial report for FY2020. She informed the commission that, based on the timing of license and membership renewals, 80% of revenue for the fiscal year was collected during the first quarter. She also reported that expenses have decreased over the prior year by approximately 1%, and that the decrease is most attributable to decreased personnel costs. Mrs. Hall reported that an independent financial report was conducted and that there were no findings or issues revealed by the audit.

Mrs. Hall informed the board that the FY2021 budget proposal did not change from the version discussed at the previous meeting. She reviewed the budget proposal and informed the board that the total budget of \$6.81 million represents a 0.6% decrease from the FY2020 budget.

**10. APPROVAL OF FINANCIAL REPORTS**

Secretary/Executive Director informed the board that Commissioner Mark Boardman has recommended that the board begin taking a vote to approve the financial reports as they are presented by the Director of Finance. He also noted that approval of the financial reports presented in the current meeting is an action item on the current agenda.

President Crow asked if there was any objection to taking out of order the action item related to approval of the financial reports. There being no objection, the president put before the board the approval of the finance reports as previously presented by the Director of Finance.

COMMISSIONER SKINNER MOVED TO APPROVE THE FINANCIAL REPORTS OF THE ALABAMA STATE BAR FOR THE FIRST QUARTER OF THE FISCAL YEAR ENDING SEPTEMBER 30, 2020. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**11. LEGISLATIVE UPDATE**

Legislative Counsel Suzi Huffaker reminded the board that the next session of the legislature begins on February 4, 2020. She said that the issue that has taken the most time in recent months and one that will be a focus of the legislative session is prison reform. In addition, Mrs. Huffaker said that revenues have increased and, as a result, the budget outlook for the upcoming session has improved. She thanked Commissioner Lang Floyd for the work he has been doing on behalf of the state court system, especially as it relates to securing adequate funding.

**12. JUDICIAL COMPENSATION UPDATE**

Past President Rich Raleigh addressed the board to provide an update on the work of the Judicial Compensation Commission. He informed the board that the commission has worked toward a system by which judges can more fairly be compensated and have their compensation adjusted based on experience. He reminded the board that most judges will likely see an adjustment to their current salary, but that the recommendation is not a judicial pay raise. Mr. Raleigh informed the commission that the proposal would define pay scales for trial and appellate judges, provide for automatic step increases after six years of service as a judge, and eliminate county supplements to judicial salaries. Mr. Raleigh said the final proposal from the commission has not received all necessary signatures, but that he expects that will

happen soon and the proposal will be submitted to the legislature for the upcoming session.

**13. COURT OF THE JUDICIARY APPOINTMENT**

President Crow informed the board that the term of S. Dagnal Rowe, Sr. on the Court of the Judiciary expires on March 14, 2020. She stated that nominations may be submitted and that the appointment would be an action item for the next board meeting.

**14. ALABAMA SECURITIES COMMISSION APPOINTMENT**

President Crow informed the board that Judge Austin Huffaker, since being appointed to the federal bench, had resigned his position as a member of the Alabama Securities Commission. She stated that nominations to fill the vacancy may be submitted and that there will be an action item for the next meeting where the board will approve three names for submission to the Governor.

**15. ALABAMA BOARD OF COURT REPORTING APPOINTMENT**

President Crow informed the board that David Rains has resigned his position as a member of the Alabama Board of Court Reporting. She stated that nominations may be submitted and that the appointment would be an action item for the next board meeting.

**16. ALABAMA PRIVATE INVESTIGATORS BOARD APPOINTMENT**

President Crow informed the board that Commissioner Don Mansell has resigned his position as a member of the Alabama Private Investigators Board. She stated that nominations may be submitted and that the appointment would be an action item for the next board meeting.

**17. LEADERSHIP FORUM UPDATE**

President Crow recognized Director of Programs Ashley Penhale to give an update on Leadership Forum. Ms. Penhale informed the board that a Memorandum from Timothy Gallagher, chair of the Leadership Forum Selection Committee, was circulated prior to the meeting. She stated that approximately fifty attorneys had applied for Class 15 and that thirty were selected for the class. Ms. Penhale encouraged the board to review the statistics of the class and names of the class members, and to notice the diversity of the class in terms of demographics, geography, practice area and education. Ms. Penhale reminded the board that there was no Leadership Forum class last year and she stated that her staff is looking forward to kicking off the current class in conjunction with the Midyear Meeting.

18. **MEMBER BENEFITS COMMITTEE REPORT**

Commissioners George Parker and Jimbo Terrell, co-chairs of the Member Benefits Committee reported on the recent activities of the Member Benefits Committee. Mr. Terrell informed the board that members of the bar can now access new discounts through Hyundai and the Tutwiler Hotel. He also informed the board that services and offers from Soda PDF and Apple are being evaluated and that a final report on those will be made to the board at a later date. Mr. Parker reminded commissioners that current member benefits could be accessed through the Alabama State Bar website and that the committee is exploring the possibility of creating a mobile application for members to access member benefit offerings.

19. **COMMISSIONER COMMENTS**

President Crow recognized Commissioner Mark Boardman and Commissioner Randy May to provide commissioner comments on behalf of the 18<sup>th</sup> Judicial Circuit in Shelby County. They stated that the Shelby County Bar Association is very active and that it holds at least ten meetings per year, with a CLE offering at each of them. In addition to social events, the commissioners stated that the bar has a service event for each quarter. For the upcoming quarter, the bar association will partner with the Shelby Art Alliance to present a play about a murder mystery that plays out in a courtroom. The following quarter, the bar association will host a Wills for Heroes clinic in Shelby County.

President Crow also recognized Commissioner Brett King to bring remarks on behalf of the 41<sup>st</sup> Judicial Circuit in Blount County. Mr. King stated that he believes civic organizations in Blount County are struggling and that he sees more of an opportunity for the bar association to facilitate mentoring of young attorneys in the circuit and civic engagement in the community. Mr. King encouraged commissioners with more active local bar associations to contact him and share with him ideas for how the Blount County Bar Association can do more to serve lawyers and the public.

20. **APPROVAL OF LAWYERS RENDER SERVICE, INC. NON-PROFIT ENTITY PROPOSED BY LAWYERS HELPING LAWYERS TASK FORCE**

President Crow reminded the board that at the last board meeting a presentation was made on finalizing the documents needed to create a non-profit entity that could be used to receive the revenue generated from license plate sales and to support other initiatives of the bar. She stated that the Executive Council worked with Commissioner Sefton and attorney Will Cunningham to finalize a draft of the documents, which were circulated prior to the meeting.

COMMISSIONER CONNALLY MOVED TO APPROVE THE CREATION OF LAWYERS RENDER SERVICE, INC. AS A NON-PROFIT ENTITY IN ACCORDANCE WITH THE DOCUMENTS CIRCULATED FOR REVIEW BY

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

President Crow informed the board that the officers of the Lawyers Render Service, Inc. non-profit would be elected at the Annual Meeting in June 2020, but that interim officers need to be approved for the purposes of organizing the entity and filing the necessary paperwork on behalf of the entity. She stated that her recommendation is that officers of the non-profit be different from officers of the State Bar due to the time commitment already on the officers of the State Bar, but that she would be willing to be an interim officer of the non-profit since the only activities for it now are administrative in nature.

COMMISSIONER GARNER MADE A MOTION THAT ALABAMA STATE BAR PRESIDENT CHRISTY CROW BE APPOINTED AS INTERIM PRESIDENT OF LAWYERS RENDER SERVICE, INC., THAT ALABAMA STATE BAR PRESIDENT-ELECT BOB METHVIN BE APPOINTED AS INTERIM VICE PRESIDENT AND EXECUTIVE DIRECTOR PHILLIP MCCALLUM BE APPROVED SECRETARY OF LAWYERS RENDER SERVICE, INC. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. **AMENDMENTS TO THE BYLAWS OF THE BANKRUPTCY AND COMMERCIAL LAW SECTION**

President Crow reminded the board that amendments to the bylaws of the Bankruptcy and Commercial Law Section were approved were presented for discussion at the last board meeting.

COMMISSIONER BUCK MOVED TO APPROVE THE AMENDMENTS TO THE BYLAWS OF THE BANKRUPTCY AND COMMERCIAL LAW SECTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. **APPOINTMENTS TO THE BOARD OF BAR EXAMINERS**

President Crow reminded the board that the terms of James Bradford and Warren Matthews on the Board of Bar Examiners have expired and that filling the positions was presented as a discussion item at the last board meeting. She stated that Mr. Bradford and Mr. Matthews have both indicated a willingness to be re-appointed. President Crow called for nominations from the board.

COMMISSIONER LANCASTER MOVED TO CLOSE NOMINATIONS FOR APPOINTMENTS TO THE BOARD OF BAR EXAMINERS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER MAY MOVED TO APPROVE JAMES BRADFORD AND WARREN MATTHEWS FOR APPOINTMENT TO THE BOARD OF BAR



EXAMINERS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**23. HALL OF FAME SELECTION COMMITTEE APPOINTMENTS**

President Crow reminded the board that the terms of Everette Price, Sam Rumore, Sandra Lewis and Ed Sledge on the Hall of Fame Selection Committee have expired and that filling the positions was presented as a discussion item at the last board meeting. She stated that Everette Price, Sam Rumore and Sandra Lewis have each indicated a willingness to be re-appointed, and that Ed Sledge does not wish to be re-appointed. President Crow informed the board that Wendy Crew had been nominated to fill the position being vacated by Ed Sledge. The president called for nominations from the board.

COMMISSIONER LANCASTER MOVED TO CLOSE NOMINATIONS FOR APPOINTMENTS TO THE HALL OF FAME SELECTION COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER HEFLIN MOVED TO APPROVE EVERETTE PRICE, SAM RUMORE, SANDRA LEWIS AND WENDY CREW FOR APOINTMENT TO THE HALL OF FAME SELECTION COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**24. MEMBER BENEFITS – APPROVAL OF DISCOUNTS AND OTHER BENEFITS BY EXECUTIVE COUNCIL**

President Crow reminded the board that there were discussions at the last meeting on a proposal to streamline the process in which discounts and other member benefits that do not cost the bar could be approved by the Executive Council instead of requiring full board approval. She stated that any benefit that costs the bar money or calls for administrative obligations would be presented to the board for approval.

COMMISSIONER SKINNER MOVED TO APPROVE A PROCEDURE BY WHICH DISCOUNTS AND OTHER MEMBER BENEFITS WOULD BE APPROVED BY THE EXECUTIVE COUNCIL AND NOT REQUIRE BOARD APPROVAL. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

**25. ADJOURNMENT**

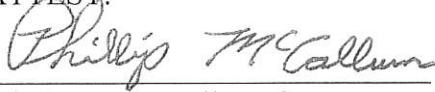
President Crow asked if there was any further business to come before the commission. There being no further business to come before the commission, a motion was made and duly seconded to adjourn. The motion was approved by voice vote and the meeting was adjourned at 11:23 a.m.



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Christina D. Crow, President  
Alabama State Bar

ATTEST:



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Phillip W. McCallum, Secretary  
Alabama State Bar