

MINUTES**ALABAMA STATE BAR
BOARD OF BAR COMMISSIONERS MEETING****Battle House Hotel
Mobile, Alabama****Friday, January 20, 2023****1. CALL TO ORDER**

President Gibson Vance convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in the Crystal Ballroom of the Battle House Hotel, Mobile, Alabama.

2. ROLL CALL

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

Conrad Anderson	Raymond Bell, Jr.
Edgar Black	Mark Boardman
Jeff Bowling	Brannon Buck
Clay Carr	Joel Connally
Bradley Cornett	Mark Debro
Lang Floyd	Kira Fonteneau
Scott Foster	Jana Garner
Leon Hampton	Josh Hayes
Fred Helmsing	Carmen Howell
Angela Kennedy	Edwin Lamberth
Bill Lancaster	David Langston
Felicia Long	Clay martin
Doug Martinson	LaBella McCallum
Bob McMillan	Cliff Mendheim
Steve Nicholas	Andrew Nix
Tom Perry	Chuck Price, II
John Rea	James Rebarchak
Ryan Robichaux	Steven Savarese
Holly Sawyer	Pat Sefton
Elizabeth Smithart	John Smyth
John Stamps	Brain Strength
Jimbo Terrell	Jeff Utsey
Leila Watson	Robin Wolfe

The following commissioners were absent:

Sally Bowers	Bob Brogden
Will Broome, Jr.	Matthew Carter
Deborah Dunsmore	Richard Fikes
Kirk Garrett	Anne Glass
Christy Graham	Erik Heninger
Scott Holmes	Brett Holsombeck
Mitch Kemmer	Brett King
Jorja Loftin	Don Mansell
David Martin	Clint Maze
Tina Moon	Kenneth Moore
Manish Patel	Bobby Poundstone
Chrissy Riddle	Freddy Rubio
Jason Simmons	Allison Skinner
Kyra Sparks	Andrew Stanley
Mallory B. Whitley	

QUORUM PRESENT

Also in attendance was President-elect Brannon Buck. Staff members in attendance were: Roman Shaul, Jeremy Rakes, Chad Coker, Autumn Caudell, Merinda Hall, Chris Colee, Karen Laneaux Michelle Shaw, Melissa Warnke, Olivia Walker, Linda Lund, Robyn Bernier, and Amy Fawcett.

3. APPROVAL OF AGENDA

President Vance stated that the agenda had been circulated prior to the meeting. He asked if there were any corrections, additions, or deletions. There were none.

COMMISSIONER MARK DEBRO MOVED TO APPROVE THE AGENDA AS PRESENTED. THE MOTION WAS SECONDED BY COMMISSIONER KIRA FONTENEAU AND APPROVED BY UNANIMOUS VOICE VOTE.

4. SPECIAL GUESTS

President Vance welcomed Associate Justice Sarah Stewart, Mobile Bar President Forrest Latta, Mobile Bar Executive Director Ann Sirmon, and Judicial Inquiry Commission bar appointee and former Bar Commissioner Billy Bedsole. He thanked the Mobile Bar and the Baldwin Bar for their hospitality during the Mid-Year Meeting and for the remarkable job in planning and sponsoring the opening night reception and the joint Mardi Gras reception for the Judges and the Lawyers.

5. APPROVAL OF THE MINUTES OF THE NOVEMBER 4, 2022, BOARD MEETING

President Vance stated that the minutes of the November 4, 2022, 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 LONG MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 4, 2022, BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

6. PRESIDENT'S REPORT

President Vance informed the board of the recent Drive for Five visits across the 41 Judicial Circuits. He announced that we have visited over half of the judicial circuit and that plans are being finalized for the remaining visits. Photos from all visits were shared with the Commissioners as well as a list of tentative dates for future visits. President Vance said taking the message of the Bar to the members has been a success and reported that at least 25 lawyers have utilized the confidential counseling program. He reported that since the last board meeting, Drive for Five visits have taken him to Montgomery, Russell and Madison counties, and the opportunity to present at New Judges Orientation, the Mid-Year Judges Conference, Leadership Forum, Cumberland School of Law, the Women's Section Judicial Brunch, and several other CLEs. President Vance highlighted numerous events that have taken place since the last board meeting to include the retirement of Associate Justice Mike Bolin, the investiture of Associate Justice Greg Cook, and the appointment of Associate Justice Jay Mitchell as the ASB Court Liaison.

7. SECRETARY / EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director Terri Lovell shared an overview actions steps taken in the past year in response to the Public Examination Audit, the Governance and Internal Operations Task Force Report, and the ongoing collaboration with the Examiner of Public Accounts, the Court, and other entities in state government to improve the operations and compliance of the Alabama State Bar. Lovell also informed the board that ASB consultant, John Phelps, had been present all week at the Mid-Year meeting working with the Bylaws Task Force, the Long-Range Strategic Planning Task Force, and providing guidance on the future of the bar. Lovell concluded by introducing Chad Coker as the Director of Operations for the Alabama State Bar.

8. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Roman Shaul informed the board that the Alabama Supreme Court had approved a rule change to the *Rules of Professional Responsibility* following the proposed change to add non-commissioner to the Disciplinary Commission and Disciplinary Panels. He informed the Board that the nominations had all been screened for eligibility and that all nominations would be presented to the Board for approval as an action item later in the agenda.

9. **FINANCE REPORT**

For the first quarter of the fiscal year, ASB revenues increased by nearly 5% over the past year with the timely renewal of licenses and special membership fees.

The addition of three staff positions over the early quarters of last year, along with a cost-of-living adjustment for all employees, contributed to the 7.3% overall increase in total expenses. Travel expenses are gradually returning to normalcy after several years of reported lows, and supply expenses raised due to inflation. However, professional services declined over last year's totals with fewer legal services and the ASB audit procurement delays.

ASB investment balances saw an increase of 3.6% after three consecutive quarters of reported losses.

10. **EXECUTIVE COUNCIL REPORTS**

President Vance recognized Executive Council member President-elect Brannon Buck to report on the *Rules of Professional Responsibility* rule change. President-elect Buck reported that in his Executive Council role this year he has been assigned as the liaison to the Office of General Counsel. He explained the need for having non-commissioners to fill some of the open seats in circumstances where a complaint is filed against a commissioner or former bar commissioner. President Buck stated that commissioners are not excluded from being nominated, but that it was important that non-commissioners be considered.

11. **ALABAMA LAWYER EDITORIAL POLICIES**

President Vance informed the Board of ongoing efforts to develop agreed upon editorial policies for *The Alabama Lawyer* magazine. Following a discussion, President Vance told the Board that efforts would continue to work with the editor and the editorial board and would move to an action item on the May meeting, if necessary.

12. **JUDICIAL INQUIRY COMMISSION APPOINTMENTS**

President Vance reported the terms of Billy Bedsole and Maibeth Porter to the Judicial Inquiry Commission will expire this year. Mr. Bedsole and Ms. Porter have asked to be reappointed. They would serve another 4-year term. Nominations will be accepted.

13. **LEGAL SERVICES BOARD APPOINTMENTS**

President Vance reported that there are two appointments to the Legal Services of Alabama Board. The LSA Board has recommended the appointment of Commissioner Josh Hayes and Tiffani Agee to fill the terms of previous ASB appointees Tom Heflin and Jacqueline Osorno. The LSA Board has further recommended that Alexa Borden

be appointed to fill the seat vacated by the passing of former LSA President and ASB Past President Taze Shepard. No further nominations were made from the floor or received. Nominations were closed. The appointment of Josh Hayes, Tiffani Agee and Alexa Borden were approved. Josh Hayes abstained from the vote.

14. APPOINTMENTS OF THE DISCIPLINARY BOARD AND DISCIPLINARY COMMISSION

President-elect Brannon Buck informed the Board that on January 5, 2023, the Supreme Court of Alabama adopted the recommended rule changes to Rule 4, Rule 4.2, and Rule 5, of the Alabama Rules of Disciplinary Procedures. The rule changes expanded the size of both the Disciplinary Commission and Disciplinary Board. In total 9 spots were needed to be filled on the Disciplinary Board and 2 spots were needed for the Disciplinary Commission. It is anticipated that the BBC will vote on lay members to the Disciplinary Board at their next meeting. There are currently 3 spots available for lay persons, however, the rules allow for alternates to be appointed. The following attorneys were nominated to the Disciplinary Commission and Disciplinary Board:

Disciplinary Commission:

1. Judge Chuck Price, II
2. Marshal Gardiner

Disciplinary Board:

1. Gina Goggin, Hearing Officer
2. Al Vance, Hearing Officer
3. Cindy Nielson
4. Greg Brockwell
5. David Skinner
6. Brad Cornett
7. Carmen Howell
8. Angela Kennedy
9. Justin Jones

MOTION TO APPROVE THE NOMINATED ATTORNEYS TO THE DISCIPLINARY COMMISSION AND DISCIPLINARY BOARD AND SECONDED AND THE ABOVE NOMINEES WERE UNANIMOUSLY APPROVED.

15. ANNUAL PERFORMANCE EVALUATION POLICY FOR THE EXECUTIVE DIRECTOR AND GENERAL COUNSEL

President-Elect Brannon Buck explained that the proposed Annual Performance Evaluation Policy for the Executive Director and the General Counsel and the forms had been circulated with the materials for the meeting. In explaining the process, President-elect Buck emphasized the importance of the Executive Director and General Counsel's

own self-evaluation process, review from stakeholders to include the President, President-Elect, Chair of the Personnel Committee, Disciplinary Commission Chair, and liaison to the Alabama Supreme Court. He reminded that although a policy had not been approved, that the full Executive Council had conducted a performance evaluation of both Executive Director Terri Lovell and General Counsel Roman Shaul for 2022.

A MOTION TO APPROVE THE ANNUAL PERFORMANCE EVALUATION POLICY WAS MADE AND SECONDED AND APPROVED BY UNANIMOUS VOTE.

16. EMPLOYEE HANDBOOK

Executive Director/Secretary Terri Lovell reported that revisions to the Alabama State Bar Employee Handbook had been approved by the Personnel Committee and were circulated to the board prior to the meeting.

MOTION TO APPROVE THE ALABAMA STATE BAR EMPLOYEE HANDBOOK AND SECONDED AND APPROVED BY UNANIMOUS VOTE.

17. HALL OF FAME SELECTION COMMITTEE APPOINTMENTS:

Executive Director/Secretary Terri Lovell reported that the terms of Everette Price, Sam Rumore, Wendy Crew, and Sandra Lewis expire in January. The committee members have asked to be re-appointed. They will serve another 3-year term. No further nominations were received from the floor.

MOTION TO APPROVE THE REAPPOINTMENT OF EVERETTE PRICE, SAM WENDY CREW, AND SANDRA LEWIS AND SECONDED AND APPROVED BY UNANIMOUS VOTE.

18. HALL OF FAME SELECTION COMMITTEE APPOINTMENTS:

Executive Director/Secretary Terri Lovell reported the Hall of Fame Selection Committee selected the Class of 2022. The selectees are Harold Hughston, James Taylor Jones, Arthur Alexander Madison, Clarence Forest Rhea, and Janie Shores.

MOTION TO APPROVE THE HALL OF FAME SELECTIO CLASS OF 2022 AND SECONDED AND THE FOLLOWING WERE APPROVED BY UNANIMOUS VOTE: HAROLD HUGHSTON, JAMES TAYLOR JONES, ARTHUR ALEXANDER MADISON, CLARENCE FOREST RHEA, AND JANIE SHORES.

ADJOURNMENT

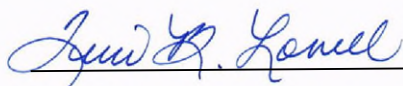
President Vance asked if there was any further business to come before the commission. There being no further business to come before the commission, a motion was made and

duly seconded to adjourn. The motion was approved by voice vote and the meeting was adjourned at 11:03 a.m.



Gibson Vance
Alabama State Bar
President, 2022-2023

ATTEST:



Terri B. Lovell, Secretary
Alabama State Bar