

## MINUTES

### ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building  
Montgomery, Alabama

Friday, September 12, 2008

#### 1. CALL TO ORDER

President Mark White 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 in Montgomery, Alabama. Immediate Past President Sam Crosby gave the invocation. President White asked the board to keep the family of former executive director Reggie Hamner in their prayers for the loss of his mother Ellie Hamner. Commissioner Malcom asked the commission to keep Judge David Bibb's family in their thoughts and prayers for the loss of their son who was killed in an automobile accident.

#### 2. ROLL CALL

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

Ronnie E. Keahey	Michael E. Jones	Christy Crow
J. Garrison Thompson	Randall S. Haynes	Cooper Shattuck
Alyce M. Spruell	John M. Gruenewald	Phil D. Mitchell
Anthony A. Joseph	Jack Neal	Phillip W. McCallum
Joseph A. Fawal	Robert E. Moorner	Jim Pratt
William A. (Pete) Short	Henry A. Callaway, III	Mary Margaret Bailey
Billy C. Bedsole	Juan Ortega	Cole Portis
James R. Beard	James H. Anderson	Ramona Morrison
F. Michael Haney	K. Scott Stapp	John M. Peek
Joseph A. Morris	John L. Jernigan, III	Richard J. R. Raleigh, Jr.
Harold Stephens	L. Thomas Ryan, Jr.	John C. Gullahorn
Ronald H. Strawbridge, Jr.	Kenneth E. White, III	Christopher E. Malcom
Allan Chason	J. Milton Coxwell	Alexander M. Smith
Robert T. Meadows, III	Jere C. Trent	Deborah Byrd Walker
Walter E. McGowan	Claude E. Hundley, III	LaBarron Boone
Kelly T. Lee		

The following Commissioners were absent:

W. N. (Rocky) Watson	S. Greg Burge	Greg Hawley
Maibeth J. Porter	Albert J. Trousdale, II	Richard W. Whittaker
William M. Cunningham	Les Hayes, III	Donald R. Jones, Jr.
Sim Penton	Lee Copeland	Brian D. Mann
R. Wyatt Howell	Tut Wynne	Robert L. Rumsey
Elizabeth Parsons	John M. Kennemer	Jason P. Knight
Buddy Lee	Eddie Beason	Gerald Paulk
David F. Law	Merceria Ludgood	Pamela H. Bucy
Kesa Johnston	Alicia Bennett	

Also in attendance were President-elect Tom Methvin, Immediate Past President Sam Crosby. Staff members present included Tony McLain, Sam Partridge, Jeremy McIntire, Brad Carr, Laura Calloway, Angela Parks, Linda Lund, Jeanne Marie Leslie and Marie Updike. Also in attendance were Tracy Daniel of the Alabama Law Foundation and Judy Keegan of the Alabama Center for Dispute Resolution.

### 3. **INTRODUCTION OF GUESTS**

President White recognized Anna Pender-Pierce, President-elect Methvin's assistant and Navan Ward, treasurer of the Young Lawyers' Section attending on behalf of section president Jimbo Terrell. President White congratulated the Young Lawyers' Section for receiving the American Bar Association's Young Lawyers' Division's Award of Achievement for the section's minority counseling program.

### 4. **APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR JULY 9, JULY 12, 2008 AS WELL AS THE MINUTES OF THE 2008 ANNUAL BUSINESS MEETING AND GRANDE CONVOCATION**

President White stated that the minutes of the Board of Commissioners meeting for July 9, and the resumption of that meeting on July 12 as well as the minutes of the annual business meeting on July 12 had been disseminated to the board. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER RALEIGH MOVED TO APPROVE THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR JULY 9 AND ITS RESUMPTION ON JULY 12, 2008 AND THE MINUTES OF THE 2008 ANNUAL BUSINESS MEETING AND GRANDE CONVOCATION. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

## 5. **PUBLIC REPRIMANDS**

### 5.1. Malcolm Newman, Houston County Bar Association, **ASB 07-102(A)**

Mr. Newman received a public reprimand without general publication for violating Rule 1.3 of the *Alabama Rules of Professional Conduct* [ARPC].

### 5.2. James R. Bryant, Huntsville-Madison County Bar Association, **ASB 00-241(A)** and **01-081(A)**

Mr. Bryant entered a plea of guilty and received a public reprimand without general publication in each case for violating Rules 1.3, 1.4 (a), 1.15 (a), 1.15 (b), 1.16 (d) and 8.4 (a) of ARPC.

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

The President called attention to a recent newspaper article recognizing Commissioner Bedsole for his efforts as a long-time youth football coach. The article noted that teams coached by Commissioner Bedsole had won 28 Mobile Youth Football Conference Championships over 38 years. President White stated that Commissioner Bedsole had been a positive influence on thousands of young lives in Mobile as a long time coach. The Board of Commissioners gave Commissioner Bedsole a well deserved ovation.

President White reminded the commission that Opening of Court would be held October 6, 2008 and that he would give the eulogy for members of the profession who died since last year. He then stated that after attending the American Bar Association's annual meeting he was convinced that Alabama's Wills for Heroes program was the most successful program in the country. President White told the commission about attending a session at the National Conference of Bar Presidents describing Wills for Heroes programs in other states. The President concluded by stating that the Legislative Task Force would be meeting in October to discuss ways the state bar might be able to assist the legislature with problem solving and dispute resolution. He encouraged the commission members to provide the task force, chaired by Commissioner Pratt, with names of any lawyers or citizens who could serve as a resource for the legislature in this regard.

[A copy of the article honoring Commissioner Bedsole is included with these minutes as Attachment A].

## 7. **SECRETARY'S REPORT**

The Secretary introduced Angela Parks, the new Director of Regulatory Programs. Ms. Parks received a warm welcome from the commission. The Secretary next reported that he had received a memorial resolution honoring the late Judge John L. Moore from the Mobile Bar Association and a memorial resolution honoring the late Charles P. Allison from the Tuscaloosa County Bar Association. He stated that both associations requested that these resolutions be placed in the book of memorial resolutions.

COMMISSIONERS BEDSOLE AND SPRUELL JOINTLY MOVED TO INCLUDE THE RESOLUTION FROM THE MOBILE BAR ASSOCIATION IN MEMORY OF THE LATE JOHN L. MOORE AND THE RESOLUTION FROM THE TUSCALOOSA COUNTY BAR ASSOCIATION IN MEMORY FOR THE LATE CHARLES P. ALLISON FOR INCLUSION IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The Secretary read a letter from the executive director of the Birmingham Bar Association, Beth Carmichael, thanking the commission for recognizing her with the 2008 Alabama State Bar Award of Merit. Finally, the Secretary reviewed the financial report for the third quarter.

**8. COMMUNICATIONS UPDATE**

Mr. Carr stated that there was no oral report from the Communications Department. President White took a moment to explain the upcoming public service announcement campaign to assist persons with mortgage problems. The President thanked President-elect Methvin for heading up the task force to study what steps if any the bar should take with respect to the mortgage crisis. It was the task force's recommendation to have a public service announcement campaign to direct members of the public to free legal assistance and other resources to help them address their mortgage problems.

**9. PROGRAM UPDATE**

There was no report.

**10. OFFICE OF GENERAL COUNSEL REPORT**

Mr. McLain reported that the amendments to the Rules of Professional Conduct the commission had approved at the 2007 annual meeting had been approved by the Supreme Court. Mr. McLain reminded the commission that the new rules would eliminate the Disciplinary Appeals Board, reduced the number of disciplinary boards to three and the number of members on panels from six to five. He stated that other items included in the amendments were essentially housekeeping in nature. Mr. McLain asked the commissioners to call him if there were any questions about the recent rule changes.

**11. APPROVAL OF SITE VISIT AND EVALUATION OF CLIENT SECURITY FUND PROGRAM BY THE ABA'S COMMITTEE ON CLIENT PROTECTION PROGRAMS**

The Client Security Fund Committee recommended a site visit and evaluation of the program. It was noted that this would be the first evaluation of the Client Security Fund since its inception in 1987. The evaluation team will consist of several volunteers who work with other client protection funds across the country and the bar's only obligation would be to cover their expenses which would be approximately \$2,500 and be paid through the client security fund.

COMMISSIONER MOORER MOVED TO AUTHORIZE THE CLIENT SECURITY FUND COMMITTEE TO REQUEST A SITE EVALUATION BY THE ABA STANDING COMMITTEE ON CLIENT PROTECTION AND TO REIMBURSE THE EVALUATION TEAM FOR ITS EXPENSES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**12. APPROVAL OF NEW CHAIRMAN FOR THE BOARD OF BAR EXAMINERS**

President White stated that David Hymer of Birmingham was recommended to follow Ann Stone Sumblin as chair of the Board of Bar Examiners. He noted that Mr. Hymer had served eight years as examiner. The new four year term would commence with the February 2009 bar examination.

COMMISSIONER MCCALLUM MOVED TO APPOINT MR. DAVID HYMER AS CHAIR OF THE BOARD OF BAR EXAMINERS FOR A FOUR YEAR TERM COMMENCING WITH THE FEBRUARY 2009 BAR EXAMINATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**13. APPROVAL OF AWARD OF MERIT RECIPIENTS FOR 2009**

President White stated that Squire Gwin of Birmingham and David Wooldridge also of Birmingham were being recommended for the Award of Merit because of their many years of service to and leadership of the Lawyers Helping Lawyers program and the Alabama Lawyers Assistance Program. He stated that both Mr. Gwin and Mr. Wooldridge had been tireless and given unselfishly of their time to make the Alabama State Bar's Lawyer Assistance Program one of the premier programs in the country.

COMMISSIONER ANDERSON MOVED TO AWARD THE ALABAMA STATE BAR AWARD OF MERIT FOR 2009 TO MR. SQUIRE GWIN AND MR. DAVID WOOLDRIDGE FOR THEIR OUTSTANDING WORK WITH THE ALABAMA LAWYERS ASSISTANCE PROGRAM. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**14. ADMISSION OF RULE III APPLICANTS**

The President noted that five individuals were to be considered for admission under Rule III of *Alabama State Bar Rules Governing Admission*. He stated that they were Chad Emerson (law professor at Jones School of Law), John Markus (District of Columbia), William McCarty (Tennessee), Melissa Rueschoff (Texas) and Andrew Owen Schiff (Pennsylvania). He stated that all applicants had fulfilled the requirements of Rule III including character and fitness considerations.

COMMISSIONER RALEIGH MOVED THE ADMISSION OF CHAD EMERSON, JOHN MARKUS, WILLIAM MCCARTY, MELISSA RUESCHOFF AND ANDREW OWEN SCHIFF PURSUANT TO RULE III OF THE ALABAMA STATE BAR RULES GOVERNING ADMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**15. RULE 6.6 – SPECIAL MEMBERSHIP FOR PRO BONO SERVICES**

President White stated that at the last meeting it was recommended that a new rule (Rule 6.6 of the Alabama Rules of Professional Conduct) be adopted. He reminded the commission that the proposed rule would allow lawyers who hold a special membership, who currently are not allowed to represent private clients, to provide legal services to the poor through a volunteer lawyers program. Following several questions,

COMMISSIONER GRUENEWALD MOVED THAT THE COMMISSION RECOMMEND TO THE ALABAMA SUPREME COURT THE ADOPTION OF PROPOSED RULE 6.6 OF THE ALABAMA RULES OF PROFESSIONAL CONDUCT SO THAT SPECIAL MEMBERS MAY PROVIDE PRO BONO SERVICES UNDER THE SPECIFIC CONDITIONS AS SET FORTH IN THE RULE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the proposed rule is attached to these minutes as Appendix B.]

**16. INTELLECTUAL PROPERTY LAW SECTION BY-LAWS AND NAME CHANGE**

The President stated that the Intellectual Property Law Section wished to amend its by-laws to conform to the state bar's model by-laws and to change its name to the Intellectual Property, Entertainment Sports Law Section.

COMMISSIONER STEPHENS MOVED THE APPROVAL OF THE PROPOSED BY-LAWS OF THE INTELLECTUAL PROPERTY LAW SECTION AND THAT THE NAME BE CHANGED TO INTELLECTUAL PROPERTY, ENTERTAINMENT SPORTS LAW SECTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**17. FILLING VACANCY ON THE LEGAL SERVICES ALABAMA BOARD OF DIRECTORS**

President White recognized Commissioner Spruell who stated that Legal Services Alabama was recommending John Earnhardt to a three year term on the Legal Services Alabama Board of Directors to replace Lisa Robinson.

COMMISSIONER SPRUELL MOVED TO SUSPEND THE RULES FOR THE CONSIDERATION OF THE APPOINTMENT OF JOHN EARNHARDT TO THE LSA BOARD OF DIRECTORS. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTES.

COMMISSIONER STEPHENS MOVED THE APPROVAL OF THE MAIN MOTION TO APPOINT JOHN EARNHARDT TO FILL THE VACANCY ON THE LSA BOARD OF DIRECTORS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**18. STAFF COMPENSATION FY 2008-2009**

The President stated that the recommended compensation total for FY 2008-2009 was \$2,383,991. He stated that this figure was well within the commission's previously adopted budget of \$2,727,952 for staff compensation.

COMMISSIONER MCCALLUM MOVED THE APPROVAL OF STAFF COMPENSATION FOR FY 2008-2009 IN THE AMOUNT OF \$2,383,991. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**19. ADJOURNMENT**

President White 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.

---

J. Mark White, President  
Alabama State Bar

ATTEST:

---

Keith B. Norman, Secretary  
Alabama State Bar