

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, November 1, 2013

1. CALL TO ORDER

President Anthony Joseph 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 McKinney gave the invocation.

2. ROLL CALL

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

Halron W. Turner	Jana Russell Garner	Charles G. Reynolds, Jr.
Terri O. Tompkins	Hays Webb	William H. Broome
Phil D. Mitchell	Rocky Watson	Leslie R. Barineau
S. Greg Burge	Barry A. Ragsdale	Augusta S. Dowd
Joseph A. Fawal	Brannon Buck	Derrick A. Mills
William A. (Pete) Short	Albert J. Trousdale, II	Thad Yancey, Jr.
Henry Callaway	Walter Honeycutt	Clay A. Lanham
Juan Ortega	James R. Beaird	George R. Parker
Les Pittman	J. Flynn Mozingo	Cole Portis
Jeffery C. Duffey	Lee H. Copeland	Donald Rhea
David A. McDowell	John L. Jernigan, III	John M. Peek
John A. Brinkley, Jr.	Rebekah K. McKinney	Daryl Burt
Robert L. Rumsey	Braxton W. Ashe	Jason P. Knight
Robert H. Brogden	Rebecca Green Thomason	J. Milton Coxwell, Jr.
H. Jerome Thompson	John M. Plunk	Gregory M. Varner
Alexander M. Smith	Diandra S. Debrosse	Cooper Shattuck
Meredith S. Peters	Rebecca G. DePalma	Alicia F. Bennett
LaBarron Boone	Monet M. Gaines	Ashley Swink Fincher

The following commissioners were absent:

Jerry L. Thornton	Christy Crow	Robert G. Methvin, Jr.
Teresa G. Minor	K. Scott Stapp	William Randall May
Julia C. Kimbrough	Hamp Baxley	Harold Stephens
John Earl Paluzzi	F. Patrick Loftin	Jerry Wayne Baker, Jr.
Allan Chason	Sam Irby	Elizabeth Parsons
Roger W. Pierce	Stephen M. Kennamer	Jeanne Dowdle Rasco

In addition, President-elect Richard Raleigh was in attendance. Staff members present included Ed Patterson, Diane Locke, Laura Calloway, Linda Lund, Eric Anderson, Christina Butler, Brad Carr, Robert Thornhill, Margaret Murphy, Angela Parks, Jeremy McIntire, Mark Moody and Tripp Vickers. Tracy Daniel, the director of the Alabama Law Foundation, Judy Keegan, director of the Alabama Center for Dispute Resolution and Suzi Edwards, legislative counsel were also in attendance.

3. INTRODUCTION OF GUESTS

President Joseph called on Commissioner Garner to introduce several guests: Stephanie Kennamer, Bibb County Bar President; Craig Carlisle, Local Bar Outreach Member; Woody Jones, Local Bar Outreach Member; and Dario Melton, State Representative for Dallas County. Also attending the meeting were Brian McCarthy, president-elect of the Mobile Bar and Marcia Mason, Local Bar Outreach Chair for Macon and Tallapoosa Counties.

President Joseph then introduced law students who were selected from each law school to attend the meeting. They were: Morgan Sanders (3L) and Jim Clark (3L) of Jones Law School; Noah Jones (3L) and Brittany Hardison (3L) of the University of Alabama School of Law; and Heather Carter (3L) and Haley Tucker (3L) of Cumberland School of Law.

4. APPROVAL OF THE MINUTES OF THE SEPTEMBER 13, 2013 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETINGS

President Joseph stated that the minutes of the September 13, 2013 Board of Commissioners meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER SMITH MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 13, 2013 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND APPROVED UNANIMOUSLY BY VOICE VOTE.

5. REMARKS OF RICKY MCKINNEY, DIRECTOR OF THE OFFICE OF INDIGENT DEFENSE SERVICES

President Joseph welcomed Mr. McKinney who thanked the Indigent Defense Committee chaired by Commissioner Webb as well as President Joseph for the assistance that the Alabama State Bar has continued to provide the Office of Indigent Defense Services (OIDS). Mr. McKinney addressed the cost reduction that has occurred since the implementation of the legislation creating OIDS. He stated that these reductions have occurred without reducing the effectiveness of the work of appointed counsel. Mr. McKinney remarked that as the new online billing system has been instituted, the expenditures on indigent defense are down from a high of \$78 million to \$50 million. This amount includes funding for the delivery platforms which each circuit selected including public defender offices as well as contract attorneys and appointed counsel.

He explained that online billing has permitted more frequent and faster payments for appointed counsel.

Mr. McKinney also reported that a public defender office was operating in Jefferson County and that Montgomery County was in the process of advertising for a director for its soon to be operating public defender office. He noted that Cullman County had adopted a contract counsel system as have other counties. He explained that efficiency means more than cutting funding and that he has made a concerted effort to find more revenue producing service as well as trying to recoup attorney fees from those who are convicted. Mr. McKinney reported that OIDS is currently recouping about \$4 million a year and that it is his hope OIDS can become self-sufficient. Following his remarks, Mr. McKinney answered a number of questions from commissioners concerning indigent defense and the operation of OIDS. Following questions, President Joseph praised Mr. McKinney for his work and thanked him for his remarks to the commission.

6. REPRIMANDS

6.a. Thomas L. Carmichael – Jasper, ASB 2010-199

Mr. Carmichael received a public reprimand without general publication for violating Rules 1.1, 1.3, 1.4 and 8.4(g) of the *Alabama Rules of Professional Conduct* (ARPC).

6.b. Jack Booker Weaver – Monroeville, ASB 2010-425

Mr. Weaver received a public reprimand without general publication for violating Rules 1.7(a), 1.15(b), (g) of ARPC.

6.c. Robert Christopher King– Monroeville, ASB 2012-426

Mr. King, a partner of Jack Booker Weaver, also received a public reprimand without general publication for violating Rules 1.7(a) and 1.15(b), (g) of ARPC.

7. PRESIDENT'S REPORT

President Joseph informed the commission that he had requested an extension to file a report with the Alabama Supreme Court regarding increasing the bar examination cut-score. He reported that on November 20 the deans of the five in-state law schools were invited to a summit to discuss issues regarding legal education and the profession. Next, President Joseph informed the commission that interviews for the director of admissions position would be held November 12 and that Immediate Past President Phillip McCallum and legislative counsel Suzi Edwards were attending a legislative meeting in Birmingham on his behalf. He also updated the commission on Tony McLain's recovery from recent hip surgery. President Joseph concluded his remarks by explaining the Alabama Law Foundation football challenge fund-raiser to help raise funds for civil legal needs and encouraging commissioners to attend the Spirit of Recovery Dinner co-sponsored by the Alabama Lawyer Assistance Program on November 14 in Birmingham.

8. SECRETARY'S REPORT

The secretary reminded the commissioners that licenses were delinquent November 1. He praised the work of the membership staff processing the dues payments and the short turnaround time in getting the licenses mailed out after payment. He reviewed the July bar exam statistics for Alabama accredited and unaccredited law schools and reported that the partnership with the Alabama Broadcasters Association through September had resulted in over \$2 million in air time. The secretary then reviewed the year-end report for FY2013. There were no questions following the report. He concluded by informing the commission that the Tuscaloosa County Bar Association had requested that a resolution in memory of Judge Robert Wooldridge be included in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONERS TOMPKINS AND WEBB JOINTLY OFFERED A MOTION TO INCLUDE THE RESOLUTION IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS IN MEMORY OF JUDGE ROBERT WOOLDRIDGE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

9. DIGITAL COMMUNICATIONS UPDATE

Eric Anderson discussed the digital policy draft and noted that Brad Carr was using social media to "tweet" about the ongoing commissioners' meeting. He reported that a recommendation would come before the trustees concerning an upgrade of the bar's Wi-Fi (wireless) network in order to improve the capacity for board members, visitors and staff. Mr. Anderson concluded by reporting that the opinions of the Judicial Inquiry Commission would soon be posted on the bar's website and that the position for a content manager was being advertised.

10. PRO BONO WEEK REPORT

Royal Dumas, chair of the Pro Bono Week Committee, gave an overview of this year's successful celebration.

11. BAR EXAMINATION CUT-SCORE TASK FORCE REPORT

Commissioner Ragsdale provided an update on the cut-score task force work. He reported that a draft report was being prepared to be filed with the Supreme Court with input from the law schools. He stated the task force had been studying statistics concerning the likely impact of each point increase. Following his report, Commissioner Ragsdale responded to several questions from commissioners.

12. ALABAMA BAR EXAMINATION CURRICULUM COMMITTEE

Commissioner Dowd explained Alabama Curriculum Course outline. She stated that it was anticipated the curriculum would include seven or eight course categories (lasting approximately eight hours) that would cover Alabama law and be ready for the July bar examination.

13. SPECIAL ADMISSIONS WAIVER FOR MILITARY SPOUSES

President-elect Rich Raleigh explained a recommended amendment to Rule III of the *Rules Governing Admission to the Alabama State Bar* to allow military spouses who are with their spouses stationed in Alabama to temporarily practice law in Alabama. He stated that it was not feasible for a military spouse to take the bar exam because of the short period of time that they are generally in Alabama. Mr. Raleigh explained the rule's application and expressed his uncertainty as to how many military spouses temporarily stationed in Alabama would be affected. Following his report, President-elect Raleigh answered several questions about the proposed rule.

14. AMENDMENTS TO THE BYLAWS OF THE YOUNG LAWYERS SECTION

President Joseph recognized Chris Waller, president of the Young Lawyers Section, who outlined amendments to the section bylaws. Mr. Waller also highlighted efforts of the section to start YLS chapters at each of the in-state law schools.

President Joseph thanked Mr. Waller for his report.

15. LOCAL BAR NETWORKING

Commissioner Fincher discussed changes to the framework of the local bar network structure. She asked commissioners in five specified counties to help locate individuals to serve on the networking committee. She also asked commissioners in the other counties to stay involved with the networking committee so that it could remain effective.

16. RULE III APPLICATIONS

President Joseph stated that the following individuals had applied for admission on motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. They were William J. Carswell (GA); Alyssa Ann DiRusso (MA); Leah W. Eddins (GA); Erin M. Everitt (TN); Paul Yoo-suk Kim (GA) and Rachel T. Schexnailder (IN). He stated that each of the individuals had met all of the Rule III requirements, including character and fitness.

COMMISSIONER WATSON MOVED THE ADMISSION OF WILLIAM J. CARSWELL, ALYSSA ANN DI RUSSO, LEAH W. EDDINS, ERIN M. EVERITT, PAUL YOO-SUK KIM AND RACHEL T. SCHEXNAILDER PURSUANT TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. APPOINTMENT OF ATTORNEY MEMBER TO THE PRIVATE INVESTIGATORS BOARD

President Joseph said that Commissioner Diandra Debrosse had volunteered to serve as the appointee of the Alabama State Bar on the Private Investigators Board.

COMMISSIONER BURGE MOVED TO APPROVE COMMISSIONER DIANDRA DEBROSSE AS THE BAR'S APPOINTEE TO THE PRIVATE INVESTIGATORS BOARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. LEGISLATIVE COUNSEL CONTRACT 2014

President Joseph stated that it was recommended that the contract for the legislative counsel, Suzi Edwards, be increased from \$35,000 to \$55,000 for 2014.

COMMISSIONER BROOME MOVED TO APPROVE THE LEGISLATIVE COUNSEL CONTRACT IN THE AMOUNT OF \$55,000 FOR 2014. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. DIGITAL COMMUNICATIONS POLICY

President Joseph stated that a copy of the Digital Communications Policy for the Alabama State Bar had been included with the meeting materials and had been previously discussed in past meetings.

COMMISSIONER WATSON MOVED THE ADOPTION OF THE ALABAMA STATE BAR DIGITAL COMMUNICATIONS POLICY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the Alabama State Bar Digital Communications Policy is included with these minutes as Attachment A.]

20. APPROVAL OF THE LEADERSHIP FORUM CLASS 10

Commissioner DePalma, a member of the selection committee, discussed the committee's recommendation for Class 10. A list of 30 proposed members including four alternates was disseminated to the commission for their review.

FOLLOWING A BRIEF DISCUSSION, COMMISSIONER DEPALMA MOVED THE APPROVAL OF THE LEADERSHIP FORUM CLASS FOR 2014 AS RECOMMENDED BY THE LEADERSHIP FORUM SELECTION COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The recommended list was as follows:

Lewis Conrad Anderson IV
Emily Leigh Baggett
John Evans Bailey

Damon Jay Boiles, III
 Bonnie Lee Branum
 John Philip Browning
 Craig Allen Cargile
 Bessie M. Parrish Creswell
 Nathan Andrew Dickson II
 Anita Kay Head
 Brandon Douglas Hughey
 Stephanie Houston Mays
 Latasha Lanette McCrary
 Jeremy Wilson McIntire
 Heath Edward Meherg
 Charles Randall Minor
 Steven Hughston Nichols
 Kathleen Megan O'Connell
 Zachary Joseph Peagler
 Katherine Taylor Powell
 Oscar Monfort Price IV
 Michael Anthony Vercher
 John Ellison Vickers, III
 Denise Gandy Welch
 Joseph Michael Willoughby
 Ellenann Benefiled Yelverton

Alternates

1st Jaime Webb Conger
 2nd Jack Pershing Russell
 3rd Anna Louise Hart
 4th Shera Craig Grant

21. 2014-2015 BUDGET REQUEST

President Joseph stated that the requested budget for FY2015 was \$6,527,698 which would be a \$150,000 increase or 2.3 percent over the FY2014 budget. He stated that once the budget is approved, the request will be transmitted to the state budget office for inclusion in the Governor's General Fund Budget sent to the legislature.

COMMISSIONER WATSON MOVED TO APPROVE THE BUDGET FOR FY2015 IN THE AMOUNT OF \$6,527,698. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. ADJOURNMENT

President Joseph 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.

Anthony A. Joseph, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar