

## MINUTES

### ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Headquarters  
Montgomery, Alabama

Friday, October 26, 2007

#### 1. CALL TO ORDER

President Sam Crosby 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 headquarters in Montgomery, Alabama. Vice President Alicia Bennett gave the invocation.

#### 2. ROLL CALL

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

Ronnie E. Keahey	Michael E. Jones	J. Garrison Thompson
Randall S. Haynes	Alyce M. Spruell	John M. Gruenewald
W. N. (Rocky) Watson	Anthony A. Joseph	S. Greg Burge
Jack Neal	Phillip W. McCallum	Greg Hawley
Maibeth J. Porter	Joseph A. Fawal	Robert E. Moorner
William A. (Pete) Short	Albert J. Trousdale, II	Billy C. Bedsole
Juan Ortega	Mary Margaret Bailey	James R. Beaird
James H. Anderson	Cole Portis	Sim Penton
Lee Copeland	K. Scott Stapp	Joseph A. Morris
Everette A. Price, Jr.	Harold Stephens	L. Thomas Ryan, Jr.
Richard J.R. Raleigh, Jr.	Kenneth E. White, III	Alan Chason
Tut Wynne	Elizabeth Parsons	David T. Hyde, Jr.
Robert T. Meadows, III	Gerald R. Paulk	Wayman Sherrer
Claude E. Hundley, III	Deborah Byrd Walker	Merceria Ludgood
Alicia F. Bennett	Pamela H. Bucy	Kesa Johnston
Kelly T. Lee		

The following Commissioners were absent:

Christy Crow	Cooper Shattuck	Nicholas B. Roth
Jim Pratt	Richard W. Whittaker	Michael D. Knight
William M. Cunningham	Les Hayes, III	Donald R. Jones, Jr.
F. Michael Haney	John E. Medaris	Robert L. Bowers, Jr.
Thomas B. Albritton	Ronald A. Strawbridge, Jr.	R. Wyatt Howell
John C. Gullahorn	Robert L. Rumsey	John M. Kennemer
Jason P. Knight	Robert H. Brogden	Roger Bedford, Jr.
Timothy D. Littrell	Jere C. Trent	David F. Law
Walter E. McGowan	Kyra Sparks	

Also in attendance was President-elect Mark White. Staff members present included Tony McLain, Anita Hamlett, Linda Lund, Brad Carr, Jeanne Marie Leslie, Sam Partridge, Jeremy McIntire 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**

Commissioner Fawal introduced the following law student guests: Marc Braswell, Cumberland; Neeli Ghandi, Cumberland; Yolanda Hunter, Miles; and Felicia Pettway, Miles. President Crosby also welcomed Stacy White, wife of Commissioner Ken White and recognized were Brian Britt, president of the Baldwin County Bar Association and Cleve Poole, president-elect of the Butler County Bar Association.

### 4. **APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR SEPTEMBER 14, 2007.**

President Crosby stated that the minutes of the Board of Commissioners meeting for September 14, 2007 had been disseminated to the board. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER BEDSOLE MOVED TO APPROVE THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR SEPTEMBER 14, 2007. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

### 5. **PUBLIC REPRIMANDS**

#### 5.1. **Alice George Davidson, Birmingham, ASB 97-138 (A), 99-247 (A), and 97-138 (A)**

Ms. Davidson received a public reprimand with general publication in all three matters for violating Rules 1.1, 1.3, 1.4 (a), 3.1, 3.3 (a) (3), 8.4 (c) and 8.4 (d) of the *Alabama Rules of Professional Conduct* [ARPC].

#### 5.2. **Gary L. Stephens, Montgomery, ASB 06-163 (A), 06-164 (A) and 07-006 (A)**

Mr. Stephens received a public reprimand with general publication in all three matters for violating Rules 1.3, 1.4 (a), (b), 1.16 (d) and 8.4 (a) of ARPC.

#### 5.3. **Belinda L. Weldon, Autauga County, ASB 05-180 (A)**

Ms. Weldon received a public reprimand without general publication for violating Rules 1.1, 1.3, 1.16, 8.1 and 8.4 of ARPC.

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

President Crosby reported that the Supreme Court had adopted the proposed IOLTA rule change recommended by the Commission. He expressed his appreciation to the Commission for its support noting that the rule would become effective January 1, 2008. He also thanked Tracy Daniel of the Alabama Law Foundation and Tony McLain for their role in the rule's adoption. The President then thanked Commissioner Neal for his work in helping organize the visit of Russian lawyers and judges in September and, in particular, their visit to the state bar headquarters on September 19<sup>th</sup>. He next thanked Brad Carr, Director of Communications for the work on the benefits video that was distributed to all members via an e-mail link. President Crosby concluded by outlining his itinerary since the last meeting that included two visits to Tuscaloosa, attending the Play By Rules Conference in Birmingham, attending the Wills for Heroes clinic in Mobile and attending the admissions ceremony earlier that week in Montgomery. He noted that both Commissioner Paulk and Commissioner Littrell had sons who were admitted as new members to the bar.

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

The Secretary highlighted the recent bar examination statistics. He then discussed the 2006-2007 year-end report. Following the report, he asked if there were any questions. There were none. He concluded his remarks by noting the high level of participation by the state bar staff in a blood drive held earlier in the week.

## **8. COMMUNICATIONS UPDATE**

President Crosby recognized Communications Director Brad Carr for a report. Mr. Carr reported on the Wills for Heroes project. He then called on Public Relations Committee members Scotty Colson and Jim Vickery as well as Commissioners Spruell and Stephens for a report on the Lawyers Serving Communities initiative. Mr. Carr noted that this was one of President Crosby's projects during his year as president. The purpose of the initiative will be to bring credit to the profession by highlighting the good things that lawyers are doing in communities across the state. Commissioners were encouraged to prepare an article for publication in their local newspapers identifying lawyers in their communities who are involved in community service.

President Crosby then recognized Commissioner McCallum who introduced a video clip from ESPN featuring William Paulk, son of Commissioner Gerald Paulk. The video clip featured then UAB Blazers offensive coordinator Pat Sullivan and the inspirational actions of William Paulk as a member of the UAB football team while Coach Sullivan was then undergoing cancer treatments.

## **9. INTRODUCTION OF NEW EMPLOYEE**

President Crosby recognized Laura Calloway, director of the bar's Practice Management Assistance Program (P-MAP). Ms. Calloway introduced new staff member Kristi Skipper who is the first full time assistant for the program.

**10. IOLTA RULE UPDATE**

President Crosby recognized Ms. Tracy Daniel, Director of the Alabama Law Foundation for a report. Ms. Daniel gave a report highlighting the implementation of the rule change providing for mandatory IOLTA.

**11. LEADERSHIP FORUM FINANCIAL SUBCOMMITTEE REPORT AND BUDGET**

Commissioner Spruell gave a brief overview of the Leadership Forum program. President Crosby recognized Matt Minner, a graduate of the Leadership Forum and chairman of the financial subcommittee. Mr. Minner discussed plans to expand the program and the funds necessary to provide for its expansion. He projected that the 2008 program budget was \$36,600. Nine thousand dollars of the budget would come from tuition and an additional \$5,000 from corporate sponsors. Mr. Minner reported that all four leadership classes would be called on to help with fundraising and from those efforts an additional \$7,000 would be raised towards the 2008 budget. As a result of the fundraising efforts by the committee, Mr. Minner stated that the Leadership Forum was requesting a \$15,000 allotment for the 2008 program budget.

President Crosby thanked Mr. Minner for his report.

**12. ABA TERM LIMITS**

President Crosby recognized Commissioner Stapp who discussed the issue of term limits for delegates to the American Bar Association House of Delegates. He noted that the policy of the Commission has been to limit the delegates representing the Alabama State Bar to two consecutive terms. He encouraged the Commission to consider eliminating term limits so that delegates could serve more than two consecutive terms because the Commission placed no similar restrictions on other appointments it makes.

**13. AMENDMENT TO RULE VII – (PHV) OF THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR**

President Crosby explained the need to raise the PHV fee for the purposes of supporting the civil justice needs of poor Alabamians. He stated that any increase in the PHV fee would be given to the Alabama Law Foundation to support these access to justice needs. He noted that most of the states surrounding Alabama have higher PHV fees. He stated that he had discussed this idea with Chief Justice Cobb and received a prompt response from her urging a fee increase for this purpose. President Crosby recommended increasing the fee by \$200.

Following the President's remarks, there were questions from the commissioners. The Secretary responded to several questions concerning an increased fee.

President Crosby resumed his remarks. He stated that it was his hope that a PHV fee increase could be approved and the court could act upon it in order to implement it by January 1, 2008.

COMMISSIONER SPRUELL MOVED TO SUSPEND THE RULES IN ORDER TO MAKE THE PHV FEE INCREASE AN ACTION ITEM ON THE AGENDA. THE MOTION WAS SECONDED AND THE MOTION WAS APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER ANDERSON MOVED TO INCREASE THE PHV FEE UNDER RULE VII OF THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR FROM \$100 TO \$300 AND TO DESIGNATE THAT THE \$200 INCREASE WOULD BE GIVEN TO THE ALABAMA LAW FOUNDATION FOR THE PURPOSE OF CIVIL LEGAL SERVICES FOR THE POOR. THE MOTION WAS SECONDED.

Following the motion there were several questions. Ms. Daniel was asked whether or not the funds could be separated out for the purposes of meeting the civil legal needs of the poor. Ms. Daniel responded that this could be done and that a PHV fee increase for this purpose was an idea that had also been suggested by the Access to Justice Commission.

THE QUESTION WAS CALLED AND THE MOTION WAS APPROVED BY VOICE VOTE.

**14. CONTRACT BETWEEN HISTORY AND ARCHIVES COMMITTEE AND THE BENCH AND BAR LEGAL SOCIETY**

President Crosby asked if the commissioners had any questions concerning the contract to formalize an agreement with the Bench & Bar Legal Society to provide publication costs for the manuscript on The History of the Legal Profession and allowing the executive director and the chair of the History and Archives Committee the discretion to tailor the proposed contract with the Bench & Bar Legal Society as necessary.

COMMISSIONER BEDSOLE MOVED AUTHORIZING THE HISTORY AND ARCHIVES COMMITTEE TO ENTER INTO AN AGREEMENT WITH THE BENCH AND BAR LEGAL SOCIETY FOR THE SOCIETY TO PROVIDE PUBLICATION COSTS FOR THE MANUSCRIPT BEING PREPARED BY PAT RUMORE ON THE HISTORY OF THE LEGAL PROFESSION IN ALABAMA AND ALLOWING THE EXECUTIVE DIRECTOR AND COMMITTEE CHAIR THE DISCRETION TO TAILOR THE AGREEMENT AS NECESSARY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**15. APPROVAL OF APPOINTMENTS TO LEGAL SERVICES ALABAMA BOARD OF DIRECTORS**

President Crosby stated that Beth Marietta Lyons of Mobile and Phil Mitchell of Decatur were recommended to replace David Peeler of Mobile and Buck Watson of Huntsville on the governing board of Legal Services Alabama. He asked if there was any discussion or further nominations.

COMMISSIONER WHITE MOVED THAT NOMINATIONS BE CLOSED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER SPRUELL MOVED THE SELECTION OF BETH MARIETTA LYONS OF MOBILE AND PHIL MITCHELL OF DECATUR TO THE LEGAL SERVICES ALABAMA BOARD OF DIRECTORS REPLACING DAVID PEELER OF MOBILE AND BUCK WATSON OF HUNTSVILLE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**16. LAWYER REFERRAL COMMITTEE PROPOSAL**

President Crosby stated that the proposal was to create a panel that would agree to provide legal services at a 25 percent discount off regular rates for “military personnel” and their families. He asked if there were any discussion. There was none.

COMMISSIONER RYAN MOVED TO AUTHORIZE THE CREATION OF A PANEL OF THE LAWYER REFERRAL SERVICE TO PROVIDE LEGAL SERVICES AT A 25 PERCENT DISCOUNT OFF REGULAR RATES FOR “MILITARY PERSONNEL” AND THEIR FAMILIES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**17. BROADCAST E-MAIL POLICY AND E-MAIL LIST POLICY**

President Crosby stated that the proposed policies were discussed at the last meeting. He asked if there were any questions. The Secretary stated there should be one change made to the proposed e-mail list policy under item three which would read as follows: Section members’ e-mail addresses to officers of Sections established by the State Bar,.... President Crosby asked if there were any other recommended changes. There were none.

COMMISSIONER RYAN MOVED THE ADOPTION OF THE PROPOSED ASB BROADCAST E-MAIL POLICY AND THE PROPOSED E-MAIL LIST POLICY AS AMENDED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of both policies is attached to these minutes as Appendices A and B.]

**18. ASB BUDGET FOR FY 2008-2009**

The Secretary stated that the requested budget for FY 2008-2009 was \$5,772, 387. He noted that this was a 4.3 percent increase over the current budget which was approved last year. The President asked if there were any questions. There were none.

COMMISSIONER BEDSOLE MOVED THE ADOPTION OF THE ALABAMA STATE BAR BUDGET FOR FY 2008-2009 IN THE AMOUNT OF \$5,772, 387. THE MOTION WAS APPROVED.

**19. LOCAL LAWYER RECOGNITION**

President Crosby stated that he wanted to personally thank Rick Davidson of Opelika for being among the first members of the Alabama Law Foundation Board of Directors to recommend the adoption of mandatory IOLTA in Alabama.

**20. ADJOURNMENT**

President Crosby 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.

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Samuel N. Crosby, President  
Alabama State Bar

ATTEST:

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Keith B. Norman, Secretary  
Alabama State Bar