

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Friday, February 17-18, 2017
The Inn at Palmetto Bluff/Bluffton, South Carolina**

Members Participating:

Patrick T. O'Connor, President; Brian D. (Buck) Rogers, President-elect; Kenneth B. Hodges, III, Treasurer; Darrell L. Sutton, Secretary; Robert J. Kauffman, Immediate Past President; Jennifer Campbell Mock, YLD President; Nicole C. Leet, YLD President-elect; John R.B. Long, YLD Immediate Past President; Thomas R. Burnside, III; Elizabeth Louise Fite; Phyllis Holmen; Dawn Jones; David S. Lipscomb; and Nicki Vaughan.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Christine Butcher, Director of Governmental Affairs; Jeff Davis, Executive Director; Paula Frederick, General Counsel; Steve Laine, Chief Financial Officer (by phone); and Bill NeSmith, Deputy General Counsel.

Call to Order

President Pat O'Connor called the meeting to order. Members of the Executive Committee in attendance are indicated above.

Future Meetings Schedule

President Pat O'Connor reviewed the Future Meetings Schedule.

Executive Committee Minutes

The minutes of the Executive Committee meeting held on January 26, 2017, were approved, as revised, by unanimous voice vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: Srihari Rao Malempati-467080; Andrew Regan-290366; Richard H. Wehner-745750.

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee approved the following requests for disabled status by unanimous voice vote: Alfred F. Brunetti-090750

Sponsorship Request

The Executive Committee, by unanimous voice vote, approved a \$1,000 sponsorship request from the Southern Center for Human Rights for its Justice Taking Root's annual benefit reception on May 2, 2017.

Rule 1.19: Succession Planning

Jeff Davis reported on South Carolina Bar Rule 1.19, Succession Planning. It states that lawyers should prepare written, detailed succession plans specifying what steps must be taken in the event of their death or disability from practicing law. There is a section on the South Carolina Bar's dues statement on which attorneys can name their successor and the South Carolina Bar maintains a registry of those names. Naming a successor is strongly encouraged, but it is not mandatory. A motion to refer this issue to the General Counsel's office and to the Senior Lawyers Special Committee for further study and consideration about developing a similar Georgia Bar rule was approved by unanimous voice vote.

Proposed Amendments to USCR 22

Nicki Vaughan presented a memorandum from the Indigent Defense Committee requesting the Executive Committee adopt and send a letter to the Council of Superior Court Judges (CSCJ), along with a response made by the Southern Center for Human Rights to the CSCJ, opposing the language currently reflected in USCR 22. The Executive Committee, by unanimous voice vote, opposed the adoption of proposed USCR 22 and directed President O'Connor to write a letter to the Council of Superior Court Judges informing it of the Bar's opposition and attaching as information the memorandum from the Indigent Defense Committee and the letter from the Southern Center for Human Rights.

Possible Revisions to Rules Regarding Lawyer Referral Services

Paula Frederick reported on a request to revise the Bar rules on percentage fees to lawyer referral services. It came in the context of a request from President-elect Buck Rogers for an organization that is a pro bono nonprofit for victims of sex trafficking (CLAWS). It provides volunteer lawyers to victims of sex trafficking to bring action against the sex traffickers and affiliated facilitators. It wants to operate as a lawyer referral service, using a pool of volunteer lawyers to handle the cases and requiring those lawyers to return to it a percentage of any court awarded attorneys' fees that the lawyers may obtain from the lawsuits. Current Bar rules prohibit that and allow fee-sharing only to a bar-operated nonprofit referral service. The Executive Committee, by unanimous voice vote, referred the issue to the Disciplinary Rules and Procedures Committee to formulate a rule that is consistent with the ABA Rule 5.4 (4) *Professional Independence of a Lawyer* that deals with nonprofit fee sharing arrangements, but making it applicable to Georgia.

President's Report

President Pat O'Connor reported on ICLE's integration into the Bar, which has been smooth overall. Some issues that still need to be resolved are 1) the status of ICLE's lease on a portion of the property it occupies, 2) whether and for how long ICLE should remain in Athens, and 3) property ownership. President O'Connor stated that he was approached by Wade Herring, on behalf of the UGA Law Alumni Council, and Dean Bo Rutledge about the ICLE purchasing the property that includes the Lumpkin House and the property that the ICLE printing shop straddles. The consensus among the Bar Officers and staff is that this is not a realistic option. A second option is for the Bar to sell its property interest to the UGA Law Alumni Council, but it is not interested in making such a purchase. A third option discussed is for ICLE to stay in the Lumpkin House for some period of time, begin paying an agreed-upon monthly rent, which would offset a price for which ICLE would sell its property to UGA. This too is not a realistic option. Upon further talks with UGA, President O'Connor reported that UGA is interested in exploring the sale of all the properties jointly on the open market and is willing to divide the cost of a property appraisal. The proceeds given to each entity from such a sale would need to be worked through. Meanwhile, ICLE still needs to resolve the lease issue and determine the timing of any sale. It was the consensus of the Executive Committee to move forward with the appraisal process, splitting the appraisal cost with UGA, and for President O'Connor to continue working with UGA to keep the process moving forward. Approval to have the appraisal cost paid from ICLE funds was added to the agenda for the meeting of the State Bar of Georgia Foundation.

President O'Connor also reported that he will be meeting with Natalie Kelly, members of the Member Benefits Committee, and ZeekBeek on March 1 to further clarify ZeekBeek's product offering and features before presenting a specific proposal to the Board of Governors. Members of the Executive Committee were invited to attend this presentation.

President O'Connor further reported that he is converting the Aging Lawyers Task Force into the Senior Lawyers Special Committee. William Gentry is being asked to serve as the committee's chair. Secretary Darrell Sutton will serve as the vice chair and President-elect Buck Rogers will serve as the Executive Committee liaison. President O'Connor asked the Executive Committee to review the committee's charge

before he finalizes the committee roster.

President O'Connor additionally reported that he appeared before both the House Judiciary subcommittee and House Judiciary Committee to testify about the JQC bill. At every opportunity, he has stressed that the Bar should retain all of the lawyer member appointments. Under the current revised bill format there are three lawyers on an investigative panel and one lawyer on a hearing panel. Currently the Bar would have the option to submit a list of proposed nominees to the Governor, the Speaker, the Lieutenant Governor, and the Supreme Court. The appointing authorities, however, would not be obligated to select from the list. We are working with the Senate to seek changes to the bill that would restore the Bar's appointments and make it mandatory that the appointments be selected from the Bar-submitted list. Board of Governors member and State Senator John Kennedy is helping with this effort.

President O'Connor finally reported that he has received two requests that the Bar take a public position about judicial independence. Considering that the State Bar is a mandatory Bar and that commenting on this issue could be construed as the Bar stepping into the political arena, he feels it is inappropriate to do so, but he plans to discuss the issue at tomorrow's joint meeting with the Supreme Court.

JQC Task Force

Task Force Chair Buck Rogers reported that the Task Force has created a new list of vetted nominees since the first list of nominees was rejected, even though there is no specific provision in the existing law for the procedure or timeline for the submission of another list. The list can be presented to the Board of Governors at its April 1st meeting or the Task Force can continue working on the list and have it available after the Annual Meeting. The Task Force is also addressing how to better get nominations from the Bar's constituents.

Strategic Plan

Jeff Davis provided an update on the Strategic Plan, including the identification of various objective criteria to measure the Bar's success in fulfilling that plan. He reported that the ABA Day in Washington begins on April 25, which is the week following the Executive Committee meeting in Washington, D.C., so President Pat O'Connor will be staying over to attend that.

Jeff Davis also announced that Section Liaison Derrick Stanley is sending an email next week to all Section chairs notifying them about the ICLE transition and encouraging them to conduct at least one CLE annually, and to provide more resources to their members in the form of newsletters, lunch-and-learn programs, and social networking

Nicki Vaughan reported that the pro bono *Do 50* PSAs also are going to be shown at ICLE seminars.

Phyllis Holmen reported about access to justice activities in furtherance of the Strategic Plan. She reported that GLSP and Atlanta Legal Aid had an opportunity to present their work to the Legal Services Corporation (LSC) when the LSC Board met in Atlanta last month. She said that the LSC was very impressed with their special projects and support activities, including emergency disaster assistance, family violence project, benefits hotline for seniors and people with disabilities, and language and cultural barriers to courts and government agencies.

Treasurer's Report and 2017-18 Dues Recommendation

Treasurer Ken Hodges and CFO Steve Laine provided an update about the Bar's finances. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of December 31, 2016; Income Statement YTD for the Six Months Ended December 31, 2016; Bar Center Revenues and Expenditures for the Six Months Ended December 31, 2016; State Bar Balance Sheet as of December 31, 2016; Summary of Dues and Voluntary Contributions at December 1, 2016;

Legislative Fund and Cornerstones of Freedom Fund Activity Reports through December 31, 2016; and Summary of Investment Portfolio as of December 31, 2016. The Executive Committee also received a report on Recent Non-Assessed Programs.

Steve Laine also reported that the ICLE audit from Turner and Patat, P.C. was included for informational purposes, but needs to be revised before it is finalized. Turner and Patat was the audit firm hired by ICLE before the transition to the Bar. Mauldin & Jenkins, the current State Bar audit firm, will conduct an audit of ICLE later this year for the period of July 1-December 30, 2016.

The Executive Committee, by unanimous voice vote, accepted the State Bar's audit results from Mauldin & Jenkins. The audit will be presented to the Board of Governors at its Spring meeting. The Executive Committee, by unanimous voice vote, approved engaging Mauldin & Jenkins as the Bar's auditors for the 2017-18 Bar year.

Steve Laine further reported that the Finance Committee, at its February 7 meeting, unanimously recommended to the Executive Committee that active member dues be increased by \$2 to \$250 and inactive member dues increased from \$124 to \$125 for the 2017-18 Bar year. The Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors for the 2017-18 Bar year the following:

1. Dues at \$250 for active members and \$125 for inactive members, which reflects a \$2 dues increase; and
2. Section dues to be reflected on the dues statement ranging from \$10-\$35; and
3. Continuation of assessments required by Bar Rules regarding the Clients' Security Fund (\$100 @ \$25/year) and Bar Center Facility (\$200 @ \$50/year); and
4. Continuation of a \$100 opt-out contribution for the Legislative and Public Education Fund; and
5. A suggested \$300 opt-in provision for individual contributions (\$100 for young lawyers) for the Georgia Legal Services Program.

Steve Laine additionally reported that the Investment Committee recommended the Bar consider investment in common stocks, preferred stock, equity-based mutual funds, and exchange-traded fund (ETF's). It was the consensus of the Executive Committee that it needs a specific recommendation from the Investment Committee and a copy of the Investment Policy that reflects those changes before it takes any action on the proposal.

The Executive Committee received copies of the 1) minutes of the January 11, 2017 meeting of the Audit Committee, 2) 2016 Audit Results from Mauldin & Jenkins, 3) minutes of the February 7, 2017 Finance Committee meeting (Budget Timetable and dues recommendation), and 4) minutes of the January 19, 2017 meeting of the Programs Committee.

YLD Report

YLD President Jennifer Campbell Mock reported on the activities of the YLD. The Family Law Committee's Annual Supreme Cork fundraiser benefitting the Atlanta Volunteer Lawyers Foundation was held on February 16, but she does not have the financial results. The annual YLD Signature Fundraiser will take place February 25, benefitting Georgia CASA. She thanked the Executive Committee members who have purchased tickets or a sponsorship for the event. The 29th Annual Capitol Leadership Luncheon was held February 9. The YLD will next meet on March 10-12 in Ashville, North Carolina, and feature a

CLE and community service project.

Executive Director's Report

Jeff Davis stated that he is very thankful for the Bar staff and the Executive Committee's help with the ICLE transition to the State Bar. He reported that ICLE is now in its busiest season, which will run through March 31, and that we created a link on our website to better promote ICLE's upcoming seminars for that time period. Once the ICLE rules are approved by the Supreme Court and an ICLE Board is appointed, we will be working on strategic planning, a review of ICLE's policies and procedures, and any staffing needs.

Executive Session

Following a motion and second, the Executive Committee met in Executive Session to discuss a grievance related to advertising, which was dismissed after investigation by the Office of General Counsel. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

ICLE Property Plan

This item was discussed in the President's report,

Legislative Update

Christine Butcher provided a legislative update and reviewed the current status of the Bar's pending bills.

Following a discussion on HB 15 concerning E-filing, a motion opposing the per transaction fees as currently set out in the bill, and asking for a provision to provide alternative filing methods for Acts of God or other exigent circumstances, was subsequently withdrawn. These issues will instead be addressed through our legislative team. President Pat O'Connor will discuss the bill at tomorrow's joint meeting with the Supreme Court.

Board of Governors Minutes

The Executive Committee received a copy of the draft minutes of the January 13, 2017 Board of Governors meeting.

Tifton Office

The Executive Committee received a copy of an email from Bonne Cella stating that the Georgia Chamber of Commerce also is opening a satellite office in Tifton.

Old Business

There was no old business.

New Business

There was no new business.

Adjournment

There being no further business the meeting was adjourned.

Executive Committee/Supreme Court Retreat

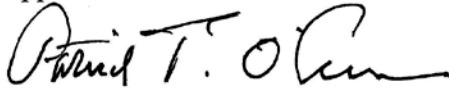
The Executive Committee and Justices of the Supreme Court of Georgia conducted a joint meeting on Saturday, February 18, 2017, to discuss pending issues and developments affecting the administration of justice and the regulation of the legal profession. Those present for the meeting from the Supreme Court of Georgia were Chief Justice Harris Hines, Presiding Justice Harold Melton, Justice Carol Hunstein, Justice David Nahmias, Justice Keith Blackwell, Justice Michael Boggs, Justice Nels Peterson, Justice

Britt Grant, and Therese "Tee" Barnes, Clerk of Court. Justice Robert Benham was unable to attend. All members of the Executive Committee were present. Bar staff in attendance included Sharon Bryant, Christine Butcher, Jeff Davis, Paula Frederick, and Bill NeSmith.



Darrell L. Sutton, Secretary

Approved:



Patrick T. O'Connor, President