

**STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MINUTES
Saturday, October 24, 2015
Hyatt Regency Savannah/Savannah, GA**

The 259th meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Robert J. Kauffman, President, presided.

Meeting Agenda

President Bob Kauffman announced that there would be an election for the Office of President-elect following the Rules and Bylaws changes under the Action Items.

Special Recognition

President Bob Kauffman recognized the members of the judiciary, the Past Presidents of the State Bar, and other special guests in attendance.

Roll Call

Secretary Buck Rogers circulated the roll for signature. The list of those in attendance is attached as Exhibit A.

Future Meetings Schedule

President Bob Kauffman referred the Board of Governors to the Future Meetings Schedule.

Minutes of the 257th and 258th Meetings of the Board of Governors

The minutes of the Board of Governors meetings on June 19 and June 20, 2015, at the Evergreen Conference Center in Stone Mountain, Georgia, were approved, as submitted, by unanimous voice vote.

Appointments to the Commission on Continuing Lawyer Competency (CCLC)

The Board of Governors, by unanimous voice vote, approved the reappointment of Jenny Jensen and the appointment of Virgil L. Adams to the CCLC for three-year terms (2016-2018).

Lawyer Assistance Program (LAP) Proposed Rules Changes

For the benefit of the new Board members, Bill NeSmith explained the procedure for a rules change and the procedure for a bylaws change. Thereafter, the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court of Georgia proposed rules changes to LAP Rules 7-202 and 7-301 as follows:

Rule 7-202. Volunteers. The Committee may establish a network of attorneys and lay persons throughout the state of Georgia who are experienced or trained in impairment counseling, treatment or rehabilitation, who can conduct education and awareness programs and assist in counseling and intervention programs and services. The Committee may also establish a network of peer-support volunteers who are members of the State Bar of Georgia who are not trained in impairment counseling, treatment or rehabilitation, who can provide support to impaired or potentially impaired attorneys by sharing their life experiences in dealing with (a) mental or emotional health problems, (b) substance abuse problems or (c) other similar problems that can adversely affect the quality of attorneys' lives and their ability to function effectively as lawyers.

Rule 7-301. Contacts Generally. The Committee shall be authorized to establish and implement procedures to handle all contacts from or concerning impaired or potentially impaired attorneys, either through its chosen health care professional source, the statewide network established

pursuant to Rule 7-202, or by any other procedure through which appropriate counseling or assistance to such attorneys may be provided.

Elections Committee Proposed Bylaws Changes

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court of Georgia the following proposed revisions to Rule 1-204 (Good Standing) as shown below and to Rule 1-501 (License Fees) attached as Exhibit B, and by unanimous voice vote, approved proposed revisions to Bylaw Article VII (Nominations and Elections) attached as Exhibit C.

Rule 1-204 Good Standing

No lawyer shall be deemed a member in good standing:

- (a) while delinquent after September 1 of any year for nonpayment of the annual license fee and any costs or fees of any type as prescribed in Chapter 5, Rule 1-501 (a)-(c) hereof;
- (b) while suspended for disciplinary reasons;
- (c) while disbarred;
- (d) while suspended for failure to comply with continuing legal education requirements;
- (e) while in violation of Rule 1-209 for failure to pay child support obligations.

Office of President-elect

President Bob Kauffman reported on his appointment of Treasurer Patrick T. O'Connor to fill the vacancy in the office of president-elect from the date of Rita Sheffey's resignation until today's Board meeting. Following the report and a motion and second for nominations for president-elect, the Board of Governors received the following nomination, and there being no others, declared the nominations closed.

<u>Office</u>	<u>Nominator</u>	<u>Nominee</u>
President-elect	Damon E. Elmore Sally Brown Akins (Seconding)	Patrick T. O'Connor

Pursuant to Article XI, Section 1, the Board of Governors, by unanimous voice vote, elected Patrick T. O'Connor to serve as president-elect through June 2016, in addition to his office as Treasurer. He will not automatically succeed to the office of president, as that office will be filled by majority vote of the membership, after nominations provided in Article VII, during the election process in the spring.

Following his election, Patrick T' O'Connor was sworn into office by Presiding Justice P. Harris Hines, Supreme Court of Georgia.

Advisory Committee on Legislation (ACL)/Legislative Proposals

For the benefit of the new Board members, Paula Frederick explained the requirements of the Keller decision, the process of voting on legislative matters, and reminded everyone that the legislative program is funded through voluntary contributions and not through Bar dues. Thereafter, the Board of Governors took the following action on proposed legislation presented by Elena Kaplan, Vice Chair of the ACL, and Rusty Sewell, the State Bar contract lobbyist.

Legislative Proposal

Committee to Promote Inclusion in the Profession

Germane to Purposes of the Bar

Support on Merits 2/3 Majority

1) Funding Request for Legal Representation for Victims of Domestic Violence	Passed by unanimous voice vote	Passed by unanimous voice vote
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Georgia Public Defenders Standards Council
& Prosecuting Attorneys Council

1) Pay Parity for Assistant Public Defenders and Assistant District Attorneys	Passed by unanimous voice vote	Passed by unanimous voice vote
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Family Law Section

1) SB 64 - Repeal of Administrative Legitimation	Passed by unanimous voice vote	Passed by unanimous voice vote
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The Board of Governors received a copy of the minutes of the Advisory Committee on Legislation Meeting on September 15, 2015.

Report of the President

President Bob Kauffman recognized Michelle Garner, Director of Meetings, for her dedication and work on behalf of the State Bar of Georgia while undergoing cancer treatment. Thereafter, he reported on the creation of the Attorney Wellness Task Force that is being chaired by Ken Hodges and is modeled after a program by the South Carolina Bar (SCB). He introduced Michael Ethridge, Chair of the SCB's wellness initiative called *Living Above the Bar*. Mr. Ethridge reported that the SCB initiative promotes all aspects of lawyer wellness by identifying factors that impact both the emotional and physical well-being of attorneys, as well as educates members of the bench and bar about wellness issues and resources. It launched with events offering guidance and support on nutrition, fitness and other issues. It has developed a statewide speaker's bureau for presentations on wellness topics and works within communities to identify fitness partners for SCB members. Thereafter, Ken Hodges reported that the Attorney Wellness Task Force has created the following subcommittees: Mental Health, Physical Well-Being, Social Well-Being, YLD Initiatives, Technology and Branding. He encouraged Board members to contact him with suggestions for the name of the Bar's initiative and if they would like to serve on a subcommittee. He announced that there will be a 3-hour CLE program on wellness at the Midyear Meeting, and that the Task Force is asking the Commission on Continuing Lawyer Competency to consider offering CLE credit for mental health and wellness programs.

Disciplinary Rules and Procedures Committee

John Haubenreich reported that the Disciplinary Rules & Procedures Committee's is undertaking an extensive review of the disciplinary process in an effort to ensure that the process is fair and expedient. Recognizing that there is a perception by both lawyers and the public that the system is ineffective and inefficient, it is examining everything from the intake process to the final resolution, and will eventually be presenting concrete proposals to the Board of Governors for its consideration.

Treasurer's Report

Treasurer Patrick T. O'Connor reported on the Bar's finances and investments. The Board of Governors received copies of the Operations and Bar Center Consolidated Revenues and Expenditures Report as of June 30, 2015; Income Statement YTD for the Twelve Months Ended June 30, 2015; Bar Center Revenues and Expenditures Summary for the Twelve Months Ended June 30, 2015; State Bar Balance Sheet for June 30, 2015; and the Summary of Selected Payment Information for May-April 2014-2016.

Audit Report

Chris Phelps reported that the State Bar changes audit firms every five years as a best practice. Following a search, the Audit Committee is recommending that Mauldin & Jenkins LLC be designated as the State

Bar's new auditing firm. The Board of Governors, by unanimous voice vote, approved retaining Mauldin & Jenkins LLC as the State Bar's audit firm for a five-year period.

Young Lawyers Division (YLD) Report

YLD President Jack Long reported on the activities of the Young Lawyers Division. He announced that the YLD and the Texas Young Lawyers Association are working together to create a consumer pamphlet for divorcing military spouses, and he is also planning a regional summit next year with the South Carolina, Florida, Alabama, North Carolina and Tennessee young lawyers to share ideas. He reported that this year's Legal Food Frenzy has a goal of raising over 1 million pounds of food for Georgia's food banks. He asked Board members to encourage those lawyers in their communities that are winding down their practices to reach out to the YLD Succession Planning Program. He announced that the Annual Signature Fundraiser will take place on January 23, 2016. This year's beneficiary is Camp Lakeside, which enables children with all levels of disabilities and illnesses an opportunity to enjoy a typical summer camp experience. He stated that the YLD was recognized in all five award categories in Division 1A of the ABA YLD annual Awards of Achievement Program, which is a testament to all of the hard work done under the direction of last year's YLD President Sharri Edenfield and the YLD committees.

The Board of Governors received a written report on the YLD committees, programs and projects for the 2015-16 Bar year.

Activities in the Circuit

Susan Cox, Ogeechee Circuit Board of Governors representative, reported on the circuit and the Bulloch County Bar Association.

John Bell Manly, Eastern Circuit Board of Governors representative, reported on the circuit and the activities of the Savannah Bar Association.

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on May 15, June 24, and August 14, 2015.

Office of the General Counsel

The Board of Governors received a written Report of the Office of the General Counsel.

Lawyers Helping Lawyers – Policies and Guidelines

The Board of Governors received a copy of the *Lawyers Helping Lawyers* Policies and Guidelines for the LAP's volunteer peer program.

Military Legal Assistance Program

The Board of Governors received a written report on the Status of the Military Legal Assistance Program.

Consumer Assistance Program

The Board of Governors received a written report on the activities of the Consumer Assistance Program.

Law Practice Management Program

The Board of Governors received a written report on the activities of the Law Practice Management Program.

Committee to Promote Inclusion in the Profession

The Board of Governors received a written report on the activities of the Committee to Promote Inclusion in the Profession Committee.

Chief Justice's Commission on Professionalism

The Board of Governors received a written report on the activities of the Chief Justice's Commission on Professionalism.

ABA Bar Leader Article

The Board of Governors received an *ABA Bar Leader* article on *Legal Zoom, other companies: Friends or Foes*.

Media Report

The Board of Governors received a copy of the 2015-16 Media Report.

Old Business

There was no old business.

New Business

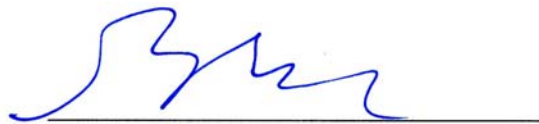
There was no new business.

Remarks, Questions/Answers, Comments/Suggestions

The President opened up the meeting for questions and comments.

Adjournment

There being no further business, the meeting was adjourned to begin the Strategic Planning Session.



Brian D. (Buck) Rogers, Secretary

Approved:



Robert J. Kauffman, President