

**STATE BAR OF GEORGIA  
BOARD OF GOVERNORS  
MEETING MINUTES  
Saturday, January 8, 2022, 9:00 a.m.  
Zoom**

The 290<sup>th</sup> meeting of the Board of Governors of the State Bar of Georgia was held virtually at the date and time shown above. President Elizabeth L. Fite presided and called the meeting to order at 9:00 a.m.

Pledge of Allegiance

Hon. Rachel Krause, Judge, Fulton County Superior Court, led the pledge of allegiance to those in attendance.

Invocation

M. Khurram Baig, State Bar of Georgia Professionalism Committee member, gave the invocation.

Special Recognition

President Elizabeth L. Fite recognized the members of the judiciary, the past presidents of the State Bar and other special guests in attendance.

Roll Call

Secretary Ivy N. Cadle reminded everyone that Zoom automatically creates a report of attendees. However, he requested that any Board of Governors members who telephoned into the meeting to email him to ensure they are reflected in the attendance record as being present.

Future Meetings Schedule

President Elizabeth L. Fite reviewed the Future Meetings Schedule.

Remarks from the Governor

Gov. Brian Kemp provided recorded remarks that were played during the meeting.

Midyear Members' Meeting Action Items

The Board of Governors Meeting was adjourned, and the Midyear Members' Meeting was called to order.

Bylaws Changes

Following a report by Deputy General Counsel Bill NeSmith, active members of the State Bar of Georgia approved proposed bylaws changes to Article III Board of Governors, Section 7, Honorary Members (Exhibit A).

The Midyear Members' Meeting was adjourned, and the Board of Governors Meeting was called to order.

Minutes of the 289<sup>th</sup> Meeting of the Board of Governors

The minutes of the Board of Governors meeting held October 23, 2021, were approved as presented by unanimous electronic vote.

Nominations of ABA Delegates

ABA Delegate Robert Rothman provided a brief ABA report and proposed the nominations listed below. The Board of Governors nominated the following attorneys for two-year terms to the Georgia ABA Delegate Posts indicated. These positions are open to Georgia lawyers who are members of the ABA.

| <u>Post</u> | <u>Delegate</u>     |
|-------------|---------------------|
| 1           | Hon. Alvin. T Wong  |
| 3           | C. Elisia Frazier   |
| 7           | V. Sharon Edenfield |

#### Nominations of State Bar Officers

The Board of Governors received the following nominations for State Bar officers for the 2022-2023 Bar year:

| <u>Office</u>   | <u>Nominator</u>                                       | <u>Nominee</u>        |
|-----------------|--|-----------------------|
| Secretary       | Andy Davis<br>Jonathan Pannell (Seconding)             | Christopher P. Twyman |
| Treasurer       | Hon. Kathryn Powers<br>Hon. Paige Whitaker (Seconding) | Ivy N. Cadle          |
| President-elect | Hon. Dax Lopez<br>Joyce Gist Lewis (Seconding)         | J. Antonio DelCampo   |

Per Article VII, Section 1 “Nominations and Elections” of the State Bar of Georgia Bylaws, nominations are open 10 days after this meeting.

#### Update on Germaneness

General Counsel Paula Frederick provided information to the Board of Governors regarding *Keller v. State Bar of California*, 496 U.S. 1 (1990), which states a mandatory bar cannot spend dues for activities not “germane” to the purposes of the organization. *Keller* purposes include regulating the legal profession and improving the quality of legal services available to the people of the state. It says a mandatory bar may not fund activities which fall outside the scope and purposes of the organization, and legislative/lobbying activities that are political or ideological in nature are typically not germane. General Counsel Frederick said that current litigation involves challenges to compelled dues, freedom of association claims, and narrower interpretations of “germaneness.” Per State Bar of Georgia Rule 1-103, the purposes of the Bar are to foster the principles of duty and service, to improve the administration of justice, and to advance the science of law. Along with continued discussion at the Board of Governors level, General Counsel Frederick said the Office of the General Counsel will continue to monitor current litigation surrounding *Keller*, and OGC will in the future provide opinions on germaneness of items coming before the Advisory Committee on Legislation.

#### Advisory Committee on Legislation (ACL)/Legislative Proposals

Following a report by ACL Chair Kyle Williams, the Board of Governors took the following action on proposed legislation:

| <u>Legislative Proposal</u>   | <u>Germane to Purposes of the Bar</u> | <u>Support on Merits 2/3 Majority</u> |
|---|---------------------------------------|---------------------------------------|
| <i>Access to Justice Committee</i>  |                                       |                                       |
| 1) Support for Judicial Council Budget Request for FY 2023 Funding for Civil Legal Services Grants for Kinship Care | Passed by majority vote               | Passed by 2/3 majority                |

*Indigent Defense Committee*

- |  |                         |                        |
|--|-------------------------|------------------------|
| 2) Support for Judicial Council Budget Request for FY 2023 Funding for the Georgia Resource Center | Passed by majority vote | Passed by 2/3 majority |
|--|-------------------------|------------------------|

*Child Protection and Advocacy Section*

- |  |                         |                        |
|--|-------------------------|------------------------|
| 3) Support for HB 272 “Raise the Age” of Juvenile Court Delinquency Jurisdiction | Passed by majority vote | Passed by 2/3 majority |
|--|-------------------------|------------------------|

*Bench and Bar Committee*

- |   |                         |                        |
|---|-------------------------|------------------------|
| 4) Support for HB 409 – Establishing a Judicial Legal Defense Fund Commission | Passed by majority vote | Passed by 2/3 majority |
|---|-------------------------|------------------------|

Legislative Update

Governmental Affairs Director Christine Butcher Hayes provided an update on the upcoming legislative session. She reported that the 2022 Legislative Session starts on Monday, January 10, 2022, continuing through the end of March. Governmental Affairs Director Hayes said that in addition to the items the Board approved today, and the two funding items that were approved at the Fall Meeting, there are two pieces of carryover legislation from last year: (1) HB 334, the remote online notary bill, and (2) HB 752, the advanced psychiatric directive bill. There were also two proposals from the Judicial Council last year that the Board of Governors voted to support, but they were not filed during last year’s session: (1) the Court Reporting Act, and (2) the State Court Appellate Act. The legislative team will follow those this year. She encouraged Board members to contact her if they are interested in visiting the Capitol during the legislative session.

The Board of Governors received a copy of the November 30, 2021, Advisory Committee on Legislation meeting minutes.

Treasurer’s Report

Treasurer Tony DelCampo reported on the finances of the Bar, reporting that revenues have stayed on track, driven mostly by Bar license fees. He stated that while parking revenue is down due to COVID, it was budgeted for, and the finances of the Bar remain fiscally sound.

Executive Director’s Report

Executive Director Damon Elmore reported that Bar operations remain steady because necessary and incremental changes have been implemented since the beginning of the Bar year. He reported that the Bar continues to resume programming and in-person meetings, and all staff and departments are key in making sure services to members continue. He said the Coastal Georgia Office lease expires this year, and because of a number of factors, including significant increases in costs, convenient access for visitors and guests, and additional accessibility issues, the Bar will not renew in the current location. Relocation options will be evaluated thoroughly before a decision is finalized. He reported on staff who have moved on from the Bar and staff who have been newly hired or moved into other positions. He said that ICLE remains a top priority. With continual improvement for ICLE operations generally, they are actively making key changes to the organizational structure that will be beneficial to its long-term sustainability.

Young Lawyers Division

YLD President Elissa Haynes reported she is appreciative of YLD involvement and interaction with members of the judiciary, seeing many YLD members at the 175<sup>th</sup> anniversary of the Supreme Court of

Georgia. She said GLSP gave the YLD an award recognizing their 50 years of partnership. She reported on a new initiative that encourages young lawyers to take other young lawyers out to lunch to talk and check in with each other during December, #lunchandlisten. She announced the YLD Signature Fundraiser will be held on April 30 at 433 Bishop, benefiting Kate's Club, an organization that helps children who lost a loved one.

#### Proposed Revisions to the Advertising Rules

General Counsel Paula Frederick reported the Disciplinary Rules and Procedures Committee has been working on revising Part VII of the disciplinary rules, which deals with advertising and solicitation, bringing the Bar's rules more in line with the ABA model rules of professional conduct. The committee is looking for feedback on what they have drafted. They held a 1-hour CLE this week to explain the changes. Once they receive initial feedback, they will revise what they have done based and report back to the Executive Committee and Board of Governors. This is being reported as an informational item at this meeting in order to allow ample time for Board members to talk with their constituents. She said to send all feedback to Disciplinary Rules and Procedures Committee Chair Judge Mike Bagley.

#### President's Report

President Elizabeth L. Fite thanked everyone for participating virtually to ensure everyone's safety. She reminded everyone that the Bar has information and tools regarding succession planning and to be sure to name a designated attorney on the license fee notice. President Fite reported that she's spent the last six months cultivating relationships with all branches of government, educating them about the Bar, and being present and answering questions about the Bar when needed. She said she's also attended several local bar association meetings – both in-person and via Zoom – and is happy to visit Board members' local bars. She said that she's made an effort to involve upcoming officers, including the YLD officers, in the big picture things that are multiyear projects, placing a lot of value on continuity. She reported she continues to have weekly meetings with senior Bar staff as well.

#### Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on September 23, 2021, and November 5, 2021.

#### Office of the General Counsel

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

#### Georgia Legal Services Program

The Board of Governors received a written report on the activities of GLSP.

#### Chief Justice's Commission on Professionalism Report

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

#### Law Practice Management Program

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

#### Communications Update

The Board of Governors received a media report from the Communications Department.

#### Old Business

There was no old business.

New Business

President Elizabeth L. Fite said boxes will be placed at the Bar Center for the clothing drive benefitting Canine Cellmates. She also said that the Pure Barre was cancelled, and that she would reschedule with anyone who would like to go at another time.

Announcements

There were no announcements.

Executive Session

There was no executive session.

Remarks / Q&A / Comments / Suggestions

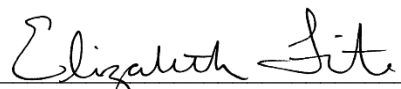
President Elizabeth L. Fite opened the floor to remarks, questions, comments and suggestions.

Adjournment

There being no additional business, the meeting was adjourned at 10:59 a.m.

  
Ivy Cadle, Secretary

Approved:

  
Elizabeth L. Fite, President