

**STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MEETING MINUTES
Saturday, October 24, 2020 at 9:00 a.m.
(Zoom Webinar)**

The 284th meeting of the Board of Governors of the State Bar of Georgia was held at the date and time and in the format shown. President Dawn M. Jones presided.

Welcome and Call to Order

Dawn called the meeting to order at 9:01 a.m. She asked the Board members to observe a moment of silence for those we have lost in our Bar since the last Board of Governors meeting.

Invocation

R. Gary Spencer delivered the invocation.

Recognition of Special Guests

Alexia Davis, President of the Augusta Bar Association, welcomed Board members and guests on behalf of the Augusta Bar and conveyed her hope that the Board can meet physically in Augusta sometime soon. She recognized the members of the judiciary, the past presidents of the State Bar, and other special guests in attendance.

Housekeeping Rules

Dawn reviewed some housekeeping rules and tips for using Zoom.

Roll Call

Secretary Tony DelCampo reported that we are keeping attendance through the Zoom sign-in. He asked Board members to check the Board of Governors Attendance Record and to let him know if their attendance is listed incorrectly.

The list of Board of Governors members in attendance is attached as Exhibit A.

Future Meetings Schedule

Dawn reviewed the Future Meetings Schedule. She reported that as plans stand today we will have an in-person Board of Governors meeting at the Midyear Meeting, but means for participating virtually will also be provided. She asked everyone to note the calendar dates and contact her or Michelle Garner if they have any questions.

Minutes of the 283rd Meeting of the Board of Governors

Tony presented the minutes of the Board of Governors meeting held June 13, 2020 via Zoom webinar. Following a motion and second the Board of Governors approved the minutes, as revised, by unanimous poll vote.

Proposed Rules Changes

Following a report by Deputy General Counsel Bill NeSmith, the Board of Governors took action on the following proposed Rules amendments (Exhibit B):

- 1) Rule 1-303. Meetings, Rule 1.801. Annual Meeting, and Rule 1-801.1. Midyear Meeting: By majority poll vote, approved recommending to the Supreme Court of Georgia; and
- 2) Rule 1-802. Special Meeting: By unanimous poll vote, approved recommending to the Supreme Court of Georgia; and

- 3) Rule 1-803. Notice: By majority poll vote, approved recommending to the Supreme Court of Georgia as revised.

Rule 1-601. (Bylaws) was removed from the agenda and will be presented at the Midyear Meeting.

Approval of New Religious Liberty Law Section

Following a report by General Counsel Paula Frederick and a discussion by the Board of Governors, a motion and second to table action on this agenda item until the Midyear Meeting, in order to have one or more of the section's organizers present at the meeting to answer questions, was approved by majority poll vote.

Appointments to the Commission on Continuing Lawyer Competency (CCLC)

The Board of Governors approved the reappointment of Judge Shondeana Morris (2021-2023) and the appointment of Shiriki Cavitt (2021-2023) to the CCLC by unanimous poll vote.

Appointments to the Chief Justice's Commission on Professionalism (CJCP)

The Board of Governors approved the appointments of LaToya Simone Bell (2020-2023) and Francys Johnson, Jr., (2020-2023) to the CJCP by unanimous poll vote.

Approval of President's Appointments to the Formal Advisory Opinion Board (FAOB)

The Board of Governors approved the appointments of Christian J. Steinmetz, III (2020-2021), Alfreda Lynette Sheppard (2020-2022), and Bert D. Hummel (2020-2021) to the FAOB by majority poll vote.

Officer Reimbursement Policy

Following a report by Dawn, the Board of Governors approved the revised Officer Reimbursement Policy (Exhibit C) by majority poll vote.

Election of Executive Director

Following a report by Dawn on the selection of the new Executive Director, she recognized and thanked the members of the Senior Staff Search Committee for their service in this effort. Thereafter, she introduced Damon Elmore who addressed the Board of Governors.

A motion and second to elect Damon E. Elmore as the next Executive Director to succeed Jeff Davis, was approved by majority poll vote.

Survey

Dawn reported there is no survey item for discussion since the Board of Governors dinner survey was sent out in advance.

Advisory Committee on Legislation (ACL)

Following a report by ACL chair Javoyne Hicks, the Board of Governors took action on the following proposed legislation:

Legislative Proposal

Germane to Purposes
of the Bar

Support on Merits
2/3 Majority

- 1) Support for FY 2022 Judicial Council Budget
Request-\$325,326 to Fund Civil Legal Services
Grants for Kinship Care Families

Passed by majority poll vote

Passed by majority poll
vote

Javoyne reported that the Uniform Mediation Act was resubmitted for consideration at the September 15 ACL meeting, but since language in the bill is still being worked on, it is expected to be back on the

agenda at the December 1 ACL meeting. There was also discussion on digital court reporting legislation from the Judicial Council of Georgia and a draft Superior and State Court Appellate Practice Act.

Dawn reported that one of her goals this year is to continue the conversation about the need for legislative funding and funding for the Georgia Legal Services Program (GLSP). As a result, you will receive updates from both about their funding efforts at every BOG meeting. The website was recently updated to ensure you are able to make a contribution now or at any time throughout the year.

Legislative Update and Funding

Director of Governmental Affairs Christine Butcher Hayes reported that at the end of last year's session HB 865, the Fiduciary Law Section's Title 53 bill, passed and was signed into law by the Governor. SB 464, the Georgia Uniform Mediation Act, passed in the Senate, but did not make it out of committee in the House. We had good success on funding initiatives, but with COVID-19, the judicial branch did receive some cuts. The Indigent Defense Committee worked hard for sustained funding for the appellate division of the Georgia Public Defenders Council. Christine reported we are losing three lawyer-legislators in the Senate and one in the House, and she encouraged everyone to go out and vote.

Rusty Sewell reported that Christine did an excellent job in covering everything and agreed with her that everyone go vote, and after the elections, go meet with their legislative representatives.

The Board of Governors received the minutes of the ACL meeting held September 15, 2020.

Georgia Legal Services Program (GLSP) and Funding

GLSP Executive Director Rick Rufolo thanked all the State Bar members who continue to support GLSP through financial and pro bono efforts. He reported on the importance of the Kinship Care program, a collaboration with the Atlanta Legal Aid Society that has greatly benefitted children throughout the state. The program primarily helps grandparents who have custody of their grandchildren and reached 79 counties. Rick said GLSP, whose staff is currently working remotely, continues to meet significant challenges and help vulnerable Georgians. In the last three months calls to the GLSP intake line have increased by 20%. Issues of unemployment benefits, evictions, and domestic violence have been exacerbated by the global pandemic. As of the end of September, over \$400,000 in contributions were made to GLSP; however, only 7% of Bar members are contributing. Rick said he appreciates Dawn's support and Jeff's team in getting more information out on the need to support GLSP.

The BOG received a written report on the contributions made to date to GLSP.

President's Report

Dawn reported she is grateful to have spoken to various bar associations this year, and has more presentations scheduled. It gives her an opportunity to talk about what our Bar is doing and how to get involved. She continues to welcome dialogue and efforts to have conversations and welcomes positive and not-so-positive comments and feedback.

Dawn reported that she created a COVID-19 Virtual Planning Committee chaired by Shiriki Cavitt to assist her and Bar staff in planning and implementing virtual, hybrid, and in-person meetings and events during the COVID-19 pandemic. Assistance includes the use of technology and imaginative planning to ensure the business of the Bar continues fully in as safe and a creative manner as possible so that all Bar members continue to work together effectively, foster relationships between members and support each other. The committee created last evening's virtual connections with breakout rooms to check-in, chat and touch base with fellow board members. Dawn said we are constantly looking at innovative and creative way to serve you as members of the Bar.

Dawn reported she was meeting twice a week with senior staff, and now once a week on a scheduled basis to discuss the business of the Bar.

Dawn reported that the Bar is actively represented in various roles on the Judicial Council and other entities to provide feedback and comments.

Dawn reported that the Executive Committee meets regularly so that the work of the Bar between Board of Governors meetings is handled efficiently and effectively. She referred Board members to the Executive Committee minutes in the agenda book for more information.

Dawn reported that the State Bar building remains closed, but when we do re-open, there is a phase-in plan in place. We continue to follow the Georgia Department of Health, CDC recommendations, and science. The Board surveys help us remain on the same page, and we all want to meet in person as soon as it is humanly possible. In the meantime, we are planning a hybrid meeting in January because we know not everyone may want to meet in person. Dawn asked that any suggestions you have as a Board member or from your constituents be shared with her and the Executive Committee. We cannot prevent the spread of COVID-19 in all situations, but we can mitigate it.

Dawn reported that there are some committees and sections that are not fully active, but her goal is to make sure they do the best they can in this virtual world.

In the communication vein, Dawn reported there is a monthly calendar of events posted on the website where you will find most Bar events and meetings. *Monthly Touches*, headed by the Wellness Committee and supported by Lawyers Living Well and the Lawyer Assistance Programs, is designed to improve communications through the Bar to support our members physically, spiritually, and mentally.

Dawn reported that her theme this year is to sustain a sound Bar by 1) continuing a high level of service to the membership through committees, sections, and other work, 2) being financially responsible, and 3) supporting our members through the pandemics of COVID-19 and social injustice. Randy Davis thanked Dawn for her leadership, Sarah for running the meetings, Jeff for his service, and Damon for coming on board.

Treasurer's Report

Treasurer Sally Akins reported on the Bar's finances and investments.

The Board of Governors received copies of the combined Operations and Bar Center Consolidated Revenues and Expenditures Report as of June 30, 2020; Reconciliation of Net Income (Loss) per Budget to Actual Final Net Income (Loss) for Year Ended June 30, 2020; Bar Center Revenues and Expenditures Summary as of June 30, 2020; Income Statement YTD (Operations) as of June 30, 2020; Status and Use of Cash Investments as of June 30, 2020; Board-Designated and Donor Temporarily Restricted Net Assets as of June 30, 2020; Summary of Members and Voluntary Contributions to GLSP Paid through June 30, 2020; Summary of Members and Voluntary Legislative Contributions Paid through June 30, 2020; Legislative Activity Report from July 1, 2019 through June 30, 2020; Clients' Security Fund Report as of June 30, 2020, and ICLE Income Statement as of June 30, 2020.

Young Lawyers Division

YLD President Bert Hummel reported on how the YLD continues to serve its members in the changing landscape. He thanked Jeff for everything he has done for the Bar and what he will continue to do in the transition to new leadership under Damon Elmore. The YLD is still not conducting in-person meetings,

but it has moved forward serving its members. There have been a number of committee meetings, CLE panel discussions, and even expansion of some programs. The YLD Summer meeting in September was one of the highest attended meetings and a large number were first-time attendees.

Two of the YLD's biggest programs are just weeks away. The first is the Georgia Poll Workers programs. The CCLC approved up to 6 hours of CLE credit for the poll worker training and working at the polls. Poll workers have been asked to donate their poll worker stipends to the Public Interest Internship Program (PIIP), to help furnish grants to law students who complete an internship program with a public interest organization. The second is the Deputy Registrars Program. A list of active volunteer attorneys will be provided to the Secretary of State's office and be trained on how to work out any issues that voters experienced with absentee voting in Fulton and DeKalb Counties. He put a website link for both programs in the chat for anyone interested in volunteering.

Bert said he is encouraged by the wellness initiatives that have been implemented at YLD general sessions and at committee meetings. Community service projects are being conducted through committees. The Women in the Profession Committee will be hosting an expanded clinic for first-responders, nurses, and teachers throughout the entire month of November with Atlanta Legal Aid. The YLD is sponsoring the National Moot Court Competition on November 5, and a request for judges will be sent out soon. The Disaster Relief Committee has teamed up with FEMA and regional disaster relief managers across Georgia to disseminate information on the frontend about the steps people can take in case of a disaster and how they can get relief. Bert extended an invite to Board members to attend an upcoming YLD meeting. The YLD Fall Meeting will be a virtual meeting on November 14.

The Board of Governors also received a written report from the YLD.

Professional Liability Insurance Committee

Committee chair Chris Twyman reported on the work of the Professional Liability Insurance (PLI) Committee. It has modified the draft rules and there are five options under consideration. Option One-A would require all lawyers in private practice to disclose on their dues statement whether they have PLI, and the information would be published in the member's listing in the online Membership Directory. Option One-B would also require disclosure, but the information would not be published. Option Two would include all of the provisions of Option One-A, but encourage lawyers not covered by PLI to take a voluntary online self-assessment course provided by the Bar. Option Three would include all of the provisions of Option One-A and Two, but the self-assessment course would be mandatory. Option Four would require lawyers to be covered by a PLI policy. The committee also amended the provision that required the coverage to be non-eroding so that it applies to policies with minimal limits. Option Five is an option to not take any action on the matter.

Chris invited Board members to provide comments on the options and their thoughts on the publication of the information. The committee will bring a recommendation to the Board of Governors so members can consider it and share it with their constituents before a vote is taken. The committee also believes it is best to debate this matter at an in-person meeting.

Chris thanked the committee members, and Paula and her staff, for all of their hard work, and asked that comments also be sent to the President.

Seeking Equal Justice and Addressing Racism & Racial Bias Committee

Committee chair Anita Wallace Thomas reported the committee is developing programming that addresses the issues stated in the committee's mission. She reported on the first in a series of Courageous Conversations, plans for small group conversations convened by committee members to come together

and take these conversations across the state. The committee is also going to engage other bar committees to work on addressing, identifying, and eradicating racism and racial bias. The next courageous conversation will discuss confederate monuments. Sheffield Hale, President of the Atlanta History Center, will participate but we are looking for someone who has a very strong opinion about those monuments staying intact and willing to engage in the conversation. Anita asked the Board members to reach out to her or Gary Spencer with any ideas or thoughts they have.

COVID Task Force Update

President-elect Elizabeth Fite reported on the Judicial COVID Task Force, an ad hoc committee of Judicial Council of Georgia, that is chaired by Judge Shawn LaGrua. It has been hard at work creating guidelines, assembling resources, and acting as a think tank to assist courts in conducting remote proceedings, restoring in-court proceedings, jury trials and grand jury proceedings. The Task Force worked with judges and other key stakeholders - court reporting agencies, court interpreters, public health officials, expert witness, ventilation system experts, technology experts - and surveyed other jurisdictions in compiling its guidelines. The Task Force also created guidelines pertaining to discovery, motion issues, hearings, trials and screening procedures. It collected draft orders, Zoom information, and video tutorials that are available in a centralized location and on the State Bar's website. All of the information is downloadable.

Elizabeth presented a PSA highlighting the importance of jury trials, serving as a juror, and the safety protocols undertaken.

ABA Model Rule 8.4(g)

Professor Tanya Washington, Georgia State University School of Law, reported on ABA Model Rule 8.4(g), which specifically prohibits harassment and discrimination in a lawyer's conduct related to the practice of law. Since its promulgation, 29 states have adopted comments regarding discrimination and four states have adopted the rule in its entirety. Six states have declined to adopt the rule so it is not without controversy. She discussed the model rule's strengths and deficiencies.

Dawn said if we do nothing else, ultimately her hope is that these discussions become a part of our meetings. It is not her intent for us to support a model rule, but there have been a lot of comments made by Bar members pertaining to these important issues.

Chief Justice's Commission on Professionalism (CJCP)

CJCP Executive Director Karlise Grier reported the Commission has worked very hard to promote professionalism, and she thanked Chief Justice Harold Melton for his leadership on the Commission. The sixth free professionalism CLE was held yesterday. To date, 5,000 Bar members have participated in the professionalism CLEs this year. She hopes to sponsor one more in December.

Karlise referred the Board of Governors to the August *Georgia Bar Journal* featuring the CCJP's article on *The Necessity of Unparalleled Unity*. She said we all need to be more mindful of what we are saying and how we say it.

Judge Render Heard reported on the rescheduled Suicide Awareness Program slated for April 30, 2021, that was to be held at the Bar Center earlier this year. It will be available free to all participants either at a hybrid meeting or virtual meeting.

Judge Shondeanna Morris, chair of the Suicide Prevention and Awareness Committee, reported that the Wellness Committee and the Lawyer Assistance Program (LAP) Committee are collaborating on the program. She reported the First Monthly Touch, *Help is There, Why Don't We Use It*, will be October 28,

and the annual Out of Darkness Walk is November 8. There is a State Bar of Georgia Lawyers Living Well team for the virtual walk. Judge Morris reminded everyone to *Use Your 6* prepaid counseling sessions per calendar year offered by the LAP.

The Board of Governors received a written report from the CJCP.

Executive Committee Minutes

The Board of Governors received copies of the Executive Committee meeting minutes from May 18, 2020, June 5-6, 2020, June 19, 2020, July 17, 2020, and August 14-15, 2020.

Law Practice Management Program

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

Communications Media Report

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

Old Business

There was no old business.

New Business

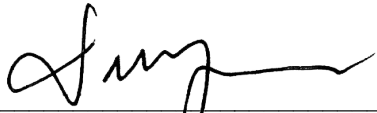
There was no new business.

Announcements


Dawn recognized Sharon Bryant, who is retiring as our COO at the end of the month after 41 years of service to our Bar and presented her with a gift of an engraved iPad and a framed resolution. Dawn also invited all to attend the virtual celebration for Sharon following the meeting.

Adjournment

There being no further business, the meeting was adjourned at. 12:47 p.m.



Dawn M. Jones, President



J. Antonio (Tony) DelCampo