

**STATE BAR OF GEORGIA  
BOARD OF GOVERNORS  
MEETING MINUTES  
Saturday, October 23, 2021/9:00 a.m.  
Savannah, GA and Zoom**

The 289<sup>th</sup> meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. President Elizabeth L. Fite presided.

Pledge of Allegiance

YLD Board of Directors Member Jamie McDowell led the pledge of allegiance to those in attendance.

Invocation

Board of Governors Member Joshua I. Bosin gave the invocation.

Special Recognition

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

Roll Call

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

Future Meetings Schedule

President Fite reviewed the Future Meetings Schedule.

Minutes of the 287<sup>th</sup> and 288<sup>th</sup> Meeting of the Board of Governors

The minutes of the Board of Governors meeting held June 11-12, 2021, were approved by majority vote.

Proposed Rules Changes

Following a report by Deputy General Counsel Bill NeSmith, the Board of Governors took no additional action to Comment 6, Rule 1.1 of the Georgia Rules of Professional Conduct.

Following a report by Deputy General Counsel Bill NeSmith, the Board of Governors, by majority vote, approved proposed amendments to the Fee Arbitration Rules.

Professional Liability Insurance Committee

Professional Liability Insurance Committee Chair Chris Twyman gave the background and history of the Professional Liability Insurance Committee and reported that after much research, debate and consideration, the committee created several options to be presented. Twyman made a motion to adopt option 2, which includes mandatory disclosure, publication in the Bar Directory, and a voluntary self-assessment test. The motion was seconded. During the lengthy discussion, Board of Governors Member Will Monahan made a motion to amend Twyman's motion. After further discussion, Monahan withdrew his motion to amend, and Twyman withdrew his original motion. Thereafter, Board of Governors Member James Irvin made a motion to table the agenda item until the Annual Meeting due to technical difficulties. The motion did not receive a second and failed. Board of Governors Member Jack Long made a motion to thank the committee for their hard work, sunset the committee and reject options 1-4 and vote on option 5, to do nothing. The motion passed by majority vote.

### Clients' Security Fund Board of Trustee's Recommendation

Ivy Cadle, Executive Committee Liaison to the Clients' Security Fund Board, gave the background and history of the Clients' Security Fund Board of Trustees' recommendation of an annual assessment. Cadle made a motion to annually assess all dues-paying members and lawyers admitted pro hac vice \$15. His motion was seconded. During the discussion, Hon. Paige Whitaker made a motion to amend the motion to make government and pro bono attorneys exempt, which was seconded. The motion failed by majority vote. Thereafter, the Board of Governors, by majority vote, approved the motion.

Deputy General Counsel Bill NeSmith then presented the rules that required rules changes due to the new assessment. The Board of Governors, by majority vote, passed the amended version of Rule 1-506 (including pro hac vice attorneys), and the amended version of Rule 10-103 (including Board of Governors Member Scott McMillen's motion to amend section (b), "The failure of a dues-paying member *or a lawyer admitted pro hac vice* to pay the ..." and section (d), "Lawyers admitted to the various courts in Georgia, pro hac vice, shall be responsible for paying the annual assessment along with the application fee for admission pro hac vice *and then with the required annual renewal fee.*").

### Appointments to Commission on Continuing Lawyer Competency

The Board of Governors approved the reappointment of Donna Hix (2022-2024) and the reappointment of Jeff Ward (2022-2024) to the CCLC by majority vote.

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

The Board of Governors approved the appointment of Martin E. Valbuena (2021-2022) as the Executive Committee liaison to the FAOB by majority vote.

### 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>
Comm. to Promote Inclusion in the Profession 1) Support for Judicial Council Budget Request for FY 2023 Funding for Civil Legal Services Grants for Victims of Domestic Violence	Passed by majority vote	Passed by unanimous vote

### Legislative Update

State Bar of Georgia Lobbyist Mark Middleton provided an update on the upcoming legislative session. He reported the special session in November will be focused on redistricting and other local issues.

### President's Report

President Elizabeth L. Fite reported that she continues to serve on the Judicial COVID-19 Task Force, and they meet regularly to consider additional issues that arise related to the pandemic. She said that any lawyer who has a public health concern regarding in-person court attendance should feel free to contact Chief Justice Nahmias, Justice LaGrua, members of the executive leadership for the respective class of court, or her for assistance in informally resolving the concern.

### Treasurer's Report

Treasurer Tony DelCampo reported that in total, the Bar budgeted a profit of \$214,511 for the year end June 30, 2021. This total budgeted profit for the Bar was calculated as a budgeted loss for the Bar of

\$336,081 and a budgeted profit for Bar Center operations of \$550,592. Bar Center operations realized an actual profit of \$500,127 for the year. The Bar also realized a profit of \$466,171 instead of the budgeted loss of \$336,081. This difference of \$802,252 is comprised of the following six components: (1) savings in salaries and related personnel costs of \$331,609, (2) savings in officer expenses (both Bar and YLD) of \$135,285, (3) savings in attorney, staff and investigator travel of \$127,919, (4) savings in meetings of \$115,676, (5) savings in contract special master costs of \$71,848 and (6) savings in YLD Committees expenses of \$70,591. The savings on these six items total \$852,928.

The Board of Governors received a copy of the following State Bar financial reports: Consolidated Revenue & Expenditures (Operations and Bar Center Combined) as of June 30, 2021; Total Bar Center Operations (Executive Summary of the Revenues and Expenditures) as of June 30, 2021; Income Statement YTD (Operations) as of June 30, 2021; Status and Use of Cash and Investments as of June 30, 2021; Board-Designated and Donor Temporarily Restricted Net Assets as of June 30, 2021; Summary of Members and Voluntary Legislative Contributions with contributions paid through June 30, 2021; Summary of Members and Voluntary Contributions to Georgia Legal Services Program (GLSP) with contributions paid through June 30, 2021; Legislative Activity Report from July 1, 2020 thru June 30, 2021; Summary of Client Security Fund Activity for the current period ending June 30, 2021; Expenditure Statement (Operations) as of June 30, 2021; and ICLE Income Statement for the current period ending June 30, 2021.

#### Executive Director's Report

Executive Director Damon Elmore will submit his written report by the end of next week to yield time to those following on the agenda.

#### Young Lawyers Division

YLD President Elissa Haynes reported that she appreciated the joint meeting with the Board of Governors and those who attended the YLD general session. She yielded her time to those following on the agenda.

#### Georgia Legal Services Program

Newly promoted GLSP Deputy Director Tomieka Daniel reported that October is Domestic Violence Awareness Month. GLSP attorneys lead and participate in coordinated community events that develop solutions to family violence in the communities. She said that GLSP has worked with the Council of Superior Court Judges to draft new dating violence forms and new statewide divorce forms, which can be found on their website.

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

CJCP Executive Director Karlise Grier said they will be hosting the Designated Attorney Fellowship and CLE Professionalism Program on December 17, 2021, at 10 a.m. She announced the Chief Justice Benham Award nominations are due by November 30, 2021, with an award ceremony following on March 19, 2022. She also recognized CJCP's new chair, Chief Justice David Nahmias.

#### Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on May 14, 2021, July 9, 2021, and August 20, 2021.

#### Office of the General Counsel

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

#### 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 written media report from the Communications Department.

Annual Meeting Evaluation Results

The Board of Governors received the 2021 Annual Meeting survey results.

Old Business

There was no old business.

New Business

There was no new business.

Announcements

Executive Committee Member Javoyne Hicks invited those in attendance to join the Attorney Wellness Committee, the Suicide Awareness Committee and the Lawyer Assistance Program Committee in the Out of the Darkness Walk on Nov. 7.

Executive Session

There was no executive session.

Remarks / Q&A / Comments / Suggestions


There were no remarks, Q&A, comments or suggestions.

Adjournment

There being no additional business, the meeting was adjourned at 12:16 p.m.

  
Ivy Cadle, Secretary

Approved:

  
Elizabeth D. Fite, President