

**STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MINUTES
Saturday, January 9, 2016
Legacy Lodge at Lake Lanier Islands/Buford, GA**

The 260th 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.

Special Recognition

President Bob Kauffman recognized the members of the YLD Leadership Academy, 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.

General Session

Following a unanimous voice vote on a motion to adjourn the Board of Governors meeting and to convene a General Session, President Bob Kauffman called to order the General Session of the Midyear Meeting of the State Bar of Georgia. Pursuant to Article II, Section 4, of the State Bar Bylaws, at least fifty active members were present at the meeting, thereby constituting a quorum.

Amendment to Bylaws Article VII, Nominations and Elections

Following a report by Bill NeSmith, proposed amendments to Bylaws Article VII, Nominations and Elections (Exhibit B) were adopted by unanimous voice vote.

Board of Governors Meeting

Following a unanimous voice vote, President Bob Kauffman adjourned the General Session and reconvened the Board of Governors Meeting of the State Bar of Georgia.

Legislation

Following a report by Marc Howard and Thomas Worthy, the Board of Governors took the following action on proposed legislation.

Legislative Proposal

Germane to Scope &
Purposes of the Bar

Support on Merits
2/3 Majority

Georgia Department of Law Funding Request

Passed by unanimous voice vote

Passed by unanimous voice vote

Access to Justice Committee

1) Settlement Funds Proposal

Passed by unanimous voice vote

Passed by unanimous voice vote

Georgia Resource Center Funding Request

Passed by unanimous voice vote

Passed by unanimous voice vote

Nonprofit Law Section

- | | | |
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| 1) Nonprofit Corporation Code Amendments | Passed by unanimous voice vote | Passed by unanimous voice vote |
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Electronically Stored Information Committee

- | | | |
|----------------------------|---|--|
| 1) E-Discovery Legislation | Action was postponed until January 29, 2016 (see below) | |
|----------------------------|---|--|

Before any action was to be taken on the above E-Discovery Legislation proposal, President Bob Kauffman reported that the parties for and against the proposed legislation had met, but failing to reach a compromise, expressed a willingness to meet again next week for the same purpose. Consequently, he asked the Board of Governors to consider postponing a vote on the legislative proposal until January 29, at which time the Board will meet in Atlanta at noontime. For Board members who cannot attend in person, arrangements will be made for them to participate by phone or video conference.

Thereafter, the Board of Governors took the following action:

1. Following a motion and second to postpone a vote on the proposed E-Discovery Legislation by the Board of Governors until January 29 at noontime, an amended motion asking that the Board of Governors oppose the proposed legislation until such time that it learns more about it failed for lack of a second, and
2. The original motion postponing a vote on the proposed E-Discovery Legislation until January 29 at noontime passed by a standing vote of 81 in favor to 34 opposed.

Child Protection and Advocacy Section

- | | | |
|---|--------------------------------|--------------------------------|
| 1) Waiver of Counsel in Juvenile Proceedings Proposal | Passed by unanimous voice vote | Passed by unanimous voice vote |
| 2) Juvenile Court Practice Proposal | Passed by unanimous voice vote | Passed by unanimous voice vote |

Business Law Section

- | | | |
|---------------------------------|--------------------------------|--------------------------------|
| 1) Benefit Corporation Proposal | Passed by unanimous voice vote | Passed by unanimous voice vote |
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Real Property Law Section

- | | | |
|---|--------------------------------|--------------------------------|
| 1) Clarification of Licensure Requirements Proposal | Passed by unanimous voice vote | Passed by unanimous voice vote |
| 2) Lis Pendens Statute Amendments | Passed by unanimous voice vote | Passed by unanimous voice vote |
| 3) Good Funds Statute Amendments | Passed by unanimous voice vote | Passed by unanimous voice vote |

President Bob Kauffman thanked Marc Howard, Chair, and the other members of the Advisory Committee on Legislation (ACL) for their efforts.

The Board of Governors received a copy of the Minutes of the ACL Meeting on December 8, 2015.

Minutes of the 259th Meeting of the Board of Governors

The minutes of the Board of Governors meeting on October 24, 2015, at the Hyatt Regency in Savannah, Georgia, were approved by unanimous voice vote.

Proposed Rules Changes

Following a report by Bill NeSmith, the Board of Governors took the following action on proposed Rules and Bylaws amendments (Exhibit C) to:

<u>Proposed Rule</u>	<u>Action</u>
1) Rule 4-227 Petitions for Voluntary Discipline	By unanimous voice vote approved recommending to the Supreme Court of Georgia
2) Rule 1-203 Practice by Active Members; Nonresidents	By unanimous voice vote approved recommending to the Supreme Court of Georgia, as amended
3) Rule 4.4 Respect for Rights of Third Persons	By a majority standing vote failed to pass a motion to postpone action until the Spring Board of Governors Meeting By unanimous voice vote, approved recommending to the Supreme Court of Georgia as presented subject to further review by the Disciplinary Rules and Procedures Committee
4) Rule 5.3 Responsibilities Regarding Nonlawyer Assistants	By unanimous voice vote approved recommending to the Supreme Court of Georgia
5) Rule 4-210 Powers and Duties of Special Masters	By unanimous voice vote approved recommending to the Supreme Court of Georgia
6) Rule 8-106 Hours and Accreditation	By unanimous voice vote approved recommending to the Supreme Court of Georgia

Nomination of State Bar Officers

The Board of Governors received the following nominations for officers for the 2015-2016 Bar year, and there being no others, declared the nominations closed:

<u>Office</u>	<u>Nominator</u>	<u>Nominee</u>
Treasurer	Amy V. Howell Dennis C. Sanders (Seconding)	Kenneth B. Hodges, III
Secretary	Elena Kaplan Joseph W. Dent (Seconding)	Darrell L. Sutton
President-elect	S. Lester Tate, III Dawn M. Jones (Seconding)	Brian D. (Buck) Rogers

Benham Award for Community Service from the Chief Justice's Commission on Professionalism and the State Bar of Georgia, the award for which he is most proud.

Now therefore be it resolved, that the State Bar of Georgia does hereby express its sincere appreciation to J. Michael Cranford for his lifetime career devoted to public service and the practice of criminal law as reflected in his service to the State Bar.
Given this 9th day of January 2016.

State Bar Strategic Plan

President Bob Kauffman presented the Strategic Plan 2016-2018 (rev. 12/2/15) for approval, and thanked the Executive Committee and the Board of Governors for their work on the Plan. The Hon. Rucker Smith reported that during the strategic planning process, one of the most important features raised was an interactive web-based communications system for Board members. He asked that the Board not take vote on the plan today until such a system is in place. Other Board members also expressed their desire for such a system. President Bob Kauffman reported that he would appoint a committee to look into a communications system. Anyone interested in serving on the committee is to provide their name to Jeff Davis. Following that, the Board of Governors approved the Strategic Plan 2016-2018 (rev. 12/2/15) by unanimous voice vote (Exhibit D).

Report of the President

President Bob Kauffman reported that the Disciplinary Rules and Procedures Committee is continuing its review of the entire disciplinary process. He reported that at yesterday's *Are You Fit to Practice?* CLE co-sponsored by the Lawyer Assistance Program (LAP), several members reported not knowing about the LAP program. He asked the Board members to let their constituency know about the LAP, which is a free member service that provides confidential assistance to Bar members in dealing constructively with personal problems before they escalate to the point that client interests are endangered and professional careers are damaged.

Jeff Davis reported that improvements have been made to the Bar's parking garage that are designed to help traffic flow more quickly in and out of it. They include curb widening and two exit lanes at Marietta Street, and automated kiosks to quickly read validated tickets. No changes have been made to the Bar's parking policies. Members who park at the Bar Center for meetings and events must take a ticket and have it validated with a barcode from State Bar security. If you attend a special event after hours when an attendant is present, you will only need to present your Bar card to the attendant for admittance to the deck.

Treasurer's Report

Treasurer Patrick T. O'Connor reported on the Bar's finances and investments and the upcoming 2016-2017 budgeting process. The Board of Governors received copies of the Operations and Bar Center Consolidated Revenues and Expenditures Report as of October 31, 2015; Income Statement YTD for the Four Months Ended October 31, 2015; Bar Center Revenues and Expenditures Summary for the Four Months Ended October 31, 2015; State Bar Balance Sheet for October 31, 2015; and the Summary of Selected Payment Information at November 30, 2015.

Young Lawyers Division (YLD) Report

YLD President Jack Long reported on the activities of the Young Lawyers Division. He stated that one of the purposes of the State Bar of Georgia is to foster among the members of the bar of this State the principles of duty and service to the public. YLD service to the public has included the Family Law Committee's annual Supreme Cork fundraiser benefitting AVLF's Guardian Ad Litem and domestic violence programs, resuming the Wills Clinics, sponsoring a suit and cell phone drive at the Midyear

Meeting, disaster legal assistance to victims of flooding in South Carolina, assistance to senior pro se litigants, and a community service event at every YLD meeting. He encouraged the Board members to support the Annual Signature on January 23 at the Biltmore that is benefitting Camp Lakeside, and further encouraged participation in the 5th Annual Legal Food Frenzy kicking off in the spring.

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

Nicki Vaughan and Mark Alexander, Northeastern Circuit Board of Governors representatives, reported on the Northeastern Judicial Circuit and the Gainesville Bar Association.

The Honorable Philip Smith, Bell-Forsyth Circuit Board of Governors representative, reported on the Bell-Forsyth Circuit Bar Association.

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on September 11, October 2, and November 13, 2015.

Office of the General Counsel

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

Satellite Office Usage Reports

The Board of Governors received a copy of the State Bar South Georgia Office Statistics - January to November 2015, and the State Bar Coastal Georgia Office Statistics - January 2014 to November 2015.

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.

Chief Justice's Commission on Professionalism

The Board of Governors received a copy of press release on the Chief Justice's Commission on Professionalism's 17th Annual Community Service Awards.

Media Report

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

Old Business

Dawn Jones, on behalf of the Atlanta Judicial Circuit, expressed appreciation for the work done by everyone on the strategic plan. Having worked on strategic plans in the past with several organizations, she knows how monumental such an undertaking can be.

New Business


Secretary Buck Rogers announced that the Chief Justice's Commission on Professionalism's 17th Annual Justice Robert Benham Awards for Community Service will take place on February 23 at the Bar Center. Immediate Past President Patrise Perkins-Hooker provided an update on the law school incubator program. Office space has been secured at 229 Peachtree Street for occupancy on April 1. She thanked Steven Kaminshine, Dean of Georgia State University's College of Law, for his support of the program and for providing office space to Bucky Askew. She announced that Stephanie Everett has been hired as the managing attorney, and that applications are still being taken for the first class of participants that will begin on April 1.

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.



Brian D. (Buck) Rogers, Secretary

Approved:



Robert J. Kauffman, President