

**STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MINUTES
Saturday, June 20, 2015
Evergreen Conference/Stone Mountain, GA**

The 258th 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 judiciary, the Past Presidents of the State Bar, and other special guests in attendance. He conveyed a thank you to the Board members from Melvis Edenfield, wife of recently deceased U.S. District Court Judge B. Avant Edenfield, for their many condolences.

Welcome to New Officers and Board Members

President Bob Kauffman recognized the new Officers and Board of Governors members.

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.

Approval of President's Appointments to the State Disciplinary Boards

The Board of Governors, by unanimous voice vote, approved the following presidential appointments to the State Disciplinary Board:

Investigative Panel:

District 1: Christian Joseph Steinmetz, Savannah (2018)

District 2: Charles Edward Peeler, Albany (2018)

District 3: George Bardin Hooks, Jr., Americus (2018)

District 4: Zulma P. Lopez, Decatur (2018)

Review Panel:

Northern District: Anthony B. Askew, Atlanta (2018)

Middle District: Oliver Wendell Horne, III, Macon (2018)

Southern District: Thomas R. Burnside, III, Augusta (2018)

Formal Advisory Opinion Board:

Georgia Trial Lawyers Association: David Neal Lefkowitz, Atlanta (2017)

Young Lawyers Division: John Bell Manly, Savannah (2017)

John Marshall: Jeffrey Alan Van Detta, Atlanta (2017)

Mercer University: Patrick E. Longan, Macon (2017)

University of Georgia: Lonnie Theodore Brown, Jr., Athens (2017)

Investigative Panel: Julayaun Maria Waters, Savannah (2017)

At-Large: Edward B. Krugman, Atlanta (2017)

Dennis C. O'Brien, Marietta (2017)

Approval of 2015-2016 Standing, Special, Program Committees and Boards

The Board of Governors, by unanimous voice vote, approved the proposed 2015-2016 Standing, Special, Program Committees and Boards.

Report of the President

President Bob Kauffman addressed the Board of Governors with his proposed program of activities (Exhibit B) for the 2015-2016 Bar year.

Treasurer's Report

Treasurer Patrick T. O'Connor reported on the Bar's finances and investments. He announced that the Investment Committee will be looking at the Bar's investment portfolio to determine if its needs to be altered. The Board of Governors received copies of the combined Operations and Bar Center Consolidated Revenues and Expenditures Report as of April 30, 2015; Income Statement YTD for the Ten Months Ended April 30, 2015; Bar Center Revenues and Expenditures Summary for the Ten Months Ended April 30, 2015; State Bar Balance Sheet for April 30, 2015; and the Summary of Selected Payment Information for May through April 2013-2015.

2015-2016 State Bar Budgets

Treasurer Pat O'Connor presented the consolidated 2015-2016 Proposed State Bar Budget. He reported that the projected \$861,296 net budgeted loss will increase by \$85,000 to a net budgeted loss of \$946,296 due to the approval of the Law School Incubator Project at Friday's Board of Governors meeting. Nancy Whaley reported that the Cornerstones of Freedom budget, which contributed to the Bar's excess surplus in the past, will now be a reserve fund.

The Board of Governors, by majority voice vote, approved the 2015-2016 State Bar Budget, as amended (Exhibit C), which reflects:

1. Maintaining dues at \$248 for active members and \$124 for inactive members. This reflects no dues increase, but does include indexing dues \$.90 per member for the Fee Arbitration Program contract attorney. The increase in dues will be absorbed from the Bar's excess surplus.
2. Section dues to be reflected on the dues statement ranging from \$10-\$35; and
3. Continuation of assessments required by Bar Rules for lawyers in their first four years of practice regarding the Clients' Security Fund (\$100 @ \$25/year) and Bar Center Facility (\$200 @ \$50/year); and
4. Continuation of a \$100 opt-out contribution for the Legislative and Public Education Fund; and
5. A suggested \$300 opt-in provision for individual contributions and a \$100 opt-in contribution for young lawyers for Georgia Legal Services Program.

Financial Resolutions

As required by Article V, Section 8 of the Bylaws, the Board of Governors, by unanimous voice vote approved the following resolutions:

- 1) Authorization for President to Secure Blanket Bonds for Officers and Staff
As required by Article V, Section 8 of the Bylaws, to authorize the President to secure a blanket fidelity bond to cover all officers, employees and other persons handling State Bar funds.

2) Designation of Depositories for General Operations of State Bar of Georgia

Pursuant to Article V, Section 6 of the Bylaws, that the State Bar of Georgia and related entities open appropriate accounts with such banks in Georgia, but excluding any bank that does not participate in the IOLTA Program, and other such depositories as may be recommended by the Finance Committee, and designated by the Executive Committee of the Board of Governors of the State Bar of Georgia, and that the persons whose titles are listed below are authorized to sign an agreement to be provided by such banks and customary signature cards, and that the said banks are hereby authorized to pay or otherwise honor any check drafts, or other orders issued from time to time for debit to said accounts when signed by two of the following: the Treasurer, the Secretary, the President, the Immediate Past President, the President Elect, the Executive Director, the Office Manager and the General Counsel provided either the President, the Secretary or the Treasurer shall sign all checks or vouchers and that said accounts can be reconciled from time to time by said persons or their designees. The authority herein given is to remain irrevocable so far as said banks are concerned until they are notified in writing of such revocation of authority and in writing, acknowledge receipt thereof.

3) Employment of Independent Auditing Firm to Audit Financial Records of State Bar for FY 2015

This item was removed from action due to the fact that the Audit Committee will be selecting a new audit firm this Bar year.

Executive Director Election

The Board of Governors, by unanimous voice vote, elected Jeff Davis as Executive Director for the 2015-2016 Bar year.

Executive Committee Election

The Executive Committee election was held with the following results and the Board of Governors accepted the slate of candidates by unanimous voice vote:

Nominations:

Candidate: David S. Lipscomb
Nominator: S. Lester Tate, III
Seconded: Sally B. Aikens

Results:

Elected by majority voice vote for a two-year term

Candidate: Elizabeth Louise Fite
Nominator: Susan Warren Cox
Seconded: JaDawnya C. Butler

Elected by majority voice vote for a two-year term

Candidate: Thomas R. Burnside, III
Nominator: Tina Shadix Roddenbery
Seconded: Judge Lawton E. Stephens

Elected by majority voice vote for a two-year term

Georgia Legal Services Appointments

The Board of Governors, by unanimous voice vote, approved the reappointments of Albert Reichert, Jr. and Stanley Jones, and the appointment of Darrell Sutton, to the Georgia Legal Services Board of Trustees for two-year terms.

Chief Justice's Commission on Professionalism Appointment

The Board of Governors, by unanimous voice vote, approved the appointment of Gerald M. Edenfield to the Chief Justice's Commission on Professionalism for a three-year term.

Elections Schedule 2015-2016

President Bob Kauffman referred the Board of Governors to the 2015-2016 Elections Schedule (Exhibit D).

Elections Committee Proposed Rules 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 changes to Rule 1-205 and Rule 1-304 as follows:

Rule 1-205 Bar of Judicial Circuit

Each member in good standing who is a resident of this State shall be considered a member of the bar of the judicial circuit in which his /her official bar mail is delivered. As an exception, a member may elect to be a member of the circuit of his/her residence or where their actual office is located.

Rule 1-304 Election of Members of Board of Governors

The State Bar of Georgia shall, in its bylaws, establish the term of office and the method of election of the members of the Board of Governors representing judicial circuits and nonresident members. Such method of election shall ensure that:

- (a) the election will be by secret written or secure electronic ballot;
- (b) each active member of the State Bar of Georgia, in good standing and in conjunction with a specified number of other active members in good standing, will have the right, upon compliance with reasonable conditions, to nominate a candidate from his judicial circuit (or candidates in circuits electing more than one member of the Board of Governors in such election) whose name will be placed on the ballot for his circuit;
- (c) each active member of the State Bar of Georgia in good standing, residing outside of the State, in conjunction with a specified number of other active nonresident members in good standing, will have the right, upon compliance with reasonable conditions, to nominate a candidate from the active members in good standing of the State Bar of Georgia residing outside of the State;
- (d) any nominating petition shall bear or be accompanied by a statement signed by the nominee indicating his willingness to serve if elected;
- (e) a ballot for his judicial circuit will be mailed to each active resident member in good standing, and a ballot will be mailed to each active nonresident member in good standing in ample time for the member to cast the ballot before the time fixed for the election. The ballot will contain the information required by the bylaws. In lieu of a written ballot, a secure electronic ballot, which meets the requirements above, may be provided to members;
- (f) each nominee shall be entitled to have at least one observer present at the counting of the written ballots from his judicial circuit; and
- (g) any change in the geographical limits of a judicial circuit or circuits shall automatically terminate the terms of all members elected to the Board of Governors, accordingly in such manners as the bylaws may provide. In the event the geographical limits of a circuit are changed after the notices of election have been distributed to the members of the State Bar of Georgia, then and in that event, the terms of the members of the Board of Governors from such circuits will remain as they were before the change in geographical limits until the election of the Board of Governors to be held the following year.

Lawyer Assistance Program (LAP) Committee Proposed Rules 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 rules changes to the LAP Rule 7-303 and Rule 7-305 as follows:

Rule 7-303. Confidentiality

Except as provided in this Rule and in Bar Rule 4-104(b), Bar Rule 4-104(c), Bar Rule 7-203 and Bar Rule 7-305, all proceedings and records of the Committee, its members, staff, consultants (including without limitation its contractor for clinical services) and other designees, including any information provided to any of them, shall be confidential unless the attorney who has provided the information or caused the record to be created otherwise elects, except that any such person may reveal (i) to police or emergency responders, or any person in imminent danger, information needed to avoid or prevent death or substantial bodily harm, and (ii) information

- a. which is mandated by statute to be reported;
- b. to respond in any proceeding to allegations of misfeasance concerning the assistance he or she has provided to an impaired attorney as part of a volunteer network established pursuant to Rule 7-202; and
- c. to secure legal advice about his or her compliance with these Rules.

Rule 7-305. Emergency Suspension

Upon receipt of sufficient evidence demonstrating that an impaired attorney's conduct poses a substantial threat of immediate or irreparable harm to the attorney's clients or the public, or if an impaired attorney refuses to cooperate with the Committee after an authorized intervention or referral, or refuses to take action recommended by the Committee, and said impaired attorney poses a substantial threat to the attorney, the attorney's clients, or the public, the Committee may request that the Office of General Counsel petition the Supreme Court of Georgia for the suspension of the attorney pursuant to Bar Rule 4-108. All proceedings under this part which occur prior to the filing of a petition in the Supreme Court of Georgia pursuant to this rule shall remain confidential and shall not be admissible against the attorney before the State Disciplinary Board of the State. Information from a designee of the Committee acting as a member of a volunteer network established pursuant to Rule 7-202 shall not constitute "evidence" within the meaning of this Rule.

Admission of Attorneys Who Are Military Spouses

Bill NeSmith reported on a proposed revision to the Rules Governing Admissions to the Practice of Law in Georgia which would allow expedited admission for military spouses. The Executive Committee asked the Board to support the concept and to make a supportive recommendation to the Office of Bar Admissions. Susan Cox, who recently served on the Board of Bar Examiners, reported that 1) in practice there is a lot more to implement this rule than what's on the surface and a lot of other factors to be considered, 2) there is already a waiver in place for military spouses to waive taking the Bar exam, and 3) this is not an ABA Model Rule but a recommendation of the ABA Veterans/Military Law Section. Phyllis Holmen reported that there is already a rule in place for military spouses to provide pro bono legal services in Georgia under the supervision of a Georgia lawyers. A motion to table this issue until the Fall Board of Governors meeting was approved by majority voice vote. Eric Ballinger reported that the Military Legal Assistance Program Committee would be glad to gather more information on the matter.

YLD Report

YLD President Jack Long presented an overview of his proposed program of activities for the 2015-2016 Bar year. He does not have a platform with new initiatives and instead will be reviewing current YLD programs to either strengthen or conclude them. He strongly encouraged Board members to look at the

report in the Board agenda to see everything that the YLD is doing. He highlighted the new Succession Planning Program that matches retiring attorneys with new attorneys. He announced that the mock trial team from Northview High School finished 2nd place at the 2015 National High School Mock Trial Championship and that the YLD will host the 2019 national competition in Athens. He reported that he looks forward to working with everyone this Bar year.

2015-16 Legislation Update

Marc Howard reported on the legislative process for this Bar year. Thomas Worthy reported on the Bar's legislative agenda items that are still pending in the legislature.

Lawyer Assistance Program's (LAP) Peer Program

Lynn Garson reported on the LAP's development of a statewide service system of volunteer attorneys who want to help others by supporting them through difficulties. Once the program is up and running later in 2015, it will be an excellent resource for Georgia attorneys, judges, and law students who struggle with a wide spectrum of issues including depression, anxiety, stress, addictions, compulsive behaviors and disabilities. The volunteers, who will serve as peers, are not therapists or professional counselors. The volunteer's commitment is to the following: 1) one session of training with periodic follow-ups, 2) regularly scheduled meetings with participant in public places or by phone; 3) consistent follow through with participant until support not needed or parties agree to disengage, and 4) self-recuse in cases of relapse. Contact information was provided for those that would like to be contacted to act as a volunteer.

Georgia Bar Foundation

Len Horton reported on the activities of the Georgia Bar Foundation. He announced that the Foundation has received \$878,000 from the Bank of America settlement.

Activities in the Circuits

Board member Sherry Boston reported on the Stone Mountain Judicial Circuit, including DeKalb County, the DeKalb County Bar and the DeKalb Lawyers Association.

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on March 27-28 and April 9, 2015.

Office of the General Counsel

The Board of Governors received a written report on the activities of the Office of the General Counsel for Bar Year 2014-2015.

Civil Legal Services Task Force

The Board of Governors received a written report on the activities of the Civil Legal Services Task Force.

Consumer Assistance Program

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

Fee Arbitration Program

The Board of Governors received a written report on the activities of the Fee Arbitration Program.

Law-Related Education Program

The Board of Governors received a written report on the activities of the Law-Related Education Program.

Law Practice Management Program

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

Military Legal Assistance Program

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

Committee on Professionalism

The Board of Governors received a written report on the activities of the Committee on Professionalism

Transition into the Law Practice Program

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

Unlicensed Practice of law

The Board of Governors received a written report on the Formal Investigations Regarding the Unlicensed Practice of Law Program.

Chief Justice's Commission on Professionalism

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

Bar Exam Results

The Board of Governors received a written report on the General Statistics Summary of the February 2015 Georgia Bar Examination.

Communications Report

The Board of Governors received a copy of the 2014-15 Media Report.

Sections' Annual Reports

The Board of Governors received written reports on the activities of the following State Bar Sections: Appellate Practice, Aviation, Bankruptcy, Business Law, Child Protection and Advocacy, Corporate Counsel, Eminent Domain, Family Law, Franchise and Distribution Law, Intellectual Property Law, Judicial, Nonprofit Law, Real Property Law, and Technology Law.

Old Business

There was no old business.

New Business

Josh Bell reported that the Access to Justice Committee lacked geographic diversity. In the future, since access to justice affects so many people in South Georgia, we need to be cognizant of membership participation around the state. President Kauffman invited any member who would like to be appointed to a committee to send him a request, noting that he will continue to make appointments to committees as appropriate.

Ken Hodges reported on the President's new Wellness Task Force initiative that he will be chairing. He presented a presentation on, and encouraged members to go to the South Carolina Bar's web site to see what its *Living Above the Bar* program entails and the resources available to its members. It is an initiative that promotes all aspects of lawyer wellness by identifying the emotional and physical well-being of attorneys and educates members on wellness issues and resources. Anyone interested in serving on the Task Force was asked to contact him. The Board of Governors, by unanimous voice vote, approved the creation of the Wellness Task Force.

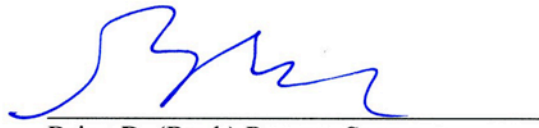
Remarks, Questions/Answers, Comments/Suggestions

The President opened up the meeting for questions and comments.

Dawn Levine requested that this year's Executive Committee improve on transparency as she believes the Board of Governors is perceived as an impediment to the Executive Committee. She asked that Board agendas be sent well in advance of a meeting so that Board members have the opportunity to discuss issues with their local bar members before the meeting.

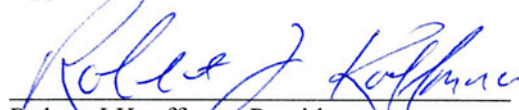
Adjournment

There being no further business, the meeting was adjourned.



Brian D. (Buck) Rogers, Secretary

Approved:



Robert J. Kauffman, President