



State Bar
of Georgia

BOG BOARD BOOK

**2020 Midyear Meeting
Atlanta, GA**

This book serves as the agenda and materials for the State Bar of Georgia's 2020 Midyear Meeting.



281st BOARD OF GOVERNORS MEETING

Saturday, January 11, 2020

9:00AM – 12:00PM

The Fox Theatre – Egyptian Ballroom

Atlanta, Georgia

Dress: Business

AGENDA

Topics **Presenter** **Page No.**

1) ADMINISTRATION

- a) Welcome and Call to Order Darrell Sutton, President..... 1-8
- b) Greetings from Governor Brian Kemp
- c) Invocation and Pledge of Allegiance
- d) Recognition of Past Presidents, Judges
and Special Guests..... Darrell Sutton
- e) Roll Call (by signature)..... Sally Akins, Secretary 9-15
- f) Future Meetings Schedule..... Darrell Sutton..... 16-17

2) AWARDS PRESENTATION

- a) Thomas O. Marshall Professionalism Award..... Darrell Sutton
to Chris Townley
- b) Thomas O. Marshall Professionalism Award..... Darrell Sutton
to Honorable P. Harris Hines (Posthumously)
- c) Distinguished Service Award Hon. Ken Hodges,
to Honorable Herbert E. Phipps Immediate Past President

Topics

Presenter

Page No.

3) MIDYEAR MEMBERS’ MEETING ACTION ITEMS – All active State Bar of Georgia Members are invited to attend and vote in the Midyear Members’ Meeting.

- a) Summary of Proposed Bylaws Changes Darrell Sutton/ 18-36
Bill NeSmith
 - (1) Article I Members, Section 9. Retired Status Member
 - (2) Article I Members, Section 10. Members Unable to Practice Law due to a Disability
 - (3) Article I Members, Section 3. Inactive Member Status
 - (4) Article VIII Committees – Generally
Section 1. Standing Committees and Section 2. Special Committees

Plenary session is concluded, and Board of Governors meeting commences.

4) ACTION

- a) Summary of Proposed Rules Changes & Darrell Sutton/ 37-55
Proposed Standing Board Policy Amendments Bill NeSmith
 - (1) Rule 10-104. Board of Trustees
 - (2) Rule 1-202. Membership Status
 - (1) Standing Board Policy 100
- b) Minutes of the 280th Meeting..... Sally Akins 56-65
of the Board of Governors on October 19, 2019
- c) Programs Assessment Darrell Sutton..... 66-75
Information Related to Board of Governors
Members Inquiries
 - (1) BASICS Budget Information
 - (2) Georgia Resource Center Funding Sources
 - (3) Dues History
 - (4) Executive Summary & Attachments
- d) Georgia Legal Services Program Appointments Darrell Sutton..... 76
 - (1) Matthew Howell, Atlanta (appointment for an unexpired term through June 2020)
 - (2) Meghan Magruder, Atlanta (appointment for an unexpired term through June 2020)
- e) Nominations of ABA Delegates..... Darrell Sutton
2 year terms September 2020 – August 2022
 - (1) Post 1 (currently held by Robert Rothman)
 - (2) Post 3 (currently held by C. Elisia Frazier)
 - (3) Post 7 (currently held by Gerald Edenfield)

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
f) Nominations of State Bar Officers	Darrell Sutton	
(nominations = 5 minutes, seconds = 2 minutes)		
(1) Office of Secretary		
(2) Office of Treasurer		
(3) Office of President-Elect		

5) LEGISLATION

a) Advisory Committee on Legislation	Amy Howell, Chair.....	77-109
New Legislative Proposals (action)		
(1) Judicial Council of Georgia		
• Budget Request for FY 2021		
(2) Real Property Section		
• Support for Remote Online Notary Legislation		
so long as it has the necessary fraud protections		
and a carve out for trusts and estates		
b) Legislative Update	Christine Butcher Hayes	

6) INFORMATIONAL REPORTS

a) Treasurer's Report.....	Elizabeth Fite, Treasurer ...	110-121
b) Young Lawyers Division	Will Davis, YLD President ...	122-125
c) Lawyers Assistance Program	Lynn Garson	
d) Senior Lawyers Committee	Bill Gentry	
e) Chief Justice's Commission on Professionalism	Karlise Grier	

7) WRITTEN REPORTS

a) Office of the General Counsel.....		126-128
b) Media Report.....		129-131
c) Professional Liability Insurance Committee		132-138

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
d) Law Practice Management		139-143
e) Chief Justice’s Commission on Professionalism		144-164
f) Military Legal Assistance Program		165-167

8) CLOSING

a) Old Business	Darrell Sutton
b) New Business	Darrell Sutton
c) Questions/Answers; Comments/Suggestions.....	Board of Governors Officers Executive Committee Executive Director General Counsel
d) Adjournment.....	Darrell Sutton

2020 MIDYEAR MEETING

January 9-11

The Georgian Terrace & Fox Theatre | Atlanta, GA

Hotel Deadline | Wednesday, Dec. 11, 2019
Final Registration Deadline | Friday, Jan. 3, 2020



PHOTO PROVIDED BY THE GEORGIAN TERRACE

Schedule of Events

THURSDAY, JAN. 9

9 a.m. – 6:30 p.m.

Registration

10 a.m. – 6:30 p.m.

Table Top Displays

10 – 11:30 a.m.

Clients' Security Fund Meeting

10 a.m. – 12 p.m.

Joint Meeting of the Military/Veterans Law Section and the Military Legal Assistance Program Committee

10:30 a.m. – 12 p.m.

Issues in Entertainment Law CLE

(sponsored by the Intellectual Property Law Section)

12 – 2 p.m.

Taxation Law Section Lunch

1:30 – 5 p.m.

Chief Justice's Commission on Professionalism

Pizza and a Movie CLE

3:30 – 4:30 p.m.

Family Law Section Executive Committee Meeting

4:30 – 5:30 p.m.

Family Law Section CLE

5:30 – 6:30 p.m.

Family Law Section Reception

6:30 – 9:30 p.m.

Past Presidents' Dinner *(by invitation only)*

FRIDAY, JAN. 10

7 a.m. – 7 p.m.

Registration

8 a.m. – 7 p.m.

Table Top Displays

8 – 9 a.m.

Past Presidents' Breakfast

9:30 a.m. – 2 p.m.

State Disciplinary Board Meeting

10 – 11 a.m.

Senior Lawyers Committee Meeting

11:30 a.m. – 12:30 p.m.

ICLE Board Meeting

FRIDAY, JAN. 10 (CONT.)

12 – 2 p.m.

Appellate Practice Section Lunch

Special Lunch Panel: Hon. Lisa Branch, Hon. Julie Carnes and Hon. Britt Grant

12 – 2 p.m.

Disciplinary Rules & Procedures Committee Meeting

12 – 2 p.m.

General Practice & Trial Law Section Lunch

Speaker: Hon. John J. Ellington, Justice, Supreme Court of Georgia

12 – 2 p.m.

State Disciplinary Review Board Meeting

1 – 2:30 p.m.

YLD Leadership Academy

2 – 3 p.m.

Professional Liability Insurance Committee Meeting

2:30 – 3:30 p.m.

YLD Ethics CLE

3 – 3:30 p.m.

YLD Nominating Committee Meeting

3:30 – 4:30 p.m.

Professional Liability Insurance Town Hall Meeting

3:30 – 5 p.m.

Member Benefits Committee Meeting

3:30 – 5 p.m.

YLD General Session

4:30 – 5:30 p.m.

Legislative Forum (*CLE credit available*)

5 – 5:30 p.m.

Professional Liability Section Meeting

5:30 – 7 p.m.

Professional Liability Section/Board of Governors Reception

7 – 9:30 p.m.

Board of Governors Dinner

SATURDAY, JAN. 11

7 a.m. – 12 p.m.

Registration

9 a.m. – 12 p.m.

Board of Governors Meeting – Fox Theatre



THE FABULOUS FOX THEATRE

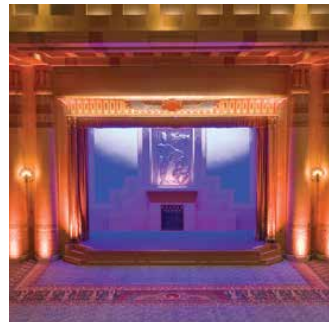


PHOTO PROVIDED BY THE FOX THEATRE

The historic Fox Theatre is one of Atlanta's premiere venues for live entertainment. The Fox's 4,665 seat theatre hosts more than 150 performances per year, ranging from Broadway to rock to comedy to movies. In addition to its world-famous theatre, the Fox's spectacular ballrooms have hosted everything from Sweet 16s to weddings and corporate events.



PHOTO PROVIDED BY THE FOX THEATRE

4 | STATE BAR OF GEORGIA

Special Events

BOARD OF GOVERNORS DINNER

Friday, Jan. 10

7 – 9:30 p.m.

Please join us for Friday night's Board of Governors Dinner as you network with fellow Bar members in the beautiful historic Georgian Terrace Hotel. Everyone is welcome.

BOARD OF GOVERNORS MEETING

Saturday, Jan. 11

9 a.m. – 12 p.m.

Please note the Board of Governors Meeting will be held in the Egyptian Ballroom at the Fox Theatre, located across the street from The Georgian Terrace.

ATTIRE

Business attire is appropriate for all meetings and events.

HOTEL ACCOMMODATIONS

The Georgian Terrace

659 Peachtree St. NE | Atlanta, GA 30308

866-845-7551

Cut-off date is Wednesday, Dec. 11.

An Atlanta landmark of modern luxury and sophisticated Southern hospitality, the iconic Georgian Terrace is our host hotel for the Midyear Meeting, offering a discounted rate of \$199 per night (plus applicable taxes and the \$5 hotel/motel fee).

To make reservations and receive our special rate, call The Georgian Terrace Hotel at 404-897-1991 and ask for the "State Bar of Georgia Midyear Meeting." Reservations must be made by Wednesday, Dec. 11, as rooms will be on a space and rate availability basis after this date. There are many events taking place in Atlanta during this time, so please be aware that you should make your hotel reservations as early as possible.

Hotel Check-in/Check-out Time:

Check-in – 3 p.m.

Check-out – 12 p.m.



Other Events

PROFESSIONALISM PIZZA AND A MOVIE

Thursday, Jan. 9
1:30 – 5 p.m.

Join the Chief Justice's Commission on Professionalism for a "late lunch" and a movie. Participants in this program will view the movie "Philadelphia" followed by a one-hour professionalism discussion of topics focused on client selection, decisions to take on certain cases when you may not "like" or "agree with" your client, courtroom tactics, and bias and discrimination.

Lunch will be available beginning at 1:30 p.m. The movie will begin promptly at 1:50 p.m. (Approved for 1 hour of professionalism CLE credit.)

Moderator:

Hon. Robert McBurney
Judge, Superior Court of Fulton County

Panelists:

Will Davis
Naggiar & Sarif LLC
President, Young Lawyers Division, State Bar of Georgia

Francys Johnson Jr.
The Johnson Firm PC

Hon. Jane Morrison
State Court of Fulton County

Hon. Rashida Owens Oliver
Chief Judge, City of East Point Municipal Court

PROFESSIONAL LIABILITY INSURANCE TOWN HALL MEETING

Friday, Jan. 10
3:30 – 4:30 p.m.

The Professional Liability Insurance (PLI) Committee is hosting its third town hall meeting in conjunction with the Bar's Midyear Meeting. Chair Chris Twyman and members of the PLI Committee will be present to receive feedback about the current proposals regarding mandatory malpractice insurance and other options, or to answer any questions that you have. You can find the proposed options on the Bar's website at www.gabar.org/PLI, and we will have copies available at the town hall. If you cannot attend the meeting, you can also email your comments to president@gabar.org.

LEGISLATIVE FORUM

Friday, Jan. 10
4:30 – 5:30 p.m.

Following the Town Hall Meeting, join us for a panel discussion about the upcoming 2020 legislative session, featuring House Judiciary Chair Barry Fleming, Senate Special Judiciary Chair Jen Jordan, House Minority Leader Bob Trammell, and others. (If you would like to receive 1 hour of general CLE credit, the cost is \$15. If CLE credit is not needed, you may attend at no charge.)

Young Lawyers Division

YLD LEADERSHIP ACADEMY

Friday, Jan. 10 | 1 – 2:30 p.m.

The newest class of the YLD Leadership Academy will meet for the first session. Participants will spend time getting to know one another and all about the YLD. We'll hear from past presidents of the YLD on why participation in the organization is vital to the success of young attorneys. (Leadership Academy participants only.)

YLD ETHICS CLE

Friday, Jan. 10 | 2:30 – 3:30 p.m.

State Bar of Georgia Deputy General Counsel Jenny Mittelman will present on "Social Media and Client Communications." (1 hour of CLE credit, including 1 ethics hour, has been applied for.)

YLD NOMINATING COMMITTEE

Friday, Jan. 10 | 3 – 3:30 p.m.

Members of the YLD Nominating Committee will meet to nominate candidates for the 2020 State Bar of Georgia YLD elections.

YLD GENERAL SESSION

Friday, Jan. 10 | 3:30 – 5 p.m.

The YLD General Session is open to all members. YLD officers will give reports, and members of the council will provide updates about projects and events.

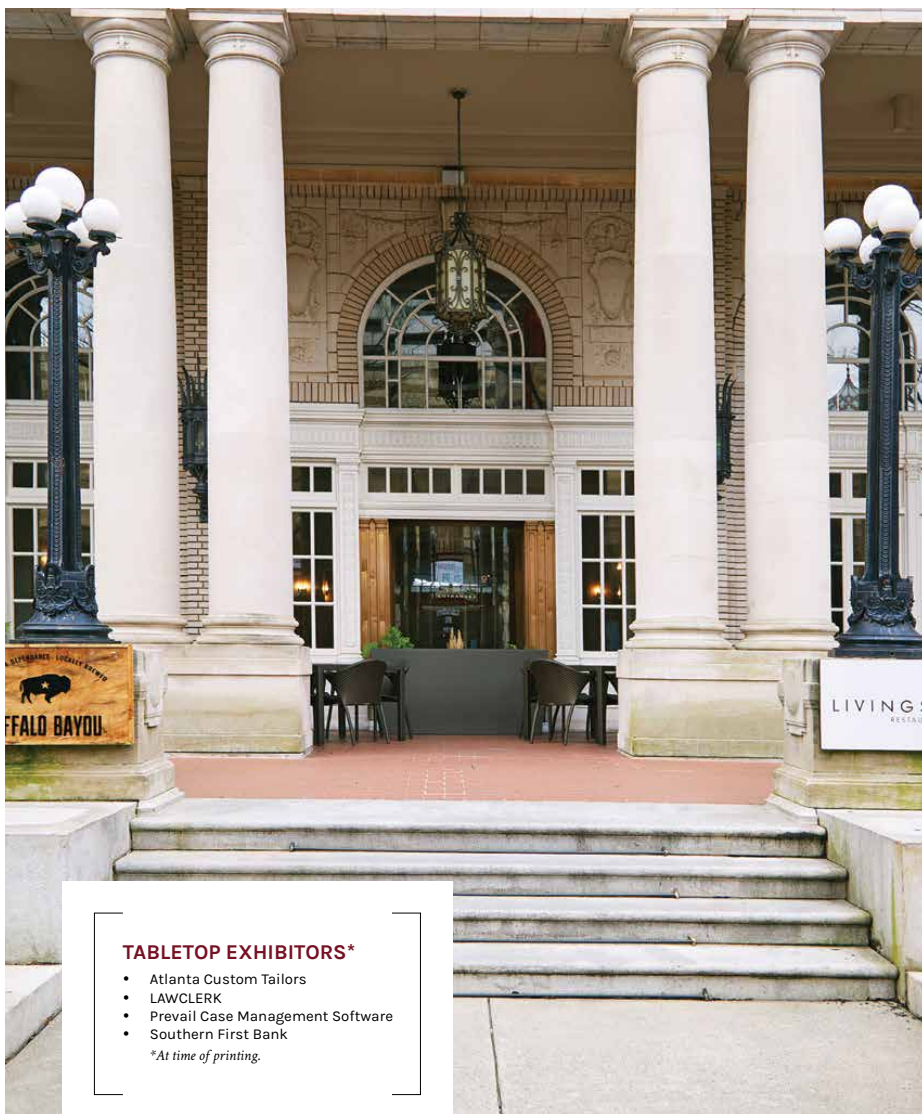


PHOTO PROVIDED BY THE GEORGIAN TERRACE

Registration

Please use this form to register by checking all events you plan to attend. Registration is required for all events, including "no charge" functions. You may also register online at www.gabar.org. Final registration deadline is Friday, Jan. 3, 2020.

ATTENDEE INFORMATION

 BAR NUMBER

 NAME

 NICKNAME

 SPOUSE/GUEST NAME

 ADDRESS

 CITY/STATE/ZIP

 EMAIL

 SPECIAL NEEDS/DIETARY RESTRICTIONS

ADA

If you qualify for assistance under the Americans with Disabilities Act, please call 404-526-8627.

REFUND/CANCELLATION POLICY

Cancellation of registration must be received in writing no later than Friday, Jan. 3, 2020. Cancellations will receive a full refund, less a \$25 administrative charge. Absolutely no refunds will be made after Friday, Jan. 3. Requests should be mailed to the State Bar of Georgia, Attn: Michelle Garner, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303; faxed to 404-527-8747; or emailed to michelleg@gabar.org.

PAYMENT INFORMATION

Registrations will be processed on a first-come, first-served basis and will not be processed without payment. Visa, MasterCard and American Express are accepted. Please make checks payable to State Bar of Georgia and mail to Michelle Garner, Director of Meetings, 2020 Midyear Meeting, State Bar of Georgia, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303. "No charge" and credit card orders may be faxed to 404-527-8747. Verbal registrations will not be accepted.

	Before Dec. 13	Qty.	After Dec. 13	Qty.
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Board Functions

- BOG Dinner – Friday.....\$80 _____ \$100 _____
- BOG Meeting – Saturday.....N/C _____ N/C _____

Other Events

- Chief Justice's Professionalism
Pizza and Movie.....\$35 _____ \$55 _____
- Legislative Forum\$15 _____ \$35 _____
(If you would like to receive credit)

Section Events

- Appellate Lunch—Member.....\$35 _____ \$55 _____
- Appellate Lunch—Non-Member...\$40 _____ \$60 _____
- Family Law CLE Only.....\$30 _____ \$50 _____
- Family Law Reception Only.....\$36 _____ \$56 _____
- Family Law CLE & Reception.....\$61 _____ \$81 _____
- General Practice & Trial Law
Lunch\$49 _____ \$69 _____
- Intellectual Property Law CLE.....\$30 _____ \$50 _____
- Professional Liability
Meeting/ReceptionN/C _____ \$20 _____
- Taxation Law Lunch\$25 _____ \$45 _____

YLD Events

- YLD Ethics CLE.....\$25 _____ \$45 _____
- YLD General Session.....N/C _____ N/C _____

Total Fees Enclosed: _____

CREDIT CARD INFORMATION

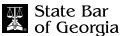
Please bill me: Visa MasterCard AMEX

 CREDIT CARD NUMBER

 EXP. DATE

 NAME AS IT APPEARS ON THE CARD (PLEASE PRINT)

 SIGNATURE





State Bar
of Georgia

2020 MIDYEAR MEETING

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Board of Governors Attendance Record

	10-17	1-18	3-18	6-18	6-18	6-18	11-18	1-19	3-19	6-19	6-19	10-19
	Jekyll	ATL	Greensboro	Fri. Amelia	Sat. Amelia	Pine Mtn	ATL	Greensboro	Orlando	Fri. Orlando	Sat. Orlando	Savannah
Sarah Brown Akins	•	•	•	•	•	•	•	•	e	•	•	•
Mark W. Alexander	•	•	•	•	•	•	•	•	•	•	•	•
Kent Edward Altom	e	•	•	•	•	•	•	e	•	•	•	e
Anthony B. Askew	•	•	•	•	•	•	•	•	•	•	•	u
Philip Augustine	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
JaDawnya Cintelle Baker	•	e	•	e	e	•	•	•	•	•	•	e
Nina M. Baker	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•	•
Eric A. Ballinger	•	•	•	•	•	•	•	•	•	•	•	•
Donna G. Barwick	•	•	u	•	•	•	•	•	•	u	u	u
Tracee R. Benzo	•	•	•	•	•	e	•	•	•	e	e	•
James D. Blich IV	•	•	•	•	•	•	•	•	u	e	e	•
Sherry Boston	•	•	•	•	•	e	•	•	•	•	•	•
Ashley Mackin Brodie	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	e
Thomas R. Burnside	e	•	•	u	u	•	•	•	u	•	•	•
Stephanie D. Burton	u	•	•	•	•	•	•	•	•	•	•	•
Ivy Neal Cadle	•	•	•	e	e	•	•	•	•	•	•	•
Richard D. Campbell	u	•	•	•	•	e	•	•	•	u	u	•
David L. Cannon	u	•	u	u	u	u	u	•	•	u	•	•
Carl S. Cansino	u	•	•	•	•	•	•	•	•	•	•	•
Chris M. Carr	u	•	•	•	u	u	•	•	•	u	u	u
Shiriki L. Cavitt Jones	•	•	•	•	•	•	•	•	•	•	•	•
Carol V. Clark	•	•	•	•	•	•	•	•	•	e	e	•
Edward R. Collier	•	•	e	u	u	•	•	•	•	u	u	e
Christopher S. Connelly	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•	e

To request an excused absence, please email Secretary Sally B. Akins (sakins@EPRA-Law.com)

Board of Governors Attendance Record

	10-17	1-18	3-18	6-18	6-18	6-18	11-18	1-19	3-19	6-19	6-19	10-19
		ATL	Greensboro	Fri. Amelia	Sat. Amelia	Pine Mtn	ATL	Greensboro	Orlando	Fri. Orlando	Sat. Orlando	Savannah
Martin L. Cowen III	•	•	•	•	•	•	•	•	•	•	•	•
Susan W. Cox	u	•	•	•	•	•	•	e	•	•	•	•
Terrence Lee Croft	e	•	•	e	e	•	•	•	u	•	u	e
David P. Darden	•	•	•	e	e	•	•	•	•	•	•	u
Gerald Davidson Jr.	u	•	•	•	•	e	e	•	•	•	•	•
J. Anderson Davis	•	•	•	•	•	e	•	e	•	•	•	e
Randall H. Davis	•	e	•	•	•	•	e	e	•	•	•	•
William T. Davis	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•	•
J. Antonio Delcampo	•	•	e	•	•	•	e	•	•	•	•	•
Scott Dewitt Delius	•	•	•	•	•	•	e	e	•	•	•	•
Joseph W. Dent	•	•	•	•	•	•	•	•	•	•	•	•
Foy R. Devine	•	u	•	•	•	e	•	•	•	•	•	u
Daniel S. Digby	n/a	n/a	n/a	n/a	•	•	e	•	•	•	•	e
Susan E. Edlein	•	•	•	•	•	•	•	•	u	•	•	e
Christopher Edwards	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	e	•
Archibald A. Farrar	e	•	•	e	e	•	•	•	•	•	•	•
D. Kirk Farrar	•	u	•	u	u	•	•	•	•	•	•	u
Elizabeth L. Fite	•	•	•	•	•	•	•	•	•	•	•	•
Ira L. Foster	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	u
Harold Eugene Franklin Jr.	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
Gregory A. Futch	u	•	•	•	•	u	•	•	•	•	•	u
Keigh E. Gammage	n/a	n/a	n/a	n/a	•	•	•	•	•	u	•	•
William C. Gentry	•	•	•	•	•	•	•	•	•	•	•	•
Michael G. Geoffroy	n/a	•	•	u	u	u	•	•	u	•	•	u

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Board of Governors Attendance Record

	10-17	1-18	3-18	6-18	6-18	6-18	11-18	1-19	3-19	6-19	6-19	10-19
	Jekyll	ATL	Greensboro	Fri. Amelia	Sat. Amelia	Pine Mtn	ATL	Greensboro	Orlando	Fri. Orlando	Sat. Orlando	Savannah
Walter J. Gordon Sr.	u	•	u	•	•	•	e	•	e	e	e	•
Patricia A. Gorham	•	•	•	e	e	•	•	•	•	•	•	e
Thomas F. Gristina	•	•	u	•	•	•	u	e	•	•	•	u
John Haubenreich	•	•	•	•	•	•	•	•	•	•	•	•
Patrick H. Head	•	•	•	•	•	•	•	•	•	•	•	•
Lawton C. Heard, Jr.	•	u	•	•	•	•	•	•	•	•	•	e
Render M. Heard Jr.	•	•	e	•	•	•	•	u	u	u	u	•
Thomas W. Herman	•	u	•	•	•	•	•	•	•	•	•	e
R. Javoyne Hicks	•	•	•	•	•	•	•	•	•	•	•	•
Donna S. Hix	e	•	•	e	e	•	•	•	e	e	e	•
Michael D. Hobbs	e	u	u	u	•	u	•	•	u	u	u	u
Kenneth B. Hodges	•	•	•	•	•	•	•	•	•	•	•	•
J. Marcus E. Howard	e	•	e	•	•	e	•	u	•	•	•	e
Amy V. Howell	•	•	•	•	•	e	•	•	•	•	•	•
Bert Hummel IV	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
James W. Hurt	•	u	•	•	•	u	•	u	u	•	•	e
Christopher Huskins	u	•	•	u	u	u	•	•	•	•	•	u
Stacey K. Hydrick	e	•	•	•	•	•	•	•	•	•	•	•
James T. Irvin	•	•	•	•	•	e	•	u	u	•	•	•
William Dixon James	•	•	e	•	•	•	•	•	•	•	•	•
Curtis S. Jenkins	•	•	•	u	•	u	•	•	u	u	u	u
Francys Johnson Jr.	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
Charles Michael Johnson	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Larry Michael Johnson	•	u	•	u	u	•	•	u	u	u	u	•

To request an excused absence, please email Secretary Sally B. Akins (sakins@EPRA-Law.com)

Board of Governors Attendance Record

	10-17	1-18	3-18	6-18	6-18	6-18	11-18	1-19	3-19	6-19	6-19	10-19
		ATL	Greensboro	Fri. Amelia	Sat. Amelia	Pine Mtn	ATL	Greensboro	Orlando	Fri. Orlando	Sat. Orlando	
Lester B. Johnson, III	e	•	•	u	•	e	•	e	•	•	•	•
Dawn M. Jones	•	•	•	•	•	•	•	•	•	•	•	•
Michael R. Jones, Sr.	e	u	•	u	u	•	u	•	u	u	u	e
Jennifer A. Jordan	u	•	e	•	•	e	•	e	u	u	u	•
Zahra S. Karinshak	n/a	n/a	n/a	n/a	•	e	e	•	e	e	e	e
John F. Kennedy	u	•	•	•	•	u	•	•	•	•	•	•
William J. Keogh, III	•	u	u	•	•	e	•	e	•	•	•	u
Barry E. King	•	•	•	•	•	•	•	•	•	•	•	u
Judy C. King	e	•	•	•	•	•	•	•	•	•	•	•
Seth Kirschenbaum	•	•	e	•	•	•	•	u	•	•	•	•
Catherine Koura	e	•	•	•	•	e	•	•	•	•	•	e
Edward B. Krugman	e	•	•	e	e	•	•	e	e	e	e	•
Jeffrey R. Kuester	•	•	e	•	•	•	•	•	•	•	•	e
Allegra Lawrence-Hardy	•	•	•	•	•	e	•	•	•	•	e	•
Nicole C. Leet	•	•	•	•	•	•	•	e	•	•	•	•
Katie K. Leonard	n/a	n/a	n/a	n/a	•	•	•	e	•	•	•	•
Ryan R. Leonard	•	•	•	•	•	•	•	•	•	e	e	u
Dawn Renee Levine	u	•	•	•	•	•	•	u	•	•	•	•
Joyce Gist Lewis	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•	•
Lisa Katsuko Liang	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
David S. Lipscomb	•	•	•	•	•	•	•	•	•	•	•	•
John R. B. Long	n/a	n/a	n/a	n/a	•	e	•	•	•	•	•	•
Dax Eric Lopez	e	•	•	e	e	e	•	•	•	•	•	e
Ronald A. Lowry	e	e	•	e	e	•	e	•	•	u	u	u

To request an excused absence, please email Secretary Sally B. Akins (sakins@EPRA-Law.com)

Board of Governors Attendance Record

	10-17	1-18	3-18	6-18	6-18	6-18	11-18	1-19	3-19	6-19	6-19	10-19
				Fri.	Sat.					Fri.	Sat.	
	Jekyll	ATL	Greensboro	Amelia	Amelia	Pine Mtn	ATL	Greensboro	Orlando	Orlando	Orlando	Savannah
John Bell Manly	•	u	•	•	•	•	•	•	•	•	•	e
Ana Maria Martinez	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•	•
Letitia A. McDonald	u	•	e	•	•	u	•	•	•	•	•	e
Brad J. McFall	u	•	•	u	u	e	•	e	u	u	u	e
Michael D. McRae	e	u	•	u	•	•	•	•	e	e	e	e
Terry L. Miller	•	•	•	•	•	•	•	•	•	•	•	•
William J. Monahan	•	e	•	•	•	•	e	•	•	•	•	•
John T. Mroczko	u	•	u	u	u	u	u	u	u	u	u	u
Laura J. Murphree	e	•	•	•	•	•	•	•	•	•	•	e
Sam G. Nicholson	•	u	•	e	•	e	•	•	•	e	e	•
Rizza O'Connor	•	•	•	•	•	•	•	•	•	•	•	•
John Thomas O'Neal	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	u
Paul Wain Painter III	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	u	•
Amanda Rourk Clark Palmer	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	u
Kathy Stephens Palmer	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•	•
Jonathan B. Pannell	•	e	•	•	•	e	•	•	•	•	•	•
Joy Renea Parks	•	•	•	•	•	•	u	•	•	•	•	•
Tabitha Edwina Payne	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	e	•
Brandon Lee Peak	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	e	•
Thomas A. Peterson, IV	•	e	•	•	•	•	e	•	•	u	u	u
Will H. Pickett, Jr.	•	u	u	u	u	u	•	•	u	u	u	e
Robert Allen Plumb Jr.	•	u	•	•	•	•	•	•	•	•	•	•
Jill Pryor	e	•	•	e	e	e	•	e	e	e	e	•
William M. Ragland	e	•	e	•	•	e	•	•	•	•	•	e

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Board of Governors Attendance Record

	10-17	1-18	3-18	6-18	6-18	11-18	1-19	3-19	6-19	6-19	10-19
				Fri.	Sat.				Fri.	Sat.	
	Jekyll	ATL	Greensboro	Amelia	Amelia	Pine Mtn	ATL	Greensboro	Orlando	Orlando	Savannah
James L. Roberts, IV	n/a	n/a	•	•	•	•	e	•	•	u	e
Tina S. Roddenbery	e	•	•	•	•	•	•	•	•	•	•
Joseph Roseborough	•	•	u	•	•	u	•	•	•	•	•
Wesley Charles Ross	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•
Claudia S. Saari	•	•	•	•	•	•	•	•	•	•	e
Dennis C. Sanders	e	•	•	•	•	e	•	•	•	•	e
H. Burke Sherwood	•	u	u	•	•	e	•	•	u	•	•
Robert H. Smalley, III	•	•	e	•	•	•	•	•	•	•	u
Philip C. Smith	•	•	•	•	•	•	•	•	•	•	•
R. Rucker Smith	•	•	•	•	u	•	•	•	•	•	•
Daniel B. Snipes	e	•	•	e	e	e	•	•	e	e	u
R. Gary Spencer	•	•	e	•	•	•	•	e	•	•	•
H. Craig Stafford	•	e	•	•	•	e	e	•	u	u	•
Lawton E. Stephens	e	e	•	•	•	e	•	e	•	•	e
Donna Coleman Stribling	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•
C. Deen Strickland	•	u	•	•	•	•	•	u	•	•	•
Frank B. Strickland	•	•	•	e	e	•	•	•	•	•	e
Joseph C. Sumner, Jr.	•	•	•	•	•	u	u	•	•	•	•
Darrell L. Sutton	•	•	•	•	•	e	•	•	•	•	•
Jason W. Swindle	•	u	•	•	•	u	•	•	u	u	•
Michael B. Terry	•	•	•	•	•	•	•	•	•	•	•
Anita W. Thomas	•	•	e	u	•	e	•	e	u	•	u
Edward D. Tolley	•	u	•	•	u	u	•	•	u	u	e
Clayton Tomlinson	•	u	•	u	•	•	u	•	u	•	•

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Future Meetings Schedule 12/12/19



Executive Committee

Jan. 2020 12 p.m.	Nathan Deal Judicial Center Atlanta, GA
Feb. 27-28, 2020 12 p.m.	Supreme Court/Executive Committee Joint Meeting; Barnsley Resort, Adairsville, GA
May 7, 2020 12 p.m.	Bar Center Atlanta, GA
Sept. 11-13, 2020	Executive Committee Extended Meeting Wild Dunes Resort, Isle of Palms, SC

Board of Governors

Spring 2020	March 27-29, 2020	Château Élan Winery & Resort Braselton, GA
Annual 2020	June 11-14, 2020	Sandestin Golf & Beach Resort Miramar Beach, FL
Midyear 2021	Jan. 7-9, 2021	Georgia State University & Candler Hotel Atlanta, GA
Spring 2021	March 19-21, 2021	Brasstown Valley Resort & Spa Young Harris, GA (Joint with the YLD)
Annual 2021	June 10-13, 2021	Wild Dunes Resort Isle of Palms, SC
Annual 2022	June 2-5, 2022	Omni Amelia Island Resort Amelia Island, FL

Young Lawyers Division

Spring 2020	April 24-26, 2020	Graduate Athens Athens, GA
Annual 2020	June 11-14, 2020	Sandestin Golf & Beach Resort Miramar Beach, FL
Fall 2020	Oct. 30 – Nov. 1, 2020	Jekyll Island Club Jekyll Island, GA
Midyear 2021	Jan. 7-9, 2021	Georgia State University & Candler Hotel Atlanta, GA
Spring 2021	March 19-21, 2021	Brasstown Valley Resort & Spa Young Harris, GA (Joint with the BOG)
Annual 2021	June 10-13, 2021	Wild Dunes Resort Isle of Palm, SC
Annual 2022	June 2-5, 2022	Omni Amelia Island Resort Amelia Island, FL

American Bar Association Meetings

Midyear 2020	Feb. 12-18, 2020	Austin, TX
Annual 2020	Aug. 6-11, 2020	Chicago, IL
Midyear 2021	Feb. 10-16, 2021	Chicago, IL
Annual 2021	Aug. 5-10, 2021	Toronto, ONT

Savannah Boat Ride

2020	April 24
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Southern Conference Meetings

2020	October 15-18	Omni Barton Creek Resort & Spa Austin, TX
2021		Florida
2022		Mississippi Gulf Coast
2023		West Virginia
2024		South Carolina



MEMORANDUM

To: Board of Governors

From: Bill NeSmith

Date: January 10, 2020

Re: Bylaw change proposals 2020 Mid-Year Meeting

Below is a short explanation of the proposed bylaws changes on the agenda for the 2020 Mid-Year Meeting of the Board of Governors:

1. Article I Members. Section 9. Retired Status Member.
The new bylaw adds a new membership status, Retired. The Senior Lawyer's Committee proposes this new status as a way to allow a lawyer to retire with dignity, especially if the lawyer has cognitive issues. *This change would become effective only if the Supreme Court approved the proposed changes to Rule 1-202. Membership Status.*
2. Article I Members. Section 10. Members Unable to Practice Law due to a Disability.
This new bylaw adds a better description of when a lawyer may request a status based on disability. The new bylaw comports with current Americans with Disabilities Act and Georgia law. *This change would become effective only if the Supreme Court approved the proposed changes to Rule 1-202. Membership Status.*
3. Article I Members. Section 3. Inactive Member Status.
This proposed amendment is mostly housekeeping. The amendment simplifies an inactive member changing to another membership status by allowing the Membership Department to make a requested status change upon request and payment of all fees and costs. The status change requires that the member be current on all CLE obligations.
4. Article VIII Committees - Generally. Section 1. Standing Committees.
The proposed changes to this bylaw are mainly housekeeping and provide clarity about the appointment of committees, especially between the current President and the incoming President.

1 ARTICLE I MEMBERS

2 Section 9. Retired Status Member

3 (a)- Any member of the State Bar of Georgia who is not engaged in the
4 active practice of law in any state, district, or territory of the United States may
5 transfer to Retired Status by submitting a request in writing to the Executive Director
6 and General Counsel of the State Bar of Georgia. Upon approval by the Executive
7 Director and General Counsel the Membership Department shall transfer the
8 member to Retired ~~status~~ Status. A member in Retired Status shall not be entitled to
9 practice law in this state and may not practice law in any other jurisdiction. Further,
10 such members shall not be eligible to vote or hold office in the State Bar of Georgia.
11 Any member transferred to Retired ~~status~~ Status shall be relieved of their
12 dues membership fees and CLE obligations.

13 (b)- A request for Retired Status must be unqualified ~~and~~ is irrevocable-
14 and permanent. A member in Retired ~~status~~ Status will appear in the State Bar of
15 Georgia member directory as “Retired.”

16 (c) A member of the State Bar of Georgia with a pending disciplinary
17 matter may transfer to Retired ~~status~~ Status with the consent of the Office of the
18 General Counsel. Grievances received after a member has transferred to ~~retired~~
19 ~~status~~ Retired Status may be investigated and prosecuted through the disciplinary
20 process at the option of the Office of the General Counsel.

21 (d) Members who are suspended from the practice of law because of failure
22 to meet CLE requirements or failure to pay Bar membership fees are not eligible for
23 Retired Status until the suspension is lifted.

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23 Retired Status until the suspension is lifted.

1 ARTICLE I MEMBERS

2 Section 10. Members Unable to Practice Law due to a Disability

3 (a) For the purposes of this section, a “Member with a Disability” is
4 defined as a lawyer who has a physical or mental impairment that has a substantial
5 and long-term effect on his or her ability to carry out normal day-to-day activities.

6 (b) Any member of the State Bar of Georgia who is temporarily or
7 permanently disabled may submit to the Executive Committee of the State Bar of
8 Georgia a written request to be transferred to Disabled Status. Members who elect
9 this status must submit adequate medical and/or psychological documentation of
10 their disability with the written request. Adequate documentation includes: (a)
11 Documentation from Social Security of approval of disability; (b) Documentation
12 from an insurance company of receipt of benefits based upon disability; (c)
13 Documentation from a medical doctor that the member is disabled; (d) Other
14 documentation from a licensed medical professional providing proof of disability.

15 Members electing Disabled Status shall not be entitled to practice law in this
16 state, or to vote or hold office in the State Bar of Georgia. Any member
17 transferred to Disabled Status is relieved of their obligation to pay license fees and
18 to complete the required annual CLE hours.

19 (c) A Disabled Status member may submit a written petition to the
20 Executive Committee for reinstatement to another membership status. The petition
21 must include sufficient information from a medical professional for the Executive
22 Committee to review that professional’s determination that the member’s disability
23 is no longer substantial and/or having long-term effect on his or her ability to carry
24 out normal day-to-day activities. If the member seeks Active status, he or she must
25 provide documentation from a licensed medical professional showing that the
26 member no longer qualifies for Disabled Status. Medical and/or psychological
27 information provided pursuant to this subparagraph is confidential and shall not be
28 disclosed by the Bar absent satisfactory written permission or a court order.

29 (d) The Executive Committee of the State Bar of Georgia shall consider
30 and act on any petition from a Disabled Status member in disabled status seeking
31 reinstatement to another membership status, taking into account the
32 recommendation of the Executive Director and General Counsel. If there are any
33 grievances or disciplinary matters pending when the Executive Committee receives
34 a petition for reinstatement or if there is credible evidence that the member appears

35 to continue to suffer from a disability, the Executive Committee shall defer
36 consideration of the petition until those issues are fully resolved.

37 _____ (e) If the Executive Committee approves the petition, the member shall
38 be returned to the membership status of their choice upon payment of the
39 appropriate membership fees, satisfaction of any other required membership
40 obligations, and payment of any outstanding financial obligations to the Bar.
41 Before being reinstated to Active Status, the member must complete Continuing
42 Legal Education for the year reinstatement is being sought.

43 _____ (f) The Membership Department shall not be required to verify disability
44 beyond the initial determination under this section. A member who has been
45 transferred to Disabled Status shall remain in that status unless the status is
46 changed pursuant to this section. A member transferred to Disabled Status will
47 appear as “Inactive” on the State Bar of Georgia website and the Bar will respond
48 to requests about the current status of the Disabled Status member by stating that
49 the member is “Inactive Status.”

50 _____ (g) Disability Status under this section does not toll any disciplinary
51 proceeding that occurs before or after a member elects Disabled Status.

52

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47 appear as “Inactive” on the State Bar of Georgia website and the Bar will respond
48 to requests about the current status of the Disabled Status member by stating that
49 the member is “Inactive Status.”

50 (g) Disability Status under this section does not toll any disciplinary
51 proceeding that occurs before or after a member elects Disabled Status.

1 **ARTICLE I MEMBERS**

2 Section 3. Inactive Member Status.

3 (a) Inactive members shall:

4 (1) pay annual dues as set forth in Bar Rule 1-502;

5 (2) be exempt from continuing legal education requirements, subject to the
6 requirements in (b); (except for years in which the member is on active membership status
7 for any part of the calendar year);

8 (3) affirmatively represent their status as inactive members of the State Bar of
9 Georgia when any statement of State Bar membership is made;

10 (4) not hold themselves out as being able to practice law in Georgia or render
11 advice on matters of Georgia law;

12 (5) not hold any position that requires the person to be a licensed Georgia
13 attorney lawyer;

14 (6) Inactive members shall not nominate a member for office, hold any office,
15 serve on a Standing or Special Committee, or as an officer of a section. An inactive
16 member shall not vote in any State Bar of Georgia election or on any matter or proposal
17 pending before an entity of the State Bar of Georgia. not nominate a member for office,
18 hold a State Bar office, hold a section or committee office, or vote on any candidate or
19 proposal concerning the State Bar;

20 (7) not receive State Bar of Georgia publications, including the ~~State Bar~~
21 ~~Directory and State~~ Georgia Bar Journal, unless the inactive member so requests;

22 (8) keep the membership department advised of their current name, address and
23 phone number as provided in Bar Rule 1-207.

24 (b) An inactive member in good standing may ~~on application become an~~ return to
25 Active Member Status by contacting the membership department of the State Bar of Georgia
26 and requesting a membership status change. ~~The~~ Before being returned to Active Member Status,
27 the Inactive Status Member shall pay the difference between inactive and active member dues for
28 the year returned to active status, including any applicable fees and costs. An inactive member
29 shall complete all unfulfilled continuing legal education requirements owed during the Bar year of
30 being returned to Active Member Status. ~~application shall be accompanied by payment of the dues~~
31 ~~of an active member for the year in which the change is made, less dues paid by the member for~~
32 ~~that year as an inactive member. In addition, the member must satisfy the continuing legal~~
33 ~~education requirements for the calendar year in which the member is on active status.~~

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20 phone number as provided in Bar Rule 1-207.

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23 status change. Before being returned to Active Member Status, the Inactive Status Member shall

24 pay the difference between inactive and active member dues for the year returned to active status,
25 including any applicable fees and costs. An inactive member shall complete all unfulfilled
26 continuing legal education requirements owed during the Bar year of being returned to Active
27 Member Status.

1 **ARTICLE VIII COMMITTEES - GENERALLY**

2 **Section 1. Standing Committees.**

3 (a) Creation of Standing Committees; Statement of Purpose. The Board of Governors
4 may create standing committees for such purposes as it deems appropriate. The members of each
5 standing committee shall be appointed by the President. Any request for the creation of a standing
6 committee shall be accompanied by a statement of purpose. A list of the standing committees of
7 the State Bar of Georgia shall be published annually on the official State Bar ~~Directory~~ website.
8 The publication shall include a description of each committee's purpose, the names of current
9 committee members and their respective terms.

10 (b) Appointment of Members

11 (1) Three-year terms. There shall be a minimum of nine members of each
12 standing committee appointed for three-year terms. Regardless of when the appointment
13 is made, such term shall begin on July 1 of the year the appointing President took office,
14 and expire on June 30 three years later, except for the Finance Committee which term shall
15 begin on January 1 of the Bar year the appointing President took office, and expire on
16 December 31 three years later whose members shall be appointed by the President-elect.
17 The terms of ~~All~~ such appointments shall be staggered so that, ~~as reasonable as possible,~~
18 one-third of all committee members appointed for three year terms shall retire at the end
19 of each year.

20 (2) One-year terms. The President may appoint additional members of each
21 standing committee as the President deems appropriate. Regardless of when such
22 additional committee members are appointed, the term of such appointees shall begin on
23 July 1 of the year the appointing President took office and shall expire on the following

24 June 30, except for the Finance Committee which term shall begin on January 1 and expire
25 on the following December 31.

26 (3) Non-voting advisory members. The President may appoint non-voting
27 advisory and liaison members to each standing committee as the President deems
28 appropriate. Regardless of when appointed, such term shall begin on July 1 of the year the
29 appointing President took office and shall expire on the following June 30, except for the
30 Finance Committee which term shall begin on January 1 and expire on the following
31 December 31.

32 (4) Appointments to fulfill quorum requirements. In the event of any
33 appointee's resignations, incapacitation, or persistent inability to perform committee
34 business, the President shall have the authority to appoint a replacement to serve for the
35 duration of the original appointee's term. The President shall exercise all foregoing
36 discretionary powers of appointment to advance the objective of enabling committees to
37 obtain quorums and conduct regular committee business.

38 (5) Notice of Three-Year Term Appointments. Incoming Presidents shall
39 inform the Board of appointments to fill expiring or vacant three-year terms on standing
40 committees at the State Bar of Georgia's Annual Meeting.

41 (6) Notice of Other Appointments. Appointments to one-year terms or to non-
42 voting advisory or liaison capacity on any standing committee shall be published on the
43 official State Bar of Georgia website Directory, provided, however, that nothing in this
44 ~~provision shall prohibit a President from exercising discretion to make additional such~~
45 ~~appointments after the Directory has been published or sent for publication.~~

46 (7) Executive Committee Liaison Members. No later than the second Board of
47 Governors meeting during the President's term in office, the President may appoint an
48 Executive Committee Liaison Member to such standing committees as the President
49 chooses. Such Executive Committee Liaison Members shall serve for a one-year term
50 ~~of one year, with such term expiring~~ that expires on the ~~First~~ first June 30 after such
51 appointment, except for the Finance Committee which term shall begin on January 1 and
52 expire on the following December 31. Such members shall have full voting privileges and
53 count towards a quorum at any meeting of a standing committee.

54 (c) Chairperson, Co-chairs and Vice Chairperson or Vice Co-chairs. Each year the
55 President shall appoint a chairperson or co-chairs and a vice chairperson or vice co-chairs of each
56 standing committee. A chairperson or, in the absence of the chairperson, the vice-chairperson may
57 act on behalf of the committee when it is not practical or possible to confer with the committee.

58 (d) Abolition of Standing Committees. Standing Committees may be abolished by the
59 Board of Governors following written notice to the chairperson and members of the Committee.

60 **Section 2. Special Committees.**

61 (a) Creation of Special Committees; Statement of Purpose. The President may create
62 special committees for such purposes as deemed appropriate. A list of the special committees of
63 the State Bar of Georgia shall be published annually ~~in~~ on the official State Bar Directory website.
64 The publication shall include a description of each committee's purpose and the names of current
65 committee members. The President shall designate a specific term, not to exceed the President's
66 term in office, for the work of the committee. The incoming President shall review the special
67 committees whose terms are expiring to determine whether such committee ~~of~~ or committees

68 should continue. The incoming President may extend the term of such special committees for a
69 specific term, not to exceed the incoming President's term in office.

70 (b) Non-voting and Liaison Members. There may be non-voting advisory and liaison
71 appointments to special committees appointed by the President at his or her discretion.

72 (c) Terms of Members. All appointments shall be for the term of the committee as
73 established by the appointing President. Should ~~the~~ an incoming President extend the term of the
74 committee for a specific term, the incoming President may reappoint any current members he or
75 she may choose, appoint new members to replace the original members, or appoint additional
76 members to the special committee. The terms of the new or additional members shall be for the
77 extended term as established by the ~~appointing~~ incoming President.

78 (d) Chairperson, Co-chairs, Vice Chairperson and Vice Co-chairs. The President shall
79 appoint a chairperson or co-chairs and vice-chairperson or vice co-chairs of each special
80 committee.

81 The chairperson or, in the absence of the chairperson, the vice-chairperson may act on
82 behalf of the committee when it is not practical or possible to confer with the committee.

83 (e) Executive Committee Liaison Members. No later than the second Board of
84 Governors meeting during the President's term in office, the President may appoint an Executive
85 Committee Liaison member to such special committees as the President chooses. Such Executive
86 Committee Liaison ~~M~~members shall serve for a term of one year, with such term expiring on the
87 first June 30 after such appointment. Such members shall have full voting privileges and count
88 towards a quorum at any meeting of a special committee.

1 **ARTICLE VIII COMMITTEES - GENERALLY**

2 **Section 1. Standing Committees.**

3 (a) Creation of Standing Committees; Statement of Purpose. The Board of Governors
4 may create standing committees for such purposes as it deems appropriate. The members of each
5 standing committee shall be appointed by the President. Any request for the creation of a standing
6 committee shall be accompanied by a statement of purpose. A list of the standing committees of
7 the State Bar of Georgia shall be published annually on the official State Bar website. The
8 publication shall include a description of each committee's purpose, the names of current
9 committee members and their respective terms.

10 (b) Appointment of Members

11 (1) Three-year terms. There shall be a minimum of nine members of each
12 standing committee appointed for three-year terms. Regardless of when the appointment
13 is made, such term shall begin on July 1 of the year the appointing President took office,
14 and expire on June 30 three years later, except for the Finance Committee which term shall
15 begin on January 1 of the Bar year the appointing President took office, and expire on
16 December 31 three years later whose members shall be appointed by the President-elect.
17 The terms of all such appointments shall be staggered so that one-third of all committee
18 members appointed for three year terms shall retire at the end of each year.

19 (2) One-year terms. The President may appoint additional members of each
20 standing committee as the President deems appropriate. Regardless of when such
21 additional committee members are appointed, the term of such appointees shall begin on
22 July 1 of the year the appointing President took office and shall expire on the following

23 June 30, except for the Finance Committee which term shall begin on January 1 and expire
24 on the following December 31.

25 (3) Non-voting advisory members. The President may appoint non-voting
26 advisory and liaison members to each standing committee as the President deems
27 appropriate. Regardless of when appointed, such term shall begin on July 1 of the year the
28 appointing President took office and shall expire on the following June 30, except for the
29 Finance Committee which term shall begin on January 1 and expire on the following
30 December 31.

31 (4) Appointments to fulfill quorum requirements. In the event of any
32 appointee's resignations, incapacitation, or persistent inability to perform committee
33 business, the President shall have the authority to appoint a replacement to serve for the
34 duration of the original appointee's term. The President shall exercise all foregoing
35 discretionary powers of appointment to advance the objective of enabling committees to
36 obtain quorums and conduct regular committee business.

37 (5) Notice of Three-Year Term Appointments. Incoming Presidents shall
38 inform the Board of appointments to fill expiring or vacant three-year terms on standing
39 committees at the State Bar of Georgia's Annual Meeting.

40 (6) Notice of Other Appointments. Appointments to one-year terms or to non-
41 voting advisory or liaison capacity on any standing committee shall be published on the
42 official State Bar of Georgia website.

43 (7) Executive Committee Liaison Members. No later than the second Board of
44 Governors meeting during the President's term in office, the President may appoint an
45 Executive Committee liaison member to such standing committees as the President

46 chooses. Such Executive Committee liaison members shall serve for a one-year term that
47 expires on the first June 30 after such appointment, except for the Finance Committee
48 which term shall begin on January 1 and expire on the following December 31. Such
49 members shall have full voting privileges and count towards a quorum at any meeting of a
50 standing committee.

51 (c) Chairperson, Co-chairs and Vice Chairperson or Vice Co-chairs. Each year the
52 President shall appoint a chairperson or co-chairs and a vice chairperson or vice co-chairs of each
53 standing committee. A chairperson or, in the absence of the chairperson, the vice-chairperson may
54 act on behalf of the committee when it is not practical or possible to confer with the committee.

55 (d) Abolition of Standing Committees. Standing Committees may be abolished by the
56 Board of Governors following written notice to the chairperson and members of the Committee.

57 **Section 2. Special Committees.**

58 (a) Creation of Special Committees; Statement of Purpose. The President may create
59 special committees for such purposes as deemed appropriate. A list of the special committees of
60 the State Bar of Georgia shall be published annually on the official State Bar website. The
61 publication shall include a description of each committee's purpose and the names of current
62 committee members. The President shall designate a specific term, not to exceed the President's
63 term in office, for the work of the committee. The incoming President shall review the special
64 committees whose terms are expiring to determine whether such committee or committees should
65 continue. The incoming President may extend the term of such special committees for a specific
66 term, not to exceed the incoming President's term in office.

67 (b) Non-voting and Liaison Members. There may be non-voting advisory and liaison
68 appointments to special committees appointed by the President at his or her discretion.

69 (c) Terms of Members. All appointments shall be for the term of the committee as
70 established by the appointing President. Should an incoming President extend the term of the
71 committee for a specific term, the incoming President may reappoint any current members he or
72 she may choose, appoint new members to replace the original members, or appoint additional
73 members to the special committee. The terms of the new or additional members shall be for the
74 extended term as established by the incoming President.

75 (d) Chairperson, Co-chairs, Vice Chairperson and Vice Co-chairs. The President shall
76 appoint a chairperson or co-chairs and vice-chairperson or vice co-chairs of each special
77 committee.

78 The chairperson or, in the absence of the chairperson, the vice-chairperson may act on
79 behalf of the committee when it is not practical or possible to confer with the committee.

80 (e) Executive Committee Liaison Members. No later than the second Board of
81 Governors meeting during the President's term in office, the President may appoint an Executive
82 Committee Liaison member to such special committees as the President chooses. Such Executive
83 Committee Liaison members shall serve for a term of one year, with such term expiring on the
84 first June 30 after such appointment. Such members shall have full voting privileges and count
85 towards a quorum at any meeting of a special committee.



MEMORANDUM

To: Board of Governors
From: Bill NeSmith
Date: January 10, 2020
Re: Rule change proposals 2020 Mid-Year Meeting

Below is a short explanation of the proposed rules changes on the agenda for the 2020 Mid-Year Meeting of the Board of Governors:

1. Rule 10-104. Board of Trustees.
This proposed change shortens the term of a Clients' Security Fund trustee from five years to three years.
2. Rule 1-202. Membership Status.
The proposed changes to this rule are mostly housekeeping and clarifying language changes, except for additional wording that incorporates Article I. Members, Sections 9 and 10 of the proposed bylaw changes into the rule.
3. Standing Board Policy 100 (Legislative Policy and Procedure).
The proposed changes to this policy are at line 28, which is a housekeeping change; lines 56-58, which makes a review of and taking a position on a proposed amendment to the Georgia Constitution optional instead of mandatory. The last change is at line 95 and is a housekeeping change.

1 Rule 10-104. Board of Trustees.

2

3 (a) The Board of Trustees shall consist of six lawyers and one non-
4 lawyer appointed by the President of the State Bar of Georgia. The initial
5 appointments to the Board shall be for such terms as to result in the staggered
6 expiration of the terms of all members of the Board. Thereafter, the
7 appointments shall be for a term of ~~five~~three years.

8

9 (b) Vacancies shall be filled by appointment of the President of the
10 State Bar of Georgia for any unexpired term.

11

12 (c) The Board members shall select a chairperson, who is a member
13 of good standing of the State Bar of Georgia and such other officers as the
14 Board members deem appropriate.

15

16 (d) A quorum for the transaction of business at any meeting of the
17 Board shall consist of three current members in attendance.

18

19 (e) The Board may adopt a regulation to terminate Trustees who fail
20 to regularly attend meetings and may adopt additional regulations for the
21 administration of the Fund which are not otherwise inconsistent with these
22 Rules.

1 Rule 10-104. Board of Trustees.

2

3 (a) The Board of Trustees shall consist of six lawyers and one non-
4 lawyer appointed by the President of the State Bar of Georgia. The initial
5 appointments to the Board shall be for such terms as to result in the staggered
6 expiration of the terms of all members of the Board. Thereafter, the
7 appointments shall be for a term of three years.

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9 (b) Vacancies shall be filled by appointment of the President of the
10 State Bar of Georgia for any unexpired term.

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12 (c) The Board members shall select a chairperson, who is a member
13 of good standing of the State Bar of Georgia and such other officers as the
14 Board members deem appropriate.

15

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17 Board shall consist of three current members in attendance.

18

19 (e) The Board may adopt a regulation to terminate Trustees who fail
20 to regularly attend meetings and may adopt additional regulations for the
21 administration of the Fund which are not otherwise inconsistent with these
22 Rules.

1 Rule 1-202. ~~Classes of Membership~~ Status

2 Membership in the State Bar of Georgia shall consist of five ~~classes, catagories~~:
3 Aactive Status, Foreign Law Consultant Status, Emeritus Status, Disabled
4 Status and Inactive Status. The bylaws shall make provision for the registration of
5 each active member and the location of his or her principal office for the practice of
6 law, the registration of each foreign law consultant and the location of his or her
7 principal office, and the registration of emeritus and inactive members and their
8 mailing addresses. Only Aactive Status members and Emeritus Status members
9 may vote on any State Bar of Georgia matter or election or nominate an active
10 member for office. Emeritus Status members can vote only in person or
11 electronically.

12 (a) Inactive Status Members. Any member of the State Bar of Georgia
13 may contact the Membership Department and elect to be transferred to Inactive
14 Status membership provided that the member:

- 15 (1) is not engaged in the practice of law;
16 (2) does not hold themselves out as a practicing lawyer or attorney;
17 (3) does not occupy any public or private position in which the member
18 may be called upon to give legal advice or counsel;
19 (4) does not examine the law or to pass upon the legal effect of any act,
20 document, or law for the benefit of another person, company, or corporation.
21 (5) is active duty in any branch of the United States military.

22 ~~Inactive Members. All lawyers who are neither engaged in the practice of law nor~~
23 ~~holding themselves out as practicing attorneys nor occupying any public or private~~
24 ~~position in which they may be called upon to give legal advice or counsel, to examine~~
25 ~~the law or to pass upon the legal effect of any act, document, or law may be inactive~~

26 ~~members at their election. Members who are in military service may be inactive if~~
27 ~~they so elect.~~

28 (b) Active Status Members. Active ~~u~~Status–members shall be all other
29 lawyers including judges but excluding foreign law consultants. Only ~~A~~active Status
30 members of the State Bar of Georgia in good standing may hold office in the State
31 Bar of Georgia.

32 ~~_____~~ (c) ~~Foreign Law Consultants~~ Status. Foreign Law Consultants shall be
33 those persons, who are licensed under the Rules Governing Admission to the
34 Practice of Law as adopted by the Supreme Court of Georgia.

35 (d) Emeritus Status Members. Any member in good standing of the State
36 Bar of Georgia who will attain the age of 70 years in a Bar year and who shall have
37 been admitted to the practice of law for at least 25 years, five years of which must
38 be as a member in good standing of the State Bar of Georgia, may request ~~e~~Emeritus
39 ~~S~~Status from the State Bar upon petition to and approval by the Membership
40 Department. When approved, the member shall ~~hold-be transferred to E~~meritus
41 ~~S~~Status. An ~~E~~Emeritus Status member of the State Bar of Georgia shall not be
42 required to pay ~~dues license fees~~ or ~~annual~~other fees, and may not hold office in the
43 State Bar of Georgia. An ~~E~~Emeritus Status member of the State Bar of Georgia shall
44 not be privileged to practice law except that an ~~E~~Emeritus Status member may handle
45 pro bono cases referred by either an organized pro bono program recognized by the
46 Pro Bono Project of the State Bar of Georgia or a non-profit corporation that delivers
47 legal services to the poor. An ~~e~~Emeritus Status member may be reinstated to active
48 or inactive membership upon application to the Membership Department and
49 payment of non-prorated ~~dues license fees~~ for the year in which the ~~E~~Emeritus Status
50 members returns to ~~A~~active Status or ~~I~~inactive Status service membership.

51 (e) ~~Disabled Members~~ Members Unable to Practice Law due to a
52 Disability. Any member of the State Bar of Georgia may petition the Executive
53 Committee for disabled status provided the member meets one of the following
54 criteria: Any member of the State Bar of Georgia who is temporarily or permanently
55 disabled may submit to the Executive Committee of the State Bar of Georgia a
56 written request to be transferred to Disabled Status. Members who elect this status
57 must submit adequate medical and/or psychological documentation of their
58 disability with the written request. Adequate documentation includes:

59 (1) documentation from Social Security of approval of disability;

60 (2) documentation from an insurance company of receipt of benefits based
61 upon disability;

62 (3) documentation from a medical doctor that the member is disabled.

63 Any request by a member to be transferred to Disabled Status must comply with all
64 of the provisions contained in Section 1, Article 10 of the Bylaws of the State Bar of
65 Georgia.

66 ~~_____ (1) the member has been determined to be permanently seeking disabled~~
67 ~~by _____ the Social Security Administration; or~~

68 ~~_____ (2) the member is in the process of applying to the Social Security _____~~
69 ~~_____ Administration for permanent disability status; or~~

70 ~~_____ (3) the member has been determined to be permanently disabled or _____~~
71 ~~_____ disabled for a period in excess of one year by an insurance company _____~~
72 ~~_____ and is receiving payments pursuant to a disability insurance policy; or~~

73 ~~_____ (4) the member has a signed statement from a medical doctor that the _____~~
74 ~~_____ member is permanently disabled, or disabled for a period in excess of _____~~

75 ~~one year, and unable to practice law.~~

76 -

77 (f) Upon the Executive Committee's grant of the member's petition for
78 ~~disability~~ Disabled s Status, the disabled member shall be treated as an i nactive
79 Status member of the State Bar of Georgia and shall not be privileged to practice
80 law. A member holding D ~~disabled s~~ Status shall ~~not~~ be relieved of their obligation to
81 pay membership license fees and to complete the required ~~to pay dues or~~ annual
82 ~~fees~~ CLE hours. A D ~~disabled~~ Status member shall continue in such status until the
83 member requests reinstatement by written application to the Membership
84 ~~Department~~ Executive Committee of the State Bar of Georgia.

1 Rule 1-202. Membership Status

2 Membership in the State Bar of Georgia shall consist of five categories: Active
3 Status, Foreign Law Consultant Status, Emeritus Status, Disabled Status and
4 Inactive Status. The bylaws shall make provision for the registration of each active
5 member and the location of his or her principal office for the practice of law, the
6 registration of each foreign law consultant and the location of his or her principal
7 office, and the registration of emeritus and inactive members and their mailing
8 addresses. Only Active Status members and Emeritus Status members may vote on
9 any State Bar of Georgia matter or election or nominate an active member for office.
10 Emeritus Status members can vote only in person or electronically.

11 (a) Inactive Status Members. Any member of the State Bar of Georgia
12 may contact the Membership Department and elect to be transferred to Inactive
13 Status membership provided that the member:

- 14 (1) is not engaged in the practice of law;
- 15 (2) does not hold themselves out as a practicing lawyer or attorney;
- 16 (3) does not occupy any public or private position in which the member
17 may be called upon to give legal advice or counsel;
- 18 (4) does not examine the law or to pass upon the legal effect of any act,
19 document, or law for the benefit of another person, company, or corporation.
- 20 (5) is active duty in any branch of the United States military.

21 (b) Active Status Members. Active Statusmembers shall be all other
22 lawyers including judges but excluding foreign law consultants. Only Active Status
23 members of the State Bar of Georgia in good standing may hold office in the State
24 Bar of Georgia.

25 (c) Foreign Law Consultant Status. Foreign Law Consultants shall be
26 those persons, who are licensed under the Rules Governing Admission to the
27 Practice of Law as adopted by the Supreme Court of Georgia.

28 (d) Emeritus Status Members. Any member in good standing of the State
29 Bar of Georgia who will attain the age of 70 years in a Bar year and who shall have
30 been admitted to the practice of law for at least 25 years, five years of which must
31 be as a member in good standing of the State Bar of Georgia, may request Emeritus
32 Status from the State Bar upon petition to and approval by the Membership
33 Department. When approved, the member shall be transferred to Emeritus Status.
34 An Emeritus Status member of the State Bar of Georgia shall not be required to pay
35 license fees or other fees, and may not hold office in the State Bar of Georgia. An
36 Emeritus Status member of the State Bar of Georgia shall not be privileged to
37 practice law except that an Emeritus Status member may handle pro bono cases
38 referred by either an organized pro bono program recognized by the Pro Bono
39 Project of the State Bar of Georgia or a non-profit corporation that delivers legal
40 services to the poor. An Emeritus Status member may be reinstated to active or
41 inactive membership upon application to the Membership Department and payment
42 of non-prorated license fees for the year in which the Emeritus Status member
43 returns to Active Status or Inactive Status membership.

44 (e) Members Unable to Practice Law due to a Disability. Any member of
45 the State Bar of Georgia who is temporarily or permanently disabled may submit to
46 the Executive Committee of the State Bar of Georgia a written request to be
47 transferred to Disabled Status. Members who elect this status must submit adequate
48 medical and/or psychological documentation of their disability with the written
49 request. Adequate documentation includes:

50 (1) documentation from Social Security of approval of disability;

51 (2) documentation from an insurance company of receipt of benefits based
52 upon disability;

53 (3) documentation from a medical doctor that the member is disabled.

54 Any request by a member to be transferred to Disabled Status must comply with all
55 of the provisions contained in Section 1, Article 10 of the Bylaws of the State Bar of
56 Georgia.

57 (f) Upon the Executive Committee’s grant of the member’s petition for
58 Disabled Status, the disabled member shall be treated as an Inactive Status member
59 of the State Bar of Georgia and shall not be privileged to practice law. A member
60 holding Disabled Status shall be relieved of their obligation to pay license fees and
61 to complete the required annual CLE hours. A Disabled Status member shall
62 continue in such status until the member requests reinstatement by written
63 application to the Executive Committee of the State Bar of Georgia.

1 Standing Board Policy 100 (Legislative Policy and Procedure)

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3
4 . . .

5
6 1.04. Advisory Committee on Legislation.

7
8 (a) Structure--The Advisory Committee shall be composed of at least nine members,
9 at least six of whom shall be members of the Board at the time of their appointment and the
10 Immediate Past President.

11
12 (b) Initial Terms--The nine members of the Advisory Committee appointed to serve
13 effective July 1, 1986, shall be appointed for initially staggered terms as set out below:

14
15 (1) three members, including two members of the Board, shall be appointed
16 by the immediate past president for one-year terms.

17
18 (2) three members, including two members of the Board, shall be appointed
19 by the president for two- year terms.

20
21 (3) three members, including two members of the Board, shall be appointed
22 by the president-elect for three year terms.

23 (4) the chairman shall be appointed by the president.
24

25 (c) Terms--Commencing July 1, 1987, the president-elect shall appoint three
26 members, at least two of whom shall be members of the Board at the time of their appointment,
27 to three-year terms and shall name a chairman-elect. The chairman-elect shall become chairman
28 when the president-elect becomes president. The President, upon consultation with and and with
29 agreement by the President-elect shall have the power to appoint additional voting members to
30 the Advisory Committee who shall serve during the one-year term of his presidency. However,
31 in any event at least two-thirds of this Committee will be members of the Board at the time of
32 their appointment.
33

34 (d) The Advisory Committee will meet for the purpose of developing its
35 recommendations to the Board and Executive Committee with regard to requests to adopt a
36 legislative position.
37

38 (e) In each case involving a proposed legislative position, the Advisory Committee
39 shall make a recommendation to the Board or the Executive Committee on the following:

40
41 (1) whether the proposed legislative action is germane to the legitimate
42 purposes of the State Bar; and

43
44 (2) the legislative position which the Board or Executive Committee should
45 adopt.
46

47 (f) In addition to the above, the Advisory Committee shall also have the authority to
48 draft and submit to the Board or the Executive Committee, legislative concepts which may or
49 should be the subject of legislation and recommend positions with respect thereto.
50

51 (g) When the General Assembly is in session, appropriate committees and sections of
52 the State Bar may submit legislative proposals to the Advisory Committee for approval by the
53 Executive Committee. All such proposals, however, shall be in writing and satisfy the format
54 requirements set forth in subsection (a) (1) of Rule 1.02 of this policy.
55

56 (h) The Advisory Committee ~~shall~~ may review ~~all~~ legislation filed in the State
57 Legislature which would require an amendment to the State Constitution. The Advisory
58 Committee ~~shall~~ may determine whether the State Bar should take a position pursuant to this
59 policy regarding the proposed constitutional amendment.
60

61 (i) All matters concerning contract and finance shall be submitted to the Executive
62 Committee for approval.
63

64 1.05. Legislative Drafting and Consulting Services. 65

66 (a) The State Bar, at the sole discretion of the Executive Committee, may provide
67 legislative drafting, legal research and other similar services to the Office of the Governor and
68 members of the Georgia General Assembly. THE DECISION BY THE STATE BAR TO
69 PROVIDE SUCH SERVICES DOES NOT CONSTITUTE AN ENDORSEMENT BY THE
70 STATE BAR OF ANY LEGISLATION REVIEWED OR DRAFTED.
71

72 (1) All requests for legislative drafting or consulting services should be
73 directed to the President of the State Bar who shall immediately place the request on the
74 agenda of the next Executive Committee Meeting.
75

76 (2) Consideration of any legislative drafting or consulting request by the
77 Executive Committee shall proceed in the following order:
78

79 (i) the president shall present the request for legislative drafting or
80 consulting services to the Executive Committee;
81

82 (ii) the Executive Committee shall specifically determine by a majority
83 of members voting that the drafting, research or review of the proposed legislation
84 would not be adverse to the interests of the State Bar;
85

86 (iii) if the determination in subsection (ii) above is affirmative, then the
87 Executive Committee shall determine by majority vote whether or not to provide
88 such services;
89

90 (iv) if the determination in subsection (iii) above is affirmative, the
91 Executive Committee shall refer the matter to the Legislative Research
92 Committee, or other appropriate State Bar committee or section.

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(3) Should any emergency exist and it is not feasible for the Executive Committee to act, then the President, upon consultation with and with agreement by any two from among the President-elect, the immediate past President, the Chair of the Advisory Committee on Legislation or the Chair of the Legislative Research Committee, may act upon the pending request for legislative drafting or consulting services.

(4) The final copy of any proposed legislation drafted by any member or members of the State Bar under this provision shall contain the following disclaimer at the head of the first page, unless the proposed legislation has been considered under the provisions of section 1.01 through 1.04 above: "The State Bar of Georgia has drafted the following proposed legislation as a service to the Georgia General Assembly and the Office of the Governor. The State Bar takes no position either for or against the enactment of such legislation unless the legislation is approved under the provisions of the State Bar of Georgia's Standing Board Policy 100."

(b) Whenever the Executive Committee grants a request to provide legislative drafting or consulting services under this rule, the President, or his or her designee, shall report to the next meeting of the Board of Governors the nature of the referral and current status.

1 Standing Board Policy 100 (Legislative Policy and Procedure)

2
3 LEGISLATIVE POLICY AND PROCEDURE
4 ADOPTED BY BOARD OF GOVERNORS JUNE 14, 1986
5 AMENDED JUNE 20, 1992, JUNE 18, 1994

6
7 1.01. General Legislative Policy.

8
9 (a) The Bylaws set forth the restrictions on establishing a legislative policy. Article
10 II, Section 6 of the Bylaws provides that:

11
12 No legislation shall be recommended, supported or opposed by the State Bar unless:

13
14 (1) such action has been initiated by an appropriate committee or section, or
15 by any ten members of the Board of Governors; and

16
17 (2) the text of the legislation is furnished to the President, the President-elect
18 and the Advisory Committee on Legislation at least thirty days prior to its submission for
19 support or opposition as set forth below; and

20
21 (3) provided further:

22
23 (i) that such legislative position receives a majority vote of the
24 members of the State Bar present at a meeting; or

25
26 (ii) that such legislative position receives a two-thirds vote of the
27 members of the Board of Governors present and voting; or

28
29 (iii) when the Board of Governors is not in session, such legislative
30 position receives a two-thirds vote of the members of the Executive Committee
31 voting.

32
33 In addition to and in aid of these legislative powers, the Board shall have the power to
34 adopt, by a vote of two-thirds of the members of the Board present and voting, a Standing
35 Board Policy regarding legislation. Such Standing Board Policy shall be binding from
36 session to session unless suspended, modified or rescinded pursuant to a two-thirds vote
37 of the members of the Board present and voting.

38
39 No committee or section of the State Bar shall recommend, support or oppose any
40 legislation except in the manner herein provided.

41
42 (b) No legislative position shall be taken by the State Bar or any committee, section
43 or other organizational element thereof except as provided for in this policy. Committees,
44 sections or other organizational elements of the Bar are encouraged to debate and discuss
45 legislation relating to their areas of expertise and to let the Advisory Committee on Legislation
46 know of their positions. The ultimate position of the State Bar, however, will be determined

47 pursuant to this Policy.

48

49 (c) A legislative position, once adopted, shall remain an official position of the State
50 Bar during the full biennial session of the General Assembly in which it was adopted unless
51 rescinded or modified.

52

53 (d) Failure to receive a necessary two thirds vote to favor or oppose legislation shall
54 not be considered adoption of the contrary position.

55

56 (e) All legislative positions adopted by the State Bar shall be reduced to writing and
57 communicated to the General Assembly as the organizational positions of the State Bar.

58

59 (f) The Advisory Committee on Legislation, the Board, or the Executive Committee
60 may allow any interested person to appear before it in person and in writing in support of or in
61 opposition to any legislative proposal being considered subject to reasonable limitations on
62 available time.

63

64 (g) The Board and Executive Committee shall have authority to take reasonable
65 action necessary to communicate and advocate legislative positions adopted pursuant to the
66 Bylaws and this policy.

67

68 (h) The Board or the Executive Committee shall have the authority to designate
69 persons to promote State Bar legislative positions. Persons so designated shall be authorized to
70 agree to and to support amendments and substitute legislation which are consistent with
71 legislative positions previously adopted pursuant to the Bylaws and this Policy. No section,
72 committee or other Bar-related organization shall hire or designate any persons or entities to
73 promote State Bar or their own legislative positions nor shall such sections, committees or Bar-
74 related organization expend any funds of the section, committee or organization in the support of
75 or opposition to any legislative positions unless expressly approved by the Board of Governors
76 or the Executive Committee. Should the Board of Governors or the Executive Committee
77 approve such expenditures, the funds of the section, committee or Bar-related organization shall
78 be paid into the Legislative Advocacy Fund.

79

80 (i) Nothing in this policy shall be construed to prevent members of the State Bar
81 from presenting their own personal views concerning any legislative matter and members are
82 encouraged to do so while making clear that they are speaking only in their personal capacity.

83

84 1.02. Board of Governors.

85

86 (a) Consideration of any legislative proposal by the Board shall proceed in the
87 following order:

88

89 (1) A written proposal shall be presented by an appropriate committee or
90 section or by any 10 members of the Board to the Advisory Committee on Legislation,
91 the President, the President-elect, and each member of the Executive Committee at least
92 30 days prior to a meeting of the Board. Such proposal shall, as a minimum, include the

93 following:

- 94
- 95 (i) the specific legislation, if any, which is pending or proposed;
- 96
- 97 (ii) if no specific legislation is pending or proposed, a statement of the
- 98 issues to be addressed by the legislation;
- 99
- 100 (iii) a summary of the existing law;
- 101
- 102 (iv) principal known proponents or opponents of the legislation and, if
- 103 possible, a brief statement of the reasons for opposition or support by the other
- 104 interests;
- 105
- 106 (v) a listing of any other committees or sections which may have an
- 107 interest in the legislation and a certification that any such committees have been
- 108 provided a copy of the proposal simultaneous to its transmission to the Advisory
- 109 Committee on Legislation; and
- 110
- 111 (vi) the position which the committee, section or group recommends be
- 112 adopted by the State Bar.

113

114 (2) The Advisory Committee on Legislation, after consideration of the

115 legislative proposal in accordance with Rule 1.04 of this policy, shall make a written

116 recommendation concerning the proposal to the Board at its next meeting. A copy of the

117 written recommendation shall be furnished to each member of the Executive Committee

118 at least ten (10) days prior to the Board meeting.

119

120 (3) The Board shall determine specifically by a majority vote of members

121 present and voting whether the proposed legislative action is germane to the legitimate

122 purposes of the State Bar.

123

124 (4) If the determination in section (3) above is affirmative, then at least two

125 thirds of the members of the Board present and voting must vote to recommend, to

126 support, or to oppose the legislative proposal.

127

128 (b) Legislative positions may be considered and adopted by the Board at any special

129 or regular meeting.

130

131 1.03. Executive Committee.

132

133 (a) Consideration of any legislative proposal by the Executive Committee shall

134 proceed in the following order:

- 135
- 136 (1) a proposal adopted by the Advisory Committee on Legislation or from a
- 137 member of the Executive Committee shall be presented;
- 138

139 (2) the Executive Committee shall specifically determine by a majority of
140 members voting whether the proposed legislative action is germane to the legitimate
141 purposes of the State Bar;
142

143 (3) if the determination in subsection (2) above is affirmative, then the
144 Executive Committee shall then determine by a majority vote of those voting either that
145 (i) the requested legislative action could not reasonably have been submitted for
146 consideration by the Board of Governors in accordance with existing policies, or: (ii) that
147 a significant material change in circumstances since the last Board of Governors has
148 made the Executive Committee action necessary;
149

150 (4) if either determination in subsection (3) above is affirmative, at least two
151 thirds of the members of the Executive Committee voting must vote to recommend, to
152 support, or to oppose the legislative proposal.
153

154 (b) The Executive Committee shall take no action inconsistent with previous action
155 of the Board on substantially identical legislation unless there has been a significant material
156 change in circumstances since the last meeting of the Board of Governors. The failure to receive
157 the required two thirds vote of the Board of Governors shall not be considered "previous action"
158 by the Board.
159

160 (c) If any emergency exists and is not feasible for the Executive Committee to act,
161 then the president, upon consultation with and agreement by any two from among the president-
162 elect, the immediate past president and the chairman of the Advisory Committee on Legislation
163 may act upon pending or proposed legislation.
164

165 (d) Any action taken by the Executive Committee or president shall be reported to the
166 Board at its next meeting.
167

168 1.04. Advisory Committee on Legislation. 169

170 (a) Structure--The Advisory Committee shall be composed of at least nine members,
171 at least six of whom shall be members of the Board at the time of their appointment and the
172 Immediate Past President.
173

174 (b) Initial Terms--The nine members of the Advisory Committee appointed to serve
175 effective July 1, 1986, shall be appointed for initially staggered terms as set out below:
176

177 (1) three members, including two members of the Board, shall be appointed
178 by the immediate past president for one-year terms.
179

180 (2) three members, including two members of the Board, shall be appointed
181 by the president for two- year terms.
182

183 (3) three members, including two members of the Board, shall be appointed
184 by the president-elect for three year terms.

185 (4) the chairman shall be appointed by the president.

186

187 (c) Terms--Commencing July 1, 1987, the president-elect shall appoint three
188 members, at least two of whom shall be members of the Board at the time of their appointment,
189 to three-year terms and shall name a chairman-elect. The chairman-elect shall become chairman
190 when the president-elect becomes president. The President, upon consultation with and
191 agreement by the President-elect shall have the power to appoint additional voting members to
192 the Advisory Committee who shall serve during the one-year term of his presidency. However,
193 in any event at least two-thirds of this Committee will be members of the Board at the time of
194 their appointment.

195

196 (d) The Advisory Committee will meet for the purpose of developing its
197 recommendations to the Board and Executive Committee with regard to requests to adopt a
198 legislative position.

199

200 (e) In each case involving a proposed legislative position, the Advisory Committee
201 shall make a recommendation to the Board or the Executive Committee on the following:

202

203 (1) whether the proposed legislative action is germane to the legitimate
204 purposes of the State Bar; and

205

206 (2) the legislative position which the Board or Executive Committee should
207 adopt.

208

209 (f) In addition to the above, the Advisory Committee shall also have the authority to
210 draft and submit to the Board or the Executive Committee, legislative concepts which may or
211 should be the subject of legislation and recommend positions with respect thereto.

212

213 (g) When the General Assembly is in session, appropriate committees and sections of
214 the State Bar may submit legislative proposals to the Advisory Committee for approval by the
215 Executive Committee. All such proposals, however, shall be in writing and satisfy the format
216 requirements set forth in subsection (a) (1) of Rule 1.02 of this policy.

217

218 (h) The Advisory Committee may review legislation filed in the State Legislature
219 which would require an amendment to the State Constitution. The Advisory Committee may
220 determine whether the State Bar should take a position pursuant to this policy regarding the
221 proposed constitutional amendment.

222

223 (i) All matters concerning contract and finance shall be submitted to the Executive
224 Committee for approval.

225

226 1.05. Legislative Drafting and Consulting Services.

227

228 (a) The State Bar, at the sole discretion of the Executive Committee, may provide
229 legislative drafting, legal research and other similar services to the Office of the Governor and
230 members of the Georgia General Assembly. THE DECISION BY THE STATE BAR TO

231 PROVIDE SUCH SERVICES DOES NOT CONSTITUTE AN ENDORSEMENT BY THE
232 STATE BAR OF ANY LEGISLATION REVIEWED OR DRAFTED.
233

234 (1) All requests for legislative drafting or consulting services should be
235 directed to the President of the State Bar who shall immediately place the request on the
236 agenda of the next Executive Committee Meeting.
237

238 (2) Consideration of any legislative drafting or consulting request by the
239 Executive Committee shall proceed in the following order:
240

241 (i) the president shall present the request for legislative drafting or
242 consulting services to the Executive Committee;
243

244 (ii) the Executive Committee shall specifically determine by a majority
245 of members voting that the drafting, research or review of the proposed legislation
246 would not be adverse to the interests of the State Bar;
247

248 (iii) if the determination in subsection (ii) above is affirmative, then the
249 Executive Committee shall determine by majority vote whether or not to provide
250 such services;
251

252 (iv) if the determination in subsection (iii) above is affirmative, the
253 Executive Committee shall refer the matter to the Legislative Research
254 Committee, or other appropriate State Bar committee or section.
255

256 (3) Should any emergency exist and it is not feasible for the Executive
257 Committee to act, then the President, upon consultation with and with agreement by any
258 two from among the President-elect, the immediate past President, the Chair of the
259 Advisory Committee on Legislation or the Chair of the Legislative Research Committee,
260 may act upon the pending request for legislative drafting or consulting services.
261

262 (4) The final copy of any proposed legislation drafted by any member or
263 members of the State Bar under this provision shall contain the following disclaimer at
264 the head of the first page, unless the proposed legislation has been considered under the
265 provisions of section 1.01 through 1.04 above: "The State Bar of Georgia has drafted the
266 following proposed legislation as a service to the Georgia General Assembly and the
267 Office of the Governor. The State Bar takes no position either for or against the
268 enactment of such legislation unless the legislation is approved under the provisions of
269 the State Bar of Georgia's Standing Board Policy 100."
270

271 (b) Whenever the Executive Committee grants a request to provide legislative
272 drafting or consulting services under this rule, the President, or his or her designee, shall report
273 to the next meeting of the Board of Governors the nature of the referral and current status.

D-R-A-F-T
STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MEETING MINUTES
Saturday, October 19, 2019/9:00 a.m.
The DeSoto Savannah/Savannah, GA

The 280th meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Darrell Sutton, President, presided.

Special Recognition

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

Roll Call

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

Future Meetings Schedule

Sutton reviewed the Future Meetings Schedule.

Minutes of the 278th and 279th Meeting of the Board of Governors

Secretary Sally Akins presented the minutes of the Board of Governors meetings held June 7 and June 8, 2019, at the Ritz-Carlton Orlando, Grande Lakes, in Orlando, Florida. By unanimous voice vote, the Board of Governors approved the minutes.

Amendments to Bylaws and Rules

Following a report by Sutton, the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court of Georgia the following proposed Bylaws and Rules amendments (Exhibit B): 1) Rule 1-702. Standing Committees; Special Committees; 2) Rule 4-204.1 Notice of Investigation; 3) Rule 1.1 Competence; 4) Rule 1.6 Confidentiality of Information; 5) Rule 1.15(III) Record Keeping; Trust Account Overdraft Notification; Examination of Records; 6) Rule 1.18 Duties to Prospective Client; 7) Rule 1.0 Terminology and Definitions.

Approval of New Cannabis & Hemp Law Section

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved the creation and proposed Bylaws (Exhibit C) of a new Cannabis & Hemp Law Section, with the addition of a sentence under Section 1 that reads “This Section will not promote or encourage the violation of any local, state, or federal laws.”

Amendments to the Appellate Practice Section Bylaws

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved amendments (Exhibit D) to the Bylaws of the Appellate Practice Section.

Appointments to the Commission on Continuing Lawyer Competency (CCLC)

The Board of Governors, by unanimous voice vote, approved the reappointments of Kent Altom and Anne Kaufold-Wiggins to the CCLC for three-year terms (2020-2022).

Advisory Committee on Legislation (ACL)

Following a report by ACL chair Amy Howell, 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>
1) Support for FY 2021 Judicial Council Budget Request-\$750,000 to Fund Civil Legal Services Grants for Kinship Care Families	Passed by unanimous voice vote	Passed by unanimous voice vote
2) Support for FY 2021 Judicial Council Budget Request-\$2.5M to Fund Civil Legal Services Grants for Victims of Domestic Violence	Passed by unanimous voice vote	Passed by unanimous voice vote
3) Proposed Amendments to Title 53, (Wills, Trust, and Administration of Estates)	Passed by unanimous voice vote	Passed by unanimous voice vote

Amy reported that the Uniform Mediation Act, a carry-over bill from last year, will also be part of the Bar’s 2020 legislative agenda. Thereafter, Amy announced that the next ACL meeting will be held December 5, 2019.

The Board of Governors received the minutes of the ACL meeting held September 11, 2019.

Legislative Update

Director of Governmental Affairs Christine Butcher Hayes and Legislative Consultant Rusty Sewell provided a legislative update, thanking Amy for her leadership of the ACL. Christine reported work was done over the summer about the integration of the Uniform Mediation Act into the Georgia Code. Another proposal has arisen following a study committee about remote online notarization, which several states have adopted. The ACL is working with the Real Property and Fiduciary Law Sections on a previously drafted bill about this issue.

Treasurer's Report

Treasurer Elizabeth Fite reported about the Bar's finances and investments. She discussed the timeline for the Bar's budget process and discussed why the Bar used negative budgeting to draw down unallocated funds. She referred the Board members to the Status and Use of Cash Investments and the Board Designated and Donor Temporarily Restricted Net Assets reports that reflect a breakdown of where the cash and investments reside within the Bar. Fite also reported that the Finance Committee will be studying appropriate Bar reserve levels.

The Board of Governors received the combined Operations and Bar Center Consolidated Revenues and Expenditures Report as of June 30, 2019; Bar Center Revenues and Expenditures Summary for the Twelve Months through June 30, 2019; Income Statement YTD-Operations for the Twelve Months Ending June 30, 2019; Status and Use of Cash Investments as of June 30, 2019; Board-Designated and Donor Temporarily Restricted Net Assets as of June 30, 2019; Summary of Members and Voluntary Legislative Contributions Paid through June 30, 2019; Summary of Members and Voluntary Contributions to GLSP Paid through June 30, 2019; Legislative Activity Report from July 1, 2018 through June 30, 2019; and Cornerstones of Freedom Activity Report from July 1, 2018 through June 30, 2019.

The Board of Governors also received ICLE financial reports: Statement of Financial Position June 30, 2019; and Statement of Revenues and Expenses from July 1, 2019 with Budget for the Fiscal Year ended June 30, 2019.

Report on Programs Assessments

Sutton reported that the Bar has been operating within an annual budget that has intentionally spent down unallocated funds. Reversal of that trend is now necessary, however, in order to preserve the existence of adequate unallocated funds. Current forecasts indicate that to do this with the start of the 2021 Bar year, operation within a balanced budget is required. That will in turn require a substantial dues increase, if the Bar continues to operate with no changes to Bar programs.

To illustrate this, Sutton reviewed the Cash Activity Projection for 2019-2020 and Subsequent Years Based Upon the 2019-2020 Budget report. This reflects what will happen if dues are raised by \$2, \$6, and \$10 per year, and then the dues amount required for the Bar to operate within a balanced budget. Sutton then reviewed the Cash Activity Projection report that indicates the 1) total net losses likely to be incurred each year with only a \$2 due increase and no changes to programming; 2) a balanced budget with no changes to programming, reflecting dues at \$276 in 2020-21 and increasing \$8 each year thereafter; and 3) a balanced budget with assessments (\$15 professionalism fee and \$15 CSF assessment) and no changes to programming, reflecting dues at \$306 in 2020-21 and also increasing \$8 each year thereafter.

Sutton reported that to ensure that any dues increase is only an amount absolutely necessary, and considering that the majority of the Bar's expenses (apart from personnel) are associated with the Bar's programs, alterations to programs were considered. This was done by the Programs Committee conducting an independent assessment of each program. Using a rating criteria, each program received a letter rating to indicate the Program's Committee's assessment of each program's relationship to the Bar's mission, and a number rating to indicate the Program's Committee's assessment of how well each program fulfills its purpose, considering other funding sources. The result of that assessment is reflected on the State Bar of Georgia Programs and Related Entities chart (Exhibit E).

Sutton reported that the Executive Committee then considered the Programs Committee's assessment and made recommendations to eliminate the funding for 1) BASICS, 2) The Resource Center, and 3) iCivics; to 4) sunset MLAP in recognition of other complementary legal clinics; and 5) conduct a further review of the Pro Bono Project before making a final funding decision. The Executive Committee also voted to recommend to the Chief Justice's Commission on Professionalism a reduction in the mandatory professionalism assessment from \$15 to \$5, and to pass along to Bar members the convenience fee associated with credit card payments. Each Bar program was also asked to develop a plan for reducing costs by up to 10%.

Sutton reported that the Executive Committee thereafter held a meeting to hear presentations from proponents of the programs slated to be impacted. Following that meeting, the Executive Committee's recommendations to eliminate the funding for BASICS and iCivics was unchanged. A motion to endorse making MLAP a subset of the Bar's Pro Bono Project, with GLSP assuming the cost associated with it, was approved. The recommendation to eliminate Bar funding for The Resource Center was rescinded. Sutton also reported that at the request of the Executive Committee, Bar staff identified \$500,000-\$600,000 of cost reductions in the operating budget.

Sutton explained the reasons for the processes undertaken, which included objectivity, timing, and the opportunity for proponents to be heard by the Executive Committee and by the Board of Governors before any action is taken. He further reported that we cannot use ICLE assets to balance the Bar's budget due to restrictions contained in the State Bar/ICLE asset transfer agreement. Lastly, Sutton said challenges such as *Fleck* are not the reason why this process was undertaken, and in fact, this process would have become necessary even if *Fleck* and similar challenges had never arisen, because the budgeting design used by the Bar that resulted in this process becoming necessary arose independent of those challenges.

The Board of Governors then received information from various programs.

Presentation from BASICS

Former BASICS Committee chair Seth Kirschenbaum and Director of the BASICS Program Michelle Menifée presented an overview of the BASICS program. BASICS is an offender rehabilitation program that provides work training and other life skills to inmates who are within 12 months of release. It operates a 10-week program in 21 transition centers around the state, and has graduated 14,000 inmates since its inception 43 years ago. Seth also reported that since the Bar has been deferring dues increases to spend down excess funds, the dues amount has not even kept up with inflation. He believes it is time for the Bar, which has one of the lowest dues rates in the country, to have an appropriate dues increase so that it can continue to fund the BASICS program. Seth asked the Board of Governors to vote to keep BASICS when a vote is taken.

BASICS Committee chair Michael Terry discussed why he believes BASICS is *Keller* compliant. He said stopping recidivism stops the courts from being clogged by unnecessary cases and improves the administration of justice. The BASICS graduations are truly inspirational and the Bar's reputation is greatly enhanced by this program. The floor was opened for comments and questions after Terry's presentation.

Jon Pannell asked about the existence of other sources of funding for BASICS, but Seth reported that right now 100% of the funding comes from the Bar. Both Seth and Mike reported that attempts to have the state fund BASICS have been unsuccessful.

When asked what other services BASICS provides that inmates cannot get otherwise, Michelle said BASICS is the only program helping inmates with their skills set and what they can do to sustain themselves, particularly through entrepreneurial opportunities.

David Cannon asked about past funding and who tracks the recidivism rate. Seth reported that the Georgia Bar Foundation formerly funded BASICS, but when the Great Recession occurred, the Bar assumed funding BASICS. He also reported that the Department of Corrections (DOC) keeps statistics about recidivism.

Jack Long asked for a breakdown of how the \$150,000 BASICS budget is spent. He said that BASICS reportedly serves 325 inmates per year and asked how is that number is reached and why is it not larger than that given the number of inmates who could be served. Seth reported that the majority of funds go to salaries for trainers and workbooks. The BASICS program costs about \$300 per student for each course.

Eric Ballinger asked how long it has been since BASICS asked the DOC or other legislative body for funding. Seth reported he and then President Ken Hodges met with the DOC and were told it cannot fund BASICS. Michael reported that BASICS is exploring grant opportunities.

Joe Dent said a number of programs like BASICS were funded by the Georgia Bar Foundation and when those funds were no longer available, those programs found other sources of funding outside of the Bar.

Presentation from iCivics

There was no presentation by iCivics.

Report from MLAP

Sutton identified the existing significant overlap between MLAP and the Pro Bono Project. The only change being made to MLAP under the proposed arrangement is that GLSP will now fund it instead of the Bar.

Eric Ballinger reported that the Pro Bono Project already maintains the list of lawyers who volunteer for MLAP, and MLAP sees that those lawyers are qualified, so the entities work in tandem. Eric also reported that MLAP will continue to work with the Military/Veterans Law Section on other projects and the Section will maintain the restricted funds donated in memory of Past President Jeff Bramlett. Eric also recognized MLAP Director Christopher Pitts, who replaced Norman Zoller.

Pro Bono Director Mike Monahan reported that he is grateful for the opportunity to work with MLAP. The Pro Bono Project has assets it can bring to the table, including a case management system and a pro bono infrastructure that can further identify potential volunteers and services beneficiaries in our communities. He also reported that the ABA has approached GLSP and MLAP about an opportunity for a three-year grant to provide military legal assistance efforts.

Judge Paige Reese Whitaker asked for more information on The Resource Center's funding sources before the Midyear Meeting. She stated that in addition to what the Bar provides, The Resource Center gets substantial funding for its program from the state, which is representing 5 death-row inmates. Sutton reported that if the Board wishes to hear from The Resource Center, he will make arrangements to have Resource Center representatives available at the Midyear Meeting.

Jon Pannell reported that the programs discussed were identified as desirable, but not essential to the Bar. The aggregate of those programs is \$35.75 per member. He

encouraged the Executive Committee, before the Midyear Meeting, to develop an explanation for why certain of the C-ranked programs were left intact. He said the Board of Governors needs to balance the programs that should be cut with a determination about a reasonable dues increase, and this should be done by determining whether all C-ranked programs should continue or be reduced or eliminated.

Tina Shadix Roddenbery requested that a history of dues increases be included with the next Board meeting agenda, as well as the Programs Committee minutes.

Jack Long asked that the ABA assessment of Bar dues across the country also be included with the next Board meeting agenda.

Judge David Cannon thanked the Executive Committee for undertaking the programs assessment.

Sutton asked Board members to take the information provided to their constituents for feedback and to contact him or any other member of the Executive Committee if needed for assistance or more information. The Board of Governors will be asked to take whatever action it deems appropriate at the Midyear Meeting.

President's Report

Sutton reported that two of the programs that received C ratings were the Fee Arbitration Program and the Clients' Security Fund (CSF). He had previously reported that he appointed Elena Kaplan and Sharri Edenfield to lead a committee assessing consolidation of the Bar's consumer programs. Due to the programs assessment, he has instead asked them to undertake a review of these two programs to determine whether they can be restructured to make them more effective, and if so, to develop a proposed set of rules and guidelines for each for presentation and consideration by the Board at the Spring meeting.

Young Lawyers Division (YLD)

YLD President Will Davis reported on the activities of the YLD. He said 60 young lawyers attended the YLD Summer Meeting on St. Simons Island, and he thanked Jon Pannell who led the CLE program. He stated that all of his meetings are in Georgia to encourage as many young lawyers to attend as possible. He has also asked YLD committees to hold at least one event outside of Atlanta this year. He recognized Samantha Dorsey and Jena Emory, co-chairs of the Women in the Profession Committee, who are doing a great job getting that committee off the ground. It recently held a lunch and learn program focused on skills to build self-confidence in an out of the courtroom presented by Superior Court Judge Kimberly Childs. The YLD Advocates for Students with Disabilities, co-chaired by Jack Grote and Jenna Rubin, is hosting a CLE on October 23 at the Bar Center. He announced that there is a Wills Clinic being conducted today for

first-responders in Hapeville. He is looking forward to the Fall Meeting on November 15-17 at Lake Lanier where Christine Butcher Hayes will lead a CLE program on *Fleck*, and there will also be a wellness event and food bank drive. The National Moot Court Competition will take place on November 22-23 at the Richard B. Russell courthouse, and there is an online signup to serve as a volunteer judge for the competition. He announced that the Leadership Academy applications will go out next Friday, and the annual Signature Fundraiser will be held March 21, 2020 supporting GLSP. Will congratulated YLD Immediate Past President Rizza O'Connor who has been selected to the travel to the Philippines and partnership with its embassy to learn about its government. Lastly, Will asked the Board members to consider allowing a young lawyer in their office to attend a YLD meeting.

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

Standing Executive Committee Policy 100 Amicus Brief Policy

Sutton reported on a proposed addition to *Amicus Brief* policy that allows the Executive Committee to authorize deviations from the policy in order to weigh-in on federal litigation regarding the unified bar. As amended, the policy allows the Executive Committee to waive the provisions of the policy with two-thirds vote. It requires the Committee to report the waiver to the Board at the next regular Board meeting. Requests for filing an amicus brief will still come to the Board of Governors when there is sufficient time for consideration by the Board, and as the governing authority for the Bar, the Board may vote to rescind any action taken by the Executive Committee.

Professional Liability Insurance (PLI) Committee Report

PLI Committee chair Chris Twyman reported that the committee has met monthly since August to consider if attorneys in private practice should be required to have professional liability insurance. It has made changes from the proposal made last year and is currently looking at four options: Option One is mandatory disclosure, Option Two is mandatory disclosure with voluntary risk assessment, Option Three is mandatory disclosure with mandatory CLE for lawyers without insurance, and Option Four is mandatory insurance. The committee will meet again on November 5 to improve and build on the exemptions and received very helpful ideas at yesterday's town hall meeting on how to expand on those exemptions. The committee hopes to have its final recommendations to the Board of Governors in the Spring, and a vote on any of those recommendations in June. There will be another town hall meeting in conjunction with the Midyear Meeting. Chris thanked the committee members, and Paula Frederick and her staff, for their assistance on this initiative

SOLACE Committee

Court of Appeals Judge and SOLACE Committee Co-chair Clyde Reese reported on a Suicide Awareness Program on April 28, 2020 that is being cosponsored by the

SOLACE, Wellness, and Suicide Prevention and Awareness Committees, the CJCP, Drew Eckl Farnham, and ICLE. The program will be moderated by Sally Yates, and speakers include Past President Robin Frazer Clark, R. Javoyne Hicks, Dr. Ben Hunter, Eric Lang, and Judge Bill Reinhardt. Members of the planning team working with Judge Reese are Judge Render Heard, Judge Shondeana Morris, and Joe Chancey. Judge Reese stated that unfortunately, this is a timely topic for many in the legal profession. The committee is also seeking related sponsors from across the legal community, and he asked the Board members to help publicize the program. Lastly, Judge Reese also reminded everyone that Bar members are entitled to six (6) prepaid clinical session per calendar year through Lawyer Assistance Program (LAP).

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on May 3, May 21, August 1, September 6-7, and October 2, 2019.

Annual Meeting Evaluation Results

The Board of Governors received a copy of the results of the Annual Meeting Evaluations.

Chief Justice's Commission on Professionalism

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

Client Assistance Program

The Board of Governors received a written report from the Client Assistance Program.

Law Practice Management Program

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

Military Legal Assistance Program

The Board of Governors received a written report from the Military Legal Assistance Program.

Office of General Counsel

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

Communications Media Report

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

YLD Report

The Board of Governors received a written report from the Young Lawyers Division.

Old Business

There was no old business.

New Business

Javoyne Hicks announced that the Wellness Committee is sponsoring an Out of Darkness Walk in Piedmont Park on November 3 and encouraged everyone to participate and wear their wellness tee shirts.

Remarks/Q&A/Comments/Suggestions

Sutton opened the floor to remarks, questions, comments and suggestions.

Adjournment

There being no further business, the meeting was adjourned at 11:30 a.m.

Sarah (Sally) B. Akins

Darrell L. Sutton, President

BASICS

322 Young James Circle, Stockbridge, Georgia 30281
Phone: 404-691-9993 Fax: 404-691-4133

October 1, 2019

State Bar of Georgia
104 Marietta Street, NW
Suite 100
Atlanta, Georgia 30303
(404) 527-8700

Dear State Bar of Georgia:

BASICS would like to thank you again for believing in the program and acknowledging how great of an asset it is to have this program as part of The State Bar of Georgia's offerings. The State Bar of Georgia has made it possible for BASICS to continue to teach participants about the World of Work, and offer them hope, motivation, and skills which will allow them to establish themselves in the community upon their release. We have completed thirteen (13) classes, all of which were funded by the State Bar. This fiscal year, the BASICS Program had three-hundred, sixty-eight (368) participants to graduate.

For funds expended from July 1, 2018 through June 30, 2019, it is my pleasure to report the following uses of funds granted to BASICS from the State Bar of Georgia:

Line Item	Amount Used	Grant Amount	Balance
Administration	\$34,000.00	\$34,000.00	\$0.00
Contract Services (13 classes)	\$94,500.00	\$94,500.00	\$0.00
Equipment, Marketing, Website, Graduation, and Support Services	\$10,000.00	\$10,000.00	\$0.00
Supplies	\$3,000.00	\$3,000.00	0.00
Telephones	\$1,500.00	\$1,500.00	\$0.00
Database Expenses Set aside	\$5,000.00	\$5,000.00	\$0.00
Travel	\$2,000.00	\$2,000.00	\$0.00
TOTALS	\$150,000.00	\$150,000.00	\$0.00

Leaders and supporters of the BASICS Program, which prevents crime and improves our society, are truly grateful for the opportunity the State Bar of Georgia funds provide to give hands-on "World of Work" training and counseling to incarcerated men and women of Georgia's penal system. We are committed to program success for many years to come.

Respectfully Submitted,



Cc: Seth Kirschenbaum, Sharon Bryant

State Bar of Georgia
Bar Association Support to Improve Correctional Services

**Georgia Resource Center Funding Sources Received
FY 2017 to FY 2019**

FY 2017			
State of Georgia	800,000		
State Bar of GA	110,332		
Interest	205		
Donations all	8,508		
Federal Vouchers	335,205	FY 2017	1,254,250
FY 2018			
State of Georgia	800,000		
State Bar of GA	110,332		
Interest	388		
Donations all	8,041		
Federal Vouchers	327,917	FY 2018	1,246,678
FY 2019			
State of Georgia	800,000		
State Bar of GA	111,330		
Georgia Bar Foundation	60,000		
Interest	64		
Donations	31,162 ¹		
Federal Vouchers	214,490	FY 2019	1,216,046

¹ Includes 25,000 Vital Projects Grant, year 1 of 3.

**State Bar of Georgia
Dues History**

Dues History:	Year End 6-30	Members	Increase	Dues Percent Increase	CPI Increase	CPI Year(s)
\$75	1976-1983	6/30/83 = 15,000	N/A	N/A	109.469%	1974-1981
\$90	1984-1987	6/30/87 = 19,425	\$15	20.00%	16.082%	1982-1985
\$110	1988-1989	6/30/89 = 20,193	\$20	22.22%	4.949%	1986-1987
\$135	1990-1995	6/30/95 = 26,320	\$25	22.73%	25.267%	1988-1993
\$150	1996-2000	6/30/00 = 30,894	\$15	11.11%	12.855%	1994-1998
\$175	2001-2003	6/30/03 = 33,706	\$25	16.67%	7.678%	1999-2001
\$190	2004	6/30/04 = 34,717	\$15	8.57%	1.286%	2002
\$208	2005	6/30/05 = 35,704	\$18	9.47%	2.308%	2003
\$218	2006	6/30/06 = 36,694	\$10	4.81%	2.538%	2004
\$230	2007 and 2008	6/30/08 = 38,852	\$12	5.50%	7.096%	2005-2006
\$236**	2009-2011	6/30/11 = 42,334	\$6	2.61%	6.751%	2007-2009
\$238	2012	6/30/12 = 42,957	\$2	0.85%	1.681%	2010
\$240	2013	6/30/13 = 44,184	\$2	0.84%	3.445%	2011
\$246***	2014	6/30/14 = 45,143	\$6	2.50%	2.115%	2012
\$248	2015-2017	6/30/17 = 47,967	\$2	0.81%	3.093%	2013-2015
\$250	2018	6/30/18 = 48,046	\$2	0.81%	1.106%	2016
\$252	2019	6/30/19 = 48,324	\$2	0.80%	2.047%	2017
\$254	2020	Budgeted 6/30/20 = 48,645	\$2	0.79%	2.224%	2018

History of Dues Cap

The first cap was set at \$150 by Supreme Court Order, dated January 25, 1983. Prior to then, every dues charge had to be done by a separate Supreme Court Order. The cap was raised to \$250 by Supreme Court Order, dated September 14, 1995. The cap was raised again to \$350 by Supreme Court Order, dated January 7, 2009.

**One time dues credit of \$20 per active member (\$10 inactive) approved by Board of Governors, reducing net active dues to \$216 (\$108 inactive) for 2008-09 only.
 ***One time dues credit of \$2 per active member (\$1 inactive) approved by Board of Governors, reducing net active dues to \$244 (\$122 inactive) for 2013-14 only.

Membership counts as of June 30, 2017 and subsequent represent total members excluding emeritus.

The CPI increase is based upon the Annual Consumer Price Index - Bureau of Labor Statistics Data - South Region for the year in which the budget is related to. For example, the CPI increase from December 2017 to December 2018 will be reflected in the 2019-2020 budget shown above. This is because the CPI amounts are published in January 2019 and that is the time that the budget for the year 2019 - 2020 is beginning to be developed.



State Bar of Georgia

To: Executive Committee Members
Board of Governors Members
Past Presidents
From: President Darrell Sutton
RE: Assessment of Bar Programs & Dues Impact
Date: October 10, 2019

Dear Board Members,

During the Saturday Board of Governors meeting at the 2019 Annual Meeting, the treasurer's report and presentation forecasted that in order for the State Bar to operate within a balanced budget with the start of the 2020-2021 Bar year, a substantial dues increase would be required. This increase is necessary because if the Bar continues to operate within the same annual budget with no changes to Bar programs and only another \$2 dues increase, a net loss of nearly \$800,000 would be incurred during the 2020-2021 Bar year. (See pages 169-170.) If the Bar continued on this same trajectory, that loss would grow to more than \$8 million by the 2024-2025 Bar year.

To operate within a balanced budget with no changes to Bar programs, a dues increase of \$22 for the 2020-2021 Bar year will be required. (See page 170.) This will grow by \$8 per year for at least the next five years, or a total of \$54 by the 2024-2025 Bar year.

In addition to this, each active Bar member was set to pay an additional \$30 in mandatory assessments, beginning with the 2020-2021 Bar year: a \$15 professional assessment and a \$15 Client Security Fund assessment. As a result, this upcoming spring each active Bar member would receive a dues notice requiring her or him to pay \$306 in dues and assessments, when she or he paid only \$269 in dues and assessments this past spring. (See page 171.) A year-over-year difference of \$37.

There are Bar members for whom that difference is not significant. There are others, however, for whom it is. After receiving this information, Bar leadership felt it necessary to develop a process to determine whether there are opportunities to reduce operating expenses in order to reduce or eliminate the need for an increase in Bar dues, or so that any dues increase is only what is absolutely necessary.

Aside from personnel costs, the majority of the Bar's expenses are connected to the operation of its 24 programs. Accordingly, to reduce its expenses, the Bar had to evaluate a reduction in its programs. To determine the programs that could be reduced, an objective assessment of each program was required.

I therefore instructed the Programs Committee to conduct an independent objective assessment of each Bar program. The Programs Committee met three times during July and August for a total of between 10 and 12 hours. (See pages 173-189.) Using a rating criteria modified by Bar staff for use by the State Bar of Georgia, the Programs Committee assigned each program a letter rating to indicate that program's relationship to the Bar's mission, as well as a number rating to indicate how well that program's expenditure fulfills the program's purpose. (See page 172.)

At its extended meeting, the Executive Committee received a report and presentation about the results of the Programs Committee assessment. Considering that assessment, the Executive Committee weighed which programs most closely connect with the Bar's mission and identified several recommendations for the Board:

1. Eliminate the Bar's funding of the BASICS program;
2. Eliminate the Bar's funding of The Resource Center;
3. Conduct further review of the Pro Bono Project before deciding upon a final recommendation;
4. Eliminate the Bar's funding of iCivics;
5. Sunset the Bar's MLAP program in recognition of other complementary legal clinics; (See page 241.)

The Executive Committee also voted to recommend to the Chief Justice's Commission on Professionalism a reduction the mandatory professionalism assessment from \$15 to \$5. (See pages 241-242.) This was in addition to a decision to pass along to members paying dues online the convenience fee associated with their credit card payments, as well as a directive to each Bar program to identify a plan for reducing its cost by 10%. (See page 242.)

Unwilling to pass the first five recommendations to the Board without the opportunity to hear further information directly from the programs proposed to be impacted, the Executive Committee voted to receive a presentation from each impacted program. (See page 242.)

These presentations were made to the Executive Committee on October 2. (See pages 246-248.) Following them, the Executive Committee finalized its recommendations to the Board:

1. Eliminate funding of the BASICS program;
2. Eliminate the Bar's funding of iCivics; (See page 249.)

In addition, the Executive Committee endorsed making MLAP a subset of the Bar's Pro Bono Project, with a corresponding agreement by Georgia Legal Services Program to assume the cost of that program. (See page 249.) The recommendation to eliminate the Bar's funding of The Resource Center was rescinded. (See page 249.)

The Executive Committee also received a report from Bar staff corresponding with the request to identify potential 10% of cost reductions. Bar staff undertook this charge and completed a thoughtful analysis of Bar operations to identify between \$500,000 and \$600,000 of internal cost reductions that, if approved by the Board of Governors, can likely be realized in conjunction with budgeting for the 2020-2021 Bar year. (See page 248.)

These recommendations, including those about BASICS, iCivics and MLAP are being provided to the Board as information for your consideration. Each of the potentially impacted programs will be provided an opportunity to present directly to the Board of Governors during this Board meeting. **No action will be taken regarding these recommendations until the Midyear Board of Governors meeting.**

Sincerely,
Darrell
DLS@Sutton-Law-Group.com

**Page numbers referenced above are contained in the 2019 Fall BOG Board Book.*

CASH ACTIVITY PROJECTION:

\$2 INCREASE EACH YEAR (no changes to programming)

	2020-21	2021-22	2022-23	2023-24	2024-25
	\$256	\$258	\$260	\$262	\$264
<i>Total net loss:</i>	(\$795,069)	(\$1,181,507)	(\$1,587,305)	(\$2,013,150)	(\$2,459,752)
					(\$8,036,783)

BALANCED BUDGET: FEES (no changes to programming)

	2020-21	2021-22	2022-23	2023-24	2024-25
	\$276	\$284	\$292	\$300	\$310
<i>Total net income:</i>	\$93,361	\$77,597	\$51,217	\$13,534	\$57,053
					\$292,762

BALANCED BUDGET: FEES & ASSESSMENTS (no changes to programming)

	2020-21	2021-22	2022-23	2023-24	2024-25
	\$306	\$314	\$322	\$330	\$340
<i>Total net income:</i>	\$93,361	\$77,597	\$51,217	\$13,534	\$57,053
					\$292,762



State Bar of Georgia

BAR NUMBER:
STATUS:

2019-2020 LICENSE FEE AND ASSESSMENTS NOTICE DUE JULY 1, 2019

PAY ONLINE AT WWW.GABAR.ORG
Or mail to P.O. Box 102054, Atlanta, GA 30368-2054
TAX ID NUMBER: 58-0939523

QUESTIONS?
PHONE: 404-527-8777 or 800-334-6865
EMAIL: membership@gabar.org
WEB: www.gabar.org

SUMMARY

A. \$ 269

SUMMARY

A. \$ 269 (+) Your Amount Includes:

License Fee: Active \$254 or Inactive \$127
Mandatory Professionalism Fee of \$15 (Active <70 only)
Bar Facility Assessment of \$0 (See note on back)

- C. \$ (-) Deduct Legislative & Public Education Fund Contribution
 - D. \$ (+) Section Dues
 - E. \$ (+) Georgia Legal Services Program Contribution
GLSP is a nonprofit law firm that provides civil legal services for low income persons, creating equal access to justice and opportunities out of poverty. Suggested contributions are \$300 per year; \$100 for younger lawyers. Or, pledge \$ _____ to be fulfilled later. Thank you!
 - F. \$ (+) Late Fee (After 8/1)
- \$ 269 TOTAL PAYMENT**

PAYMENT SCHEDULE

- JUL 1 Fees due for 2019-20 Bar year (July 1, 2019, through June 30, 2020)
- AUG 1 \$75 late fee if USPS postmark is after 11:59 p.m. (EST) on August 1
- SEPT 1 Ineligible to practice
- JAN 1 \$175 late fee if USPS postmark is after 11:59 p.m. (EST) on January 1

CREDIT CARD PAYMENTS

The State Bar of Georgia is unable to accept faxed or emailed license fee notices for credit card charges. Credit card payments using Visa, Mastercard and American Express can be made at www.gabar.org or by completing the section below.

CREDIT CARD NUMBER _____

EXPIRATION DATE _____ AMOUNT AUTHORIZED TO CHARGE (REQUIRED) _____

\$15 Aviation (04)	\$15 Immigration (13)
\$35 Bar/Industry (05)	\$15 Individual Rights (12)
\$20 Blue (09)	\$35 Intellectual Property (16)
\$20 Business (06)	\$25 International (14)
\$20 Child Protection & Advocacy (55)	\$20 Judicial (47)
\$25 Class Action (61)	\$20 Labor & Employment (15)
\$35 Constitutional Law (56)	\$25 Law & Economics (58)
\$25 Construction Law (60)	\$10 Legal Economics (26)
\$25 Consumer (48)	\$10 Local Government (16)
\$25 Corporate Counsel (28)	\$15 Military/Veterans (17)
\$20 Credent's Rights (38)	\$25 Nonprofit (39)
\$20 Criminal (07)	\$25 Product Liability (33)
\$20 Dispute Resolution (38)	\$15 Professional Liability (54)
\$25 E-Discovery (57)	\$35 Real Property (19)
\$20 Elder (40)	\$15 School & College (30)
\$35 Enlistment Domain (43)	\$10 Senior (41)
\$20 Employee Benefits (52)	\$20 Taxation (20)
\$25 Entertainment & Sports (25)	\$25 Privacy & Technology (27)
\$25 Environmental (08)	\$15 Tort & Insurance Practice (13)
\$20 Equine (49)	\$30 Workers Compensation (21)
\$35 Family (09)	

NOTICE OF DESIGNATED ATTORNEY

I hereby nominate the following State Bar of Georgia member(s) to assist with coordinating the return of client files and property in the event I become an "absent attorney" as defined under Rule 4-229(i) of the Georgia Rules of Professional Conduct. I have discussed this with the person(s) named below, and they are willing to be considered to serve in this capacity. (See insert for additional information.)

NAME _____ STATE BAR NUMBER _____

NAME _____ STATE BAR NUMBER _____



State Bar of Georgia

BAR NUMBER:
STATUS:

2020-2021 LICENSE FEE AND ASSESSMENTS NOTICE DUE JULY 1, 2020

PAY ONLINE AT WWW.GABAR.ORG
Or mail to P.O. Box 102054, Atlanta, GA 30368-2054
TAX ID NUMBER: 58-0939523

QUESTIONS?
PHONE: 404-527-8777 or 800-334-6865
EMAIL: membership@gabar.org
WEB: www.gabar.org

SUMMARY

A. \$ 306

SUMMARY

A. \$ 306 (+) Your Amount Includes:

License Fee: Active \$276 or Inactive \$138
Mandatory Clients' Security Fund Assessment of \$15
Mandatory Professionalism Fee of \$15 (Active <70 only)
Bar Facility Assessment of \$0 (See note on back)

- C. \$ (-) Deduct Legislative & Public Education Fund Contribution
 - D. \$ (+) Section Dues
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NAME _____ STATE BAR NUMBER _____

NAME _____ STATE BAR NUMBER _____

State Bar of Georgia
Cash Activity Projection For 2019-2020 and Subsequent Years
Based Upon 2019 - 2020 Budget

Based upon budgeted members for 2019 - 2020 year, every \$2 increase in dues would equal \$87,750 in additional dues revenues.
This \$2 increase equates to approximately an increase of 0.79%.

	Projected 2019- 2020 Currently - Dues \$254	Projected Dues Increase - \$2 Per Year to \$256 per year	Projected Dues Increase - \$6 Per Year to \$260 per year	Projected Dues Increase - \$10 Per Year to to \$264 per year	Projected Dues To Break Even
Estimated Activity for 2019 - 2020					
Estimated Combined Income (See Note 1 below)	15,050,078				
Estimated Combined Expenses (See Note 2 below)	<u>(15,565,154)</u>				
Estimated Net Income (Loss) for 2019 - 2020	<u>(515,077)</u>				
Estimated Activity for 2020 - 2021 (Year 1)					
					Dues \$276
Estimated Combined Income (See Notes 1 and 3 below)		15,087,212	15,087,212	15,087,212	15,087,212
Estimated Combined Expenses (See Notes 2 and 4 below)		(16,109,935)	(16,109,935)	(16,109,935)	(16,109,935)
Increase in Bar Membership from 2019 - 2020 year (See Note 5 below)		139,904	142,090	144,276	150,834
Effect of Increase in Dues (See Note 6 below)		87,750	263,250	438,750	965,250
Estimated Net Income (Loss) for 2020 - 2021		<u>\$ (795,069)</u>	<u>\$ (617,383)</u>	<u>\$ (439,697)</u>	<u>\$ 93,361</u>
Estimated Activity for 2021 - 2022 (Year 2)					
					Dues \$284
Estimated Combined Income (See Notes 1 and 3 below)		15,124,717	15,124,717	15,124,717	15,124,717
Estimated Combined Expenses (See Notes 2 and 4 below)		(16,673,782)	(16,673,782)	(16,673,782)	(16,673,782)
Increase in Bar Membership (See Note 5 below)		279,808	284,180	288,552	310,412
Effect of Increase in Dues (See Note 6 below)		87,750	263,250	438,750	1,316,250
Estimated Net Income (Loss) for 2021 - 2022		<u>\$ (1,181,507)</u>	<u>\$ (1,001,635)</u>	<u>\$ (821,763)</u>	<u>\$ 77,597</u>
Estimated Activity for 2022 - 2023 (Year 3)					
					Dues \$292
Estimated Combined Income (See Notes 1 and 3 below)		15,162,597	15,162,597	15,162,597	15,162,597
Estimated Combined Expenses (See Notes 2 and 4 below)		(17,257,365)	(17,257,365)	(17,257,365)	(17,257,365)
Increase in Bar Membership (See Note 5 below)		419,712	426,270	432,828	478,734
Effect of Increase in Dues (See Note 6 below)		87,750	263,250	438,750	1,667,250
Estimated Net Income (Loss) for 2022 - 2023		<u>\$ (1,587,305)</u>	<u>\$ (1,405,247)</u>	<u>\$ (1,223,189)</u>	<u>\$ 51,217</u>
Estimated Activity for 2023 - 2024 (Year 4)					
					Dues \$300
Estimated Combined Income (See Notes 1 and 3 below)		15,200,857	15,200,857	15,200,857	15,200,857
Estimated Combined Expenses (See Notes 2 and 4 below)		(17,861,372)	(17,861,372)	(17,861,372)	(17,861,372)
Increase in Bar Membership (See Note 5 below)		559,616	568,360	577,104	655,800
Effect of Increase in Dues (See Note 6 below)		87,750	263,250	438,750	2,018,250
Estimated Net Income (Loss) for 2023 - 2024		<u>\$ (2,013,150)</u>	<u>\$ (1,828,906)</u>	<u>\$ (1,644,662)</u>	<u>\$ 13,534</u>
Estimated Activity for 2024 - 2025 (Year 5)					
					Dues \$310
Estimated Combined Income (See Notes 1 and 3 below)		15,239,498	15,239,498	15,239,498	15,239,498
Estimated Combined Expenses (See Notes 2 and 4 below)		(18,486,520)	(18,486,520)	(18,486,520)	(18,486,520)
Increase in Bar Membership (See Note 5 below)		699,520	710,450	721,380	847,075
Effect of Increase in Dues (See Note 6 below)		87,750	263,250	438,750	2,457,000
Estimated Net Income (Loss) for 2024 - 2025		<u>\$ (2,459,752)</u>	<u>\$ (2,273,322)</u>	<u>\$ (2,086,892)</u>	<u>\$ 57,053</u>
Total Net Income (Loss) for 5 years		<u>\$ (8,036,783)</u>	<u>\$ (7,126,493)</u>	<u>\$ (6,216,203)</u>	<u>\$ 292,762</u>

Notes: The assumptions used in the above calculation are as follows:

- (1) The Bar will achieve 99% of its budgeted revenue and the Bar Center will achieve 100% of its revenue for each year.
- (2) The Bar's expenses will be 96.4% of budget and the Bar Center's expenses will be 98.0% of budget. Such percentages are based upon actual results for 2017-2018 year (most recent year completed and audited).
- (3) There will be a 1% increase in revenue each year except for Bar dues which are shown separately herein.
- (4) Expenses will increase at a rate of 3.5% for the 2020 - 2021 year from the 2019 - 2020 year. This rate is based upon an extrapolation of the Consumer Price Index for All Urban Consumers for the South area. Given that the same calculation for the 2019 - 2020 budget indicated a rate of 3.0%, the 3.5% rate was deemed reasonable for purposes of this estimate.
- (5) The increase in Bar membership for each year will be the same as estimated for 2019 - 2020 (i.e. 442 active and 209 inactive) paying the applicable amounts for active and inactive members.
- (6) The effect of increase in dues is calculated based upon an increase applicable to budgeted members (excluding increase in Bar Membership shown in Note 5 above).

Note: Above excludes payments for Client Security Fund

Definition of Ratings

Letter Grades A-C (Prioritizing programs and other Bar expenditures)

Core - A

- Essential for regulating the profession
- Essential for protecting the public
- Essential for improving the quality of legal services available to Georgians

Highly Desirable - B

- Highly valuable benefit to members in their professional lives
- The mandatory Bar is best suited to carry out, though others may conduct similar programs.
- Improves access to justice/quantity of legal services
- Provides necessary infrastructure for core functions or required by governing documents

Desirable, but Not Essential - C

- Educates the public about the value of lawyers and the legal system
- Addresses a need or issue facing the legal profession, the system of justice, or the public
- Other entities could/should handle; State Bar brings no unique value
- Member benefit that helps lawyers in their personal lives
- Improves laws and legal procedure

Number Grades 1-4 (Rating how well each program/Bar expenditure fulfills its purpose; “Bang for the Buck.” Consider funding source(s))

1. Exceptional

- Exceptional value for funds provided
- Great benefit to members, the public, and/or the justice system

2. Excelling

- Good value for the cost
- Provides measurably good, significant member service
- Provides measurably good, significant public service or service to the system of justice

3. Satisfactory

- Adequate, expected products/programming for funds provided, but could increase products/deliverables
- The Bar’s role is as a convener, a collaborative resource for other entities
- Could better leverage funds or should seek funding elsewhere

4. Below Satisfactory

- Not delivering adequate member service, product, programming in light of funds provided
- Not using resources or performing tasks efficiently
- Duplicative of other entities

TO: Darrell Sutton

FROM: Rick Rufolo

CC: Terrica Ganzy

RE: Georgia Legal Services Program Board Appointments by the State Bar of Georgia

DATE: December 13, 2019

Recently, two members of the Georgia Legal Services Program (GLSP) Board, initially appointed by the State Bar of Georgia, resigned prior to completion of their current terms. Pursuant to the GLSP Bylaws, we are requesting the State Bar of Georgia designate the following representatives to serve as members of the GLSP Board for the duration of the unexpired terms:

- Matthew Howell, Atlanta (appointment for an unexpired term through June 2020)
- Meghan Magruder, Atlanta (appointment for an unexpired term through June 2020)

At the Annual Meeting in June 2020, GLSP will present to the State Bar of Georgia a new slate of GLSP board appointments for two year terms.

ADVISORY COMMITTEE ON LEGISLATION

2019-2020
MINUTES OF MEETING 2
December 5, 2019
State Bar Headquarters
Atlanta, GA

The second meeting of the 2019-2020 State Bar of Georgia Advisory Committee on Legislation (“ACL”) was held on Thursday, December 5, 2019 at the State Bar of Georgia headquarters in Atlanta, Georgia.

ATTENDANCE

The following members and liaisons were present: Amy Howell (Chair), Javoyne Hicks (Vice Chair), Jennifer Alewine, Mark Alexander, Kent Altom, Stephanie Stuckey Benfield, Tracee Benzo, Ivy Cadle, Carol Clark, Bill Clark, Lee Davis, J. Anderson Davis, Joe Dent, Will Fagan, Thomas Fleming, Patricia Gorham, Joyce Gist Lewis, Ed Lindsey, Derrick Pope, Frank Strickland, Nancy Whaley, Judge Paige Whitaker, Thomas Worthy, Christine Butcher Hayes, Mark Middleton, Roy Robinson, and Rusty Sewell.

The following members and liaisons participated via conference call: Sally Akins, Joshua Bell, Michael Geoffroy, Donna Hix, Mark Howard, Curtis Jenkins, Graham McDonald, Carl Varnedoe, Henry Walker, Meagan Hanson, David Dove, Rep. Barry Fleming, Senator Jesse Stone.

Others present or participating by phone included: Anna Arceneaux, Bob Bray, Jeff Davis, Paula Frederick, Vanessa Goggans, Amy Huskins, Kyle King, Allison Lerner, Zulma Lopez, Tyler Mashburn, Vice Chief Judge Carla Wong McMillan, Evan Meyers, Bill NeSmith, Amy Rudolph, Wanda Segars, Hannah Weiss, and Emily Youngo.

CALL TO ORDER

ACL Chair Amy Howell called the meeting to order at 10:03 AM. The chair took roll call. Persons attending the meeting, including those participating by phone, introduced themselves.

APPROVAL OF THE MINUTES

The minutes of the September 11, 2019 meeting were unanimously approved.

INFORMATIONAL ITEMS OF INTEREST TO THE COMMITTEE

Judge Carla Wong McMillian, Vice Chief Judge of the Georgia Court of Appeals, discussed the Judicial Council’s proposed legislation to modernize the Court Reporting Act. The Act has not been updated since the early 1990’s and technology has changed

significantly since that time. There is currently a shortage of court reporters in many judicial circuits, along with issues regarding the storage of exhibits.

Some courts are using digital recording systems, but there is currently no law in statute to regulate these systems. The proposed legislation would make sure digital recording systems are operated in a reliable manner and ensure that these systems produce true, complete and accurate transcripts.

The proposed legislation gives judges discretion to use digital recording systems. The bill also creates new categories for digital operators and transcriptionists, which are terms designated by the National Court Reporting Association.

Additional measures in the proposed legislation include: (1) allowing depositions to be eFiled, (2) changing the court reporting licensing rules, and (3) eliminating court reporters as a category of people who can keep and hold evidence following a criminal trial.

KELLER REVIEW

Paula Frederick, General Counsel of the State Bar of Georgia, presented a review of *Keller v. State Bar of California*, 496 U.S. 1 (1990). Before the State Bar's Board of Governors, Executive Committee, or Advisory Committee on Legislation takes a position on any legislative matter, it must do a *Keller* vote. The legislative proposal must be germane to the purpose of the State Bar, which are (1) regulating the legal profession, and (2) improving the quality of legal services. Paula also briefly discussed the seven pending lawsuits challenging mandatory bar associations throughout the country, further emphasizing the need to analyze legislative positions under the *Keller* analysis.

Paula also mentioned that the attorneys for Fleck in the *Fleck v. State Bar Association of North Dakota* matter recently filed for cert. in the United States Supreme Court.

LEGISLATIVE MATTERS

The ACL reviewed the following new proposals. Proposals approved by the ACL will be considered by the Board of Governors at its Midyear Meeting in Atlanta, Georgia on January 11, 2020.

1. Support for Judicial Council Budget Request for FY 2021 Funding the Georgia Resource Center.

Anna Arceneaux, Executive Director of the Georgia Resource Center presented this proposal on behalf of the Indigent Defense Committee. The proposal requests the traditional state appropriation of \$800,000 to the Administrative Office of the Courts to fund the Georgia Appellate Practice and Educational Resource Center. The Georgia Resource Center was initially started by bar members, law schools, and other stakeholders. Georgia and Alabama are presently the only states that don't provide counsel in post-conviction proceedings.

The *Keller* vote was unanimous. The vote supporting this proposal was unanimous. The Board of Governors will consider this proposal on January 11, 2020.

2. Support for Remote Online Notary Legislation

Amy Huskins and Vanessa Goggins presented this proposal on behalf of the Real Property Section. A state representative in Georgia is currently drafting legislation to bring remote online notarization (“RON”) to Georgia. A proposed draft bill has been circulated by Rep. Joseph Gullett and the Real Property Section has expressed concerns that the draft lacks the fraud protections and recordkeeping requirements that are in the national model act. It is likely that these provisions will be necessary to get title insurance companies and mortgage bankers onboard with the bill in Georgia.

Committee member Ed Lindsey suggested that the bar try to engage Rep. Andy Welch on this issue, since he has worked on electronic notarization legislation in the past.

The *Keller* vote was unanimous. The committee voted unanimously to support remote online notary legislation so long as it has the necessary fraud protections and a carve out for trusts and estates. The Board of Governors will consider this proposal on January 11, 2020.

ELECTION AND POLITICAL UPDATE

Christine Butcher Hayes indicated that there was not a lot of turnover this year in the General Assembly, with very few members vacating their seats or retiring in the middle of the two-year term. Rusty Sewell and Mark Middleton mentioned that Governor Kemp appointed Kelly Loeffler to fill US Senator Johnny Isakson’s seat when he retires in December 2019. Rep. Jay Powell, a republican attorney from Camilla and Chairman of the House Rules Committee, suddenly passed away before Thanksgiving and will be sorely missed for his sharp mind and tireless work in the Georgia House.

UPDATE FROM THE JUDICIARY

Tyler Mashburn with the Administrative Office of the Courts reported that there are nine new judgeships moving forward during the 2020 legislative session. A House or Senate member from the judicial circuit requesting the new judgeship typically sponsors that legislation. The Judicial Council will also be working on the revisions to the court reporting statutes during the 2020 session, as well as a bill with the Council of Magistrate Court Judges.

UPDATE ON PAST ACL ACTIONS

Kyle King with the Fiduciary Section gave a brief update on the Title 53 proposal that was approved at the September 11, 2019 ACL meeting and approved by the Board of Governors on October 19, 2019.

FUTURE MEETINGS

Chair Amy Howell has arranged a legislative panel at the Midyear Meeting on January 10, 2020 in Atlanta. She encouraged ACL members to attend.

The Chair also reported that State Bar President Darrell Sutton may request that the ACL convene by phone during the 2020 session to discuss and vet legislation of interest to the State Bar.

ADJOURNMENT

With no further business before the committee, Chair Amy Howell adjourned the meeting at 11:47 AM.

GEORGIA RESOURCE CENTER PROPOSAL

Advisory Committee on Legislation (ACL)
2019-2020 Legislative Proposal Form

FORM B

For proposals seeking State Bar support for appropriations and state funding.

Name of Proposal: Georgia Appellate Practice and Educational Resource Center, Inc.

Name of Section/Committee submitting this proposal: Indigent Defense

- 1. Please provide (a) the purpose of the funding, (b) the requested amount, and (b) the name of the state agency that received and administers this funding from the legislature.**

This Proposal seeks continued State Bar support for adequate state funding for the Resource Center, specifically that continuation funding of eight hundred thousand dollars (\$800,000) be included in the budget of the Judicial Council for the next session of the General Assembly. This funding comprises the majority of the funding for the Resource Center. State Bar support for the Resource Center remains critical, and, as always, deeply appreciated.

- 2. Please provide a brief background on this appropriations request, including whether the request seeks an increase from the previous fiscal year.**

The Georgia Resource Center respectfully requests support for a continuation of baseline funding of \$800,000, which the General Assembly has awarded the Resource Center each year from FY 2002 to FY 2008 and from FY 2013 to FY 2020. This funding allows the Resource Center to employ five full-time attorneys (including its Executive Director), one part-time attorney, two full-time investigators, two part-time investigators, and an office manager.

- 3. Has the State Bar supported this appropriation in the past?**

For the past thirty-one (31) years, the State Bar of Georgia has actively supported the Resource Center's legislative proposal. The formal and active support for this legislative proposal by the State Bar is crucial to obtain continued funding from the General Assembly, so that the important work of the Resource Center can continue.

GEORGIA RESOURCE CENTER PROPOSAL

4. Provide a statement of the issues to be addressed by this appropriation.

Georgia is one of only two states¹ in the country that do not mandate the appointment and compensation of counsel in state habeas corpus proceedings.² This poses an especially acute problem in capital cases where post-conviction review has been recognized to be a critical stage in the death penalty appellate process.³ The Resource Center is mandated to oversee *all* capital post-conviction cases in Georgia, either through direct representation or through support of pro bono counsel.⁴ As the Supreme Court has recognized, capital habeas corpus proceedings are among the most complex in the legal field and require intensive investigation and litigation by experienced attorneys and investigators.⁵ The responsibilities of Resource Center staff also extend to advocating for clemency after prisoners have exhausted their habeas appeals and face execution. At all of the stages of proceedings, the Resource Center's workload continues to be voluminous and labor-intensive. While clemency hearings and state habeas proceedings are very different, both entail complex investigations that place enormous demands on the Resource Center's staff and budget. *See* Guideline 10.7, ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (counsel at every stage, including clemency, "have an obligation to conduct thorough and independent investigations relating to the issues of both guilt and penalty").

5. Why should the State Bar take an official position to support or oppose this funding?

Endorsement of this proposal is consistent with the purposes of the State Bar of Georgia. Members of the bar are uniquely qualified to analyze the technical and public policy issues inherent in this proposal and can fulfill a duty of public service by examining these issues and making a statement to the General Assembly. Endorsement of this proposal will also improve the administration of justice in appellate and post-conviction capital proceedings in Georgia. Improving the administration of justice is one of the three foundational purposes of the State Bar. *See* Rule 1-103.

¹ Alabama is the other state.

² *See Gibson v. Turpin*, 270 Ga. 855 (1999). By the slimmest of margins, the Supreme Court of Georgia held that death sentenced inmates had no constitutional right to counsel in state habeas corpus proceedings. The court noted that a statute providing for state-funded counsel might be a good policy, but that absent legislative enactment of such a provision, state-funded counsel was not constitutionally compelled.

³ *See, e.g., Murray v. Giarratano*, 492 U.S. 1, 24, 26 (1989).

⁴ The Resource Center is currently responsible for overseeing 48 cases from 27 counties across the state.

⁵ *See Martinez v. Ryan*, 132 S. Ct. 1309, 1317 (2012) (effective counsel is necessary in order to vindicate constitutional rights in post-conviction proceedings).

6. Describe how support for this appropriation (1) regulates the legal profession, or (2) improves the quality of legal services.

The Resource Center has been found to be the most efficient and cost-effective means of moving capital cases to final adjudication⁶ and is a necessary safeguard against wrongful execution.⁷ By providing representation at this stage, moreover, the Resource Center allows Georgia's capital punishment system to function expeditiously (in particular by streamlining federal habeas review) in bringing these cases to final resolution. The Resource Center is not an anti-death penalty organization. Rather, the Resource Center seeks to promote the core principle of providing equal access to justice. This is reflected in the Lawyer's Creed: to "strive to improve the law and our legal system [and] to make the laws and our legal system available to all.

The Resource Center's representation on behalf of its clients has also improved the quality of legal services for all indigent people on death row. For example, the Resource Center's litigation in *Wilson v. Sellers*, decided last year by the United States Supreme Court, made an important clarification in how federal courts review state court decisions in habeas corpus proceedings.

The work of the Georgia Resource Center has not gone unnoticed. The Resource Center's efforts on behalf of its clients earned it the 2012 Indigent Defense Award by the Georgia Association of Criminal Defense Lawyers. In addition, the Resource Center received the 2013 Legal Legends Award by the American Constitution Society in recognition of its integral role in protecting the rights of indigent death-sentenced prisoners and ensuring fairness in the administration of capital punishment in Georgia. In August of 2013, the Resource Center was honored with the Deirdre O'Brien Award for Outstanding Advocacy on Behalf of Persons with Intellectual Disabilities from the ARC of Georgia.

⁶ A performance audit requested by the Georgia Senate Appropriations Committee and conducted by the Department of Audits in 2005 found that Resource Center attorneys handled more cases and expended less money per case than similar organizations providing post-conviction representation to death-sentenced prisoners in other states.

⁷ According to a Columbia University study of error rates in capital cases from 1973 to 1995, Georgia had an 80% reversal rate. See James S. Liebman et al., *A Broken System: Error Rates in Capital Cases, 1973-1995* (June 12, 2000), available at https://b3cdn.net/ncadp/c2c493b8dfab81a0ed_9adm679fe.pdf. Since 1996, 60 death penalty cases have resulted in relief. During that same period, 56 executions have been carried out. Accordingly, for every one execution carried out in Georgia since 1996, approximately 1.07 death sentences have been reversed. The significance of this rate of error is obvious: proving that the system can be fundamentally fair only if there is a Resource Center to provide checks and balances to the system in state and federal habeas review.

GEORGIA RESOURCE CENTER PROPOSAL

- 7. Are there any potential proponents or opponents of this appropriation, including, but not limited to, other State Bar sections, specialty bar associations, governmental entities, and outside interest groups? If so, please list them here.**

The State Bar of Georgia has supported full funding for the Resource Center since its inception in 1988. Indeed, the State Bar of Georgia was one of three recipients in the United States of the 1988 Harrison Tweed Award from the American Bar Association for its work in establishing the Resource Center. The Georgia Supreme Court has also supported funding for the Resource Center, as has the Board of Governors and the Judicial Council of Georgia.

There are no known opponents of this proposal.

- 8. Which other State Bar committees or sections may have an interest in this appropriation?**

The following other committees or sections which may have an interest in the legislation: the Advisory Committee on Legislation; the Criminal Law Section; the Indigent Defense Committee; the Access to Justice Committee; and the Individual Rights Section of the State Bar. These committees and sections have previously supported funding for the Resource Center.

- a. Have you provided interested State Bar committees/sections with a copy of this request? If so, have they provided any comments?**

Yes, we have provided a copy of this request to the Access to Justice and Indigent Defense Committees. We will provide any comments from these committees as we receive them.

- 9. What is the recommendation that your section/committee wishes to be adopted by the State Bar?**

The core state funding of \$800,000 allows the Resource Center to maintain the minimum staff necessary to fulfill its mandate to provide adequate legal services to Georgia's indigent clients on death row and take on additional cases that will enter the system in FY 2020 and FY 2021, including those of prisoners who are approaching final adjudication of their legal claims and facing the need to prepare for clemency proceedings. The effectiveness, efficiency, and credibility of Georgia's death penalty system depend on an adequately-staffed and sufficiently-funded Resource Center, but without continuation of baseline funding, the Resource Center will be forced to lay off legal staff.

Accordingly, the Board of Directors of the Georgia Resource Center petitions the State Bar of Georgia for endorsement of continuation funding of \$800,000 for the

GEORGIA RESOURCE CENTER PROPOSAL

Resource Center and that such funding be placed in the budget of the Judicial Council for the next session of the General Assembly.

10. Please attach any additional information that the committee may find helpful in assessing this request.

Over the years, beyond the critical baseline funding of the Georgia legislature, the Resource Center had received monies from two additional primary sources: 1) the Georgia State Bar and/or the Georgia Bar Foundation and 2) vouchers from federal court representation. The Georgia State Bar, a founding partner and strong supporter of the Resource Center since its inception in 1988, has provided direct financial assistance of approximately \$110,000 per year to the Resource Center from FY 2012 to the current FY 2019. In the past, the Georgia Bar Foundation had provided grants to the Resource Center, but these grants were discontinued in FY 2012 when the economic downturn devastated its IOLTA revenues. In FY 2019, the Georgia Bar Foundation awarded the Center a grant of \$60,000, and in FY 2020, the Bar Foundation awarded a grant of \$110,000, in large part to provide staff with modest and long-overdue salary adjustments, and in order to offer a competitive (though still below market) salary in recruiting a new Executive Director.

Federal court compensation is received in periodic amounts that vary substantially according to the number of federal habeas cases which are approaching resolution at any given time, and the time it takes the courts to fulfill payment vouchers. In FY 2019, the revenue was \$214,490, and in FY 2018, the revenue was \$327,917. The Resource Center estimates a revenue of \$315,500 in federal court compensation for work representing Georgia state prisoners in federal capital habeas cases in FY 2020.



State Bar of Georgia

Lawyers Serving the Public and the Justice System

November 26, 2019

Amy Viera Howell
Georgia Department of Behavioral Health and Developmental Disabilities
2 Peachtree Street NW Suite 24-275
Atlanta, GA 30303

VIA Email

RE: Legislative Funding Proposal –Georgia Resource Center

Dear Amy:

I write on behalf of the Access to Justice Committee to express the Committee's support for appropriate funding of the Georgia Resource Center.

The Access to Justice Committee fully supports the Georgia Resource Center's proposal for continued State Bar support for continuation funding of \$800,000 to be included in the Judicial Council budget for the next fiscal year. The Resource Center furthers the Bar's core mission of improving the administration of justice by providing representation to indigent death sentenced inmates in post-conviction proceedings. Without legislative funding death-sentenced inmates would effectively lose their right to effective post-conviction review, which is critical to guaranteeing equal access to justice.

The State Bar has actively supported the Resource Center for the past 31 years and the Committee respectfully requests the Advisory Committee on Legislation and the Board of Governors to continue that support.

Thank you for your consideration of our request.

Yours truly,

Michael Leo Monahan
Liaison
Access to Justice Committee

Cc: Christine Butcher Hayes

HEADQUARTERS
104 Marietta St. NW, Suite 100
Atlanta, GA 30303-2743
404-527-8700 · 800-334-6865
Fax 404-527-8717
www.gabar.org

COASTAL GEORGIA OFFICE
18 E. Bay St.
Savannah, GA 31401-9910
912-239-9910 · 877-239-9910
Fax 912-239-9970

SOUTH GEORGIA OFFICE
244 E. 2nd St. (31794)
P.O. Box 1390
Tifton, GA 31793-1390
229-387-0446 · 800-330-0446
Fax 229-382-7435

**Advisory Committee on Legislation (ACL)
2019-2020 Legislative Proposal Form**

FORM C

For legislation originating outside the State Bar that
seeks State Bar support or opposition.

Name of Proposal:

Name of Section/Committee submitting this proposal:

1. **Does this proposal seek to support or oppose legislation that has already been filed in the General Assembly during the 2019 session, or legislation that has been proposed by an outside interest group, corporation, government agency, or individual to be filed during the 2020 legislative session?** YES or NO
 - a. **If yes, attach a copy of the pending legislation or outside proposal.**

ANSWER:

Yes. A copy of the legislation that is anticipated to be presented and filed during the 2020 Legislative Session by Rep. Joseph Gullett of District 19 (Republican Dallas, GA) LC-48-0137 is attached as Exhibit A (“Draft Bill”). The proposed redline changes to the Draft Bill drafted by the Real Property Section are attached as Exhibit B (“Real Property Section Proposed Redline Changes”). The Real Property Section requests that the ACL and State Bar of Georgia Board of Governors support the Real Property Section Proposed Redline Changes, which positively assist in the practice of law in the State of Georgia, including, without limitation, the fraud protections that are included within the Real Property Section Proposed Redline Changes. These Real Property Section Proposed Redline Changes would be presented to the 2020 Georgia General Assembly if and to the extent that the Draft Bill is introduced in this upcoming 2020 Legislative Session.

2. **If no legislation is presently pending, provide a statement of the issues to be**

addressed by the proposed bill.

ANSWER: The Draft Bill is intended to create a Remote Online Notary Statute (“RON Statute”) in Georgia that creates a class of notary publics who may notarize and witness the execution of documents remotely by computer video conference, without the principal being present in the same room (“RON”). The Draft Bill would apply to every type of document to be notarized by a Georgia notary, including, without limitation, business licenses, building permits, hunting licenses, wills, powers of attorney, trusts, end-of-life directives, real estate security deeds, real estate deeds, quitclaim deeds, real estate and other affidavits, loan documents, auto loans, and any other type of instrument that otherwise requires a notarization. The Draft Bill proposes that the Georgia Superior Court Clerk’s Cooperative Authority (“GSCCCA”) be granted the power to create regulations in connection with the implementation of the Draft Bill; however, representatives of GSCCCA have indicated that they may not have ready for distribution in time for the 2020 Legislative Session any draft regulations. The Real Property Section is concerned that without an opportunity to review and comment upon any proposed regulations prior to the vote on the Draft Bill, such post-adoption regulations could have a chilling effect on transactions involving real property in the State of Georgia. Further, the Draft Bill is intended to remove from the statute and instead move all of the fraud protections that are otherwise required by the Model Act (as described in Section 5 herein) to be solely included, if GSCCCA so desires, in the post-adoption regulations. The Real Property Section requests that at least the minimal fraud protections that are listed in the Real Property Section Proposed Redline Changes be included in the proposed RON Statute itself and not merely in regulations.

3. Give a brief summary of the existing law on this issue, including citations to applicable case law addressed in the pending or proposed legislation.

ANSWER:

The Draft Bill, as proposed to be substituted and amended by the Real Property Section Proposed Redline Changes, will require amendment of and/or additions to the following current Code Sections:

Article 2 of Chapter 6 of Title 15 of Official Code of Georgia Annotated (“O.C.G.A.”), and Article 1 of Chapter 17 of Title 45 of O.C.G.A., including the following: amending O.C.G.A. Section 15-6-94, 45-17-1, 45-17-6, 45-17-8.1, amending 45-17-17, 44-2-14, 44-5-30, 44-14-33, 44-2-37, and 45-17-8, and by creating a new code section 45-17-8.3, new code section 45-17-8.4, and new code section 45-17-18.

The Draft Bill in its current format arguably would affect current Georgia Supreme Court Advisory Opinions regarding the Unauthorized Practice of Law.

4. Does this proposal seek to codify current case law or seek to modify a statute based on a recent Georgia appellate decision?

ANSWER:

The Draft Bill seeks to modify the existing statutes and regulations affecting the appointment and actions of Georgia notaries, as well as the types of documents that are to be notarized by a Georgia RON. The Draft Bill further changes the process by which real property documents are witnessed, notarized and recorded and/or filed in the appropriate real property and/or personal property records. The Draft Bill would affect the Unauthorized Practice of Law issued from time to time by the Georgia Supreme Court’s Advisory Opinions, including Formal Advisory Opinion 13-1 issued by order of the Georgia Supreme Court pursuant to Docket S14U0705. A more detailed explanation of aspects of the practice of law that will be affected by the Draft Bill is attached hereto as Exhibit C.

5. Why should the State Bar take an official position to support or oppose this proposal?

ANSWER: The Draft Bill does not contain ANY of the fraud protections proposed by the national “Mortgage Bankers Association-American Land Title Association Model Legislation for Remote Online Notarization” (“Model Act”).

All other States that have adopted similar RON Statutes (21 States have already adopted a RON Statute, with 6 States that have pending RON bills up for the next legislative session (per the attached map chart reflecting the current RON Statutes attached as Exhibit D)), other than Virginia, have expressly included the fraud protections required

by the Model Act. Substantially all of the national title insurance underwriters currently refuse to underwrite any real estate document that is notarized by a Virginia RON, because the fraud protections as required by the Model Act are not part of the Virginia RON Statute. Because of this refusal to insure documents notarized by a Virginia RON by the national title insurance industry, many or most national banking institutions that make, sell or buy mortgage and other real estate loans, together with many state and federal banking regulators, refuse to participate in loans if the loan document(s) are notarized by a Virginia RON because the fraud protections as required by the Model Act are not part of the Virginia RON Statute.

To avoid the same scenarios with any proposed Georgia documents to be executed by a Georgia RON, the fraud protections required by the Model Act have been added in redline version as part of the Real Property Section Proposed Redline Changes to the Draft Bill.

THUS, UNLESS THE FRAUD PROTECTIONS PROVIDED BY THE REAL PROPERTY SECTION PROPOSED REDLINE CHANGES ARE IMPLEMENTED INTO THE DRAFT BILL, THE DRAFT BILL IN ITS CURRENT FORM COULD AFFECT THE FLOW OF COMMERCE, REAL ESTATE TRANSACTIONS AND BANKING TRANSACTIONS AFFECTING GEORGIA.

6. Describe how the pending or proposed legislation (1) regulates the legal profession, or (2) improves the quality of legal services?¹

ANSWER: The Draft Bill will affect the practice of law, including, without limitation, the likelihood of RON participation in the unauthorized practice of law, such as those types of transactions referenced by Georgia Supreme Court Advisory Council Opinions affecting real property transactions in the State of Georgia. If the Draft Bill in its current draft format is adopted, then the Georgia real estate and banking industry will likely be materially affected, because of the current refusal by national title underwriters and national financial institutions and financial regulators to accept RON documents signed by a RON pursuant to a statute that does not require fraud protections established by the

¹ The State Bar reviews all proposals for compliance with the standard set out by the United States Supreme Court in *Keller v. State Bar of California*, 496 U.S. 1 (1990).

State in which the RON is granted notarial appointment. Further, the current version of the Draft Bill will likely affect UPL issues attendant with computer-generated real estate closing companies, to use the RON to bypass the use of Georgia-licensed real estate closing attorneys in connection with Georgia real property transactions.

7. Are there any potential proponents or opponents of the proposal or pending legislation, including, but not limited to, other State Bar sections, specialty bar associations, governmental entities, and outside interest groups? If so, please list them below.

ANSWER: Yes. Other associations, trade groups and other interests groups have expressed to the Real Property Section of the State Bar interest in and concerns regarding the Draft Bill in its current format. These groups include the Fiduciary Section of the Georgia State Bar, Southeast Land Title Association (SLTA), the Georgia Real Estate Closing Attorneys Association (GRECAA), at least 3 of the national title insurance underwriters, lobbyists involved with financial institutions doing business in Georgia, the auto dealers association doing business in Georgia, Building Owners and Managers Association (BOMA), and other interest groups.

Which other State Bar committees or sections may have an interest in the legislation or proposal? *Fiduciary Section.*

a. Have you provided interested State Bar committees/sections with a copy of this proposal? If so, have they provided any comment?

ANSWER: Yes. The Real Estate Section has been in direct communication with the Fiduciary Section. The Fiduciary Section has expressed their concern with the current form of the proposed Draft Bill, and the co-chairs of the Fiduciary Section have informed the Real Estate Section that the Fiduciary Section will take the stance that the Draft Bill, if and when filed, should exclude all wills and trusts as well as other fiduciary documents.

8. What is the recommendation that your section/committee wishes to be adopted by the State Bar?

ANSWER: The Real Property Section requests that the State Bar of Georgia, acting through the

ACL and the Board of Governors, support the proposed revisions to the Draft Bill and advocate for their inclusion any proposed remote online notary legislation filed in the 2020 legislative session to sustain the efficient and effective flow of commerce in the State of Georgia.

*CONTACT INFORMATION FOR REAL PROPERTY SECTION LEGISLATIVE
SUBCOMMITTEE*

Vanessa Goggans
Chair State Bar of Georgia
Real Property Section
Morris, Manning & Martin, LLP
990 Hammond Drive, Suite 300
Atlanta, GA 30328
Office Phone: 404.255.6900
Cell Phone: 770.862.0816
Email: vgoggans@mmmlaw.com

Rob Brannen
Co-Chair State Bar of Georgia
Real Estate Section Legislative Subcommittee
Bouhan Falligent
One West Park Avenue
Savannah, GA 31401
Office Phone: 912.644.5721
Cell Phone: 912.658.0460
Email: rbrannen@bouhan.com

Amy Huskins
Co-Chair State Bar of Georgia
Real Estate Section Legislative Subcommittee
Duane Morris LLP
1075 Peachtree St., Suite 2000
Atlanta, GA 30309
Office Phone: 404.253.6930
Cell Phone: 404.786.8874
Email: ahhuskins@duanemorris.com

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated,
2 relating to clerks of superior courts, so as to provide for electronic notarizations and remote
3 online notarizations; to revise the powers of the Georgia Superior Court Clerks' Cooperative
4 Authority; to provide that the Georgia Superior Court Clerks' Cooperative Authority shall
5 provide rules and regulations for electronic notarizations and remote online notarizations; to
6 amend Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating
7 to general provisions regarding notaries public, so as to provide for procedures and
8 requirements for electronic notarizations and remote online notarizations; to provide
9 definitions; to provide for electronic journaling; to provide for rules and regulations; to
10 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13

SECTION 1.

14 Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
15 clerks of superior courts, is amended by revising paragraphs (8) and (9) and by adding a new
16 paragraph to subsection (d) of Code Section 15-6-94, relating to the Georgia Superior Court
17 Clerks' Cooperative Authority, as follows:

18 "(8) To exercise any power granted by the laws of this state to public or private
19 corporations which is not in conflict with the public purpose of the authority; and

20 (9) To provide rules and regulations for electronic notarization and remote online
21 notarization pursuant to Article 1 of Chapter 17 of Title 45; and

22 (10) To do all things necessary or convenient to carry out the powers conferred by this

23 Code section and to carry out such duties and activities as are specifically imposed upon
24 the authority by law."

25

SECTION 2.

26 Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to
27 general provisions regarding notaries public, is amended by revising Code Section 45-17-1,
28 relating to definitions, as follows:
29 "45-17-1.

30 As used in this article, the term:

31 (1) 'Attesting' and 'Attestation' are synonymous and mean the notarial act of witnessing
32 or attesting a signature or execution of a deed or other written instrument, where such
33 notarial act does not involve the taking of an acknowledgment, the administering of an
34 oath or affirmation, the taking of a verification, or the certification of a copy.

35 Attesting or Attestation may be accomplished by:

36 (a) being in the same physical location as another person and close enough to see, hear,
37 communicate with, and exchange tangible identification credentials with that individual; or (b)
interacting with another individual by means of communication technology that
97 complies with the provisions of this Code Section.

38 (2) 'Electronic' means relating to technology having electrical, digital, magnetic,
39 wireless, optical, electromagnetic, or similar capabilities.

40 (3) 'Electronic journal' means a record kept by the notary to track and document every
41 notarial act performed, as provided by subsection (c) of Code Section 45-17.8.3.

42 (4) 'Electronic notarization' means a notary's notarization of electronic records that
43 include the notary's and the document signer's electronic signatures.

44 (5) 'Electronic record' means information that is created, generated, sent, communicated,
45 received, or stored by electronic means.

46 (6) 'Electronic signature' means an electronic sound, symbol, or process attached to or
47 logically associated with an electronic record and executed or adopted by a person with

48 the intent to sign the electronic document.

49 (7) 'Notarial act' means any act that a notary public is authorized by law to perform
50 and includes, without limitation, attestation, the taking of an acknowledgment, the
51 administration of an oath or affirmation, the taking of a verification upon an oath or
52 affirmation, and the certification of a copy.

53 (8) 'Notarial certificate' means the notary's documentation of a notarial act.

54 (9) 'Notary' and 'notary public' are synonymous and mean a person who has been
55 appointed by a superior court clerk pursuant to Code Section 45-17-2.1.

56 (10) 'Principal' means a person:

57 (A) Whose electronic signature is notarized in a remote online notarization; or

58 (B) Who is making an oath or affirmation or an acknowledgment other than in the
59 capacity of a witness for the remote online notarization.

60 (11) 'Remote online notarial certificate' is the electronic form of an acknowledgment,
61 jurat, verification on oath or affirmation, or verification of witness or attestation that is
62 completed by a notary performing a remote online notarization and:

63 (A) Contains the online notary public's electronic signature, electronic seal, title, and
64 commission expiration date;

65 (B) Contains other required information concerning the date and place of the remote
66 online notarization;

67 (C) Otherwise conforms to the requirements for an acknowledgment, jurat, verification
68 on oath or affirmation, or verification of witness or attestation under the laws of this
69 state; and

70 (D) Indicates that the person making the acknowledgment or oath or affirmation
71 appeared remotely online.

72 (12) 'Remote online notarization' or 'remote online notarial act' means an electronic
73 notarial act performed by means of communication technology.

74 (13) 'Remote online notary public' means a notary public who has complied with the
75 rules and regulations adopted by the Georgia Superior Court Clerks' Cooperative
76 Authority to perform remote electronic notarizations under this chapter."

77 **SECTION 3.**

78 Said article is further amended by revising Code Section 45-17-6, relating to seal of office,
79 as follows:

80 "45-17-6.

81 (a)(1) For the authentication of his or her notarial acts, each notary public ~~must provide~~
82 ~~a seal of office, which seal shall have for its impression his name, the words 'Notary~~
83 ~~Public,' the name of the state, and the county of his residence, or it shall have for its~~
84 ~~impression his name and the words 'Notary Public', Georgia, State at Large.' Notaries~~
85 ~~commissioned or renewing their commission after July 1, 1985, shall provide a seal of~~
86 ~~office which shall have for its impression the notary's name, the words 'Notary Public,'~~
87 ~~the name of the state, and the county of his or her appointment. The embossment of~~
88 ~~notarial certificates by the notary's seal shall be authorized but not necessary; and the use~~
89 ~~of an electronic seal for purposes of electronic notarization or remote online notarization~~
90 ~~or a rubber or other type stamp shall, for other purposes, be sufficient for imprinting the~~
91 ~~notary's seal on notarial certificates. A scrawl shall not be a sufficient notary seal. An~~
92 ~~official notarial act must be documented by the notary's seal.~~

93 (2) No document executed prior to July 1, 1986, which would otherwise be eligible for
94 recording in the real property records maintained by any clerk of superior court or
95 constitute record notice or actual notice of any matter to any person shall be ineligible for
96 recording or fail to constitute such notice because of noncompliance with the requirement
97 that the document contain a notary seal.

98 b) It shall be unlawful for any person, firm, or corporation to supply a notary public seal
99 to any person unless the person has presented the duplicate original of the certificate

100 commissioning the person as a notary public. It shall be unlawful for any person to order
101 or obtain a notary public seal unless such person is commissioned as a notary public."

102 **SECTION 4.**

103 Said article is further amended by revising subsection (a) of Code Section 45-17-8.1, relating
104 to signature and date of notarial act, as follows:

105 "(a) Except as otherwise provided in this Code section, in documenting a notarial act, a
106 notary public shall sign on the notarial certification, electronically in the case of electronic
107 notarization or remote online notarization or by hand in ink in all other cases, only and
108 exactly the name indicated on the notary's commission and shall record on the notarial
109 certification the exact date of the notarial act."

110 **SECTION 5.**

111 Said article is further amended by adding a new Code section to read as follows: 109
"45-17-8.3.

112 (a) The Georgia Superior Court Clerks' Authority shall adopt rules and regulations
113 governing the provisions for electronic notarization and remote online notarization not later
114 than January 1, 2021.

115 (b) A notary public physically located in this state may perform electronic notarization or
116 a remote online notary public physically located in this state may preform a remote online
117 notarial act using electronic communication technology in accordance with

117 this Code section and rules and regulations adopted by the Georgia Superior Court Clerks'
118 Authority for a remotely located person who is physically located:

- 119 (1) In this state;
120 (2) Outside this state but within the United States; or
121 (3) Outside the United States if:

122 (A) The remote online notary public has no actual knowledge that the act of making
123 the statement or signing the record is prohibited in the jurisdiction in which the person
124 is located; and

125 (B) The person placing his or her electronic signature on the electronic record confirms
126 to the remote online notary public that the requested remote online notarial act and the
127 electronic record:

128 (i) Are part of or pertain to a matter that is to be filed with or is currently before a
129 court, governmental entity, or other entity in the United States;

130 (ii) Relate to property located in the United States; or

131 (iii) Relate to a transaction that is substantively connected to the United States.

132 (c) A notary public shall keep a secure electronic journal of each electronic notarization
133 or remote online notarial act which he or she performs."

134 SECTION 6.

135 Said article is further amended by revising Code Section 45-17-9, relating to where notarial
136 acts may be exercised, as follows:

137 45-17-9 Notarial acts may be exercised in or from any county in the state.

SECTION 7.

138 Said article is further amended by adding a new Code section to read as follows:

139 45-17-8.4 Remote Online Notarization of Real Estate Documents

140 (a) Security and Identification Procedures. Notwithstanding anything to the contrary contained
141 in Code Section 17 of Title 45 of the Official Code of Georgia Annotated, related to remote online
142 notarization, the additional security and identification procedures contain in this Section 45-17-8.4
143 shall apply to any Real estate document, as defined below.

144 (b) Applicability.

145 (1) A remote online notarial act meeting the requirements of this Code Section satisfies the

146 requirement of any law of this State relating to a notarial act that requires attesting or attestation of
147 a Real estate document in the presence of a notary public, including but not limited to, the
148 requirements found at O.C.G.A. § 44-2-14, O.C.G.A. § 44-5-30, O.C.G.A. § 44-14-33 and
149 O.C.G.A. § 44-2-37, and satisfies the requirements for identification of the Principal contained in
150 O.C.G.A. § 45-17-8.

151 (2) Nothing contained in this Code Section should be construed to allow the remote online
152 notarization of a Real estate document by an individual holding a remote online notarization
153 certificate from a state other than Georgia, as allowed for standard notaries under O.C.G.A. § 44-
154 2-21.

155 (3) For the purpose of this Code Section:

156 (a) any requirement that an instrument be signed in the presence of an unofficial witness may be
157 satisfied by the witness being present with the principal and electronically signing by means of
158 Communication technology; and

159 (b) the act of unofficially witnessing an electronic signature is satisfied if a witness is present
160 either in the physical presence of the principal or present through communication technology at the
161 time the principal affixes his electronic signature and sees the principal electronically execute the
162 instrument and hears the principal make a statement acknowledging that the principal has signed
163 the electronic record.

164 (4) Nothing contained in this Code Section shall be construed to alter or supersede any decision
165 or ruling by the Supreme Court of Georgia pertaining to the practice of law in this State. The
166 responsibility of the closing attorney to oversee a real estate transaction, includes, but is not
167 limited to the right to select and/or approve the remote online notary public and unofficial witness,
168 and the right to approve acceptable communication technology.

169 (c) Definitions:

170 (1) “Communication technology” means an electronic device or process that allows a notary public
171 physically located in this state and a remotely located individual to communicate with each other

172 simultaneously by sight and sound, and which, as necessary, makes reasonable accommodations
173 for individuals with vision, hearing, or speech impairments.

174 (2) "Credential analysis" means a process or service that meets the standards established by the
175 Georgia Superior Court Clerk's Cooperative Authority through which a third person affirms the
176 validity of a government-issued identification credential through review of public and proprietary
177 data sources.

178 (3) "Identity proofing" means a process or service operating according to standards established by
179 the Georgia Superior Court Clerk's Cooperative Authority through which a third person affirms
180 the identity of an individual:

181 (a) by means of dynamic knowledge based authentication such as a review of personal information
182 from public or proprietary data sources; or

183 (b) by means of analysis of biometric data such as, but not limited to, facial recognition, voiceprint
184 analysis, or fingerprint analysis

185 (4) "Real estate document" means any document to be recorded in the real estate or lien
186 indices/recording records of the Clerk of Superior Court of any county in the State; or to be filed in
187 the personal property indices with any county in the State; and/or executed in connection with real
188 property transactions, whether or not to be recorded or filed.

189 (5) "Remote presentation" means transmission to the remote online notary public through
190 communication technology of an image of a government-issued identification credential that is of
191 sufficient quality to enable the remote online notary public to:

192 (a) identify the individual seeking the remote online notary public's services; and
193 (b) perform credential analysis.

194 (6) "Remotely located individual" means an individual who is not in the physical presence of the
195 remote online notary public.

196 (d) Standards. The Georgia Superior Court Clerk's Cooperative Authority by rule shall develop
197 and maintain standards for remote online notarization of real estate documents in accordance with

198 this Code Section, including but not limited to standards for credential analysis and identity
199 proofing.

200 (e) Additional Qualifications for Real Estate Documents. In addition to all other requirements, a
201 remote online notary public that intends to notarize real estate documents:

202 (1) must confirm to the Georgia Superior Court Clerk's Cooperative Authority that the
203 technology selected by the remote online notary public for remote online notarizations conforms to
204 the Georgia Superior Court Clerk's Cooperative Authority's standards developed under this Code
205 Section.

206 (2) must renew their commission every two years; and

207 (3) must maintain a surety bond in an amount as determined by rule and regulations promulgated
208 by the Georgia Superior Court Clerk's Cooperative Authority.

209 (f) Maintenance of Electronic Record.

210 (1) A remote online notary public shall keep a secure electronic journal of each remote online
211 notarial act performed by the remote online notary public on a real estate document. The
212 electronic journal must contain for each remote online notarization:

213 (a) the date and time of the notarization;

214 (b) the type of notarial act;

215 (c) the type, the title, or a description of the electronic record or proceeding;

216 (d) the printed name and address of each principal involved in the transaction or proceeding;

217 (e) evidence of identity of each principal involved in the transaction or proceeding in the form of:

218 (i) a statement that the person is personally known to the remote online notary public;

219 (ii) a notation of the type of identification document provided to the remote online notary public;
220 or

220 (iii) a record of the identity verification made under this Code Section, if applicable and

221 (f) the fee, if any, charged for the notarization.

222 (2) The remote online notary public shall create an audio and video copy of the performance of the
223 notarial act.

223 (3) The remote online notary public shall take reasonable steps to:

224 (a) insure the integrity, security, and authenticity of remote online notarizations;

225 (b) maintain a backup for the electronic journal required by Subsection (1) and the recording
required by Subsection (2); and

226 (c) protect the backup record from unauthorized use.

227 (4) The electronic journal required by Subsection (1) and the recording required by Subsection 2

228 shall be maintained for at least seven years after the date of the transaction or proceeding.

229 The Georgia Superior Court Clerk's Cooperative Authority shall establish:

230 (i) standards for the retention of a video and audio copy of the performance of the notarial act;

231 (ii) procedures for preservation of the audio and video copy and the electronic journal if the remote

232 online notary public dies or is adjudicated incompetent or if the remote online notary public's

233 commission or authority to perform notarial acts is otherwise terminated; and

234 (iii) standards for third party repositories for the retention of the audio and video copy of the

235 performance of the notarial act.

236

237 (g) Remote Online Notarization Procedures.

238 (1) A remote online notary public may perform a remote online notarization authorized under this

239 Code Section that meets the requirements of this Code Section and rules adopted under this Code

240 Section regardless of whether the principal is physically located in this state at the time of the

241 remote online notarization.

242 (2) In performing a remote online notarization, a remote online notary public shall verify the

243 identity of a person creating an electronic signature at the time that the signature is taken by using

244 communication technology that meets the requirements of this Code Section and rules adopted

245 under this Code Section. Identity may be verified by:

246 (a) the remote online notary public's personal knowledge of the person creating the electronic

247 signature; or

248 (b) each of the following:

249 (i) remote presentation by the person creating the electronic signature of a government-issued
250 identification credential, including a valid passport or driver's license, that contains the signature
251 and a photograph of the person:
252 (ii) credential analysis; and
253 (iii) identity proofing.
254 (3) The remote online notarial certificate for a remote online notarization must state that the
255 person making the acknowledgement, oath, verification or attestation appeared remotely online.
256 (4) The situs of execution by a principal to any document notarized under this Code Section by a
257 Georgia remote online notary public shall be deemed to be this state.
258 "45-17-9.
259 Notarial acts may be exercised in or from any county in this State."

260 **SECTION 8.**

261 Said article is further amended by revising Code Section 45-17-17, relating to resignation of
262 commission, return of papers, and destruction of seal, as follows:

263 45-17-17.

136 A person who wishes to resign a notarial commission shall send a signed letter of
137 resignation to the appointing clerk of superior court, with a copy to the Georgia Superior
Court Clerks' Cooperative Authority, and all papers of appointment. The resigning notary
public shall destroy or delete the official notarial seal."

136 **SECTION 9.**

Said article is further amended by revising Code Section 45-17-17, relating to expiration of notary
commission as follows:

45-17-18_a

A notary public whose commission expires and who does not apply for renewal of such commission or whose application for renewal of a commission is denied shall destroy or delete the official notary seal.

142 SECTION 10.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

145 SECTION 11.

All laws and parts of laws in conflict with this Act are repealed.

Exhibit C-UPL Additional Items

DM210711612.2

Additional UPL Concerns Arising from the Formal Advisory Opinion 13-1:

A Lawyer may not ethically conduct a "witness only" closing. Unless parties to a transaction are handling it pursuant to Georgia's pro se exemption, Georgia law requires that a lawyer handle a residential real estate closing (see O.C.G.A. § 15-19-50, UPL Advisory Opinion No. 2003-2 and Formal Advisory Opinion No. 86-5). When handling a real estate closing in Georgia a lawyer does not absolve himself/herself from liability for either malpractice or violations of the Georgia Rules of Professional Conduct by claiming that he/she has acted only as a witness and not as an attorney. (See UPL Advisory Opinion No. 2003-2 and Formal Advisory Opinion No. 04-1).

A Lawyer who receives funds in connection with a real estate closing must deposit them into and disburse them from his/her IOLTA account or the IOLTA account of another Lawyer. (See Georgia Rule of Professional Conduct 1.15(II) and Formal Advisory Opinion No. 04-1).

In order to protect the public from those not properly trained or qualified to render those services, Lawyers are required to "be in control of the closing process from beginning to end."

A Lawyer who purports to handle a closing in the limited role of a witness violates the Georgia Rules of Professional Conduct.

The Lawyer's failure to review closing documents can facilitate foreclosure fraud, problems with title, and other errors that may not be detected until years later when the owner of a property attempts to refinance, sell or convey it.

A Lawyer must provide competent representation and must exercise independent professional judgment in rendering advice. When a Lawyer agrees to serve as a mere figurehead, so that it appears there is a Lawyer "handling" a closing, the Lawyer violates his/her obligations under the Georgia Rules of Professional Conduct.

Because UPL Advisory Opinion No. 2003-2 and the Supreme Court Order adopting it require (subject to the pro se exception) that only a Lawyer can close a real estate transaction, the Lawyer in signing the closing statement or accepting the closing documents would be found to be doing so in his or her capacity as a Lawyer. Therefore when a Lawyer purports to act merely as a witness, this is a misrepresentation of the Lawyer's role in the transaction. Georgia Rule of Professional Conduct 8.4 provides that it is professional misconduct for an attorney to engage in "conduct involving...misrepresentation."

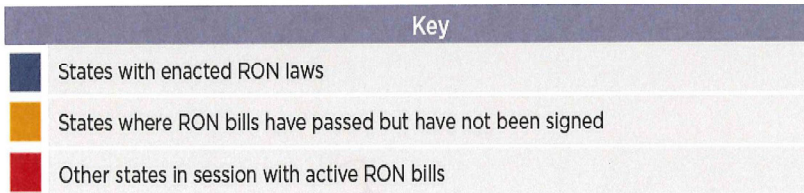
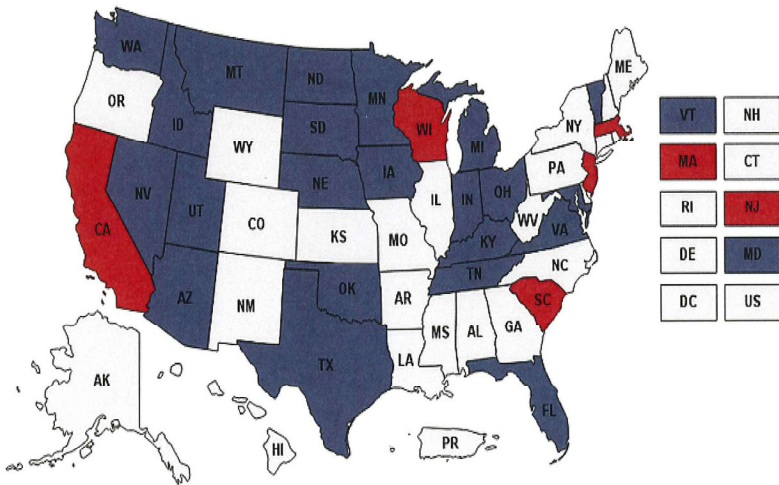
Other persons may provide attorneys with paralegal and clerical services, so long as "at all times the attorney receiving the information or services shall maintain full professional and direct responsibility to his clients for the information and services received."

While the Supreme Court has not explicitly enumerated what all of those events are, they may include, but not be limited to: (i) rendering an opinion as to title and the resolution of any defects in marketable title; (ii) preparation of deeds of conveyance, including warranty deeds, quitclaim deeds, deeds to secure debt, and mortgage deeds; (iii) overseeing and participating in the execution of instruments conveying title; (iv) supervising the recordation of documents conveying title; and (v) in those situations where the Lawyer receives funds, depositing and

disbursing those funds in accordance with Rule 1.15(II). Even if some of these steps are performed elsewhere, the Lawyer maintains full professional and direct responsibility for the entire transaction and for the services rendered to the client.

If a Lawyer receives funds on behalf of the client or in any other fiduciary capacity, he/she must deposit the funds into, and administer them from, an IOLTA account. A Lawyer violates the Georgia Rules of Professional Conduct when he/she delivers closing proceeds to a title company or to a third party settlement company for disbursement instead of depositing them into and disbursing them from an attorney escrow account.

I. Adoption Map



Provided by Mortgage Bankers Association, July 2019.



State Bar of Georgia

To: Bar Officers
Finance Committee

From: Ron Turner 

Date: December 17, 2019

Re: October 2019 Financial Statements-Bar Operations and Bar Center

Attached please find the October 2019 financial statements. These financial statements are presented at a summary level for clarity and to convey overall trends. Full departmental detail is attached at year-end (6/30) and upon request.

Line item variance explanations follow. Department managers are expected to specify savings elsewhere in their budgets when exceeding a line item, unless there was a budgeting error. Line item variances < \$100 are not explained to conserve your time.

New and revised items are highlighted in bold.

Because the budget overages are very minimal at this time, savings will be realized in each department to offset these overages.

Office of General Counsel

Computer software is over budget by \$1,130 due to the purchase of two software licenses which would allow staff to scan and copy at the same time. When the budget was prepared, the purchase of this software was not anticipated.

Contract labor exceeded the budget by \$3,830 due to the use of temporary personnel while staff members were not working due to various medical issues.

Consumer Assistance Program

The budget for computer hardware was \$1,000 while actual costs incurred are \$2,503. This overage is due to the purchase of three scanners for the department. These scanners were requested after the budget was approved and the budget did not include a provision for this purchase.

Communications

Dues and memberships is over budget by \$120 due to an additional employee incurring this charge in addition to employees originally budgeted for.

In addition, computer hardware is over budget by \$1,029 due to the purchase of one additional computer for an employee that was new to the department.

Young Lawyers (YLD)

Dues and memberships exceeds budget by \$430. This overage is because this expenditure was not originally budgeted.

Savannah

Furniture and equipment costs were \$1,752 due to the purchase of a new ice machine for the Savannah office. Amounts were not budgeted for this purchase.

Other

Executive Committee meetings exceeded the budget by **\$869** primarily due to higher costs than anticipated at one of the Executive Committee meetings. This budget overage should be made up within the Supreme Court meetings line item.

Investment fees (including bond premium amortization) are over budget as a budget was not established for these expenses originally. Originally investments were in overnight funds/cash. As the investment portfolio transitioned to Graystone Consulting investment fees were incurred and will continue to be incurred. However, the additional investment return received will more than offset the fees that are and will be incurred. In addition, the bond premium amortization will continue until the individual bonds reach maturity.

Conference Center

Audio Video has a budget of \$10,200 while actual costs incurred to date are \$11,397. This budget overage is primarily due to a change in vendor. The previous vendor is no longer in business and staff had to search for a vendor to replace them. All other vendor costs were in excess of the amount that the vendor in the prior year charged.

Other Bar Center Operations

Conference Center renovations were over the budget by **\$1,371**. This budget overage is primarily due to the purchase of surge clamps. This purchase was not originally budgeted for.

Rental

Repairs and maintenance general building has a budget of \$5,500 while actual costs incurred to date are \$5,732. This budget overage is primarily due to the replacement of carpet in front of the elevators as well as inside the elevators. These costs were not originally budgeted for.

Shared Office Overhead

Shared office allocations exceed actual expense by approximately **\$26,700**. This is a positive variance. This number will fluctuate throughout the year.

Please give me a call at (404) 527-8748 if you have any questions regarding the attached financial statements.

cc: Jeff Davis
Cassie Hallstrom
Sharon Bryant
Paula Frederick

State Bar of Georgia Consolidated Revenues and Expenditures Operations and Bar Center Combined For the Current Period Ending October 31, 2019						
Category	Year Ending 06/30/2019	Year To Date 10/31/2019	% of Budget	Year Ending 06/30/2020		
	Actual	Actual		Annual Budget		
Membership Numbers						
Active Members	39,193	39,055	99.12 %	39,400		
Inactive Members	8,838	8,604	96.13 %	8,950		
Associates/Affiliates	13	14	100.00 %	14		
Foreign Legal Consultants	6	6	100.00 %	6		
Students	274	350	127.27 %	275		
Other	2	2	100.00 %	2		
Total Membership Numbers	51,068	50,909	100.03 %	50,995		
Revenue						
Dues Active	\$ 9,996,539	\$ 9,923,712	99.16 %	\$ 10,007,600		
Dues Inactive	1,144,650	1,107,312	97.42 %	1,139,650		
Dues Foreign	1,460	1,460	100.00 %	1,460		
Dues Foreign Legal Consultant	0	1,524	100.00 %	1,524		
Dues Late Fees	197,730	212,175	113.63 %	186,720		
Dues NSF Check Fee	320	140	50.00 %	280		
Dues Prior Years	5,550	3,192	127.68 %	2,500		
Total License & Dues	\$ 11,246,189	\$ 11,249,495	99.23 %	\$ 11,336,674		
Section Expense Reimbursement	\$ 191,196	\$ 190,644	100.00 %	\$ 190,644		
CSF Expense Reimbursement	\$ 73,000	\$ 24,333	33.33 %	\$ 73,000		
Advertising and Sales	\$ 36,716	\$ 10,470	23.16 %	\$ 45,200		
Membership Income	\$ 156,266	\$ 47,718	39.93 %	\$ 119,500		
Interest Income	\$ 112,826	\$ 126,144	126.14 %	\$ 100,000		
Miscellaneous Revenues	\$ 18,956	\$ 7,221	160.47 %	\$ 4,500		
Total Bar Revenue	\$ 11,837,149	\$ 11,655,965	98.20 %	\$ 11,869,518		
Total Bar Expenses	\$ 13,276,196	\$ 4,463,909	33.07 %	\$ 13,466,284		
SBG Net Gain (Loss)	\$ (1,439,047)	\$ 7,202,176	(451.05) %	\$ (1,596,766)		
Total Bar Center Operations Revenue	\$ 4,042,903	\$ 627,692	15.70 %	\$ 3,185,888		
Total Bar Center Operations Expenses	\$ 2,500,070	\$ 938,632	35.60 %	\$ 2,636,385		
Total Bar Center Operations Net Gain (Loss)	\$ 1,542,833	\$ (310,940)	(66.59) %	\$ 549,503		
Combined Revenue	\$ 15,880,052	\$ 12,283,677	81.59 %	\$ 15,055,406		
Combined Expenses	\$ 15,776,266	\$ 5,392,441	33.49 %	\$ 16,102,669		
Total Combined Net Income (Loss)	\$ 103,786	\$ 6,891,236	(658.02) %	\$ (1,047,263)		

Note: Non-Cash depreciation expense is excluded from this schedule.

Legend
█ Bar Operations
█ Bar Center
█ Combined Bar Operations and Bar Center

12/12/2019

**State Bar of Georgia
Total Bar Center Operations
Revenues and Expenditures- Executive Summary
For the Current Period Ending October 31, 2019**

Category	Current Month Actual	Month % of Budget	Year to Date Actual	YTD % of Budget	Budget	Remaining Balance of Budget	Prior Year
Bar Center Income and Cash Receipts							
Bar Center Assessments	\$0	0.00 %	\$1,050	0.00 %	\$0	(\$1,050)	\$206,173
Conference Center Copier	37	3.66 %	326	32.56 %	1,000	674	738
Gain/Loss on Investments	0	0.00 %	0	0.00 %	0	0	23,210
CLE Contributions to Bar Center	0	0.00 %	0	0.00 %	1,315,000	1,315,000	1,339,560
Transfer from Operations	0	0.00 %	0	0.00 %	0	0	628,512
Interest Income	0	0.00 %	17,800	42.38 %	0	24,200	51,941
Gain/Loss Investment Allocation	0	0.00 %	8,935	0.00 %	0	(8,935)	0
Bar Center Income and Cash Receipts	\$37	0.00 %	\$ 28,111	2.07 %	\$ 1,358,000	\$ 1,329,889	\$ 2,250,134
Bar Center Expenses and Cash Disbursements							
Parking Deck Construction	0	0.00 %	0	0.00 %	20,000	20,000	0
Conference Center Contingency	37	0.37 %	37	0.37 %	10,000	9,963	5,780
Conference Center Renovations	500	1.89 %	27,846	105.18 %	26,475	(1,371)	93,304
Museum and Woodrow Wilson Exhibit	0	0.00 %	0	0.00 %	2,500	2,500	0
Audio Video, Furniture and Equipment	0	0.00 %	0	0.00 %	2,000	2,000	71,666
Rehabilitation	0	0.00 %	450	0.45 %	100,000	99,550	84,504
President's Boardroom	0	0.00 %	0	0.00 %	5,000	5,000	2,848
Bar Center Expenses and Cash Disbursements	537	0.32 %	28,333	17.07 %	165,975	137,642	258,102
Bar Center Combined Net Cash Flow	\$ (500)	(0.04) %	\$ (222)	(0.02) %	\$ 1,192,025	\$ 1,192,247	\$ 1,992,032
Conference Center Income and Expenses							
Room Rentals and Various Charges	1,144	5.89 %	5,586	28.79 %	19,400	13,815	16,113
Conference Center Operating Expenses	44,459	9.90 %	150,881	33.61 %	448,865	297,984	429,191
Conference Center Combined Net Cash Flow	\$ (43,315)	10.09 %	\$ (145,295)	33.83 %	\$ (429,465)	\$ (284,169)	\$ (413,078)
Rental Income and Expenses							
Rental Income	114,499	7.91 %	457,651	31.62 %	1,447,488	989,837	1,365,050
Building Operating Expenses	173,383	10.23 %	652,355	38.50 %	1,694,355	1,042,000	1,493,785
Rental Combined Net Cash Flow	\$ (58,884)	23.65 %	\$ (194,704)	78.87 %	\$ (246,867)	\$ (52,163)	\$ (128,735)
Parking Income and Expenses							
Parking Income	36,220	10.03 %	136,345	37.77 %	361,000	224,655	411,606
Parking Deck Operating Expenses	35,247	10.77 %	107,063	32.72 %	327,190	220,127	318,992
Parking Combined Net Cash Flow	\$ 973	2.88 %	\$ 29,282	86.61 %	\$ 33,810	\$ 4,528	\$ 92,613
Total Bar Center Operations Net Gain (Loss)	\$ (101,726)	(18.51) %	\$ (310,940)	(56.59) %	\$ 549,503	\$ 860,444	\$ 1,542,833

Note: Non-Cash depreciation expense and gain/loss on disposal of fixed assets are excluded from this schedule.

12/12/2019

State Bar of Georgia
Income Statement YTD - Operations
For the Current Period Ending October 31, 2019

	<u>YTD Actual</u>	<u>Annual Budget</u>	<u>YTD % of Budget</u>	<u>Prior Year</u>
Revenues				
Dues - Active	\$ 9,923,712	\$ 10,007,600	99.16 %	\$ 9,896,539
Dues - Inactive	\$ 1,107,312	1,136,650	97.42 %	1,144,650
Dues - Misc. Types	\$ 2,924	2,924	100.00 %	1,400
Dues - Late Fees	\$ 215,507	189,500	113.72 %	203,600
Total Dues & Licenses	11,249,455	11,336,674	99.23 %	11,246,189
Section Expense Reimbursement	190,644	190,644	100.00 %	191,196
CSF Expense Reimbursement	24,333	73,000	33.33 %	73,000
Advertising and Sales	10,470	45,200	23.16 %	36,716
Membership Income	28,068	69,500	40.39 %	79,241
Pro Hac Vice	55,650	290,000	19.19 %	390,701
Pro Hac Vice Contra	(36,000)	(240,000)	15.00 %	(311,676)
Interest Income	126,144	100,000	126.14 %	112,826
Miscellaneous Revenues	7,221	4,500	160.47 %	18,956
Total Revenues	11,655,985	11,869,518	98.20 %	11,837,149
Expenses				
Administration	851,895	2,497,233	34.11 %	2,379,493
Management Info Systems	0	0	0.00 %	647,023
General Counsel	1,281,346	3,911,511	32.76 %	3,584,216
Consumer Assistance Pgm.	201,959	605,939	33.33 %	575,632
Communications	320,066	1,013,429	31.58 %	805,924
Lawyer's Assistance Program	31,856	62,500	50.97 %	64,582
Fee Arbitration	181,870	593,394	30.65 %	533,450
Law Practice Management	131,459	492,168	26.71 %	429,777
Sections	62,172	190,644	32.61 %	185,181
Savannah Office	91,594	270,047	33.92 %	250,564
Tifton Office	60,195	192,401	31.29 %	178,298
Young Lawyers	167,063	494,049	33.82 %	480,636
Unauthorized Practice of Law	282,662	855,067	33.06 %	812,092
Law Related Education	123,650	387,705	31.89 %	363,659
High School Mock Trial	24,260	154,192	15.73 %	150,683
MLAP	42,738	129,974	32.88 %	117,500
Pro Bono	70,739	212,216	33.33 %	212,216
Fastcase	117,830	244,000	48.29 %	228,522
Officers' Expenses	19,626	129,442	15.16 %	116,633
BASICS Program Contribution	150,000	150,000	100.00 %	150,000
Resource Center Contribution	110,332	110,332	100.00 %	110,332
Other Expenses	157,152	770,041	20.41 %	1,054,863
Unallocated Services	(26,655)	0	0.00 %	(155,077)
Total Expenses	4,453,809	13,466,284	33.07 %	13,276,196
Net Income	\$ 7,202,176	\$ (1,596,766)	(451.05) %	\$ (1,439,047)

12/12/2019

State Bar of Georgia
Income Statement YTD - Operations
For the Current Period Ending October 31, 2019

	<u>YTD Actual</u>	<u>Annual Budget</u>	<u>YTD % of Budget</u>	<u>Prior Year</u>
Other Expenses				
BOG and Member Meetings	(21,635)	339,006	(6.38) %	487,736
Supreme Court Meetings	575	84,000	0.68 %	42,645
Executive Committee Meetings	41,669	40,800	102.13 %	39,019
Court of Appeals Meetings	0	7,500	0.00 %	3,636
Southern Conference	31,943	50,000	63.89 %	374
State Disciplinary Board Lawyers	0	30,000	0.00 %	30,000
Elections	0	39,685	0.00 %	34,683
Dues Notice	3,133	44,000	7.12 %	36,947
Letters of Good Standing	764	3,200	23.88 %	3,249
Bar Membership Cards	3,056	11,100	27.53 %	9,277
50 Year Certificates	0	2,750	0.00 %	1,677
Membership Database Project	0	15,000	0.00 %	0
State Bar Committees	7,155	28,000	25.55 %	25,874
Strategic Plan	40,000	40,000	100.00 %	40,000
Georgia Diversity Program	0	20,000	0.00 %	20,000
Conference Sponsorship	0	0	0.00 %	(186)
ABA Delegate Breakfast	1,454	2,500	58.16 %	2,419
1st Floor Office Furniture Project	0	0	0.00 %	216,567
1st Floor Painting	0	0	0.00 %	49,000
Commitment to Equality Awards	0	2,500	0.00 %	2,500
Organization of Bar Investigators	0	0	0.00 %	6,487
Bond Premium Amortization	13,479	0	0.00 %	2,959
Investment Service Fees	28,038	0	0.00 %	0
Access to Justice/Pro Bono	7,521	10,000	75.21 %	0
Other Expenses	<u>157,152</u>	<u>770,041</u>	<u>20.41 %</u>	<u>1,054,863</u>

State Bar of Georgia
Status and Use of Cash and Investments as of October 31, 2019

Cash and Investments - October 31, 2019 - Bar	28,908,665
Less:	
CCLC Cash Included in Above Amount	(6,579,495)
Net Cash Available for State Bar	<u>22,329,170</u>
Use of Cash:	
Less:	
Board Designated - See Separate Schedule Attached	(8,288,104)
Temporarily Restricted - See Separate Schedule Attached	(2,158,219)
Total Board Designated and Temporarily Restricted	<u>(10,446,323)</u>
Other - Cash Allocated:	
Collection of Outstanding Accounts Receivable	160,003
Payment of Accounts Payable	(488,275)
Payment of Accrued Vacation	(530,344)
Deferred Income	0
Payment of Credit Card Bill	(93,073)
Payment of Accrued Salary	(483,854)
Payment of Accrued Taxes	(37,015)
Other Accrued Expenses (primarily pension)	(212,693)
Payment to Client Security Fund	(779,578)
Operational Expenses for Remaining Bar Year	(8,675,818)
Additional Revenue for Bar Operations (Excluding Bar Center)	213,533
Net Amount to be received from Related Entities	598,016
Total Other - Cash Allocated	<u>(10,329,098)</u>
Estimated Cash and Investments - June 30, 2020 - Bar	<u>1,553,749</u>
Cash and Investments - October 31, 2019 - Bar Center	179,678
Other Cash Allocated - Bar Center:	
Collection of Outstanding Accounts Receivable	83,832
Payment of Accounts Payable	(43,986)
Other Accrued Expenses	(136,478)
Receipt of Contribution from CCLC (to Bar Center)	860,443
Total Other - Cash Allocated - Bar Center	<u>763,811</u>
Estimated Cash and Investments - June 30, 2020 - Bar Center	943,489
Total Estimated Cash Balance at June 30, 2020	2,497,238

Note: The above schedule reflects the status of cash and investments as of the month end indicated above. There are no other State Bar funds or investments held in any institution that are not included on this schedule.

Also included in the above are the following assumptions: (1) Actual expenses for 2019 - 2020 would be 97.5% of budget. This is for Bar operations only and not Bar Center. (2) Additional revenue for Bar operations is based upon the assumption of achieving additional revenue through June 30, 2020 to equal 100% of the total budgeted revenue. (3) Bar Center would contribute additional cash flow through June 30, 2020 to equal their budget.

12/12/2019

State Bar of Georgia
Board-Designated and Donor Temporarily Restricted Net Assets
For the Current Period Ending October 31, 2019

	2017 June 30	2018 June 30	2019 June 30	2019 October 31
Board Designated				
General Operations - Bar	2,750,000	2,750,000	2,750,000	2,750,000
General Operations - Bar Center	2,000,000	2,000,000	2,000,000	2,000,000
Litigation	300,000	300,000	300,000	277,755
Cornerstones of Freedom	600,000	600,000	0	0
Sections	2,445,106	2,660,285	2,793,143	3,260,349
Total Board-Designated excludes Conventions and ICLE	8,095,106	8,310,285	7,843,142	8,288,104
Donor Temporarily Restricted				
Legislative	1,221,403	1,257,657	1,285,674	1,454,455
Law Related Education/Marshall fund	320,854	312,580	316,570	286,917
High School Mock Trial	13,287	9,018	14,095	14,157
National Mock Trial	20,067	20,161	0	0
Basics Program	74,218	65,414	67,032	142,573
Younger Lawyers	160,992	154,216	125,032	135,018
Lawyers Assistance	24,463	30,454	32,553	31,906
Georgia Diversity Program	9,790	17,588	18,957	25,372
Bar Media Conference	21,108	21,247	18,697	18,534
Justice Hunstein's Portrait	0	0	7,813	7,847
Law Day	6,247	6,276	6,356	6,384
Access to Justice	1,448	1,437	1,456	1,462
iCivics Program	559	(245)	603	606
Promote Inclusion	15,363	10,235	11,120	11,722
State Bar of Georgia Foundation	1,500	1,280	0	7,350
Military Vet Pro Bono	13,616	13,680	13,854	13,916
Unauthorized Practice of Law	100,049	100,518	0	0
Total Donor Temporarily Restricted	2,004,964	2,021,516	1,919,812	2,158,219
Net Board Designated and Donor Temporarily Restricted	10,100,070	10,331,801	9,762,955	10,446,323

Amounts for 2019 shown herein are unaudited

State Bar of Georgia
Summary of Members and Voluntary Legislative Contributions
With Contributions Paid Through October 31, 2019

Dues	2019-20 Dues Season	2018-19 Dues Season	2017-18 Dues Season
Total Number of Members at Apr 30 of Previous Bar year (active and inactive)	47,964	47,029	47,442
Active - Number Paid	39,323	36,888	39,244
Inactive - Number Paid	8,761	8,123	8,839
Total Number of Members With Dues Paid	48,084	45,011	48,083
Percent of Total Members With Dues Paid	100.3%	95.7%	101.4%
Number of Members Who Made A Contribution	3,673	5,339	5,811
Percent of Members Who Made A Contribution	7.6%	11.9%	12.1%
Total Contribution Amount	\$ 320,421	\$ 494,906	\$ 546,905
Average Amount Paid	\$ 87	\$ 93	\$ 94

Legislative Contribution Amounts by Dues Year

2019 - 2020	\$ 320,421
2018 - 2019	\$ 494,906
2017 - 2018	\$ 546,905
2016 - 2017	\$ 557,991
2015 - 2016	\$ 565,004
2014 - 2015	\$ 640,505
2013 - 2014	\$ 691,736
2012 - 2013	\$ 685,283
2011 - 2012	\$ 656,254
2010 - 2011	\$ 657,526

Purpose: The purpose of the above schedule is to reflect donations to the Legislative Fund for each period shown. The information reflects the total number of members who have made a contribution along with applicable percentages.

The number of members shown above is not the same as the number of members at the end of the month. The number of members above reflect the members who paid during the dues season indicated above. The dues season does not correspond to the fiscal year but starts in advance of the fiscal year. In addition, if members change status (active, inactive, emeritus, etc), this change will be reflected in the membership counts at month end but will not be reflected in the above schedule.

State Bar of Georgia
Summary of Members and Voluntary Contributions to Georgia Legal Services Program (GLSP)
With Contributions Paid Through October 31, 2019

Dues	2019-20 Dues Season	2018-19 Dues Season	2017-18 Dues Season
Total Number of Members at Apr 30 of Previous Bar year (active and inactive)	47,964	47,029	47,442
Active - Number Paid	39,323	36,888	39,244
Inactive - Number Paid	8,761	8,123	8,839
Total Number of Members With Dues Paid	48,084	45,011	48,083
Percent of Total Members With Dues Paid	100.3%	95.7%	101.4%
Number of Members Who Made A Contribution	2,961	3,197	2,743
Percent of Members Who Made A Contribution	6.2%	7.1%	5.7%
Total Contribution Amount	\$ 363,863	\$ 295,454	\$ 312,251
Average Contribution Amount	\$ 123	\$ 92	\$ 114

GLSP Contribution Amounts by Dues Year

2019 - 2020	\$ 363,863
2018 - 2019	\$ 295,454
2017 - 2018	\$ 312,251
2016 - 2017	\$ 276,487
2015 - 2016	\$ 264,492
2014 - 2015	\$ 255,713
2013 - 2014	\$ 241,362
2012 - 2013	\$ 244,707
2011 - 2012	\$ 240,678
2010 - 2011	\$ 241,772

Purpose: The purpose of the above schedule is to reflect donations to the Georgia Legal Services Program for each period shown. The information reflects the total number of members who have made a contribution along with applicable percentages.

The number of members shown above is not the same as the number of members at the end of the month. The number of members above reflect the members who paid during the dues season indicated above. The dues season does not correspond to the fiscal year but starts in advance of the fiscal year. In addition, if members change status (active, inactive, emeritus, etc), this change will be reflected in the membership counts at month end but will not be reflected in the above schedule.

State Bar of Georgia
Legislative Activity Report
From July 1, 2019 Thru October 31, 2019

July 1, 2019 Beginning Balance	\$ 1,285,674
Income:	
Interest Income on Fund	4,055
Gain/Loss on Investments	2,035
Contributions	321,521
Expenditures:	
Staff and Contract Lobbyists	149,686
Legislative Committee Expense	-
Grassroots Efforts	502
Travel	1,544
Legislative Guests/Meetings	-
Shared Office Allocation	5,328
Computer Hardware	929
Miscellaneous	841
Total Expenditures	<u>158,830</u>
Net Donor Temporarily Restricted Balance at October 31, 2019	<u>\$ 1,454,455</u>

Client Security Fund
Summary of Client Security Fund Activity
For the Current Period Ending October 31, 2019

	2018 June 30	2019 June 30	2019 31-Oct
Fund Balance, Beginning of Year	1,836,994	1,450,249	1,031,012
Activity			
Interest Income	8,028	11,922	3,102
Gain/Loss Investment Interest Allocation	0	4,544	1,557
Client Security Fund Assessments	144,628	102,884	73,526
Restitution Income	25,250	30,451	8,240
Restricted Expenses	(73,032)	(73,000)	(24,333)
Client Security Fund Claims Payments	(491,619)	(496,038)	(313,526)
Total Activity	(386,745)	(419,237)	(251,434)
Fund Balance, End of Period	1,450,249	1,031,012	779,578



December 18, 2019

Board of Governors,

I am pleased to give you an update on what we have accomplished since the Fall Meeting in Savannah. The YLD continues to be active statewide in our service and networking opportunity. Highlights since the Savannah meeting include our YLD Fall Meeting at Lake Lanier where members volunteered at the Georgia Mountain Food Bank. Since the Summer Meeting on St. Simons Island, we have had nearly 20 first-time meeting attendees at our YLD General Sessions. I am very excited to kick off 2020 with our Leadership Academy. I participated in Leadership Academy in 2013, and I consider it to be the foundation of my current YLD and State Bar involvement. We've selected a great 2020 class featuring young lawyers from diverse backgrounds, and I cannot wait to meet with them over the next six months as they are introduced to the YLD.

YLD COMMITTEES

The YLD has more than 25 committees working to support our motto of service to the community and profession. Each committee works diligently to provide substantive programming in their respective focus areas. Below are some of the accomplishments of our YLD Committees this year:

YLD Corporate Counsel Committee

Javier Becerra and Becca Hallum, co-chairs

The YLD Corporate Counsel Committee held a CLE on Dec. 4 at the office of Smith Gambrell & Russell LLP. The panel discussion, "Climbing to the Top," included the general counsel of Graphic Packaging International, the general counsel of Chick-fil-A, the general counsel of Georgia Association of Hospitals and a recruiter. They discussed their roles and how they became general counsel and the path to becoming an in-house attorney.

YLD Community Service Projects Committee

Sarah Jett and Kayla Winters Strozier, co-chairs

In November, the YLD Community Service Projects Committee partnered with the Gwinnett County Children's Shelter to provide them with snacks and supplies they need for their shelter. We collected donations from committee members, co-workers and attendees at the YLD Fall Meeting. We are proud to announce our members were able to donate more than \$250 to the organization and more than 30 donation items.

On Saturday, Dec. 7, we partnered with WellSpring Living who provides housing and support to women ages 12-21 who have been victims of sex-trafficking in Georgia. We were able to decorate one of their residence homes in College Park, Georgia for Christmas, both inside and out. It was a great way for our committee to give the girls a happy and warm home for the holidays. (photos attached).

On Jan. 20, for our MLK service day project, we are planning a resume workshop with the Gateway Center. Further details will be forthcoming for our members, and, we are excited to partner with this organization for a second year.

This Bar year, we have already had service projects at the Atlanta Beltline, with the Atlanta VA, Gwinnett Children's Shelter and WellSpring Living. We are excited about the second half of the 2019-20 Bar

year—serving even more of our community and showing those outside the legal profession that attorneys really do care about them and love to give back.

YLD Health Law Committee

Dana Lohrberg and Sally Robertson, co-chairs

On Nov. 7, the YLD Health Law Committee held our Atlanta Kickoff Event at Cold Beer Atlanta on the BeltLine. We hope to join forces this winter with the YLD Intellectual Property Law Committee to host an event featuring a keynote speaker that can touch on relevant IP issues within the health care field (e.g. Artificial Intelligence).

This spring, we hope that out-of-town members will want to use this as an opportunity to get away for a beautiful weekend in Savannah and that local members will take advantage of the opportunity to attend a YLD Health Law event with a keynote speaker that can address hot topics in the health care field.

YLD Intellectual Property Law Committee

Jason H. Cooper and Amy Lester Drew, co-chairs

The YLD Intellectual Property Law Committee held its first event on Oct. 24 at Ted's Montana Grill in Midtown. Committee members met and mingled while enjoying some delicious food and learning more about the committee and its upcoming events. Representatives from the Atlanta Volunteer Lawyers Foundation (AVLF) were in attendance and shared information with members about its Saturday Lawyer program.

On Nov. 23, the committee co-sponsored a Saturday Lawyer pro bono legal clinic for AVLF. Ten attorneys showed up early Saturday morning for consultations with AVLF clients facing landlord-tenant and housing issues. AVLF's Saturday Lawyer program is its oldest and largest program, providing free legal assistance to low-income Atlantans for the last 40 years. The YLD IP Law Committee has regularly sponsored Saturday Lawyer clinics for the last three years.

YLD Labor and Employment Law Committee

Jana Anandarangam and JonVieve Hill, co-chairs

The YLD Labor and Employment Law Committee held a very exciting happy hour event on Nov. 14 at 5Church in Midtown sponsored by Ricoh Legal, Veritext, KLDDiscovery, The RMN Agency and Compliance Discovery Solutions. Our committee is planning several exciting events in 2020 including a lunch and learn in the winter and a collaboration with the State Bar of Georgia Labor and Employment Law Mentorship Academy in May to offer a networking event at a Braves game.

YLD Law School Outreach Committee

Kindall Browning and Jamie McDowell, co-chairs

On Aug. 29, 2019, Kindall Browning attended Mercer Law's Professional Organization Fair to talk to current law students about getting involved with the YLD once they become members of the State Bar. YLD Secretary Ron Daniels and YLD members Brittanie Browning and Andrew Bennett also attended the event. The group distributed informational flyers and YLD swag and recruited several students to sign up for law student membership with the State Bar. Additionally, we advertised the Houston County YLD BBQ and had a number of students turn up for that event in October.

Similarly, on Nov. 19, Jamie McDowell attended the Third Annual Bar Organization Fair at Georgia State University College of Law, hosted by Georgia State's Center for Professional Development and Career Strategies. Jamie discussed the YLD's positive impact on the professional development of young lawyers. She also recruited several students to join the State Bar as student members.

As for future events, the committee is planning a spring event at UGA Law in conjunction with YLD Inclusion in the Profession Committee Co-Chairs Erica Taylor and Blair Weatherly. The event will take place during the YLD Spring Meeting in Athens.

YLD Public Interest Internship Program Committee

Andrew Navratil and Danielle Russell, co-chairs

This fall, the PIIP Committee represented the YLD at public interest organization fairs at Georgia State University College of Law on Sept. 23, and Emory University School of Law on Oct. 2. We shared information about our summer public interest internship funding, opportunities to get involved with the YLD more broadly, and signed up new student YLD members. On Nov. 12, we joined the State Bar's Access to Justice Committee and the Pro Bono Resource Center for the annual State Bar Pro Bono and Public Interest Awards Reception, where we honored the 10 finalists and three recipients of our summer 2019 PIIP grants.

This winter, the PIIP Committee helped organize the YLD's sponsorship day at the Atlanta Volunteer Lawyers Foundation Saturday Lawyer Program on Dec. 14. Ten YLD lawyers interviewed low-income tenants facing landlord-tenant issues to screen their case and determine whether they or another lawyer will represent the tenant pro bono.

YLD Women in the Profession Committee

Jena Emory and Samantha Mullis, co-chairs

The Women in the Profession Committee loved 2019 and is looking forward to a fantastic 2020. We are excited to share with you what we have been up to and our plans for the coming year.

Membership

In August, the WIP Committee had 29 members. In September, the WIP Committee had 42 members. In October, the WIP Committee had 66 members. Currently, the WIP Committee has 84 members! Our committee is growing, and we look forward to planning more exciting events for our members.

January

On Jan. 10, from 5:30-6:30 p.m., the YLD WIP Committee is having coffee with Judge Shondeana C. Morris of the Superior Court of DeKalb County at The Georgian Terrace. This coffee is in conjunction with the Midyear Meeting.

The committee is also working with the YLD Family Law Committee to host an after work event on meal prepping to help members start the new year right.

February

On Feb. 17, from 12-1 p.m., the YLD WIP Committee and the YLD Labor and Employment Law Committee will be hosting a "Fairness February" lunch and learn with Judge Janis C. Gordon of the State Court of DeKalb County. Judge Gordon will discuss being a woman in this profession and developing a fair and unbiased outlook on life.

March

On March 28, from 10 a.m. - 2 p.m., the YLD WIP Committee will host its third annual Women's Estate Planning Clinic at First Presbyterian Church of Atlanta. The clinic will be hosted with the help of Cari Hipp at Atlanta Legal Aid. Lawyers, paralegals and volunteers are welcome. No estate experience required.

April

As a part of our Coffee with a Judge series, the YLD WIP Committee will plan coffee with a local judge in conjunction with the YLD Spring Meeting at Graduate Athens in Athens, Georgia.

The committee is also hoping to host an "Appellate April" lunch and learn.

May

For our end of the year blockbuster, the YLD WIP Committee is currently planning an outing to the Atlanta Braves vs. New York Mets game on May 22 at 7:20 p.m. at SunTrust Park. We are hoping to host this event in conjunction with the Cobb County Bar (or the WIP of the Cobb County Bar).

YLD AFFILIATES

Houston County YLD

The Houston County YLD hosted their annual Christmas party on Dec. 12, complete with a cookie swap. They also continued the tradition of sponsoring a local family for Christmas.

Savannah YLD

The Savannah YLD recently held its annual “tacky sweater” Holiday Party in December.

MEETINGS

Midyear Meeting in Atlanta, GA | Jan. 10-12

The YLD Midyear Meeting will be held in conjunction with the State Bar’s Annual Meeting at The Georgian Terrace hotel and the Fox Theatre in Atlanta. In addition to the YLD General Session, members will be encouraged to attend the Midyear Board of Governors Meeting. The 2020 YLD Leadership Academy will kick off their year with their first session of activities.

Spring Meeting in Athens, GA | April 24-26

The YLD will gather for our Spring Meeting and enjoy the Twilight Criterium in Athens! The Graduate Athens will be our host hotel and plans for the weekend include CLE, group dinners, a possible swearing-in with the U.S. District Court for the Middle District of Georgia and enjoying the bike race downtown on Saturday night. The 2020 YLD Leadership Academy will attend the Spring Meeting as part of their programming.

NOTABLE UPCOMING EVENTS

Signature Fundraiser

The YLD will host its 14th Signature Fundraiser on March 21, 2020, in Atlanta with more details to follow. The YLD looks forward to raising funds for the Georgia Legal Services Program which provides legal assistance to low-income Georgians in 154 of Georgia’s 159 counties. Signature Fundraiser Committee Co-Chairs Morgan Carrin and Christina Gualtieri are looking forward to hosting a great event for a great cause!

Georgia Legal Food Frenzy

The Georgia Legal Food Frenzy is a two-week food and fund drive competition done in partnership with the Georgia Attorney General, the State Bar and YLD, and the Georgia Food Bank Association. The competition is open to everyone in the legal community to see which law firm, legal organization and corporate/in-house counsel can have the biggest impact on hunger. The competition will take place in Spring 2020, and we look forward to a great year under our YLD Legal Food Frenzy Committee Co-Chairs Morgan Lyndall and Veronica Rogusky.

Thank you again for all your support.

Sincerely,



William T. Davis
2019-20 YLD President



PAULA J. FREDERICK
General Counsel

Memorandum to: Members, Board of Governors
From: Paula Frederick, General Counsel
Date: December 17, 2019
Re: Report of the Office of the General Counsel

LEIGH BURGESS
WILLIAM V. HEARNBURG, JR.
JAMES S. LEWIS
JENNY K. MITTELMAN
ANDREA N. MORRISON
ADRIENNE D. NASH
WILLIAM D. NESMITH, III
WOLANDA R. SHELTON
JOHN J. SHIPTENKO

I am pleased to report on the activity of the Office of the General Counsel since the Board's Fall meeting.

Client Assistance Program: By order of August 1, 2019 the Supreme Court gave the Office of the General Counsel supervisory authority for the Consumer Assistance Program and changed the name to "Client Assistance Program" to more accurately reflect what the program does. The move has allowed CAP staff to work with the OGC screening office even after receipt of a grievance, ensuring more streamlined service to members of the public.

Discipline: During November the OGC received 168 new Grievances and the Supreme Court of Georgia entered orders in four disciplinary cases. The Year-to-Date Report on Lawyer Regulation (covering the period May 1, 2019 through November 30, 2019) appears at page 3 of this memorandum. This Bar year the OGC has received 1380 new grievances and the Court has entered orders in 49 cases (including five requests for reinstatement of previously disbarred lawyers).

Rules Changes:

The following rules changes are pending or recently approved:

- By order of November 18, 2019 the Supreme Court approved revisions to the Rules of Professional Conduct, the Rules Governing the Unlicensed Practice of Law, and the ICLE rules. The Board approved these revisions at the Spring 2019 meeting and an explanation of the changes appears in the Board Book from that meeting as well as on the Bar's website.
- During the Midyear Meeting the Board will consider a proposal to amend the rules governing the Clients' Security Fund. The proposal would change the term of service for Trustees of the Fund from five to three years.
- Several proposed revisions to the Bylaws are on the agenda for the Members Meeting that occurs during the Midyear meeting:

- Article 1, Section 3—Inactive Members
 - Article 8, Section 1—Standing Committees
 - Article 1, Sections 9 and 10—Retired Status Members and Members Unable to Practice Due to Disability
- The Board approved revisions to the Rules of Professional Conduct and to Bar Rule 1-702 (Special Committees) at the Fall meeting. Those revisions are currently pending with the Supreme Court.

Continuing Legal Education: Staff from the OGC presented at 11 CLE programs in November and December.

Committees and Other Projects:

- The Professional Liability Insurance Committee continues to meet monthly and to hold town hall meetings around the state in order to get member input.
- The International Trade in Legal Services Committee met October 24, 2019 to consider a proposed amendment to Rule 1.2 that would deal with international money laundering problems.
- The Disciplinary Rules & Procedures Committee met in conjunction with the Bar’s Fall meeting.
- The Office of the General Counsel Overview Committee met October 29.
- The Clients Security Fund met October 23, 2019. Trustees reviewed 33 claims and approved 25, in the total amount of \$357,692.
- The Formal Advisory Opinion Board met October 24.

**Year-to-Date Report on Lawyer Regulation
May 1, 2019 through November 30, 2019**

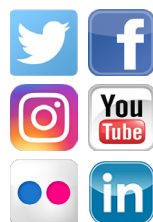
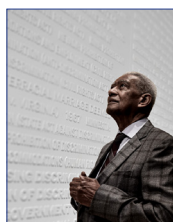
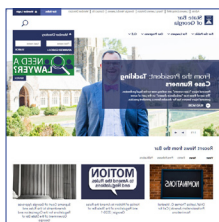
Grievance forms sent back to Office of General Counsel for screening	1380
Grievances pending as of 4/30/19.....	<u>489</u>
TOTAL.....	1869
Grievances referred to State Disciplinary Board members.....	161
Grievances being screened by Grievance Counsel (GC)	398
Grievances closed by Grievance Counsel.....	1298
Grievances moved to moot status by GC after attorney was disbarred	12
TOTAL.....	1869

Regulatory Action May 1, 2019 through November 30, 2019

	<u>Attorneys</u>	<u>Cases</u>
Letters of Admonition Accepted	1	1
Confidential Reprimands Administered	10	11
Review Board Reprimands	1	1
Public Reprimands	2	2
Suspensions	9	11
Disbarments/Voluntary Surrenders	<u>11</u>	<u>18</u>
TOTAL	34	44
Reinstatements Granted	3	4
Reinstatements Denied	1	1

COMMUNICATIONS

Midyear Meeting Board Report (updated 12.05.19) *at a glance*



GEORGIA BAR JOURNAL

Redesigned: August 2016
Budget: \$50,615/issue*
Mailing List: 31,000
Unique digital visits November 2019: 705

*Partially offset by advertising.

WWW.GABAR.ORG

Redesign Launched: April 28, 2018
Pages: 1,832
Redesign Budget: \$250,000
Annual Budget: \$28,800/year
Pageviews/day: 48,178* (November 4, 2019)
Pageviews/month: 793,177 (November 2019)
Pageviews/year: 9,898,404 (12/18-11/19)
Most popular page: Member Directory
Related sites: gabar.org/ICLE,
lawyerslivingwell.org, thelawmuseum.org,
ganeedslawyers.org, theyldreview.org,
georgiaLHL.org

*A pageview is the total number of pages viewed. Repeated views of a single page are counted.

PRESS RELEASES / MEDIA REPORT

2017-18 impressions: 1,802,472
2018-19 impressions: 1,016,738
2019-20 impressions: 714,148*

Top media outlets: *Albany Herald, Daily Report, Marietta Daily Journal, Savannah Morning News*

*To date.

SOCIAL MEDIA

Twitter: 5,275 followers
Facebook: 5,505 likes
Instagram: 887 posts
Flickr: 6,085 photos
YouTube: 2,710 subscribers
LinkedIn: 4,005 followers

GEORGIA NEEDS LAWYERS PSA CAMPAIGN, YEAR 3

Agencies: ba.agency & Dalton Agency
Budget: \$458K (creative, media buy, administrative costs)
Launched: October 2018
Ran through: June 30, 2019
Deliverables: 4 PSAs (1-min./30-sec./10-sec. of each), digital media buy, broadcast (TV) buy, print ads and outdoor ads (no paid buy)



PUBLISHED ARTICLES 2019-2020			Circulation
Date	Newspaper	Headline	
5/29/2019	Dalton Daily Citizen	Congratulations to area firms for Georgia Legal Food Frenzy success this year	6,748
5/30/2019	DeKalb Champion, Decatur	Congratulations to Decatur law firm for Georgia Legal Food Frenzy success	544
6/4/2019	Augusta Chronicle	Augusta excelled in Food Frenzy	28,830
6/5/2019	Calhoun Times	Congratulations to new Superior Court judge	3,896
6/14/2019	Gainesville Times	Letter: Congratulations to Nicki Vaughan on Georgia Appleseed Award	5,000
6/14/2019	Marietta Daily Journal	Around Town: Cobb Fills the Bar	12,287
6/15/2019	Albany Herald	Former Dougherty DA Hodges reflects on year heading State Bar Association	9,569
6/15/2019	Newnan Times-Herald	Jason Swindle re-elected to Board of Governors of State Bar of Georgia	7,540
6/15/2019	Valdosta Daily Times	Congratulations to Valdosta Bar Association on successful Law Day event	8,067
6/18/2019	Post-Searchlight, Bainbridge	Payne appointed to Board of Governors of State Bar of Georgia	4,500
6/19/2019	Polk County Standard Journal, Cedartown	McRae re-elected to Board of Governors of State Bar of Georgia	2,632
6/19/2019	Coastal Courier, Hinesville	Carl Varnedoe re-elected to Board of Governors of State Bar of Georgia	5,500
6/19/2019	Walker County Messenger, Lafayette	Catoosa County Solicitor Doug Woodruff re-elected to Board of Governors	1,862
6/19/2019	Catoosa County News, Ringgold	Catoosa County Solicitor Doug Woodruff re-elected to Board of Governors	1,310
6/20/2019	Johns Creek Herald	Fulton County native to lead State Bar of Georgia Young Lawyers Division	20,000
6/20/2019	Marietta Daily Journal	Cobb County Bar Association honored by State Bar of Georgia	12,287
6/20/2019	Savannah Morning News	Savannah attorneys re-elected to Board of Governors of State Bar of Georgia	19,652
6/21/2019	Atlanta Tribune	GABWA Earns Top Honors from State Bar of Georgia	10,000
6/22/2019	Thomasville Times-Enterprise	Valdosta attorney re-elected to state bar's board of governors	4,339
6/24/2019	Dunwoody Crier	Dunwoody resident receives State Bar of Georgia Award	18,000
6/26/2019	Adel News-Tribune	Boro native Ashley Akins installed to state bar position	8,000
6/26/2019	Savannah Morning News	Mickey Johnson Re-Elected to Board of Governors of State Bar of Georgia	3,320
6/26/2019	Savannah Tribune	Savannah attorney Waring cited by state bar for equality efforts	19,652
6/27/2019	Lincoln Journal, Lincolnton	Savannah Attorney Receives State Bar of Georgia Commitment to Equality Award	8,000
7/2/2019	Albany Herald	Sanders re-elected to serve on the Board of Governors	1,500
7/2/2019	Johnson Journal, Wrightsville	Underwood re-elected to Board of Governors of State Bar	9,569
7/3/2019	Walton Tribune, Monroe	Joseph Sumner is re-elected to Board of Governors of State Bar of Georgia	847
7/4/2019	Augusta Chronicle	Walton County Bar honored	4,126
7/4/2019	News-Reporter, Washington	Augusta attorneys re-elected to Board of Governors of State Bar	28,830
7/6/2019	Walton Tribune, Monroe	Sanders re-elected to State Bar of Ga. Board of Governors	2,246
7/7/2019	Rome News-Tribune	Geoffroy elected to Bar Board of Governors	4,126
7/8/2019	Daily Report	Congratulations to Berry on selection to GNIC board	9,556
7/9/2019	Statesboro Herald	Ga. Legal Community Mourns Loss of Professor Donald Eugene Wilkes	2,607
7/11/2019	The Citizen, Fayetteville	Susan Cox is re-elected to State Bar Board	8,000
7/11/2019	Hartwell Sun	Chief Judge Edwards elected to Board of Governors of State Bar of Georgia	5,000
7/11/2019	Pickens County Progress, Jasper	Local lawyer re-elected to state bar board	4,269
7/11/2019	Gwinnett Daily Post, Lawrenceville	Will Pickett Jr. re-elected to Board of Governors of State Bar of GA	6,199
7/11/2019		Congratulations to Judge Tadia D. Whitner	59,838

7/11/2019	Toccoa Record	Irvin is re-elected to board	3,689
7/12/2019	Daily Citizen-News, Dalton	Smalley re-elected to state bar board of governors	6,748
7/13/2019	Albany Herald	Dent honored by State Bar's Young Lawyers Division	9,569
7/14/2019	Gwinnett Daily Post, Lawrenceville	Gwinnett attorneys picked to serve on Board of Governors for State Bar	59,838
7/14/2019	Statesboro Herald	Congratulations and thanks to Judge Gary Mikell	8,000
7/15/2019	The Islander, St. Simons Island	Roberts reelected to Board of Governors State Bar of Georgia	3,421
7/15/2019	Savannah Morning News	Akins installed as State Bar of Georgia secretary	19,652
7/16/2019	The Telegraph, Macon	State Bar of Georgia leadership posts	17,854
7/17/2019	Monroe County Reporter, Forsyth	Curtis Jenkins reelected to State Bar Board of Governors	4,297
7/17/2019	Soperton News	Justice Ellington Honored by State Bar of Georgia's Young Lawyers Division	1,000
7/18/2019	Richmond County Neighbors, Augusta	Augusta attorneys re-elected to Board of Governors of State Bar	5,000
7/18/2019	Tifton Gazette	Letter to the editor: Congratulations to the Tifton Circuit Bar on successful Law	3,005
7/21/2019	Gwinnett Daily Post, Lawrenceville	Duluth attorney receives service award	59,838
7/21/2019	Newnan Times-Herald	Coweta attorney honored by Young Lawyers Division	7,540
7/22/2019	Brunswick News	Young lawyers group honored	10,927
7/24/2019	Americus Times-Recorder	Judge Rucker Smith re-elected to Board of Governors of State Bar of Georgia	1,912
8/2/2019	Savannah Morning News	Judge Moore deserving of professionalism award	19,652
8/3/2019	Marietta Daily Journal	Congratulations to new chief magistrate	12,287
8/4/2019	Marietta Daily Journal	State Bar congratulates Bob Barr	12,287
8/8/2019	Savannah Morning News	Recognizing a distinguished career	19,652
8/16/2019	Daily Report	Congratulations and thanks to Ben Easterlin	2,607
9/3/2019	Athens Banner-Herald	Congratulations to Judge Stephens on Boy Scout award presentation	8,199
9/8/2019	Albany Herald	Georgia legal community mourns loss of Judge Stephen Goss	9,569
10/2/2019	Daily Report	State Bar Congratulates Behavioral Health Reform Panel Appointees	2,607
10/9/2019	Dahlonega Nugget	Congratulations and thanks to Judge Stanley Gunter	4,310
10/9/2019	Times Courier, Ellijay	Congrats to Judge Weaver	4,883
10/10/2019	White County News, Cleveland	Congratulations to Bryan Tyson on board appointment	4,197
10/10/2019	Marietta Daily Journal	Congratulations to Judge Stanley Gunter	12,287
10/26/2019	Marietta Daily Journal	Georgia legal community mourns loss of Fred Bentley Sr.	12,287
10/30/2019	Daily Report	Georgia Legal Community Mourns Loss of Sen. Leroy Johnson	2,607
10/30/2019	News Observer, Blue Ridge	Judge Brenda Weaver named to new health reform commission	6,346
11/3/2019	Albany Herald	Tommy Malone remembered as legal giant	9,569
11/20/2019	Marietta Daily Journal	Congratulations to Chuck Clay on commission reappointment	12,287
		TOTAL CIRCULATION	746,171



Dear Fellow Board Member:

Thank you for the opportunity to update you on the work of the Professional Liability Insurance Committee. By the time of the Midyear Board meeting the Committee will have conducted a total of three Town Hall meetings—October 18 in Savannah, November 21 in Rome, and January 10 in Atlanta. In addition to the Town Hall meetings the Committee continues to receive written comments from Bar members on all sides of the issues related to professional liability insurance.

During the town hall meeting in Savannah it was suggested that the Committee include representation from the insurance industry. President Sutton has appointed a member who works with the Insurance Commissioner's Office so that we have that perspective as we consider the options.

At our meeting on December 4 the Committee discussed in detail how a member's status would appear on the website under the options that require disclosure. Bar staff is drafting language for the Committee to consider at its next meeting.

There are four options currently under consideration:

OPTION ONE would require all lawyers in private practice to disclose on their dues statement whether they are covered by a malpractice insurance policy. The information would be published in the member's listing in the online Member Directory. Lawyers in private practice who fail to disclose would go out of good standing on September 1 of the Bar year, which is the same date that members who do not pay their dues cease to be in good standing. To return to good standing the member would need to make the disclosure to the Membership Department of the Bar. Lawyers who do have coverage would not be required to provide information about the insurance company, policy number or policy limits.

OPTION TWO would include all of the provisions of Option One, with an additional provision encouraging lawyers who are not covered by a PLI policy to take a voluntary self-assessment course provided by the Bar online and designed to evaluate the lawyer's practice for the risk of malpractice. The assessment would be modeled on one used in Colorado, a copy of which is attached. Members could take the assessment course for free and receive CLE credit upon completion. The results of the test would be confidential and members would receive information about resources to help reduce the risk of a malpractice claim.

OPTION THREE would include all of the provisions of Options One and Two, but the self-assessment course would be mandatory for all lawyers who are not covered by a PLI policy. If the lawyer failed to make the disclosure or, if not covered, to either complete the assessment or to obtain coverage within one year of the required disclosure date, he or she would go out of good standing.

OPTION FOUR is the proposal that requires lawyers in private practice to be covered by a PLI policy. We have amended the provision that required the coverage to be non-eroding so that it would only apply to policies with minimal limits. This option would require lawyers to obtain or be covered by a PLI policy and to report that fact to the Bar on the dues statement. Members who do not comply would go out of standing as of September 1 of the Bar year.

The draft language for each of the options is attached to this memo.

As always, the committee welcomes your comments as we continue with this important work. If you are not able to attend a town hall meeting please submit written comments to President Sutton's email address, president@gabar.org.

HEADQUARTERS

104 Marietta St. NW, Suite 100
Atlanta, GA 30303-2745
404-527-8700 • 800-334-6865
Fax 404-527-8717
www.gabar.org

COASTAL GEORGIA OFFICE

18 E. Bay St.
Savannah, GA 31401-1225
912-239-9910 • 877-239-9910
Fax 912-239-9970

SOUTH GEORGIA OFFICE

244 E. 2nd St. (51794)
P.O. Box 1390
Tifton, GA 31793-1390
229-387-0446 • 800-330-0446
Fax 229-382-7435

OPTION 1

Mandatory Disclosure Requirement

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Rule 1-210. Professional Liability Insurance

(a) Each active member of the State Bar of Georgia who is engaged in the private practice of law in Georgia shall disclose on the annual license fee statement whether the member is covered by a policy of professional liability insurance.

(b) Each member who has previously reported being covered by professional liability insurance shall notify the State Bar of Georgia in writing in such form and manner as the Board may designate within 30 days if the insurance policy providing coverage lapses, terminates, or is no longer in effect for any reason.

(c) The information required by this Rule shall be publicly available and included in the member's listing in the Member Directory on the official website of the State Bar of Georgia.

(d) Each member shall maintain documentation showing the name of the insurer, the policy number, the amount of coverage and the term of the policy, and shall produce such documentation at the request of the State Bar of Georgia.

(e) The information required by this Rule is due on July 1 of each year. A member who does not comply with the requirements of the Rule by September 1 shall cease to be a member in good standing. A member deemed not to be in good standing under this Rule shall be returned to good standing upon making the disclosure required in subpart (a) to the Membership Department of the State Bar of Georgia.

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OPTION 2
Mandatory Disclosure Requirement with Voluntary Assessment

Rule 1-210. Disclosure of Professional Liability Insurance

- a) Each year, every member of the State Bar of Georgia shall certify:
- 1) Whether the member is engaged in the private practice of law; and
 - 2) Whether the member is currently covered by a policy of professional liability insurance.
- b) Each member who has previously reported being covered by professional liability insurance as set forth in paragraph (a)(2) of this Rule shall notify the State Bar of Georgia in writing in such form and manner as the Board may designate within 30 days if the insurance policy providing coverage lapses, terminates, or is no longer in effect for any reason.
- c) The information required by this Rule shall be publicly available and included in the member's listing in the Member Directory on the official website of the State Bar of Georgia.
- d) The State Bar of Georgia encourages those members who are not covered by a policy of professional liability insurance to complete the Bar's voluntary online self-assessment of the operation of their law practice and to avail themselves of the resources which it recommends to address any deficiencies identified by the self-assessment.
- e) The information required by part (a) of this Rule is due on July 1 of each year. A member who does not comply with the requirements of the Rule by September 1 shall cease to be a member in good standing. A member deemed not to be in good standing under this Rule shall be returned to good standing upon making the disclosure required in subpart (a) to the Membership Department of the State Bar of Georgia.

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OPTION 3

53 Mandatory Disclosure Requirement with Mandatory CLE for Lawyers Without Insurance

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(Proactive Management-Based Assistance)

55 **Rule 1-210 Disclosure of Professional Liability Insurance.**

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(a) Each active member of the State Bar of Georgia who is engaged in the private practice

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of law in Georgia shall disclose on the annual license fee statement whether the member is

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covered by a policy of professional liability insurance. Members whose practice consists solely

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of serving as an arbitrator or mediator and members who do not represent clients are exempt

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from the provisions of this rule.

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(b) Each lawyer shall maintain, for a period of six years from the date the coverage is

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reported, documentation showing the name of the insurer, the policy number, the amount of

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coverage and the term of the policy, and shall produce such documentation at the request of the

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State Bar of Georgia.

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(c) Every other year, beginning with registration for 2020-2021, each lawyer covered by

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paragraph (a) who discloses that he or she is not covered by a policy of professional liability

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insurance shall complete a self-assessment of the operation of his or her law practice or shall

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obtain malpractice insurance and report that fact on the annual license fee statement for the

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following year.

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(d) The Proactive Management-Based Assistance program is a free interactive online

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educational program provided by the Bar. It requires the lawyer to assess his or her law office

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and operations based upon the requirements of the Georgia Rules of Professional Conduct and

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best-practices for the operation of a law office. Lawyers may earn one hour of Ethics CLE credit

74 for each module of the self-assessment completed. Upon completion of each module in the
75 Proactive Management Based self-assessment program, the lawyer will receive the results of the
76 self-assessment and suggested resources to help the lawyer address any deficiencies identified by
77 the self-assessment. All information related to the self-assessment shall be confidential and not
78 shared with the Office of the General Counsel, except for the fact of completion of the self-
79 assessment. Neither the Bar nor the lawyer may offer this information into evidence in a
80 disciplinary proceeding. The Bar may report self-assessment data publicly in the aggregate.

81 (e) The information required by this Rule is due on July 1 of each year. A member who
82 discloses that he or she is not covered by a professional liability insurance policy remains in
83 good standing for one year in order to complete the Proactive Management-Based Assistance
84 Program or to obtain insurance. If the member neither completes the self-assessment required at
85 parts (c) and (d) nor obtains insurance, he or she goes out of good standing on July 1 of the
86 following year. A member deemed not to be in good standing under this Rule shall be returned to
87 good standing upon making the disclosure required in subpart (a) to the Membership Department
88 of the State Bar of Georgia and, if not covered by a policy of malpractice insurance, by
89 completing the self-assessment course.

90 (f) The Bar will provide the information required by part (a) of this rule upon request
91 from any person but will not publish it as part of the member's listing in the Member Directory
92 on the official website of the State Bar of Georgia.

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OPTION 4
Mandatory Insurance Requirement

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Rule 1-210. Professional Liability Insurance

99 (a) All active members of the State Bar of Georgia engaged in the private practice of
100 law in Georgia must be covered by a policy of professional liability insurance, in an
101 amount no less than \$100,000 per occurrence and \$300,000 in the aggregate (“Minimum
102 Limits”). For any Minimum Limits policy the expenses of defense must be outside the
103 policy limits so that the Minimum Limits stated above are not reduced by payment of
104 attorney’s fees or claims expenses incurred by the insurer for the investigation,
105 adjustment, defense, or appeal of a claim.

106 (b) The following members shall be exempt from the requirements of this rule:

107 (1) Members who are employed by a governmental entity or other
108 organization and whose practice is limited to matters concerning the entity or
109 organization;

110 (2) Members whose practice consists solely of serving as an arbitrator or
111 mediator; and

112 (3) Members who are not actively engaged in the practice of law or who do
113 not represent clients.

114 (c) Each lawyer who is required by this rule to have professional liability insurance
115 shall so certify by providing the name of the insurance company and the policy number
116 on the annual license fee notice, and shall notify the Membership Department of the State
117 Bar of Georgia in writing within 30 days if coverage lapses, is no longer in effect, or
118 terminates for any reason. Each lawyer’s insurance status shall appear in the State Bar
119 Member Directory as either “yes,” “no,” or “exempt.”

120 (d) The information required by this Rule is due on July 1 of each year. A member
121 who does not comply with the requirements of the Rule by September 1 shall cease to be
122 a member in good standing. A member deemed not to be in good standing under this
123 Rule shall be returned to good standing upon providing the Executive Director of the
124 State Bar of Georgia with proof of professional liability insurance coverage.

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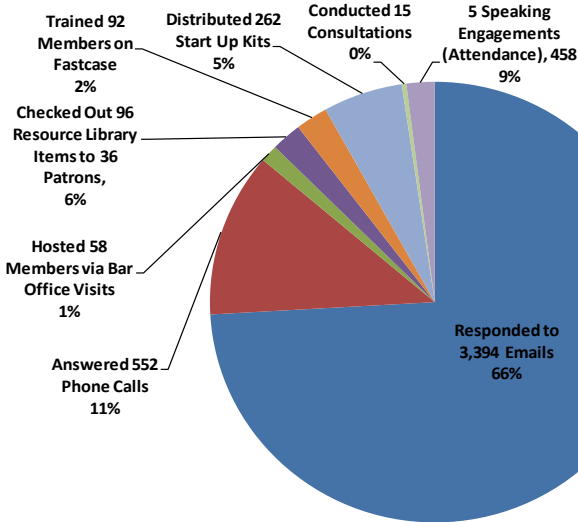
Law Practice Management Program

(Abbreviated report for the 2019-2020 Bar Year)

Members Served by LPMP

Total Number of Members Served – 4,867

July 1, 2019 – December 6, 2019



Office Visits/Phone Calls/Emails

A total of **58** members visited LPMP. There were **4** startup discussions, **54** walk-in visits, and **0** visits to the software library conducted by the Program. In addition, LPM distributed **262** *Starting Your Georgia Law Practice* booklets as requested by attorneys, as well as, answered and responded to **552** phone calls and **3,394** emails to and from members.

Consultations

There were **15** general consultation visits during this period in Abbeville, Alpharetta, Atlanta, Clarkston, Decatur Norcross and Peachtree Corners. Firms assisted were in (**12** firms) solo practice (**3** firms); 2-4 attorney firms.

Resource Library

Our lending library has a grand total of **1,574** books, CDs, and DVDs for checkout to members and their staff with an option to pick up materials at the Bar Center or to be mailed. During this period, there were a total of **96** checkouts by **36** patrons.

Speaking Engagements

There were a total of **10** completed and scheduled programs during this period. The Program's staff has given **6** continuing legal education and special presentations to Georgia lawyers and other related groups. These presentations have been held in various local and national venues; and have been made directly to at least **458** Georgia Bar members. **4** programs are scheduled at a future date.

State Bar of Georgia – Private Exchange Report

December 6, 2019

INDIVIDUAL MARKETPLACE		
Individual Visits	25,305	Individuals that have visited the Individual Marketplace Registration page at least once
Individual Registrations	19,591	Individuals that have registered to begin shopping for benefits
Product Enrollments	3,689	Total Individual Product Enrollments
<ul style="list-style-type: none"> • Medical 	1,716	Total Individual Major Medical, Short-Term Medical and Limited Medical Enrollments
<ul style="list-style-type: none"> • Medicare Supplement 	17	Total Individual Medicare Supplement Enrollments
<ul style="list-style-type: none"> • Dental 	575	Total Individual Dental Enrollments
<ul style="list-style-type: none"> • Vision 	283	Total Individual Vision Enrollments
<ul style="list-style-type: none"> • Teladoc 	125	Total Individual Teladoc Enrollments
<ul style="list-style-type: none"> • LifeLock 	34	Total Individual LifeLock Enrollments
<ul style="list-style-type: none"> • Life/AD&D 	664	Total Individual Life/AD&D Enrollments
<ul style="list-style-type: none"> • Disability 	212	Total Individual Disability Enrollments
<ul style="list-style-type: none"> • Long-Term Care 	63	Total Individual Long-Term Care Enrollments

EMPLOYER GROUP EXCHANGE		
Employer Visits	2,427	Employers that have visited the Employer Registration page at least once
Employer Registrations	619	Employers that have submitted a quote request to initiate the sales process
Product Enrollments	864	Total Product Enrollments
<ul style="list-style-type: none"> • Medical 	502	Total Medical Enrollments
<ul style="list-style-type: none"> • Ancillary 	259	Total Ancillary Enrollments
<ul style="list-style-type: none"> • Workers' Comp 	14	Total Workers' Comp Enrollments
<ul style="list-style-type: none"> • Professional Liability 	87	Total Professional Liability Enrollments
<ul style="list-style-type: none"> • Cyber Security 	2	Total Cyber Security Enrollments

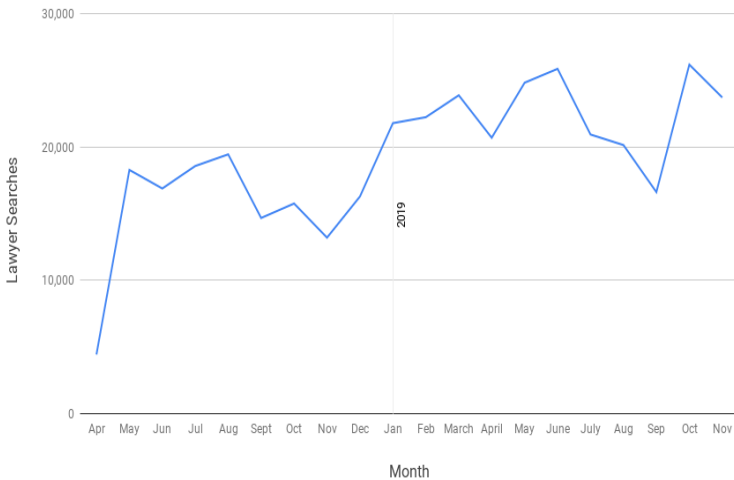
CloudLawyers Report

The State Bar of Georgia began its partnership with CloudLawyers.com to develop its new Find a Lawyer directory and provide members with an enhanced membership directory listing.

Over **389,915** searches have been performed to find Georgia lawyers utilizing this service. The directory is also maintaining a steady stream of page views and to date over **578,763** pages have been viewed in the directory. Since inception, and as of December 11th, **2,893** (increase of 155 members) went through the CloudLawyers profile wizard and **252** members have elected Enhanced Profiles.

CloudLawyers is in the process of changing credit card systems to better handle expired cards, so members are not downgraded without meaning to be. Thus far **8** members have seamlessly transferred to the new system. CloudLawyers has also added a new billing page to update credit card information. Members will be transferred to the new system when their current cards expire.

State Bar of Georgia Searches



Fastcase Report

July 1, 2019 – December 6, 2019

During this period, a total of 92 members and 3 staff persons have attended Fastcase CLE seminars, double the amount last quarter. Since January 2011, 2,152 attorneys and 107 staff members have attended Fastcase live training. Others have taken advantage of webinar training.

Since January 2011, 27,867 members have logged on at least once with an increase of 224 first time users this period: Over 50% of our members have used Fastcase since January 1, 2011.

As of October 7th, 2019 Fastcase 7 is the default opening screen for our members although they will still have the option to use the toggle switch to return to the Fastcase 6.

Fastcase 7 offers new features such the ability to search across multiple jurisdictions and multiple material types, (cases, AG opinions, law reviews) Jurisdictions can be selected from picklists or a map with options to customize to specific types of documents from precise jurisdictions. A semantic word cloud suggests terms or concepts that commonly appear in your results list and allows you to simply click on the term and add it as a filter to your search. Visually distinct displays invite researchers to explore results in new ways. Two new free secondary material are included; Expert Witness content from Juris Pro and Lex Blog.

Fastcase Partner Usage Report

July 1, 2019 – November 30, 2019

	Jul	Aug	Sept	Oct	Nov	Total
First Time Logins	80	69	50	84	90	373
Total Logins	14,406	15,241	13,373	15,672	11,796	70,488
Total Users Who Logged In	3,544	3,575	3,334	3,679	3,188	17,320
Searches Conducted	81,799	86,172	76,541	60,560	39,310	344,382
Documents Viewed	129,062	135,177	120,904	121,490	92,385	599,018
Documents Printed	12,769	13,934	12,249	13,419	11,542	63,913
Total Transactions	241,660	254,168	226,451	214,904	158,311	1,095,494

Fastcase Report

Fastcase Reported Problems	
Member Reported Issue(s)	Fastcase Response / Resolutions
<p>11/1/19 Numerous Members Report: Discrepancies on Authority Check page, number of bad law cases not consistent on the top of page and in the list of cases.</p>	<p>11/1/19 Fastcase Response: They are working to clear this up. The newest data pulled into the report sometimes needs to be refreshed.</p>
<p>11/1/19 Numerous Members Report: The bar site now has a new Fastcase version which is very difficult to maneuver around or not intuitive.</p>	<p>11/1/19 Fastcase Response: Generally, they are working on updates to make various area's clearer.</p>
<p>11/2/19 Member Reported: Authority Check not showing the citation in context.</p>	<p>11/2/19 Fastcase Response: I have not heard a consistent good response on this.</p>
<p>12/11/19 Members Comments: Older members that call or come to training are decidedly averse to FC7. Younger members seem to prefer it.</p>	<p>12/2/19 Fastcase Response: Good generally. I send specific problems to FC support on a regular basis. I see much progress; changes are being made to make it more user friendly. I am most concerned about the citations in Authority Check not showing up in the context of the citing cases. This is a big flaw and defeats the main benefit of being able to check for the status of a case via authority check in terms of finding negative history.</p>

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

Hon. Harold D. Melton Chief Justice
Supreme Court of Georgia, Chair



Karlise Y. Grier
Executive Director

Memorandum

TO: State Bar of Georgia Board of Governors

FROM: Karlise Y. Grier, Executive Director

RE: Chief Justice's Commission on Professionalism

DATE: January 11, 2020

The Chief Justice's Commission on Professionalism ("Commission") celebrated its 30th Anniversary in 2019, by continuing to engage Georgia's judges, lawyers, and law students on professionalism issues. The Commission looks forward to fulfilling its mission for the next 30 years.

2019 CONVOCATION ON PROFESSIONALISM THEN (1988) AND NOW (2019)

The Chief Justice's Commission on Professionalism held its 2019 Convocation entitled *Professionalism Then (1988) and Now (2019)* on **Friday, December 13, 2019**, at the Emory Conference Center and Hotel. The Convocation Co-Chairs were Vice Chief Judge Carla Wong McMillian, Court of Appeals of Georgia, and Associate Dean A. James Elliott, Emory University School of Law. Chief Justice Harold D. Melton, Supreme Court of Georgia, and Dean Mary Ann Bobinski, Emory University School of Law, brought greetings to the approximately 150 attendees and speakers at the event. Throughout the day, the attendees heard from a variety of speakers, including Ms. Susan Cahoon, a partner at Kilpatrick Townsend & Stockton LLC, who attended the 1988 Consultation on Professionalism that was convened by then Chief Justice Thomas O. Marshall at Emory University. Mr. Thomas G. Sampson, Managing Partner at Thomas, Kennedy, Sampson & Tompkins LLP, who served on the first Commission on Professionalism, was also a presenter. A copy of a Convocation flyer and the final Convocation brochure are attached as "Exhibit A."

PROFESSIONALISM, PIZZA, AND A MOVIE

As part of the State Bar of Georgia's Mid-Year Meeting in Atlanta, Georgia, the Commission will host a professionalism lunch and learn CLE entitled ***Professionalism, Pizza, and a Movie***. Participants in this program will view the movie Philadelphia followed by a 1-hour professionalism discussion of topics such as: client selection; decisions to take on certain cases when you may not "like" or "agree with" your client; courtroom tactics; and bias and discrimination. The panel discussion is approved for 1 hour of professionalism CLE credit. The confirmed moderator and panelists are as follows. The Moderator is the Honorable Robert McBurney, Chief Judge, Superior Court of Fulton County. The Panelists are Mr. William Thomas Davis, Naggiar & Sarif LLC, President, Young Lawyers Division of the State Bar of Georgia; Mr. Francys Johnson Jr., The Johnson Firm PC; the Honorable Jane Morrison, Judge, State Court of Fulton County; and the Honorable Rashida Owens Oliver, Chief Judge, City of East Point Municipal Court. A flyer for the program is attached as "Exhibit B."

21ST ANNUAL JUSTICE ROBERT BENHAM AWARDS FOR COMMUNITY SERVICE

The awards ceremony for the 21st Annual Justice Robert Benham Awards for Community Service will be held on **Saturday, March 14, 2020, at the Omni Atlanta Hotel at CNN Center**. For information on the 2020 honorees, please visit the Commission's website, www.cjcpga.org. Information regarding tickets to the awards ceremony will be coming soon. A flyer about the awards ceremony that you may share with your networks is attached as "Exhibit C." **Limited sponsorship opportunities are available.**

Please plan to join us for this very special event.

SUICIDE AWARENESS PROGRAM

The Commission will convene a **Suicide Awareness Program** on **Tuesday, April 28, 2020, from 2:00 p.m. – 5:00 p.m.** at the State Bar of Georgia Auditorium in Atlanta, with videoconferencing to Savannah and Tifton. **The registration fee for the program will be \$25 per person. Both lawyers and non-lawyer legal community members are invited to participate.** The registration fee will cover the cost of 3 hours of CLE credit for lawyer attendees. The program is approved for 3 hours of CLE, including 1 hour of professionalism.

Judges should check with their individual classes of court to determine if the program will qualify for CJE credit. Registration for the program will open in March 2020.

The Administrative Office of the Courts will serve as the lead partner to assist the Commission in live streaming the program to various **satellite viewing locations** throughout Georgia. **The requirements to serve as a satellite viewing location are as follows:**

- a. The location must have a high-speed Internet Connection;
- b. The location must have AV Equipment capable of projecting a YouTube video with Sound;
- c. The location must have at least one Volunteer Staff person
 - i. to help check people in;
 - ii. to keep track of attendees who want CLE Credit;
 - iii. to assist walk-in individuals who want to participate in the program;and
- d. The location must have comfortable seating for several lawyers and judges.

Thank you to Judge Arthur Smith who has agreed to organize and host a satellite viewing location in Columbus, Georgia and to Judge Geronda Carter who has agreed to organize and host a satellite viewing location in Clayton County. If you are interested in organizing and hosting a satellite viewing location in Albany, Rome, Macon, Valdosta or another location outside of Metro-Atlanta, please contact Karlise Y. Grier at kygrier@cjcpga.org on or before February 21, 2020.

The members of the planning team for the program are Judge Clyde Reese, Court of Appeals of Georgia (State Bar of Georgia SOLACE Committee Co-Chair); Judge Render Heard, Tifton County Juvenile Court (State Bar of Georgia SOLACE Committee Co-Chair), Judge Shondeana Crews Morris, Superior Court of DeKalb County (State Bar of Georgia Suicide Prevention Committee Chair) and Mr. Joe Chancey, Managing Partner, Drew Eckl Farnham. The Commission is providing staff support for the program.

The confirmed moderator for the event is Ms. Sally Q. Yates. Currently confirmed speakers include Ms. Robin Frazer Clark, Ms. R. Javoyne Hicks, Dr. Ben Hunter, Mr. Eric Lang, and Judge Bill Reinhardt.

Thank you to Board of Governors member, Mr. Bill Gentry, for offering to provide a

sponsorship for the Suicide Awareness Program. Please share the flyer and information about the program found at the link [here \(http://cjcpga.org/suicide-awareness-program/\)](http://cjcpga.org/suicide-awareness-program/) with your networks. A flyer about the program is also attached hereto as “Exhibit D.” More details will follow in the future.

A TASTE OF WELLNESS

Immediately following the Suicide Awareness Program, the State Bar’s Wellness Committee, chaired by Ms. R. Javoyne Hicks, will hold “A Taste of Wellness” food-tasting event. King & Spalding LLP has graciously agreed to host the event by providing complimentary parking in the 1180 Peachtree Parking Deck and by providing the space for A Taste of Wellness on firm’s rooftop patio, which features a 180° view of the City of Atlanta. The Commission’s Executive Director, as a member of the State Bar’s Wellness Committee, is assisting in the planning of A Taste of Wellness. After the Suicide Awareness Program on **April 28, 2020**, please plan to join us at King & Spalding for food and fellowship, as we work to combat the “trends of . . . loss of professional community in the practice of law” referenced in *A Lawyer’s Creed and the Aspirational Statement on Professionalism*.

Thank you to King & Spalding for hosting “A Taste of Wellness”! Thank you to King & Spalding partner and Board of Governors member, Mr. Harold Franklin, for serving as our host contact for “A Taste of Wellness”!

PROFESSIONALISM PAGE IN THE GEORGIA BAR JOURNAL

One of the ways the Commission communicates with State Bar members is through its Professionalism Page, which is published 6 times per year in each issue of the Georgia Bar Journal. The most recent Professionalism Page article appeared in the October 2019 Georgia Bar Journal. The article is entitled “*Building Community By Enhancing Professionalism*.” For the article, Presiding Justice David E. Nahmias very graciously allowed the Commission’s Executive Director to share some of his remarks given at the Law School Orientations on Professionalism in August 2019. Presiding Justice Nahmias also consented to the Commission dedicating the article to Judge Stephen Goss who served several times over the years as a Group Leader at the orientations. The Commission’s Executive Director is truly grateful to Presiding Justice Nahmias

for his kindness and assistance in support of this article. A copy of the article is attached hereto as “Exhibit E.”

COMMISSION WEBSITE AND SOCIAL MEDIA

The Commission continues to enhance the Commission website, www.cjcpga.org. For example, a picture of the 2019-2020 Commission members, advisors, and liaisons is now on the Commission’s website. The Commission has also added a page at www.cjcpga.org/2u that invites comments to the questions of “What It Means and Why It Matters” so that judges and lawyers can share their thoughts on professionalism with the Commission and other #GeorgiaLawyers. In addition, the Commission is now developing its social media content internally with the assistance of an intern, Ms. Jordyn Irons, who is an undergraduate senior at Georgia State University. The Commission enjoys communicating with judges and lawyers on its social media platforms. Connect with us!

Facebook: <https://www.facebook.com/CJCPGA>

Twitter: <https://twitter.com/CJCPGA>

LinkedIn: <https://www.linkedin.com/company/cjcpga/>

YouTube: <https://www.youtube.com/user/cjcpga/videos>



CONCLUSION

The above summary highlights some of the Commission’s work. The Commission looks forward to continuing to engage Georgia’s judges, lawyers, and law students on professionalism issues for the next 30 years!

EXHIBIT A

www.cjcpgeorgia.org



PROFESSIONALISM THEN (1988) AND NOW (2019)



Join Convocation Co-Chairs, **Vice Chief Judge Carla Wong McMillian**, Court of Appeals of Georgia, and **Associate Dean A. James Elliott**, Emory University School of Law, for *Professionalism Then (1988) and Now (2019)*.

In celebration of its 30th year, the Chief Justice's Commission on Professionalism will hold a Convocation on *Professionalism Then (1988) and Now (2019)* on **Friday, December 13, 2019, from 9 am – 5 pm** at the Emory University Conference Center Hotel located at 1615 Clifton Road, Atlanta, GA 30329.

The Convocation Co-Chairs are Vice Chief Judge Carla Wong McMillian, Court of Appeals of Georgia, and Associate Dean A. James Elliott, Emory University School of Law. The Convocation will look at how the legal profession has changed over the past 30 years and explore how those changes impact legal professionalism. The Convocation is approved for 6.5 hours of CLE credit, including 1 hour of ethics, 3 hours of professionalism and 1 trial practice hour.

Visit http://cjcpgea.org/2019_professionalism_convocation/) to see the complete brochure and to register.



FRIDAY, DECEMBER 13, 2019

CONVOCATION ON PROFESSIONALISM

PROFESSIONALISM

THEN (1988) AND

NOW (2019)

EMORY CONFERENCE CENTER AND HOTEL

6.5 CLE Hours

1 ETHICS HOUR

3 PROFESSIONALISM HOURS

1 TRIAL PRACTICE HOUR



ICLE will provide only digital class materials.



**State Bar
of Georgia**

INSTITUTE OF CONTINUING LEGAL EDUCATION

AGENDA

PROGRAM CO-CHAIRS:

A. James Elliott, Associate Dean, Emory University School of Law, Atlanta
Hon. Carla Wong McMillian, Judge, Court of Appeals of Georgia, Atlanta

PRESIDING:

Karise Yvette Grier, Executive Director, Chief Justice's Commission on Professionalism, Atlanta

9:15

THE 1988 CONSULTATION ON PROFESSIONALISM: A CONVERSATION WITH DEAN JAMES ELLIOTT AND DR. JAMES LANEY

A. James Elliott, Associate Dean, Emory University School of Law, Atlanta
Dr. James T. Laney, President, Emeritus Emory University, Atlanta

7:30

REGISTRATION AND CONTINENTAL

BREAKFAST (All attendees must check in upon arrival. A removable jacket or sweater is recommended.)

9:55

ETHICS ISSUES IN E-DISCOVERY

Moderator: David C. Hirtik, Professor, Mercer University School of Law, Macon
Hon. Christopher C. Bly, Magistrate Judge, U.S. District Court for the Northern District of Georgia, Atlanta
Elizabeth "Liz" Broadway Brown, Partner, Alston & Bird LLP, Atlanta
J. Cameron "Cam" Tibble, Barnes Law Group, LLC, Marietta

8:55

GREETINGS AND HOUSEKEEPING MATTERS INTRODUCTION OF CHIEF JUSTICE MELTON AND/OR JUSTICE WARREN

Karise Y. Grier

9:00

WELCOME AND BRIEF REMARKS ON PROFESSIONALISM

Hon. Harold D. Melton, Chief Justice, Supreme Court of Georgia, Atlanta
Hon. Sarah Hawkins Warren, Justice, Supreme Court of Georgia, Atlanta

10:55

PANEL TRANSITION

STRETCH BREAK EXERCISE
(Breathing, Stretching, Chair Exercises, Etc.)

9:10

TRANSITION FROM CJ MELTON TO DEAN ELLIOTT AND PRESIDENT LANEY

11:00

DIVERSITY, MICROAGGRESSION AND PROFESSIONALISM

Moderator: Amy H. Keeney, Special Counsel, Adams & Reese LLP, Atlanta
Shelby S. Guilbert, Jr., Partner, King & Spalding LLP, Atlanta
Ricardo Nunez, General Counsel, SWM International
Thomas G. Sampson, Managing Partner, Thomas Kennedy, Sampson & Tompkins LLP, Atlanta
Erica V. Mason, Partner, Akerman LLP, Atlanta



ICLE will provide only digital class materials.

- 12:00 **LUNCH** (Included in registration fee.)
- 12:35 **PANEL TRANSITION**
- 12:40 **PROFESSIONALISM AND COMMUNICATION IN THE DIGITAL AGE**
Susan A. Cahoon, Partner, Kilpatrick Townsend & Stockton LLP, Atlanta
Elizabeth V. Tanis, Partner, King & Spalding (Retired), Atlanta
Angela Hsu, Counsel, Bryan Cave, Atlanta
- 1:40 **PANEL TRANSITION**
- STRETCH BREAK EXERCISE**
(Breathing, Stretching, Chair Exercises, Etc)
- 1:45 **SOCIAL MEDIA**
Moderator: Lisa Katsuko Liang, Staff Attorney, Fulton County State Court, Atlanta
Raquel Hoover Crump, Attorney, The Employment Law Solution: McFadden Davis LLC, Atlanta
Andrew Santos Fleischman, Attorney, Ross & Pines LLC, Sandy Spring
Hon. Carla Wong McMillian, Judge, Court of Appeals of Georgia, Atlanta
Kevin Charles Patrick, Attorney, Kevin Patrick Law, LLC, Atlanta
- 2:45 **BREAK**
- 2:55 **MILLENNIALS AND YOUNGER: WHAT'S THE DIFFERENCE?**
Jake Evans, Associate, Holland & Knight, Atlanta
Robert J. Kaufman, Partner, Fox Rothschild, Atlanta
Shalamar J. Parham, Managing Principal, Parham Law Firm, LLC, Atlanta
- 3:55 **PANEL TRANSITION STRETCH BREAK EXERCISE** (Breathing, Stretching, Chair Exercises, Etc)
- 4:00 **JUDICIAL PROFESSIONALISM**
Moderator: Jamala S. McFadden, McFadden Davis LLC, Atlanta
Hon. Verda M. Colvin, Judge, Macon Circuit Superior Court, Macon
Hon. Bonnie Chessher Oliver, Judge, Northeastern Circuit Superior Court, Gainesville
- 5:00 **CLOSING REMARKS—ADJOURN**
Judge McMillian
Dean Elliott



ICLE will provide only digital class materials.

LOCATION

EMORY CONFERENCE CENTER AND HOTEL

1615 Clifton Road, Atlanta, GA • 800-933-6679

CANCELLATION POLICY

Cancellations reaching ICLE by 5pm the day before the seminar date will receive a registration fee refund less a \$25.00 administrative fee. Otherwise, the registrant will be considered a "no show" and will not receive a registration fee refund. ICLE will either ship materials, or email a digital link, to every no-show. Designated substitutes may take the place of registrants unable to attend. As a courtesy to speakers and other attendees in this educational setting, we do not allow children at seminars.

SEMINAR REGISTRATION AND COURSE MATERIAL POLICY

ICLE must receive early registrations 48 hours before the seminar in order to create and transport registration materials. ICLE will accept onsite registrants as space allows. All attendees must check in upon arrival and are requested to wear name tags. ICLE will provide only digital class materials.

EARLY REGISTRATION PAYMENT OPTIONS

MAIL: ICLE • PO Box 117210 • Atlanta, GA 30368-7210 (make check payable to ICLE)

ONLINE: gabar.org/ICLEcourses (credit card payment only)

You must log in the secure ICLE registration website; the ICLE login is separate and distinct from the member login on gabar.org.

Early registration closes 48 hours before the seminar. Questions, Call ICLE: 678-529-6688

Duplicate registrations may result in multiple charges to your account. A \$25 administrative fee will apply to refunds required because of duplicate registrations.

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Ver. 7

PROFESSIONALISM THEN (1988) AND NOW (2019) | DECEMBER 13, 2019 | 0554-12139

EARLY REGISTRATION FEE: \$295
ONSITE REGISTRATION FEE: \$395

Onsite Registration Payment Options:

- **ICLE cannot accept cash.**
- **ICLE accepts checks** (make check payable to ICLE).
- **Debit Cards, Visa, Mastercard, and American Express are accepted.**
- **Onsite registrants must pay at the time of the on-site registration.**

**EARLY REGISTRATIONS
MUST BE RECEIVED 48 HOURS
BEFORE THE SEMINAR.**

NAME _____ GEORGIA BAR # _____

FIRM/COMPANY _____ OFFICE PHONE _____

EMAIL _____

(To receive seminar notification and registration confirmation by email only.)

MAILING ADDRESS _____ ZIP + 4 _____

STREET ADDRESS _____ ZIP + 4 _____

CITY _____ STATE _____

I am sight impaired under the ADA and I will contact ICLE immediately to make arrangements.

I have enclosed a check [payable to ICLE] in the amount of \$_____. (See fees at left)

I authorize ICLE to charge the amount of \$_____. (See fees at left)

to my MASTERCARD VISA AMERICAN EXPRESS*

Credit Card Verification Number: A three-digit number usually located on the back of your credit card; *AmEx is four-digits on the front of the card.

Name (on card) _____

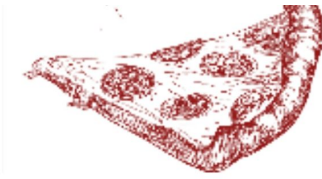
Account #: /

Expiration Date _____ Signature _____

EXHIBIT B

www.cjcpgea.org





PROFESSIONALISM PIZZA AND A MOVIE

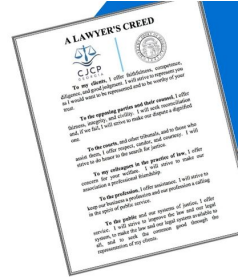
Thursday, Jan. 9, 2020
1:30 p.m. – 5:00 p.m.

Join the Chief Justice's Commission on Professionalism for a "late lunch" and a movie! Participants in this program will view the movie *Philadelphia* followed by a 1-hour professionalism discussion of topics focused on client selection, decisions to take on certain cases when you may not "like" or "agree with" your client, courtroom tactics, and bias and discrimination.

Lunch will be available beginning at 1:30 p.m. The movie will begin promptly at 1:50 p.m. (Approved for 1 hour of professionalism CLE credit.)

Moderator

Honorable Robert McBurney,
Chief Judge, Superior Court of
Fulton County



Panelists



Mr. William Thomas Davis,
Naggiar & Sarif LLC,
President,
Young Lawyers Division of the
State Bar of Georgia



Mr. Francys Johnson Jr.,
The Johnson Firm PC



Honorable Jane Morrison,
Judge, State Court of Fulton
County



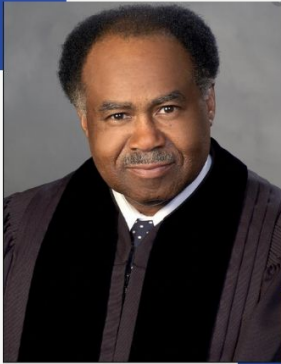
Honorable Rashida Oliver,
Chief Judge, City of East Point
Municipal Court



EXHIBIT C

www.cjcpgea.org





21ST Annual
JUSTICE ROBERT
Benham Awards
For
Community Service

The Awards ceremony will be held on

March 14, 2020

at the

Omni Atlanta Hotel | CNN Center



EXHIBIT D

www.cjcpgeorgia.org



THE CHIEF JUSTICE'S
COMMISSION ON PROFESSIONALISM

SUICIDE AWARENESS PROGRAM



TUESDAY, APRIL 28, 2020 | 2 - 5 P.M.

LIVE AT THE STATE BAR OF
GEORGIA ATLANTA OFFICE

VIA VIDEO CONFERENCE TO TIFTON
AND SAVANNAH STATE BAR OFFICES*



Sally Quilian Yates
MODERATOR

CONFIRMED SPEAKERS:

Ms. Robin Frazer Clark, *State Bar President (2012-13)*
Ms. R. Javoyne Hicks, *Chair, State Bar Wellness Committee*
Dr. Ben Hunter, *Medical Director at Skyland Trail*
Mr. Eric Lang, *Esquire, Suicide Attempt Survivor*
Hon. Bill Reinhardt, *Judge, Tifton Circuit Superior Court*

3 CLE HOURS INCLUDING 1 PROFESSIONALISM HOUR



REMINDER TO ALL BAR MEMBERS

You are entitled to six prepaid clinical personal counseling sessions per calendar year through the Lawyer Assistance Program of the State Bar of Georgia. #UseYour6

CO-SPONSORED BY:

Judicial Council/Administrative Office of the Courts | State Bar of Georgia SOLACE Committee
State Bar of Georgia Wellness Committee | State Bar of Georgia Suicide Prevention Committee
Institute of Continuing Legal Education | Drew Eckl Farnham

Learn more by contacting CJCP
at kygrier@cjcpga.org.

*Additional locations may be announced.



State Bar
of Georgia

EXHIBIT E

www.cjcpgeorgia.org



Building Community by Enhancing Professionalism

A look at the law school orientations on professionalism.

BY KARLISE Y. GRIER

In memory of Judge Stephen Goss, whose prior years of service as a group leader at the University of Georgia School of Law's orientations. He will be remembered and is already missed.

In 1992, when the Supreme Court of Georgia adopted an Order setting forth an Aspirational Statement on Professionalism, it wrote: "The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort." Each year Georgia's legal community has breathed life into these words during the law school orientations on professionalism. For the past 27 years, the State Bar of Georgia Committee on Professionalism, the Chief Justice's Commission on Professionalism (Commission), each of Georgia's five law schools, and Georgia judges and lawyers have worked together to introduce incoming first-year law students to professionalism concepts during professionalism orientations. This

year as in past years, each school selected a keynote speaker to discuss professionalism topics. The keynote speakers for 2019 were Presiding Justice David E. Nahmias, Supreme Court of Georgia (Georgia State University); Presiding Judge Stephen Louis A. Dillard, Court of Appeals of Georgia (Mercer University); Hon. Timothy C. "Tim" Batten Sr., U.S. District Court, Northern District of Georgia (University of Georgia); Hon. Eric Dunaway, Fulton County Superior Court (Atlanta's John Marshall School of Law); and Sherry Boston, district attorney, DeKalb County (Emory University).

In 2019, Nahmias returned to participate in the law school orientations on professionalism in multiple ways after having volunteered with the program several times in the past. He served as a group leader, gave the keynote speech

and administered the "Professionalism and Honor Code Pledge" at Georgia State University College of Law. Two days later, Nahmias also participated in the professionalism orientation at Emory University School of Law by giving brief remarks, by administering the student oath, and by leading students and lawyers in reciting "A Lawyer's Creed."¹ When asked why he continued to participate in the program—despite his increasingly demanding work load—Nahmias responded: "I think it is important that judges and lawyers teach law students professionalism at the beginning of their careers so that the Supreme Court does not learn about them in disciplinary matters later in their careers."

During his remarks at Georgia State and Emory, Nahmias recounted that he had married his law school orientation



PHOTO PROVIDED BY THE SUPREME COURT

Presiding Justice David E. Nahmias was one of approximately 175 lawyers and judges who volunteered for the law school orientations on professionalism.

leader, as he fondly remembered his wife Catherine O'Neil, who passed in 2017. Then he shared with the students something they may not have expected to hear from a judge. He talked to them about love. Recalling what the late Chief Justice P. Harris Hines liked to tell lawyers, Nahmias told the students they need to love each other. He continued:

"You are in a community. You are going to be part of a community in this law school. You are going to be a part of our community in the practice of law. . . . You are going to deal with each other in a stressful, chaotic atmosphere that is designed to be adversarial in many of its relationships. That doesn't mean that you have to put aside the moral compass you brought to this law school or forget that we are all neighbors in the practice of law. Keep in mind when you fight all day, to love your colleagues, to love them as people in the same way you love other people that you interact with daily. You want them to do well. You can beat them in the case, you can beat them in the transaction, but that doesn't mean you need to be mean to them or fight with them or not treat them as fellow important members of our profession."

In addition to hearing from the keynote speakers during the orientations, the judges, lawyers and students engaged in breakout sessions to discuss professionalism in small groups. The volunteer judges and lawyers served as group leaders and facilitated student discussions using hypothetical problems created by the State Bar Committee on Professionalism. This year, approximately 946 students and 175 judges and lawyers participated in the orientations. The 2019 orienta-

"I think it is important that judges and lawyers teach law students professionalism at the beginning of their careers so that the Supreme Court does not learn about them in disciplinary matters later in their careers."

—Presiding Justice David E. Nahmias

tions boasted many first-time group leaders and also included many dedicated volunteers who have returned frequently over the years to serve as group leaders. Several lawyers—and one justice—also volunteered to serve on multiple dates at the various law schools.

A comment from one student at the University of Georgia School of Law articulated two of the primary reasons for the professionalism orientations, stating: "I thought this was an incredible chance to bond with real attorney[s]. I think it was important to understand the implications of the honor code and professionalism aspirations for the next three years."

The State Bar Committee on Professionalism, the Commission and each of the law schools were deeply grateful to all of the judges and lawyers who volunteered their time to make the 2019 Law School Orientations on Professionalism

a huge success. The law school orientations planning team has already begun work on the 28th Annual Law School Orientations on Professionalism, which will be held next August. If you are interested in volunteering to serve as a group leader for 2020, please contact the Commission's executive director at kygrier@cjcpga.org. •



Karlise Y. Grier

Executive Director
Chief Justice's Commission
on Professionalism
kygrier@cjcpga.org

Endnote

1. To view "A Lawyer's Creed" and the "Aspirational Statement on Professionalism," visit the Commission's website at www.cjcpga.org/lawyers-creed.

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[Twitter](#)

www.cjcpgea.org



Memorandum

To: Board of Governors of the State Bar of Georgia

From: M. Christopher Pitts, Director of the Military Legal Assistance Program (MLAP)

Date: December 17, 2019

Subject: Report on the Military Legal Assistance Program

(1) **Overview:** As you'll recall, MLAP has been seeking to secure additional funding in order to increase the type of services provided to service-members and veterans. While no decision has been made yet concerning whether MLAP has been granted the funds, I do want to share what the proposal for the use of any additional funding would be. The aim of the project would be to extend legal services to veterans in rural areas. To accomplish this, MLAP would use the model developed by the Military/Veterans Law Section in developing the legal assistance clinics at VA medical facilities across Georgia. This would include: (1) having a principal volunteer attorney in each new clinic area to assist with attorney recruitment and maintaining volunteer attorney schedules; (2) having the director of MLAP maintain client scheduling; and (3) making use of local facilities other than VA medical facilities so that advice services can be offered on veterans' benefits issues. The main goal of the clinics would be to provide consultation-based legal services, with any extended legal assistance being referred through the main MLAP program.

It should be noted that this program is helped by the members of the Committee and the Military/Veterans Law Section who have supported service-members and veterans in a variety of ways. These include:

- **Legal Assistance Clinics staffed by law students and attorney mentors** have been established at three colleges of law: Emory University in February 2013, Georgia State University in November 2014, and the University of Georgia in August 2018.
- **Legal Assistance Clinics at VA medical facilities** have been established at five locations: Augusta, Carrollton, Decatur, Fort McPherson, Rome, and soon-to-be Savannah. Volunteer lawyers staff those legal assistance clinics.
- **VA Accreditation CLE programs** have been conducted at least annually the past eight years for lawyers who desire to become accredited initially or to maintain their accreditation (required biennially) in order to handle VA benefit award cases. The most recent VA CLE program was held on October 10, 2019, in Atlanta.
- **CLE trips** abroad, with self-supporting funds from participating lawyers, were planned and carried out under sponsorship of the Mil/Vets Law Section and with coordinating help from the MLAP Committee: **one to Normandy, France**, in 2014, in part commemorating the **70th Anniversary of the D-Day Landings**, and **one to Belgium and France**, in 2017, commemorating the **100th Anniversary of The First World War**.

(2) **Updates to MLAP Eligibility Criteria:** The Military Legal Assistance Program Committee is still amending and revising the eligibility criteria for the program. At this time, the program helps:

(a) Active duty, active reservists, and National Guard members ranked e-5 and below; (b) All service members for issues related to deployment; (c) Military retirees and service-connected disabled (100%) veterans facing a financial hardship. Financial hardship is presumed if their income is at or below 200% of the Federal Poverty Level; (d) All veterans with issues related to VA benefits where attorney's fees would not otherwise be recoverable.

Case exclusions: With the goal in mind that the Program is to help service members and veterans who cannot afford legal help, no referrals for cases where there is no barrier for initial legal help; i.e., contingency fee cases, personal injury, malpractice, social security, etc.

The Military Legal Assistance Program committee has formed an ad hoc subcommittee to review these eligibility criteria and suggest further changes as necessary. As those changes are made, they will be submitted.

(3) **Attorney Recruitment:** Attorney involvement in the metro Atlanta area, Augusta, and Savannah remain high. New efforts are underway to help increase volunteer participation in other areas of rural Georgia.

(4) **MLAP Cases Processed:** Below is a summary of the number and types of requests for legal assistance received and referred to lawyers under the State Bar's Military Legal Assistance Program. Under the program, **a total of 2,310 cases have been processed.** A summary of cases processed by the MLAP by category follows:

Family Law		1,175 (including 59 previous)
Divorce	500	
Divorce Enforcement	28	
Child Support	154	
Guardianship/Adoption	127	
Child Custody/Visitation	304	
TPO	1	
Other	3	
Consumer Law		142
Housing/Property		158
Foreclosure		27
Veterans Benefits/Disability		318
Wills/Estates/Probate		128
Employment/USERRA/SCRA		60
Bankruptcy		29
Insurance		21
Property Damage		3
Contract		10
Injury-related		66
Immigration		4
Discharge Upgrade		8
Department of Defense Benefits		1
Non-profit Formation		1
Other		<u>159</u>
		2,310

(5) **The MLAP/Georgia Legal Services Legal Clinic:** After the holidays, MLAP will be having meetings with attorneys in Brunswick, Savannah, and Harris County with the aim of hosting more legal clinics. As mentioned previously, these clinics would be created by: (1) having a principal volunteer attorney in each new clinic area to assist with attorney recruitment and maintaining volunteer attorney schedules; (2) having the director of MLAP maintain client scheduling; and (3) making use of local facilities other than VA medical facilities so that advice services can be offered on veterans' benefits issues. The main goal of the clinics would be to provide consultation-based legal services, with any extended legal assistance being referred through the main MLAP program.

(6) **Jeff Bramlett Symposium on Military Legal Assistance Programs 2020.** The MLAP committee approved for the planning of a Military Legal Assistance Program symposium for 2020. Because the American Bar Association is planning on conducting their 2020 Equal Justice Conference in Atlanta, it was observed that participation may be increased by having the symposium in conjunction with this Conference. As such, the current plan is to have the symposium as a pre-conference to the ABA's Equal Justice Conference from May 7 to 9, 2020. The symposium is scheduled to take place on May 6, 2020 at the State Bar Conference Center.

M. Christopher Pitts
Director
Military Legal Assistance Program

