

Board Book

State Bar of Georgia
Board of Governors
Agenda Book



2014 Spring Meeting
Greensboro, Ga.



STATE BAR OF GEORGIA

251st BOARD OF GOVERNORS MEETING

Saturday, March 22, 2014

9:00 a.m.–12:00 p.m.

Ritz Carlton Lodge on Lake Oconee

Greensboro, Georgia

Dress: Resort Casual

AGENDA

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
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1) ADMINISTRATION

a) **Welcome and Call to Order**.....Buck Ruffin, President.....1-3

b) **Recognition of Former Presidents, Judges
And Special Guests**.....Buck Ruffin

c) **Roll Call (by signature)**.....Rita Sheffey.....4-10
Secretary

d) **Recognition of Retiring Board Members**.....Buck Ruffin

- Thomas C. Chambers, Alapaha Circuit - 25 years on Board
- Myles E. Eastwood, Atlanta Circuit - 20 years on Board
- J. Stephen Schuster, Cobb Circuit - 14 years on Board
- Steven Keith Leibel, Enotah Circuit - 6 years on Board
- Jeffery O’Neal Monroe, Member at Large - 4 years on Board
- Gregory Tyson Talley, Southern Circuit - 4 years on Board
- Ralph John Caccia, Out of State - 2 years on Board

2) CONSENT AGENDA

(Unanimous consent items. Any item may be moved from Consent Agenda to Action Items agenda upon request of any member of the Board of Governors)

a) **Minutes of the 250th Meeting**.....Rita Sheffey.....11-17
of the Board of Governors, January 11, 2014

3) LEGISLATION

- a) **2014 Georgia General Assembly Update**Buck Ruffin
Thomas Worthy
- b) **Legislative Forum, January 9, 2014** 18
- c) **Citizens Advisory Council** 19-21

4) ACTION

- a) **Civil Legal Services Task Force**.....Rita Sheffey..... 22-35
(1) IOLTA Rate Comparability Paula Frederick
Proposed Amendments to Bar Rule 1.15
and New Part XV
- b) **Dues 2014-2015**.....Bob Kauffman, Treasurer
Buck Ruffin, President
Patrise Perkins Hooker,
President Elect

(1) Recommendation

- Dues History 36-37
- Minutes of Finance and Programs Committees 38-43
- Recommendation of the Executive Committee
Active Dues \$248
Inactive Dues \$124

(2) Other Bar Dues Statement Items

- Section Dues: \$10 to \$35 opt in
- Assessments Required by Bar Rules
Clients' Security Fund (\$100 @\$25/year)
Bar Center (\$200 @ \$50/year)
- Checkoffs
Legislative and Public Education Fund Contribution
\$100 opt-out (no change from 2006-07 through 2012-13)
- Georgia Legal Services Program
\$250 suggested opt-in (no change from 2008-09 through 2012-13)

- c) **Next Generation Courts Commission Report**.....Judge Lawton Stephens44-95
Chairperson
- d) **Resolution Honoring Ed Menifee, BASICS**.....Buck Ruffin

5) INFORMATIONAL REPORTS

- a) **President’s Report**.....Buck Ruffin
- b) **Treasurer’s Report**Bob Kauffman
Treasurer
 - (1) 2012-2013 Audit96-119
 - (2) 2013-2014 Update120-124
- c) **Young Lawyers Division**.....Darrell Sutton125-142
YLD President
- d) **ABA Report**.....Paula Frederick

6) WRITTEN REPORTS

- a) **Future Meetings Schedule**143-144
- b) **Executive Committee Minutes**
 - November 15, 2013145-149
 - December 5, 2013.....150
 - January 10, 2014.....151
 - January 16, 2014.....152
- c) **2014 Board of Governors Election**153-155
- d) **Election Schedule**156
- e) **Office of General Counsel Report**157-160
- f) **Military Legal Assistance Program**161-169

g) Law Practice Management.....	170-173
h) Member Benefits – Private Insurance Exchange.....	174
i) Consumer Assistance Program.....	175-176
j) Chief Justice’s Commission on Professionalism.....	177-178
k) Law School Excellence in Access to Justice Award.....	179-181
l) ABA Legislative Alert.....	182-186

7) CLOSING

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

State Bar of Georgia Spring 2014 Board of Governors Meeting

The Ritz-Carlton
Lodge
March 21–23
Greensboro, Ga.



Hotel
Cut-off Date:
Friday, Feb. 21
Registration
Cut-off Date:
Friday, March 14



State Bar
of Georgia

Schedule of Events

Friday, March 21

9:30 a.m. – 3 p.m.

Investigative Panel

12 – 1 p.m.

ICLE Board of Trustees Meeting

12 – 2 p.m.

ICJE Board Meeting

1 – 4 p.m.

Review Panel

2 – 5 p.m.

Clients' Security Fund

2 – 5 p.m.

Disciplinary Rules & Procedures Committee

3 – 4 p.m.

Law Practice Management Committee

4 – 5 p.m.

Member Benefits Committee

6:30 – 9:30 p.m.

Board of Governors Dinner

9:30 p.m.

Hospitality Suite

Saturday, March 22

8 a.m. – 12 p.m.

Citizen Advisory Council

9 a.m. – 12 p.m.

Board of Governors Meeting

Afternoon

Leisure time

9 p.m.

Hospitality Suite

Hotel Accommodations

Cut-off date is Friday, Feb. 21.

Ritz-Carlton Lodge, Reynolds Plantation, One Lake Oconee Trail, Greensboro, GA 30642; 706-467-0600; Fax 706-467-7124.

The Ritz-Carlton Lodge, Reynolds Plantation will be our host hotel offering discounted room rates. A block of rooms has been reserved for the meeting. Our room rate is \$199 single/double plus applicable taxes. To make reservations and receive our special rate, please call The Ritz-Carlton Lodge, Reynolds Plantation at 1-800-241-3333 or you can go to the link listed below at: <https://www.ritzcarlton.com/en/Properties/ReynoldsPlantation/Reservations/Default.htm?GC=RLERLEA#top>

Please tell them you are with the State Bar of Georgia Spring Board Meeting. Reservations must be made by Friday, Feb. 21, as rooms will be on a space and rate availability basis after this date.

Valet parking is \$10 per day

Hotel check-in is 4 p.m.

Hotel check-out is 12 p.m.

Attire

The attire for this meeting is business casual.

Board of Governors Dinner

6:30 – 9:30 p.m., Friday, March 21

Visit with friends and colleagues and enjoy a relaxing evening dinner with drinks and live entertainment.

5 Gavel

MB | MemberBenefits

THANK YOU
CORPORATE
SPONSORS

3 Gavel

**DAILY
REPORT**

LawyerCare

PROASSURANCE | Professional Liability Coverage
Medical Malpractice | Employment Practices Liability Insurance

1 Gavel



THOMSON REUTERS

Saturday Afternoon Recreation Options

Reynolds Plantation Golf

Reynolds Plantation boasts five world-class golf courses: Lake Oconee, The National, Plantation, Reynolds Landing and Great Waters. Designed by names like Bob Cupp, Tom Fazio and Jack Nicklaus, Reynolds Plantation offers those who love the game a chance to play on some of the top courses in the nation. To schedule a tee time, please call 706-467-7135.

TaylorMade Performance Lab

The TaylorMade Performance Lab at Reynolds Plantation features Motion Analysis Technology by TaylorMade (MAT-T), the ultimate in club-fitting. MAT-T provides a three-dimensional image of your golf swing. For more information please call 706-467-1516.

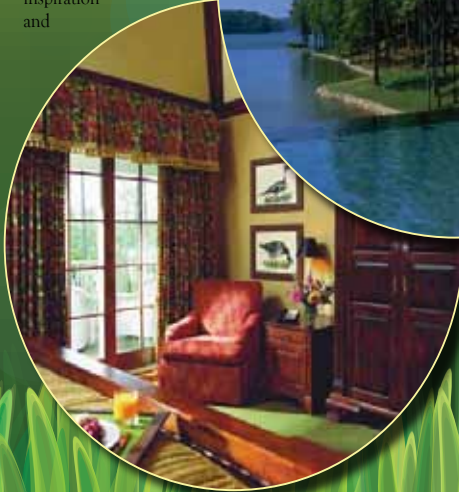
The Spa at the Ritz-Carlton Lodge, Reynolds Plantation

The Ritz-Carlton Lodge, Reynolds Plantation Spa on Lake Oconee is a haven of renewal and rejuvenation. The award-winning, 27,600-square-foot facility at our Georgia spa resort offers a menu infused with southern inspiration and

delightful water-themed therapies. Body treatments, facials and soothing massages, all incorporating the finest products, are delivered in a warm sanctuary enhanced by gracious personal attention. Complementing the spa services is a state-of-the-art fitness center equipped for a complete training circuit. From free weights to stretching equipment, thoughtful appointments help ensure that each guest experiences a great workout. Please call the spa at 706-467-7185 to schedule your appointment. Meeting attendees will receive a 10 percent discount off our full priced spa menu (not available with any other discounts or spa packages) during your stay.

Outdoor Activities

Lake Oconee is famous for housing more fish per square acre than any other lake in Georgia, including large mouth bass, bream, catfish, crappie and striped bass hybrids. This serene and secluded escape also offers visitors a wealth of other recreational opportunities, including kayaking, canoeing and waterskiing.



Board of Governors Attendance Record

	6-11Fri	6-11Sat	8-11	10-11	1-12	3-12	6-12Fri	6-12Sat	10-12	1-13	3-13	6-13Fri	6-13Sat	10-13	1-14
	Myrtle	Myrtle	ATL	Jekyll	ATL	Oconee	Sav	Sav	Jekyll	ATL	Oconee	HH	HH	Jekyll	ATL
Sarah Akins	•	•	•	•	•	•	•	•	e	e	•	•	•	e	•
Mark W. Alexander	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	e	•	•	•	•	•	•
Anthony B. Askew	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•
Emily S. Bair			•		•	•	•	•	•	•	e	•	•	•	•
Eric A. Ballinger	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Donna Barwick	e	e	e	•	•	•	•	•	e	•	e	e	e	e	•
Joshua C. Bell	•	e	•	e	•	•	•	e	•	•	•	•	•	•	•
Kenneth R. Bernard, Jr.	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	e	•	•	•	•
Diane E. Bessen		•	•	e	•	•	•	•	e	•	•	•	•	e	•
Sherry Boston	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	e	•
Jeb T. Branham	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•
Thomas Neal Brunt	e	e	•	•	•	•	•	•	•	•	•	•	•	•	•
Thomas R. Burnside III	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Stephanie D. Burton	n/a	•	e	e	•	•	•	•	e	•	•	•	•	e	•
JaDawyna C. Butler	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•
S. Kendall Butterworth	•	•	•	•	•	•	•	•	e	•	e	•	•	e	e
Ralph J. Caccia	n/a	n/a	n/a	n/a	n/a	n/a	n/a	e	•	•	e	•	•	e	e
David Lee Cannon, Jr.	•	•	•			•	•	•	•	•	•	•	•	•	•
Paul Todd Carroll, III	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Thomas C. Chambers, I	•	•	e	e	e	•	•	•	•	e	•	•	•	•	e
Carol V. Clark	n/a	n/a	n/a	n/a	n/a	•	e	e	•	•	•	•	e	•	•
John Christopher Clark	•	•	•	•	•	•	•	•	•	•	•	e	e	•	•
Robin Frazer Clark	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

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	Myrtle	Myrtle	ATL	Jekyll	ATL	Oconee	Sav	Sav	Jekyll	ATL	Oconee	HH	HH	Jekyll	ATL
Edward R. Collier	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Martin L. Cowen III	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Susan W. Cox	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Terrence Lee Croft	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Matthew B. Crowder	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
William V. Custer, IV	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
David P. Darden	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Gerald Davidson	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
J. Anderson Davis	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Randall H. Davis	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
J. Antonio Delcampo	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Joseph W. Dent	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Foy R. Devine	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Thomas V. Duck, III	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Myles E.. Eastwood	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
V. Sharon Edenfield	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Damon E. Elmore	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
J. Randolph Evans	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Archibald A. Farrar	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Douglass Kirk Farrar	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Elizabeth L. Fite	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
John A. Fitzner III	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Gregory A. Futch	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

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	Myrtle	Myrtle	ATL	Jekyll	ATL	Oconee	Sav	Sav	Oconee	Sav	Sav	Oconee	Jekyll	ATL	Oconee	Jekyll	ATL	Oconee	Jekyll	ATL	Oconee	Jekyll	ATL	Oconee	Jekyll	ATL	Oconee	Jekyll	ATL											
William Gilmore Gainer			•																																					
Laverne Lewis Gaskins	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a								
William C. Gentry	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a							
Walter J. Gordon Sr.	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•						
Patricia A. Gorham	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•					
Karlise Y. Grier	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•				
Thomas F. Gristina	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a				
John Kendall Gross	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			
James E. Hardy	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			
Steven A. Hathorn	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
John G. Haubenreich	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		
Patrick H. Head	e	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Lawton C. Heard, Jr.	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		
Render M. Heard Jr.	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Thomas W. Herman	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
R. Javoyne Hicks White	•	•	e	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Donna Stanaland Hix	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Michael D. Hobbs	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Kenneth B. Hodges, III	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Phyllis J. Holmen	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
J. Marcus E. Howard	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Amy V. Howell	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Roy B. Huff Jr.	•	•	•	e	•	•	e	•	•	•	e	•	•	e	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	

Board of Governors Attendance Record

	6-11(Fri)	6-11(Sat)	8-11	10-11	1-12	3-12	6-12(Fri)	6-12(Sat)	10-12	1-13	3-13	6-13(Fri)	6-13(Sat)	10-13	1-14
	Myrtle	Myrtle	ATL	Jekyll	ATL	Oconee	Sav	Sav	Jekyll	ATL	Oconee	HH	HH	Jekyll	ATL
James W. Hurt	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Chris Huskins	e	e	.	.	.	.	.	.	.	.	e	.	.	.	.
James T. Irvin	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Robert D. James Jr.	n/a	n/a	n/a	n/a	n/a	n/a	n/a	.	.	.	.	.	.	.	.
William Dixon James	n/a	.	.	e	.	.	.	.	.	.	.	.	.	.	.
Curtis S. Jenkins	n/a	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Lester B. Johnson, III	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Dawn M. Jones	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Michael R. Jones, Sr.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Elena Kaplan	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Robert J. Kauffman	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
John Flanders Kennedy	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
William J. Keogh, III	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Barry E. King	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	.	.	.
Judy C. King	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Seth D. Kirschenbaum	.	.	.	.	.	.	.	.	.	.	.	.	.	e	.
Catherine Koura	e	.	.	.	.	.	e	e	.	.	.	e	.	.	.
Edward B. Krugman	e	e	.	.	.	.	e	e	.	.	.	.	.	.	.
Jeffrey R. Kuester	n/a	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Allegra Lawrence-Hardy	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
J. Alvin Leaphart	.	.	e	.	.	.	.	.	.	.	.	.	.	.	.
Steven K. Leibel	.	.	.	.	.	.	.	.	e	.	.	.	.	.	.
David S. Lipscomb	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.

Board of Governors Attendance Record

	6-11(Fri)		6-11(Sat)		8-11		10-11		1-12		3-12		6-12(Fri)		6-12(Sat)		10-12		1-13		3-13		6-13(Fri)		6-13(Sat)		10-13		1-14											
	Myrtle	Myrtle	ATL	Jekyll	ATL	Jekyll	ATL	Oconee	Sav	Sav	Oconee	Sav	Sav	Jekyll	ATL	Oconee	Jekyll	ATL	HH	HH	HH	HH	HH	HH	HH	HH	HH	HH	HH	HH	ATL	ATL								
Will H. Pickett, Jr.	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•								
Jill Pryor	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•							
William M. Ragland, Jr.	•	•	•	e	•	•	e	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•							
Robert V. Rodatus	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•						
Tina S. Roddenbery	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•					
Brian D. Rogers	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e					
Joseph Roseborough	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•					
Charles L. Ruffin	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•					
William C. Rumer	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•					
Claudia Saari	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•				
Dennis C. Sanders	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			
J. Stephen Schuster	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			
Rita A. Sheffey	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
Robert H. Smalley, III	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
Philip C. Smith	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
R. Rucker Smith	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Daniel B. Snipes	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
H. Craig Stafford	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Lawrence A. Stagg	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Lawton E. Stephens	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
C. Deen Strickland	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Frank B. Strickland	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Darrell L. Sutton	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Board of Governors Attendance Record

	6-11(Fri)		6-11(Sat)		8-11		10-11		1-12		3-12		6-12(Fri)		6-12(Sat)		10-12		1-13		3-13		6-13(Fri)		6-13(Sat)		10-13		1-14								
	Myrtle	Myrtle	ATL	ATL	Jekyll	ATL	Oconee	Sav	Sav	Oconee	Sav	Sav	Oconee	Sav	Oconee	Sav	Oconee	Jekyll	ATL	ATL	Oconee	HH	HH	HH	HH	Jekyll	Jekyll	ATL	ATL								
Gregory T. Talley	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•							
Michael B. Terry	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•							
Anita W. Thomas	•	•	•	e	•	•	e	•	•	•	•	•	•	•	•	e	•	•	•	•	•	•	•	•	•	e	•	•	•	•							
Dwight L. Thomas	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•	•	•	•	•	•	•	e	•	•	•	•							
Edward D. Tolley	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•						
Martin E. Valbuena	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•	•	•	•						
Carl R. Varnedoe	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•					
Nicki N. Vaughan	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•					
Carl A. Veline, Jr.	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•					
J. Henry Walker	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•	•	•	•	•	•	•	e	•	•	•	•	•	•					
Janice M. Wallace	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•				
Jeffrey S. Ward	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•				
Harold B. Watts	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•	•	•	•	•	•				
John P. Webb	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			
N. Harvey Weitz	•	•	•	•	•	•	e	•	•	e	•	e	•	•	•	•	•	e	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•			
Nancy J. Whaley	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•			
Sandy Wisenbaker	n/a	•	•	•	•	•	•	e	•	•	•	•	•	•	•	•	•	e	•	e	•	•	•	•	•	e	•	•	•	•	•	•	•	•			
Kathleen M. Womack	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
Katie Wood	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
Doug Woodruff	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
Gerald P. Word	•	•	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•	•	•	•	•	e	•	•	•	•	•	•	•	e		
Fred A. Zimmerman	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		
• - Attended Meeting																																					
e - Excused Absence																																					
n/a - Not on BOG																																					

D-R-A-F-T
STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MINUTES
January 11, 2014
InterContinental Buckhead Hotel/Atlanta, GA

The 250th meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Charles L. Ruffin, President, presided.

Special Recognition

President Ruffin recognized the staff of the State Bar for carrying on with the Bar's work after Cliff Brashier's passing. He specifically thanked Sharon Bryant, Chief Operating Officer, Steve Laine, Chief Financial Officer, and Paula Frederick, General Counsel, for their help and support. He also recognized and thanked Michelle Garner, Director of Meetings, Sarah Coole, Director of Communications, and Gakii Gingoria, Administrative Assistant, for their help with the State Bar's 50th Anniversary Celebration dinner and the history book. Thereafter, the Board of Governors held a moment of silence in honor of Cliff Brashier.

President Ruffin recognized the Past Presidents of the State Bar, members of the judiciary, and other special guests in attendance.

Roll Call

Secretary Rita A. Sheffey circulated the attached roll (Exhibit A) for signature.

Consent Agenda

President Ruffin presented the Consent Agenda. There being no objection or request for removal of any item, a motion was made and seconded to approve the following items:

- 1) Board of Governors Minutes
The minutes of the November 2, 2013, Board of Governors Minutes, as presented.
- 2) Executive Committee Minutes (information)
The minutes of the September 13, 2013, and October 21, 2013 Executive Committee Minutes, as presented.
- 3) Future Meetings Schedule (information)
The Future Meeting Schedule, as presented.
- 4) Judicial Qualifications Commission
The appointment of James B. Franklin for a four-year term (2013-2017).

The Board of Governors, by unanimous voice vote, approved all of the above items on the Consent Agenda.

General Session

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

Bylaw Article II, Section 5. Resolutions Committee

Following a report by Bob McCormack, the Board of Governors, by unanimous voice vote, approved dissolving the Resolutions Committee and the accompanying Bylaw Article II, Section 5.

Board of Governors Meeting

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

Legislation

President Ruffin introduced Thomas Worthy, the Bar's new Director of Governmental Affairs. Thomas Worthy announced that following the 2014 General Session, he will be traveling around the state to meet with Board members and local bar associations to learn more about them and the issues facing the Bar.

Advisory Committee on Legislation

Following a report by Dan Snipes, 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>
Real Property Law Section 1) Unlicensed Practice of Law Proposal	Passed by unanimous voice vote	Passed by unanimous voice vote
Support of H.B. 674 – State Funded Positions for Juvenile Court	Passed by unanimous voice vote	Passed by unanimous voice vote

2014 General Assembly Preview

Rusty Sewell provided a legislative preview for the 2014 Georgia General Assembly. He announced that the session is expected to be a short one since the primary election is being moved to May 20, 2014. He reported that Zach Johnson has coordinated legislative programs for 14 local bar associations around the state reaching over 827 attorneys and 43 legislators. Bills expected to be discussed this year include medical malpractice, gun control, criminal justice reform and the budget. Carryover legislation includes guardianships and military parental rights. Groundwork is being laid for increases in judicial salaries, but no action is expected to be taken on this issue until 2015. He was asked to email the list of lawyer legislators to all the Board members.

2014 Legislative Forum

President Ruffin provided a report on the 2014 Legislative Forum that took place on Thursday afternoon, January 9, 2014 in conjunction with the Midyear Meeting.

Civil Legal Services Task Force

Before recognizing Secretary Rita Sheffey, President Ruffin announced that the IOLTA rate comparability proposal on the agenda would not be voted on at this meeting. Secretary Sheffey reported on the activities of the Civil Legal Services Task Force. She stated that on average the Atlanta Legal Aid Society (ALAS) and the Georgia Legal Services Program (GLSP) jointly lost \$3 million from their budgets since 2008. At the same time, the poverty population statewide has increased by sixty-four percent (64%). She reported that the President and Director of the Georgia Bar Foundation asked for additional time to review the proposed revisions to Bar Rule 1.15 and New Part XV, which is the reason for withdrawing the proposal from today's agenda. She expects that the proposal will be an action item at the Spring Board meeting. Other funding options being explored by the Task Force are pro hac vice fees,

and she referred the Board members to the handout on proposed amendments to Rule 4.4(E) of the Uniform Superior Court Rules for their review and comment. The Task Force will ask the Council of Superior Court Judges to modify the pro hac vice rules to incorporate a \$75 per matter application fee and a \$200 annual renewal fee, if the case is still pending. The \$75 fee would go to the General Counsel's office for administration, and the \$200 fee would go to the Georgia Bar Foundation. If approved, the proposal would likely be adopted in the State, Magistrate and Probate Courts. Similarly the Supreme Court of Georgia has a pro hac vice rule, but no fee associated with it, so the Task Force has begun talks with it about implementing a fee and will do the same with the Court of Appeals of Georgia. The Task Force is also looking at county law library funds and hopes to facilitate conversations with those boards and ALAS and GLSP. The Task Force is going to embark on an education or informational campaign to explain and encourage trial judges statewide to consider legal services when disbursing *cy pres* awards. The Task Force has also been mindful at looking at the expense side of ALAS and GLSP. While it is not in the purview of the Task Force to dictate to these organizations and their boards how to run their organizations, it is creating a checklist of things that any prudent non-profit should look at and consider.

President Ruffin reported that there is no limit on the number of times an out of state attorney can come into Georgia and practice pro hac vice and he hopes the Task Force will explore that. At every opportunity he has to speak to civic groups or local bar associations, he has made a point of talking about what it is that GLSP does and provides examples of how they have helped in dramatic ways for people who cannot afford a lawyer. He also reported that he thinks it is equally as important that the civil legal services organizations also go out and talk to groups and encourage them to donate money.

Law and Economics Section

Following a report by Bob McCormack and John Flanders Kennedy, the Board of Governors, by unanimous voice vote, approved the creation and Bylaws (Exhibit B) for a new Law and Economics Section.

E-Discovery & Use of Technology Section

Following a report by Bob McCormack, Rachel Zichella, and Scott Wilson, the Board of Governors, by unanimous voice vote, approved the creation and Bylaws (Exhibit C) for a new E-Discovery & Use of Technology Section.

New Members Dues Proration

Following a report by Bob McCormack, the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court of Georgia the following Bylaws Amendment to Article 1. Members:

Section 1. Registration of Members.

Persons admitted by the courts to the practice of law shall, within sixty days after admission to the bar of the Superior Court, register with the State Bar and pay a monthly pro-rated dues amount calculated from the date of Superior Court admission through the remainder of the State Bar's fiscal year.

Resolution Honoring Officer James Neal Bowers

President Ruffin reported that a resolution was to be presented to the family of Police Officer James Neal Bowers of Columbus. He attended night law school in Atlanta and passed the Bar exam, but was killed in the line of duty before he could be sworn in to the Bar. Since his family was unable to attend the Board meeting, the resolution is being sent to the Columbus Bar Association to present to his family at an appropriate time.

2014 Marshall-Tuttle Award

Norman Zoller presented the Military Legal Assistance Program's 2014 Marshall-Tuttle Award to William John Camp for providing legal expertise in working with military service members and veterans, and for his unwavering support of the Bar's military legal assistance program. He also announced that there will be a CLE trip to Normandy and Paris over the period of May 1-9, 2014, that is open to all Bar members.

Nomination of State Bar Officers

The Board of Governors received the following nominations for officers for the 2014-2015 Bar year, and there being no others, declared the nominations closed:

<u>Office</u>	<u>Nominator</u>	<u>Nominee</u>
Treasurer	Dawn M. Jones Thomas W. Herman (Seconding)	Rita A. Sheffey
Secretary	Allegra J. Lawrence-Hardy Daniel Brent Snipes (Seconding)	Patrick T. O'Connor
President-elect	S. Lester Tate, III Kenneth R. Bernard, Jr. (Seconding)	Robert J. Kauffman

Nomination of ABA Delegates

The Board of Governors, by unanimous voice vote, nominated the following attorneys for two-year terms to the Georgia ABA Delegate Posts indicated:

<u>Post</u>	<u>Delegate</u>
1	Robert Leonard Rothman (to succeed Rudolph Patterson)
3	Hulett Askew (to succeed Cubbedge Snow, Jr.)
7	Gerald Edenfield

President's Report

President Ruffin reported that with Cliff's passing, and until his successor is hired, Paula Frederick has been asked to handle operational questions that call for a legal discussion and Sharon Bryant will continue in her position as the Chief Operating Officer and take on the day to day role of running the Bar as necessary. He reported that after talking with people involved in the previous Executive Director selection process, which was over 20 years ago, the Executive Committee convened on Thursday to discuss the Executive Director search process. The Executive Committee unanimously approved the following process for the selection of a search committee. It will be composed of the following individuals based on positions: President Buck Ruffin, President-elect Patrise Perkins-Hooker, Immediate Past President Robin Frazer Clark, YLD President Darrell Sutton, YLD President-elect Sharri Edenfield, and YLD Immediate Past President Jon Pannell. The Executive Committee also approved adding six Past Presidents to the search committee from differing parts of the state and who fell into different time periods during Cliff's service. These six past presidents appointed by President Ruffin are: Paul Kilpatrick, Jr., Ben Easterlin, Jim Durham, Robert Ingram, Jeff Bramlett, and Bryan Cavan. The Search Committee will hire an executive search firm to assist with the process. In order to be considered for the Executive Director's position, the candidate will initially have to obtain a majority vote from the Search Committee. In order to advance to the second stage for further consideration and to be one of the 3-5 candidates to be interviewed, a candidate must obtain at least a 2/3 vote of the Search Committee. The final group of candidates will be interviewed by the Executive Committee, as the representative body of the Board of Governors, and a final candidate must obtain at least a 2/3 vote of the Executive Committee before being

brought to the Board for consideration and approval. In the meantime, President Ruffin asked Board members to send any recommendations or resumes to him until the executive search firm is selected. He also stated that the Executive Committee generally felt it was preferable that the Executive Director be a practicing lawyer or have a law degree. He said he appreciated the Boards' indulgence during this transition period. Thereafter, the Board of Governors, by unanimous voice vote, authorized the President to use the Executive Director's salary line item to employ a professional executive recruiter to assist the search committee in the selection of a new Executive Director. Following that there was discussion about the makeup of the search committee and whether or not it reflected the gender and racial diversity of the Bar. In response to a suggestion that the Bar staff be represented on the Search Committee, President Ruffin also stated that Bar staff will have an advisory role in the decision and that the search committee will be mindful of the Board's comments.

YLD Report

YLD President Darrell Sutton reported on the activities of the YLD. He stated that 185 young lawyers attended the YLD General Session. He reported that 4 of the 5 Georgia law schools are participating in the Law School Fellows Program allowing 2L and 3L students to serve on the YLD Executive Council. He provided an update on the Local Affiliate Outreach efforts. He reported 11 young lawyers received scholarships in order to participate in the 2014 Leadership Academy. Fifty-five young lawyers were selected for the new class out of 140 applicants. In his efforts to establish an endowment to obtain permanent funding for the Public Interest Internship Program, that program is the beneficiary of the 2014 Annual Signature Fundraiser. He encouraged Board members to make a donation to help the YLD reach its endowment goal.

Treasurer's Report

Treasurer Bob Kauffman reported on the Bar's finances and investments. The Board of Governors received a summary report of the State Bar of Georgia Revenues and Expenditures Report as of November 30, 2013, the Income Statement YTD for the two months ending November 30, 2013, the State Bar Balance Sheet as of November 30, 2013, and the State Bar of Georgia Revenues and Expenditures Report for the Bar Center as of November 30, 2013. The Board of Governors also received a copy of the 2014-15 Budget Timetable.

ABA Report

Paula Frederick reported on the upcoming ABA Annual Meeting. She announced that Linda Klein has announced her candidacy for ABA President-elect.

Long-Range Planning & Bar Governance Committee

Patrick T. O'Connor reported on the activities of the Long-Range Planning & Bar Governance Committee and its Midyear CLE: The Future of the Practice of Law and Access to Justice. Participants heard that change in the legal landscape is rapid. Now, non-legal firms worldwide are providing legal services, and legal services are being auctioned on eBay. Law school admissions are down 24% nationwide. Today there are almost 1 million lawyers in the nation. Job opportunities are increasingly challenging. New lawyers in Georgia are forming virtual law firms. In South Dakota, the state bar and the state legislature are providing financial incentives to lawyers to practice in rural areas in that state. There is a rise in pro se litigation in Georgia and the nation. He reported that the committee plans to address specific proposals that it will bring to the Board designed to assist all lawyers as they face these and other issues.

Law Day 2013 Report

Secretary Sheffey reported on the 2013 Law Day Program, a collaborative effort among Georgia's legal community, the National Center for Equal and Human Rights and school systems in Atlanta and Tifton. The program, *Realizing the Dream – Equality to All*, will be honored with a Law Day 2013 Outstanding

Activity Award from the American Bar Association. That same collaborative group has begun planning the 2014 Law Day program on *Why Every Vote Matters*. If anyone is interested in working on the program they should contact her or President-elect Patrise Perkins-Hooker.

Members Benefits Committee

John Flanders Kennedy reported on an insurance exchange that will soon be available for all Bar members that is being offered by Member Benefits Inc., the Bar's recommended insurance broker. It is a private market place for attorneys to go and buy health insurance rather than going through the federal exchange. There will be a presentation on the exchange at the Spring Board meeting.

Steven Liebel asked if there is a way for the Bar to get policy information for each member for a minimum insurance for malpractice. As part of dues structure, there could be a minimum limits malpractice insurance policy for all members of the Bar, so that there are insurance funds available when something happens rather than using funds from the State Bar. He was asked to attend the next Member Benefits Committee meeting and make that proposal.

Special Recognition

The Board of Governors, by unanimous voice vote and with a standing ovation, formally expressed its confidence in Sharon Bryant, Paula Frederick, and the State Bar staff during the Executive Director transition.

Office of General Counsel

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

Military Legal Assistance Program

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

Law Practice Management Program

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

Consumer Assistance Program

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

South Georgia Office Usage Report

The Board of Governors received a written report on the activities of the South Georgia Office.

Coastal Georgia Office Usage Report

The Board of Governors received a written report on the activities of the Coastal Georgia Office.

Medical Malpractice Reform Article

The Board of Governors received a copy of an article in the Atlanta Journal Constitution concerning Medical Malpractice Reform.

July 2013 Georgia Bar Examination General Statistics Summary

The Board of Governors received a copy of the July 2013 Georgia Bar Examination General Statistics Summary.

Spring Street Viaduct Replacement Project

The Board of Governors received written information concerning the Spring Street Viaduct Replacement Project.

Old Business

There was no old business.

New Business

The Board of Governors, by unanimous voice vote, approved a motion recognizing its confidence and support in Sharon Bryant and Paula Frederick and all of the Bar staff going forward until an Executive Director is found, and to let them know they have its full support and confidence.

Remarks, Questions/Answers, Comments and Suggestions

The President opened up the meeting for questions and comments.

Adjournment

There being no further business, the meeting was adjourned.

Rita A. Sheffey, Secretary

Approved:

Charles L. Ruffin, President



LEGISLATIVE FORUM AGENDA

Thursday, Jan. 9, 2014, 3–5 p.m.

InterContinental Buckhead

Moderator: Rusty Sewell, *Legislative Representative, Capitol Partners Public Affairs Group, Inc.*

Welcoming Remarks:

Charles L. Ruffin, *51st President of the State Bar of Georgia*

Introduction of Panelists:

Rusty Sewell, Moderator

Remarks by Panelists:

- Sen. Charlie Bethel, *Governor's Senate Floor Leader*
- Sen. Josh McKoon, *Chairman, Senate Judiciary Committee*
- Rep. Stacey Evans, *member, House Judiciary Committee*
- Rep. Mary Margaret Oliver, *member, House Judiciary Committee*
- Rep. Wendell Willard, *Chairman, House Judiciary Committee*

Panelist Discussion on Hot Topics Likely to be Addressed by the 2014 Legislature:

- Uniform Deployed Parents Custody and Visitation Act
- Lawyer Involvement in the General Assembly
- E-Discovery
- Funding for the Judiciary
- Med Mal Reform (SB 141)
- Funding for Domestic Violence

Q & A Session

Closing Remarks

Adjourn

Cocktail Reception

February 19, 2014

Dear _____ :

Congratulations! You've been nominated by State Bar member _____ to serve on our Citizens Advisory Council.

The Citizens Advisory Council (CAC) is an effort by the State Bar of Georgia to reach out to local business and other leaders from across Georgia to help unite lawyers, judges, and non-lawyer opinion leaders for the benefit of all Georgians. Through this program, we hope that you will gain a better understanding of the work of the State Bar of Georgia and take that back with you to your community.

Our program will consist of a two-day, one-night weekend in Greensboro, GA beginning Friday, March 21. I have included a tentative outline of the weekend's events below.

Friday, March 21

Cocktail party to be followed by the Board of Governor's dinner at the Ritz Carlton Lodge, Reynolds Plantation. C.A.C guests staying at Cuscowilla on Lake Oconee will be provided one time shuttle transportation at 6:00 p.m. on Friday evening.

Hotel accommodations (room and tax for the evening of Friday, March 21) at The Cuscowilla on Lake Oconee are covered by the State Bar of Georgia. Please return the attached form for sleeping arrangements to Michelle Garner at MichelleG@gabar.org no later than Friday, February 28th.

Saturday, March 22

- 8:00 a.m. Breakfast
- 8:30 a.m. Welcome from Pres. Buck Ruffin/vision of C.A.C
- 8:45 a.m. Opening from Lester Tate with further info on C.A.C goals and other various State Bar external programs i.e. BASICS / into of President Elect Patrice Perkins-Hooker
- 9:00 a.m. Government Affairs overview with Mr. Thomas Worthy
- 9:15 a.m. Chairman Wendell Willard on role of lawyers and State Bar play in legislative process

9:45 a.m. Panel discussion hosted by Robin McDonald with guests Superior Court Judge Lawton Stephens, Court of Appeals Judge John Ellington and Supreme Court Justice Robert Benham.

10:45 a.m. Q&A

11:00 a.m. Thanks and closing from Lester Tate

11:10 a.m. C.A.C group will join the Board of Governors meeting for recognition.

The Citizens Advisory Council is part of the public advocacy efforts of the State Bar, and we would be honored to have you serve in our second class.

Please let us know by Friday, February 28 if you are able to accept this invitation by replying to michelleg@gabar.org or contacting her at 404-527-8790. You can also return the enclosed rooming form. .

Sincerely,

Buck Ruffin
President, State Bar of Georgia

NOMINEE	NOMINATED BY	OCCUPATION	LOCATION
Ken Callaway	Ken Hodges	CEO, Callaway Blue Water Company	Hamilton
Dwight Jones	Buck Ruffin	President, Ocmulgee Fields	Macon
Steven Koura	Catherine Koura	Investment Banker	Duluth
Doc Eldridge	Lawton Stephens	President, Athens Area Chamber of Commerce	Athens
Jane Norman	David Lipscomb	RN, Legal Nurse Consultant	Braselton
Randall Pugh	Barry King	CEO, Jackson Electric Membership Corporation	Jefferson
Captain Randy Schultz	Dennis O'Brien	Senior International Captain from Delta Airlines (ret)	Zebulon
Lindsey Jones	Gwyn Newsom	ResCare of Georgia, Program Manager	Columbus
Regina ("Reggie") Liparoto	Gwyn Newsom	Professional voice talent / broadcaster and former educator	Columbus
James ("Jim") Railey	Gwyn Newsom	Financial Services Representative	Columbus
Myron Faircloth	Sam O lens	Prof of Nursing, Valdosta State University	Valdosta
Kathryn Langley Megahee	Judge James E. Hardy	Executive Director of Thomas County Family Connection	Thomasville
Mayor Richard Barr	Chief Judge Dane Perkins	Mayor, Adel GA	Adel
Reiko Ward	JaDawnya C. Butler	Fulton County District Attorney's Office, Citizens Courtwatch Coord	Atlanta
Melva Steps	JaDawnya C. Butler	Fulton County District Attorney's Office, Director-Community Court	Atlanta
Lashawn Hoffman	JaDawnya C. Butler	Pittsburgh Civic Improvement Association, President	Atlanta
Jerry Tacuma Brown	JaDawnya C. Butler	Former NPU T Chair and Community Leader	Atlanta
Pierre Gaither	JaDawnya C. Butler	Pittsburgh Civic Improvement Association, VP	Atlanta
Harriet Zoller	Rita Sheffey	American Cancer Society (science and medical writer/editor), (ret)	Sandy Springs
Mary N. Long	Patrise Perkins-Hooker	Self Employeed Lobbyist	Atlanta
Wallace Coopwood	Patrise Perkins-Hooker	Self Employeed Lobbyist	Smyrna
Chris Beckham	Render Heard	Tifton-Tift County Chamber of Commerce	Tifton
Randall Toussaint	Phil Smith	VP of Economic Development, Forsyth County Chamber of Commerce	Cumming
Bryan McAllister	Robert Smalley	CFO, Brown Industries	Dalton

1 **RULE 1.15(I) SAFEKEEPING PROPERTY - GENERAL**

2

3 a. A lawyer shall hold funds or other property of clients or third persons that ~~is~~ are in a
4 lawyer's possession in connection with a representation separate from the lawyer's own
5 funds or other property. Funds shall be kept in a one or more separate accounts
6 maintained in ~~either~~ an approved ~~or an eligible~~ institution as defined by Rule
7 1.15(III)(c)(1) ~~and (c)(2)~~. Other property shall be identified as such and appropriately
8 safeguarded. Complete records of such account funds and other property shall be kept by
9 the lawyer and shall be preserved for a period of six years after termination of the
10 representation.

11 b. For the purposes of this Rule, a lawyer may not disregard a third person's interest in funds
12 or other property in the lawyer's possession if:

13 1. the interest is known to the lawyer, and

14 2. the interest is based upon one of the following:

15 i. A statutory lien;

16 ii. A final judgment addressing disposition of those funds or property; or

17 iii. A written agreement by the client or the lawyer on behalf of the client
18 guaranteeing payment out of those funds or property.

19 The lawyer may disregard the third person's claimed interest if the lawyer reasonably
20 concludes that there is a valid defense to such lien, judgment, or agreement.

21

22 c. Upon receiving funds or other property in which a client or third person has an interest, a
23 lawyer shall promptly notify the client or third person. Except as stated in this Rule or
24 otherwise permitted by law or by agreement with the client, a lawyer shall promptly
25 deliver to the client or third person any funds or other property that the client or third
26 person is entitled to receive and, upon request by the client or third person, shall promptly
27 render a full accounting regarding such property.

28 d. When in the course of representation a lawyer is in possession of funds or other property
29 in which both the lawyer and a client or a third person claim interest, the property shall be
30 kept separate by the lawyer until there is an accounting and severance of their interests. If
31 a dispute arises concerning their respective interests, the portion in dispute shall be kept
32 separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute
33 all portions of the funds or property as to which the interests are not in dispute.

34 The maximum penalty for a violation of this Rule is disbarment.

35 Comment

36 [1] A lawyer should hold property of others with the care required of a professional fiduciary.
37 Securities should be kept in a safe deposit box, except when some other form of safekeeping is

38 warranted by special circumstances. All property which is the property of clients or third persons
39 should be kept separate from the lawyer's business and personal property and, if monies, in one
40 or more trust accounts. Separate trust accounts may be warranted when administering estate
41 monies or acting in similar fiduciary capacities.

42 [2] Lawyers often receive funds from third parties from which the lawyer's fee will be paid. If
43 there is risk that the client may divert the funds without paying the fee, the lawyer is not required
44 to remit the portion from which the fee is to be paid. However, a lawyer may not hold funds to
45 coerce a client into accepting the lawyer's contention. The disputed portion of the funds should
46 be kept in trust and the lawyer should suggest means for prompt resolution of the dispute, such as
47 arbitration or interpleader. The undisputed portion of the funds shall be promptly distributed.

48 [3] Third parties, such as a client's creditors, may have just claims against funds or other property
49 in a lawyer's custody. A lawyer may have a duty under applicable law to protect such third-party
50 claims against wrongful interference by the client, and accordingly may refuse to surrender the
51 property to the client. However, a lawyer should not unilaterally assume to arbitrate a dispute
52 between the client and the third party. The obligations of a lawyer under this Rule are
53 independent of those arising from activity other than rendering legal services. For example, a
54 lawyer who serves as an escrow agent is governed by the applicable law relating to fiduciaries
55 even though the lawyer does not render legal services in the transaction.

56 [3A] In those cases where it is not possible to ascertain who is entitled to disputed funds or other
57 property held by the lawyer, the lawyer may hold such disputed funds for a reasonable period of
58 time while the interested parties attempt to resolve the dispute. If a resolution cannot be reached,
59 it would be appropriate for a lawyer to interplead such disputed funds or property.

60 [4] A "clients' security fund" provides a means through the collective efforts of the bar to
61 reimburse persons who have lost money or property as a result of dishonest conduct of a lawyer.
62 Where such a fund has been established, a lawyer should participate.

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64 RULE 1.15(II) SAFEKEEPING PROPERTY- TRUST ACCOUNT AND IOLTA

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a. Every lawyer who practices law in Georgia, whether said lawyer practices as a sole practitioner, or as a member of a firm, association, or professional corporation, and who receives money or property on behalf of a client or in any other fiduciary capacity, shall maintain or have available ~~a one or more~~ trust accounts as required by these Rules. All funds held by a lawyer for a client and all funds held by a lawyer in any other fiduciary capacity shall be deposited in and administered from ~~such a~~ trust account.

b. No personal funds shall ever be deposited in a lawyer's trust account, except that unearned attorney's fees may be so held until the same are earned. Sufficient personal funds of the lawyer may be kept in the trust account to cover maintenance fees such as service charges on the account. Records on such trust accounts shall be so kept and maintained as to reflect at all times the exact balance held for each client or third person. No funds shall be withdrawn from such trust accounts for the personal use of the lawyer maintaining the account except earned attorney's fees debited against the account of a specific client and recorded as such.

c. All client's funds shall be placed in ~~either~~ an interest-bearing account at ~~an eligible or an approved institution~~ with the interest being paid to the client, or an interest-bearing (IOLTA) account ~~at an eligible approved institution~~ with the interest being paid to the Georgia Bar Foundation as hereinafter provided.

1. With respect to funds which are not nominal in amount, or are not to be held for a short period of time, a lawyer shall, with notice to the clients, create and maintain an interest-bearing trust account in an approved ~~or an eligible~~ institution as defined in Rule 1.15(III)(c)(1) ~~and (c)(2)~~, with the interest to be paid to the client. ~~No earnings from such an account shall be made available to a lawyer or law firm.~~

i. No earnings from such an interest-bearing account shall be made available to a lawyer or law firm.

ii. Funds in such an interest-bearing trust account shall be available for withdrawal upon request and without delay, subject only to any notice period which the institution is required to reserve by law or regulation.

2. With respect to funds which are nominal in amount or are to be held for a short period of time, such that there can be no reasonable expectation of a positive net return to the client or third person, a lawyer shall, with or without notice to the client, create and maintain an interest-bearing, government insured trust account (IOLTA) at an eligible approved institution as defined in Rule 1.15(III)(c)(~~2~~ 1) in compliance with the following provisions:

i. No earnings from such an IOLTA account shall be made available to a lawyer or law firm.

- 103 ii. An interest bearing trust account may be established with any approved
104 eligible institution as defined in Rule 1.15(III)(e)(1) (2). Funds in each
105 IOLTA account shall be available for withdrawal upon request and
106 without delay, subject only to any notice period which the institution is
107 required to reserve by law or regulation.
- 108 iii. As required by Rule 15-103 the rate of interest payable on any IOLTA
109 account shall not be less than the rate paid by the depositor institution to
110 regular, non-lawyer depositors. Higher rates offered by the institution to
111 customers whose deposits exceed certain time periods or quantity
112 minimums, such as those offered in the form of certificates of deposit,
113 may be obtained by a lawyer or law firm on some or all of the deposited
114 funds so long as there is no impairment of the right to withdraw or transfer
115 principal immediately, subject to any notice period which the institution is
116 required to reserve by law or regulation.
- 117 iv. Lawyers or law firms shall direct the depository institution:
- 118 A. to remit to the Georgia Bar Foundation interest or dividends, net of
119 any charges or fees on that account, on the average monthly
120 balance in that account, or as otherwise computed in accordance
121 with a financial institution's standard accounting practice, at least
122 quarterly. Any bank fees or charges in excess of the interest earned
123 on that account for any month shall be paid by the lawyer or law
124 firm in whose names such account appears, if required by the bank
125 to remit to the Georgia Bar Foundation interest or dividends, net of
126 any allowable reasonable fees as defined in Rule 15-102(c), on the
127 average monthly balance in that account, at least quarterly. Any
128 allowable reasonable fees in excess of the interest earned on that
129 account for any month, and any charges or fees that are not
130 allowable reasonable fees, shall be charged to the lawyer or law
131 firm in whose names such account appears, if not waived by the
132 eligible approved institution;
- 133 B. to transmit with each remittance to the Foundation a statement
134 showing the name of the lawyer or law firm for whom the
135 remittance is sent, the rate of interest applied, the average monthly
136 balance against which the interest rate is applied, the service
137 charges or fees applied, and the net interest remittance to transmit
138 with each remittance to the Foundation a statement showing the
139 name of the lawyer or law firm for whom the remittance is sent,
140 the applicable IOLTA Account number, the rate of interest applied,
141 the average monthly account balance against which the interest
142 rate is applied, the gross interest earned, the types and amounts of
143 service charges or fees applied, and the amount of the net interest
144 remittance;

145 C. ~~to transmit to the depositing lawyer or law firm at the same time a~~
 146 ~~report showing the amount paid to the Foundation, the rate of~~
 147 ~~interest applied, the average account balance of the period for~~
 148 ~~which the report is made, and such other information provided to~~
 149 ~~non-lawyer customers with similar accounts to transmit to the~~
 150 ~~depositing lawyer or law firm periodic reports or statements in~~
 151 ~~accordance with the eligible approved institution's normal~~
 152 ~~procedures for reporting to depositors.~~

153 3. No charge of ethical impropriety or other breach of professional conduct shall
 154 attend the determination that such funds are nominal in amount or to be held for a
 155 short period of time, or to the decision to invest clients' funds in a pooled interest-
 156 bearing account.

157 4. Whether the funds are designated short-term or nominal or not, a lawyer or law
 158 firm may, at the request of the client, deposit funds into a separate interest bearing
 159 account and elect to remit all interest earned, or interest earned net of charges, to
 160 the client or clients.

161 The maximum penalty for a violation of Rule 1.15(II)(a) and Rule 1.15(II)(b) is disbarment. The
 162 maximum penalty for a violation of Rule 1.15(II)(c) is a public reprimand.

163 Comment

164 [1] The personal money permitted to be kept in the lawyer's trust account by this Rule shall not
 165 be used for any purpose other than to cover the bank fees and if used for any other purpose the
 166 lawyer shall have violated this Rule. If the lawyer wishes to reduce the amount of personal
 167 money in the trust account, the change must be properly noted in the lawyer's financial records
 168 and the monies transferred to the lawyer's business account.

169 [2] Nothing in this Rule shall prohibit a lawyer from removing from the trust account fees which
 170 have been earned on a regular basis which coincides with the lawyer's billing cycles rather than
 171 removing the fees earned on an hour-by-hour basis.

172 [3] In determining whether funds of a client or other beneficiary can earn income in excess of
 173 costs, the lawyer may consider the following factors:

- 174 a.) the amount of funds to be deposited;
 175 b.) the expected duration of the deposit, including the likelihood of delay in the
 176 matter with respect to which the funds are held;
 177 c.) the rates of interest or yield at financial institutions where the funds are to be
 178 deposited;
 179 d.) the cost of establishing and administering a non-IOLTA trust account for the
 180 benefit of the client or other beneficiary, including service charges, the costs
 181 of the lawyer's services and the costs of preparing any tax reports that may be
 182 required;
 183 e.) the capability of financial institutions, lawyers, or law firms to calculate and
 184 pay earnings to individual clients; and

185 f.) any other circumstances that affect the ability of the funds to earn a net return
186 for the client or other beneficiary.
187
188 [4] The lawyer or law firm should review the IOLTA Account at reasonable intervals to
189 determine whether changed circumstances require further action with respect to the funds of any
190 client or third party.
191

192 RULE 1.15(III) RECORD KEEPING; TRUST ACCOUNT OVERDRAFT NOTIFICATION;
193 EXAMINATION OF RECORDS
194

195 a. Required Bank Accounts: Every lawyer who practices law in Georgia and who receives
196 money or other property on behalf of a client or in any other fiduciary capacity shall
197 maintain, in an approved ~~or in an eligible~~ financial institution as defined by this Rule, a
198 trust account or accounts, separate from any business and personal accounts. Funds
199 received by the lawyer on behalf of a client or in any other fiduciary capacity shall be
200 deposited into this account. The financial institution shall be in Georgia or in the state
201 where the lawyer's office is located, or elsewhere with the written consent and at the
202 written request of the client or third person.

203 b. Description of Accounts:

204 1. A lawyer shall designate all trust accounts, whether general or specific, as well
205 as all deposit slips and checks drawn thereon, as an "Attorney Trust Account,"
206 "Attorney Escrow Account" "IOLTA Account" or "Attorney Fiduciary
207 Account." The name of the attorney or law firm responsible for the account shall
208 also appear on all deposit slips and checks drawn thereon.

209 2. A lawyer shall designate all business accounts, as well as all deposit slips and all
210 checks drawn thereon, as a "Business Account," a "Professional Account," an
211 "Office Account," a "General Account," a "Payroll Account," "Operating
212 Account" or a "Regular Account."

213 3. Nothing in this Rule shall prohibit a lawyer from using any additional description
214 or designation for a specific business or trust account including fiduciary
215 accounts maintained by the lawyer as executor, guardian, trustee, receiver, agent
216 or in any other fiduciary capacity.

217 c. Procedure:

218 1. Approved Institutions:

219 i. A lawyer shall maintain his or her trust account only in a financial
220 institution approved by the State Bar of Georgia, which shall annually
221 publish a list of approved institutions.

222 A. Such approved institutions shall be located within the State of
223 Georgia, within the state where the lawyer's office is located, or
224 elsewhere with the written consent and at the written request of the
225 client or third person. The institution shall be authorized by federal
226 or state law to do business in the jurisdiction where located and
227 shall be federally insured. A financial institution shall be approved
228 as a depository for lawyer trust accounts if it abides by an
229 agreement to report to the ~~State Disciplinary Board~~ Office of the
230 General Counsel whenever any properly payable instrument is

231 presented against a lawyer trust account containing insufficient
 232 funds, and the instrument is not honored. The agreement shall
 233 apply to all branches of the financial institution and shall not be
 234 canceled except upon thirty days' notice in writing to the State
 235 Disciplinary Board Office of General Counsel . The agreement
 236 shall be filed with the Office of General Counsel on a form
 237 approved by the Investigative Panel of the State Disciplinary
 238 Board. The agreement shall provide that all reports made by the
 239 financial institution shall be in writing and shall include the same
 240 information customarily forwarded to the depositor when an
 241 instrument is presented against insufficient funds. If the financial
 242 institution is located outside of the State of Georgia, it shall also
 243 agree in writing to honor any properly issued State Bar of Georgia
 244 subpoena.

245 B. In addition to the requirements above, the financial institution must
 246 also be approved by the Georgia Bar Foundation and agree to offer
 247 IOLTA accounts in compliance with the additional requirements
 248 set out in Part XV of the Rules of the State Bar of Georgia

249 ii. The Investigative Panel of the State Disciplinary Board Georgia Bar
 250 Foundation shall establish procedures for a lawyer or law firm to be
 251 excused from may waive the requirements provisions of this Rule in
 252 whole or in part if the a lawyer or law firm has its principal office in a
 253 county where no bank, credit union, or savings and loan association will
 254 agree has agreed to comply with the provisions of this Rule, or for other
 255 good cause shown. A lawyer or law firm may appeal the decision of the
 256 Investigative Panel Georgia Bar Foundation to the Executive Committee
 257 of the State Bar of Georgia by application to the Supreme Court of
 258 Georgia.

259 Eligible Institutions: A lawyer shall maintain his or her IOLTA account or
 260 accounts only in a financial institution designated as eligible by the Georgia Bar
 261 Foundation. To be designated eligible, a financial institution must be an approved
 262 institution under the requirement of Rule 1.15(III)(c)(1) and must offer IOLTA
 263 accounts in compliance with the additional requirements set out in the Part XV of the
 264 Rules of the State Bar of Georgia.

265 2 Timing of Reports:

266 iii. The financial institution shall file a report with the Office of General
 267 Counsel of the State Bar of Georgia in every instance where a properly
 268 payable instrument is presented against a lawyer trust account containing
 269 insufficient funds and said instrument is not honored within three business
 270 days of presentation.

- 271 iv. The report shall be filed with the Office of General Counsel within fifteen
272 days of the date of the presentation of the instrument, even if the
273 instrument is subsequently honored after the three business days provided
274 in the preceding paragraph.
- 275 3 Nothing shall preclude a financial institution from charging a particular lawyer or
276 law firm for the reasonable cost of producing the reports and records required by
277 this Rule.
- 278 4 Every lawyer and law firm maintaining a trust account as provided by these Rules
279 is hereby and shall be conclusively deemed to have consented to the reporting and
280 production requirements mandated by this Rule and shall indemnify and hold
281 harmless each financial institution for its compliance with the aforesaid reporting
282 and production requirements.
- 283 d. Effect on Financial Institution of Compliance: The agreement by a financial institution to
284 offer accounts pursuant to this Rule shall be a procedure to advise the State Disciplinary
285 Board of conduct by attorneys and shall not be deemed to create a duty to exercise a
286 standard of care or a contract with third parties that may sustain a loss as a result of
287 lawyers overdrawing attorney trust accounts.
- 288 e. Availability of Records: A lawyer shall not fail to produce any of the records required to
289 be maintained by these ~~Standards~~ Rules at the request of the Investigative Panel of the
290 State Disciplinary Board or the Supreme Court. This obligation shall be in addition to and
291 not in lieu of the procedures contained in Part IV of these Rules for the production of
292 documents and evidence.
- 293 f. Audit for Cause: A lawyer shall not fail to submit to an Audit for Cause conducted by the
294 State Disciplinary Board pursuant to Bar Rule 4-111.

295 The maximum penalty for a violation of this Rule is disbarment.

296

297 Comment

298

299 [1] Each financial institution wishing to be approved as a depository of client trust funds must
300 file an overdraft notification agreement with the ~~State Disciplinary Board~~ Office of the General
301 Counsel of the State Bar of Georgia. The State Bar of Georgia will publish a list of approved
302 institutions at least annually.

303 [2] The overdraft agreement requires that all overdrafts be reported to the Office of General
304 Counsel of the State Bar of Georgia whether or not the instrument is honored. It is improper for a
305 lawyer to accept "overdraft privileges" or any other arrangement for a personal loan on a client
306 trust account, particularly in exchange for the institution's promise to delay or not to report an
307 overdraft. The institution must notify the Office of General Counsel of all overdrafts even where
308 the institution is certain that its own error caused the overdraft or that the matter could have been
309 resolved between the institution and the lawyer within a reasonable period of time.

310

311 [3] The overdraft notification provision is not intended to result in the discipline of every lawyer
312 who overdraws a trust account. The lawyer or institution may explain occasional errors. The
313 provision merely intends that the Office of General Counsel receive an early warning of
314 improprieties so that corrective action, including audits for cause, may be taken.

315 Waiver

316 [4] A lawyer may seek to have the provisions of this Rule waived if the a lawyer or law firm has
317 its principal office in a county where no bank, credit union, or savings and loan association will
318 agree or has agreed to comply with the provisions of this Rule if there is no eligible bank within
319 a reasonable distance from the lawyer or law firm's principal office. Other grounds for
320 requesting a waiver may include significant financial or business harm to the lawyer or law firm,
321 such as where the ineligible unapproved bank is a client of the lawyer or law firm, or where the
322 lawyer serves on the board of the ineligible unapproved bank.

323 [5] The request for waiver should be in writing, sent to the Investigative Panel of the State
324 Disciplinary Board c/o the Office of the General Counsel Georgia Bar Foundation, and should
325 include sufficient information to establish good cause for the requested waiver.

326 [6] The Panel Foundation may request additional information from the lawyer or law firm if
327 necessary to determine good cause. A lawyer or law firm may appeal the decision of the
328 Investigative Panel to the Executive Committee of the State Bar of Georgia.

329 Audits

330 [47] Every lawyer's financial records and trust account records are required records and therefore
331 are properly subject to audit for cause. The audit provisions are intended to uncover errors and
332 omissions before the public is harmed, to deter those lawyers who may be tempted to misuse
333 client's funds and to educate and instruct lawyers as to proper trust accounting methods.
334 Although the auditors will be employed by the Office of General Counsel of the State Bar of
335 Georgia, it is intended that disciplinary proceedings will be brought only when the auditors have
336 reasonable cause to believe discrepancies or irregularities exist. Otherwise, the auditors should
337 only educate the lawyer and the lawyer's staff as to proper trust accounting methods.

338

339 [58] An audit for cause may be conducted at any time and without advance notice if the Office of
340 General Counsel receives sufficient evidence that a lawyer poses a threat of harm to clients or the
341 public. The Office of General Counsel must have the written approval of the Chairman of the
342 Investigative Panel of the State Disciplinary Board and the President-elect of the State Bar of
343 Georgia to conduct an audit for cause.

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345

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PART XV

347

GEORGIA BAR FOUNDATION

348

Preamble

349 The Georgia Bar Foundation (“the Foundation”) is a 501(c)(3) organization named by the
350 Supreme Court of Georgia in 1983 to receive and distribute Interest On Lawyer Trust Account
351 (“IOLTA”) funds to support legal services for the poor, to improve the administration of justice,
352 to provide legal education to Georgia’s children, to provide educational programs for adults in
353 order to advance understanding of democracy and our system of government, to aid children
354 involved in the justice system, and to promote professionalism in the practice of law.

355

Chapter 1

356

IOLTA ACCOUNTS

357

Rule 15-101. Bank Accounts.

358

(a) Every lawyer who practices law in Georgia, whether as a sole practitioner or as a
359 member of a firm, association or professional corporation, who receives money or other property
360 on behalf of a client or in any other fiduciary capacity shall maintain or have available an
361 interest-bearing trust account or accounts.

362

(b) An “IOLTA Account” is a trust account benefiting the Foundation. The interest
363 generated by an IOLTA Account shall be paid to the Georgia Bar Foundation, Inc. as hereinafter
364 provided.

365

Rule 15-102. Definitions.

366

(a) An “IOLTA Account” means a trust account benefiting the Foundation, established in
367 an ~~eligible~~ approved institution for the deposit of pooled nominal or short-term funds of clients
368 or third persons, and meeting the requirements of the Foundation as further detailed below. The
369 account product may be an interest-bearing checking account; a money market account with, or
370 tied to, check writing; a sweep account, portions of which are regularly moved into a government
371 money market fund or daily overnight financial institution repurchase agreement invested solely
372 in, or fully collateralized by, United States government securities; or an open-end money market
373 fund solely invested in, or fully collateralized by, United States government securities.

374

(1) “Nominal or short-term” describes funds of a client or third person that the
375 lawyer has determined cannot provide a positive net return to the client or third
376 person.

377

(2) “Open-end money market fund” is a fund that identifies itself as a money
378 market fund as defined by applicable federal statutes and regulations under the
379 Investment Company Act of 1940 and, at the time of the investment, having total
380 assets of at least \$250,000,000.

381 (3) “United States government securities” are United States Treasury obligations
382 and obligations issued or guaranteed as to principal and interest by the United States
383 or any agency or instrumentality thereof.

384 (b) An “eligible approved institution” is a bank or savings and loan association which is
385 an approved institution as defined in Rule 1.15(III)(c)(1) and which voluntarily chooses to offer
386 IOLTA accounts consistent with the additional requirements of this rule, including:

387 (1) to remit to the Foundation interest or dividends, net of any allowable
388 reasonable fees on the IOLTA Account, on the average monthly balance in that
389 account, at least quarterly. Any allowable reasonable fees in excess of the interest
390 earned on that account for any month, and any fees or charges that are not allowable
391 reasonable fees, shall be charged to the lawyer or law firm in whose names such
392 account appears, if not waived by the eligible approved institution.

393 (2) to transmit with each remittance to the Foundation a statement showing the
394 name of the lawyer or law firm for whom the remittance is sent, the applicable
395 IOLTA Account number, the rate of interest applied, the average monthly account
396 balance against which the interest rate is applied, the gross interest earned, the types
397 and amounts of service charges or fees applied, and the amount of the net interest
398 remittance.

399 (3) to transmit to the depositing lawyer or law firm periodic reports or statements
400 in accordance with the eligible approved institution’s normal procedures for
401 reporting to depositors.

402 (4) to pay comparable interest rates on IOLTA Accounts, as defined below at
403 Rule 15-103.

404 (c) “Allowable reasonable fees” for IOLTA accounts are per check charges, per deposit
405 charges, a fee in lieu of a minimum balance, Federal deposit insurance fees, and sweep fees.
406 (“Allowable reasonable fees” do not include check printing charges, NSF charges, overdraft
407 interest charges, account reconciliation charges, stop payment charges, wire transfer fees, and
408 courier fees. Such listing of excluded fees is not intended to be all inclusive.) All other fees are
409 the responsibility of, and may be charged to, the lawyer maintaining the IOLTA account. Fees
410 or charges in excess of the earnings accrued on the account for any month or quarter shall not be
411 taken from earnings accrued on other IOLTA accounts ~~or from the principal of the account.~~
412 Eligible Approved financial institutions may elect to waive any or all fees on IOLTA accounts.

413

414 **Rule 15-103. IOLTA Accounts; Interest Rates**

415 On any IOLTA Account, the rate of interest payable shall be:

416 (a) not less than the highest interest rate or dividend generally available from the eligible
417 approved institution to its non-IOLTA customers for each IOLTA Account that meets the same

418 minimum balance or other eligibility qualifications, if any. In determining the highest interest
419 rate or dividend generally available from the institution to its non-IOLTA customers, the
420 institution may consider factors, in addition to the IOLTA Account balance, customarily
421 considered by the institution when setting interest rates or dividends for its customers if such
422 factors do not discriminate between IOLTA Accounts and accounts of non-IOLTA customers.
423 The institution also shall consider all product option types that it offers to its non-IOLTA
424 customers, as noted at Rule 15-102(a), for an IOLTA Account by either establishing the
425 applicable product as an IOLTA Account or paying the comparable interest rate or dividend on
426 the IOLTA Account in lieu of actually establishing the comparable highest interest rate or
427 dividend product; or

428 (b) alternatively, if an eligible approved institution so chooses, a rate equal to the greater
429 of (A) 0.65% per annum or (B) a benchmark interest rate, net of allowable reasonable fees, set by
430 the Foundation, which shall be expressed as a percentage (an “index”) of the federal funds target
431 rate, as established from time to time by the Federal Reserve Board. In order to maintain an
432 overall comparable rate, the Foundation will periodically, but not less than annually, publish its
433 index. The index shall initially be 65% of the federal funds target rate.

434 (c) Eligible Approved institutions may choose to pay rates higher than comparable rates
435 discussed above.

436 Chapter 2

437 INTERNAL RULES

438 Rule 15-201. Management and Disbursement of IOLTA Funds; Internal Procedures of 439 Foundation

440 (a) Mandatory Grants. The Georgia Bar Foundation, Inc. (the “Foundation”), which is
441 the charitable arm of the Supreme Court of Georgia, is the named recipient of IOLTA funds.
442 The Foundation shall pay to the Georgia Civil Justice Foundation (“GCJF”) a grant of ten
443 percent (10%) of all IOLTA revenues received, less administrative costs, during the immediately
444 preceding calendar quarter. GCJF must maintain its tax-exempt charitable/educational status
445 under Sections 115 and 170(C)(1) or under Section 501(c)(3) of the Internal Revenue Code, and
446 the purposes and activities of the organization must remain consistent with the exempt purposes
447 of the Foundation. If GCJF is determined either by the Internal Revenue Service or by the
448 Georgia Department of Revenue to be a taxable entity at any time, or its purposes and activities
449 become inconsistent with the exempt purposes of the Foundation, then the Foundation shall
450 retain all IOLTA funds which would have been granted to GCJF.

451 (b) Reporting by Organizations. As a condition to continued receipt of IOLTA funds,
452 the Foundation and GCJF shall each present a report of its activities including an audit of its
453 finances to the Supreme Court of Georgia annually. GCJF shall also send to the Foundation a
454 copy of its annual report and audit.

455
456 (c) Discretionary Grants. The Foundation shall develop procedures for regularly
457 soliciting, evaluating, and funding grant applications from worthy law-related organizations that

458 seek to provide civil legal assistance to needful Georgians, to improve the working and the
459 efficiency of the judicial system, to provide legal education to Georgia's children, to provide
460 assistance to children who are involved with the legal system, to provide educational programs
461 for adults intended to promote a better understanding of our democratic system of government,
462 or to foster professionalism in the practice of law.

463

464 (d) IOLTA Account Confidentiality. The Foundation will protect the confidentiality of
465 information regarding a lawyer's or law firm's trust account obtained in the course of managing
466 IOLTA operations.

467

468 (e) Report to the Office of General Counsel. The Foundation will provide the Office of
469 General Counsel with a list of approved financial institutions which have agreed to abide by the
470 requirements of this Part XV of the Rules of the State Bar of Georgia. Such list will be updated
471 with such additions and deletions as necessary to maintain its accuracy.

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**State Bar of Georgia
Dues and Revenue History**

1/30/2014

Dues History:	Year End 6-30	Active & Inactive Members
\$75	1976-1983	6/30/83 = 15,000
\$90	1984-1987	6/30/87 = 19,425
\$110	1988-1989	6/30/89 = 20,193
\$135	1990-1995	6/30/95 = 26,320
\$150	1996-2000	6/30/00 = 30,694
\$175	2001-2003	6/30/03 = 33,706
\$190	2004	6/30/04 = 34,717
\$208	2005	6/30/05 = 35,704
\$218	2006	6/30/06 = 36,694
\$230	2008	6/30/08 = 38,852
\$236**	2009-2011	6/30/11 = 42,334
\$238	2011-2012	6/30/12 = 42,957
\$240	2012-2013	6/30/13 = 44,184
\$246***	2013-2014	Budgeted 6/30/14 = 44,900

History of Dues Cap

The first cap was set at \$150 by Supreme Court Order, dated January 25, 1983. Prior to then, every dues change 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.

**State Bar of Georgia
Dues and Revenue History**

1/30/2014

Year	Total Revenue	\$ Increase	% Increase	Dues Rate	History of Dues Indexing and Program Accountability *		Annual Surplus (Deficit)	Reserves***
					Dues Indexing %	Program Accountability (New Programs)		
1992-93	\$3,334,777	\$115,329	3.6%	\$135				
1993-94	\$3,571,459	\$236,682	7.1%	\$135				
1994-95	\$3,889,932	\$318,473	8.9%	\$135				
1995-96	\$4,354,349	\$464,417	11.9%	\$150				
1996-97	\$4,593,984	\$239,635	5.5%	\$150				
1997-98	\$4,891,840	\$297,856	6.5%	\$150				
1998-99	\$5,007,430	\$115,590	2.4%	\$150				
1999-00	\$5,191,463	\$184,033	3.7%	\$150				
2000-01	\$6,083,180	\$891,717	17.2%	\$175				
2001-02	\$6,071,530	(\$11,650)	-0.2%	\$175				
2002-03	\$6,172,176	\$100,646	1.7%	\$175				
2003-04	\$6,757,482	\$585,306	9.5%	\$190	4.5%	\$8	UPL - \$7	
2004-05	\$7,958,621	\$1,201,139	17.8%	\$208	4.5%	\$9	Casemaker - \$9	
2005-06	\$8,429,316	\$470,695	5.9%	\$218	0.0%	\$0	Mentor - \$10	
2006-07	\$9,202,291	\$772,975	9.2%	\$230	0.0%	\$0	Cornerstones of Freedom - \$12	
2007-08	\$9,630,335	\$428,044	4.7%	\$230	0.0%	\$0	None	
2008-09**	\$9,217,164	(\$413,171)	-4.3%	\$236	0.0%	\$0	Savannah Office - \$6	
2009-10	\$9,906,285	\$689,121	7.5%	\$236	0.0%	\$0	None	
2010-11	\$9,865,704	(\$40,581)	-0.4%	\$236	0.0%	\$0	None	
2011-12	\$10,042,547	\$176,843	1.8%	\$238	0.8%	\$2	None	
2012-13	\$10,380,463	\$337,916	3.4%	\$240	0.8%	\$2	None	
2013-14 (projected) #	\$10,761,684	\$381,221	3.7%	\$246	0.0%	\$0	MLAP, Review Panel Counsel, Pro Bono - \$6	
								Total Expenditures
								\$ 5,196,542
								\$ 5,279,323
								\$ 5,567,740
								\$ 5,837,776
								\$ 6,193,333
								\$ 6,710,316
								\$ 7,441,085
								\$ 7,910,506
								\$ 8,299,389
								\$ 10,496,996
								\$ 9,623,930
								\$ 9,916,253
								\$ 10,402,265
								\$ 10,824,527
								\$ 11,632,768
								\$ (7,079)
								\$ 803,857
								\$ 503,790
								\$ 394,400
								\$ 564,149
								\$ 1,248,305
								\$ 988,231
								\$ 1,291,785
								\$ 1,330,946
								\$ (1,279,832)
								\$ 282,355
								\$ (50,549)
								\$ (359,718)
								\$ (444,064)
								\$ 1,988,418
								\$ 2,622,839
								\$ 3,146,925
								\$ 2,923,365
								\$ 2,653,562
								\$ 3,831,511
								\$ 4,824,815
								\$ 6,098,422
								\$ 7,243,357
								\$ 7,206,369
								\$ 7,359,314
								\$ 7,087,834
								\$ 6,899,271
								\$ 6,264,454
								\$ 5,993,950

* Dues changed from cycle (large increases every few years) to indexing (small increases more frequently) with mandatory new program approval by Board of Governors on April 5, 2003.

**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.

***Unrestricted and board designated reserves. Does not include restricted funds, such as CCLC, Client Security Fund, Legislative Fund, Sections, and Bar Center.

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.

--DRAFT--
Minutes
Finance Committee Meeting
Friday, January 31, 2014
State Bar Building
Atlanta, Georgia

Members Present

Nancy J. Whaley, Randall H. Davis, Lyonnette M. Davis, Damon E. Elmore, Karlise Y. Grier, Nancy N. Liu, Dennis C. Sanders, Kathleen M. Womack, Robert J. Kauffman, and Patrise Perkins-Hooker attended in person. Harold B. Watts and V. Sharon Edenfield attended via telephone.

Staff Present

Steve Laine, Sharon Bryant, and Paula Frederick were present from the State Bar staff.

Guests

Rita A. Sheffey attended the meeting.

Welcome

Nancy J. Whaley welcomed new Finance Committee members.

State Bar of Georgia 12/31/13 Financial Statements

Steve Laine presented an overview of the Bar's financial condition over time, as presented in the Treasurer's Report to the Board of Governors in November. He then reviewed the Bar's Revenues and Expenditures Statement, Selected Payment Information (dues and optional contributions), and the State Bar Balance Sheet, as of 12/31/13.

Mr. Laine projected that the Bar will run an operating loss of \$870K this bar year, given projected spending trends at 95% of budget. A large factor will be the level of use of the Cornerstones of Freedom budget, which varies greatly year to year. This year it will be heavily utilized to fund the Constitutional Law Symposium.

Bar Center Financials and Income Model

Mr. Laine then reviewed the 12/31/13 Bar Center Executive Summary with the Committee. The Bar Center is projected to have an operating surplus of \$944K in the 2013-14 Bar year. Recently financial performance of the Bar Center was impacted by rent reductions necessitated by the decline in the nearby commercial real estate market and the State of Georgia's budget tightening.

However, the building is heavily leased. The only large unrented space is the fifth floor. The Committee discussed the fact that the parking garage is a limiting factor in tenant expansion; the garage is primarily for the use of Georgia attorneys and space must be reserved for their parking privileges. Thus, an ideal tenant would be a data center or computing facility with a high need for square footage, but with few employees.

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1/31/14 Meeting Minutes
Page Two

Budget Timetable

Steve Laine explained the 2014-15 Bar Operating Budget Timetable. The timetable necessitated a dues recommendation by Finance to Executive Committee before February 21, 2014.

Dues History and Background

Chairperson Whaley reviewed the history of Bar dues and the concepts of Indexing and Program Accountability. Indexing is the practice of increasing dues for the impacts of inflation. Program Accountability is the practice of increasing dues to fund new programs, or, conversely, reducing dues when programs are eliminated. The Bar has historically built up surplus when programs have resulted in dues increases but actual expenditure was much less than budget. The Bar dues currently stand at \$244, which includes the impact of a one-time \$2 dues credit in 2013-14.

Bar Reserves

Mr. Laine presented a summary of the Bar's reserves. At 12/31/13, the Bar held \$5 million in board-designated reserves. In addition, at 6/30/14, the Bar was projected to have \$6.8 million in unrestricted surplus, including the Bar Center's surplus amount.

Bar Reserve Determination and Dues Levels

The Committee discussed appropriate levels of board-designated reserves for operations and for the Bar Center. The concept of using both the Operations Surplus and Bar Center Surplus to fund operations was discussed. Mr. Laine reviewed projections of dues increase impacts on the Bar's reserves through 2022-23, factoring in inflation and Bar member growth. These projections are highly subject to error since they involve many assumptions.

Programs Committee Minutes

Patrise Perkins-Hooker, Programs Committee Chair and Bar President-Elect, reviewed the minutes of the 1/16/14 Programs Committee meeting. The new programs and program changes recommended were (1) a virtual Law-Related Education Bar tour (\$2,000); (2) two independent contractor attorneys to handle uncollected awards on behalf of clients (\$60,000); and (3) an increase in the Conference Sponsorship budget of \$15,000.

The Programs Committee had also recommended that the Finance Committee continue to increase dues in the coming year for unfunded programs that the Bar continues to carry. Programs did not recommend a specific amount of increase.

Personnel Committee Recommendations

Mr. Laine reviewed the *projected* recommendations of the Personnel Committee. Its meeting had been moved from 1/24/14 to 2/3/14 due to inclement weather. Personnel Committee's recommendations were expected to be: (1) staff raise of 1.5% COLA plus 1.5% discretionary merit increase, for a total cost of \$3.72/member; and (2) benefits cost increase of \$3.02/member. The first draft of the State Bar Budget did not include two expected proposals which had not yet been debated: a new Communications Coordinator position (\$1.51 per member) and an

Finance Committee
1/31/14 Meeting Minutes
Page Three

Information Technology Specialist (\$1.37/member).

2014-15 Dues Recommendation

The Committee discussed the 2014-15 State Bar of Georgia member dues recommendation, in light of available surplus, the recommendations of the Programs Committee, the expected recommendations of the Personnel Committee, and the expected gain that the Bar Center will generate (which will further add to surplus).

The Committee noted that the proposed budget includes contributions to outside organizations which have been carried in the Bar budget for the past 5 years. These are due to the loss of IOLTA funds to the Georgia Bar Foundation but for which dues indexing has not occurred: (1) BASICS Program, \$140,000; (2) High School Mock Trial Program, \$123,808; and (3) Resource Center, \$110,332.

In addition, the 2014-15 Bar budget will include the following programs that did not involve dues increase at their inception: (1) Law-Related Education, \$248,605; (2) Contract Special Master, \$52,000; (3) Conference Sponsorship, \$40,000; (4) Database Project Contingency, \$35,000; (5) Meetings Contingency, \$35,000.

The Committee discussed the concept of continuing small dues increases and funding the remainder of the operating budget deficit with Bar Center and Operating surplus (now synonymous). This is known as the “soft landing” notion. This might avoid the necessity of a large dues increase in 2017 and beyond.

Finally, the Committee also discussed the concept of showing a “dues credit” on the dues statement for the amount of indexed dues less the amount actually charged to the member. However, in 2013-14, this appeared to cause confusion in over 10% of the membership.

The dues motion was made as follows: Increase active member dues to \$252 by indexing dues by \$6 to cover the majority of cost related to the Law-Related Education Program and the new Fee Arbitration Contract Attorneys. After extensive discussion, the motion passed, 8-4.

2012-13 Bar Operating Budget

Steve Laine led the Committee through the first draft 2014-15 State Bar Operating Budget. The budget will be amended for review at the next Finance Committee meeting.

Next Meeting Date

The Committee agreed to meet again on Thursday, March 6, 2013, at 11:30AM.

Adjournment

There being no further business, the meeting was adjourned.

D-R-A-F-T
Programs Committee Meeting
Thursday, January 16, 2014
State Bar Building/Atlanta, Georgia

Minutes

Members Present

Patrise M. Perkins-Hooker (Chair); Emily S. Bair; C. Lee Davis (by phone); Viola Sellers Drew; Sharri Edenfield (by phone); Robert J. Kauffman,; David S. Lipscomb; Rita A. Sheffey,; N. Harvey Weitz (by phone); and Kathleen Womack..

Staff Present

Sharon L. Bryant; Steve Laine; and Jenny Mittleman.

Welcome

President-elect Patrise Perkins-Hooker reported that the actions taken by the Programs Committee, if adopted by the Finance Committee and the Executive Committee will be reflected in the Bar's 2014-15 budget, and she thanked the committee members for their service on the committee. Thereafter, the Programs Committee, by unanimous voice vote, adopted the Programs Committee Agenda as presented.

Program Accountability - New or Significantly Changed Existing Program Requests

The Programs Committee heard requests and received written 2014-15 Staff and Budget Impact Statements from the following proponents:

Administrative/Executive Assistant to the President

President-elect Patrise Perkins-Hooker reported that there is no one dedicated staff person at the Bar to assist the President and the Officers with their duties and responsibilities. In her experience, existing staff provide very little support because of their own workloads. It is clear that the President needs an assistant to handle travel arrangements at the state and national level, maintain a master calendar, handle correspondence, act as a liaison between the president, key executives and Bar employees, and generally conserve the President's time by representing the president internally and externally. The position would report to the Chief Operating Officer. It is anticipated that the salary for this position would be around \$45,000 annually, not including benefits. Sharon Bryant explained that various Bar staff handle matters for the President and other Officers as opposed to one individual staff person.

Before taking any action on the request, the Programs Committee requested that Sharon Bryant look to see if an existing Bar staff position can be specifically dedicated as a staff person for the President and the other Officers.

Magna Carta 800th Anniversary Commemoration

Secretary Rita Sheffey reported that the ABA, working with the Law Library of Congress, is developing a Magna Carta Facsimile Travel Exhibit to raise awareness about Magna Carta and to celebrate its enduring legacy. The Bar's Magna Carta Commemoration Committee is requesting \$10,000 from the Cornerstones of Freedom budget to bring the ABA exhibit to the State Bar Building some time in April. Another idea the Magna Carta Committee is pursuing is a symposium at Georgia State University (GSU) in conjunction with the opening of GSU's new law school building. The Magna Carta Committee envisions involvement with all of Georgia's law schools as well as with all local, circuit and specialty bar associations in these activities.

The Programs Committee, by unanimous voice vote, approved from the Cornerstones of Freedom budget the \$10,000 request for the Magna Carta Facsimile Travel Exhibit.

Law-Related Education (LRE) Programs – Web Site Resources

Sharon Bryant reported that the LRE Program, at the request of the LRE Committee, plans to offer additional web-based resources for schools unable to come to Atlanta for the *Journey Through Justice* field trip program. In the 2014-15 Bar year, it would like to undertake the following new projects: 1) a recording of Marlene Melvin's Edit Galt Wilson presentation and tour of Woodrow Wilson's recreated law office, and 2) a virtual version of the Museum of Law on the 3rd floor. This will involve a one-time expense of \$2,000 for a videographer to record and edit the presentation and a straightforward video walk-through of the existing museum. The virtual museum would be an ongoing project consisting of two additional parts: 1) allowing online visitors to click on a specific case mentioned in the museum and they would be taken to a detailed audio-visual presentation on that case, and 2) allowing online visitors to follow links to additional relevant resources from third parties (e.g. the Bill of Rights Institute, StreetLaw). At the present time, LRE believes that parts two and three of the virtual museum can be handled by existing LRE staff and staff in the Communications Department.

The Programs Committee, by unanimous voice vote, approved the \$2,000 request with the stipulation that those funds come from the Communications budget.

Fee Arbitration Program – Independent Contractors (2)

David Lipscomb reported that the Fee Arbitration Program is in need of volunteer attorneys to handle uncollected awards on behalf of clients. This task was once handled by Bar Counsel staff and now is handled by outside attorneys. Fee Arbitration Rule 6-503 states that in cases where an attorney refuses to be bound by the result of an arbitration and an award in favor of a client remains unsatisfied three months after service of the award upon the parties, the State Bar of Georgia, upon the written request of the client, may provide a lawyer to represent the client in post-award proceedings at no cost to the client other than court filing fees and litigation expenses. Sutherland, who has graciously handled many of these cases on a pro bono basis over several years, as has Holland and Knight, have notified the program that they cannot accept anymore cases, having reached their maximum capacity of cases they are able to handle on a pro bono basis. They currently have 25 pending matters. The average case takes 41 hours and the average file is open for 21 months. The Fee Arbitration Program is getting 3-4 new cases per month that need to be litigated. Efforts to find additional volunteer law firms have been unsuccessful. Right now there are 13 pending unassigned cases. The Fee Arbitration Program wants to hire 2 independent contract lawyers, one north of Macon and one south of Macon, at a cost of \$30,000 each annually to handle these cases. If the request is approved, the Programs Committee requested that no one law firm be preferred over another and that the Fee Arbitration Program seek competitive bids from all law firms.

The Programs Committee, by unanimous voice vote, with David Lipscomb abstaining, approved a dues index of \$1.50 per member and adding \$60,000 to the Fee Arbitration Program's 2014-15 budget for 2 independent contract lawyers to handle uncollected awards on behalf of clients.

Conference Sponsorship

President-elect Patrise Perkins-Hooker reported that the \$25,000 Conference Sponsorship budget needs to be increased by \$15,000 in order for the Bar to support conference sponsorship requests

from national legal organizations when their meetings are held in Georgia. The National Bar Association is hosting its 89th Annual Convention in Atlanta in late July, and the Bar wants to host an event at it and other conferences throughout during the 2014-15 Bar year.

The Programs Committee, by unanimous voice vote, approved a one-time request to increase the Conference Sponsorship budget by \$15,000.

New Business

President-elect Patrise Perkins-Hooker reported that last year the Programs Committee began the process of recommending the indexing of previously un-indexed Bar programs. At that time it recommended dues indexing for the following programs that were ultimately incorporated into the 2013-14 budget: Military Legal Assistance Program, Review Panel Counsel, and the Pro Bono Project (that portion no longer covered by Georgia Bar Foundation grants). Steve Laine was asked to disseminate a list of un-indexed programs to the committee members.

The Programs Committee, by unanimous voice vote, recommended that the remaining un-indexed Bar programs be indexed in the 2014-15 budget, subject to the Programs Committee's review of the list of those un-indexed programs.

Adjournment

There being no further business, the meeting was adjourned.

Embracing the Courts of the Future

Final Report of the Next Generation Courts Commission



State Bar
of Georgia



Embracing the Courts of the Future

Final Report of the
Next Generation Courts Commission

A partnership between the
Supreme Court of Georgia and State Bar of Georgia

Honorable Lawton E. Stephens, Chair
Superior Court Judge
Western Judicial Circuit

Tracy J. BeMent, Reporter
District Court Administrator
10th Judicial Administrative District

Hon. Lawton E. Stephens, Chair

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Mr. Kenneth B. Hodges, Jr.	Mr. Kevin P. Weimer
Mr. Bart W. Jackson	Ms. Melanie F. Wilson
Mr. Eric J. John	Hon. Nelly F. Withers

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By Lawton E. Stephens, Chair

John F. Kennedy once said “And our liberty, too, is endangered if we pause for the passing moment, if we rest on our achievements, if we resist the pace of progress. For time and the world do not stand still. Change is the law of life. And those who look only to the past or the present are certain to miss the future.” So too is justice in danger if we fail to prepare our judicial system and ourselves for the future.

This project is a unique experience. In the midst of the busy days in which we work, it is hard to take a moment and reflect. Even harder is to commit oneself to the mental exercise of reviewing the shortcomings of the judicial system to which we have committed our public service. Add to that the challenge of determining what trends and unforeseen forces will guide how our courts will look in the future. This task is one in to which we must enter not only with humility and introspection but also with an open mind. After all, we cannot know what the future holds. We can only make decisions now that we think will shape the future for the better.

We hope that the insight and recommendations presented will be met not only with understanding but also with a healthy dose of skepticism. We do not have the solutions. Rather the solutions will come by working collaboratively towards a common vision for the future of the judicial system of Georgia.

A special thanks to former Chief Justice Carol W. Hunstein and former State Bar President Kenneth L. Shigley for having the foresight to realize that we must continue to look to the future so as to better make decisions today. Of course, we must also thank all of the members of the Commission for all of their hard work, especially the chairs – Judge John Ellington, Judge David Emerson, Judge Ben Studdard, Judge Charles Auslander, and Ms. Marla S. Moore.

Creation of the Commission

The Next Generation Courts Commission is a partnership between the State Bar of Georgia and the Judicial Branch. The Commission was formed after discussions between then-President of the State Bar, Ken Shigley and the Chief Justice at the time, Carol W. Hunstein. The Chief Justice and Mr. Shigley recognized that the judicial system was perceived as not adapting to emerging technology and trends as quickly as perhaps it could.

The Commission was divided into committees to review and make recommendations to the full Commission. These committees were as follows:

- ***Education & Outreach***
(Chair, Ben Studdard - Chief Judge, Henry County State Court)
- ***Program Improvements***
(Chair, Charles Auslander - Judge, Athens-Clarke County State Court)
- ***Technology***
(Chair, David Emerson - Judge, Douglas Judicial Circuit)
- ***Business Process Improvements***
(Chair, Marla S. Moore - Director, Administrative Office of the Courts - AOC)
- ***Funding of the Courts***
(Chair, John Ellington - Judge, Court of Appeals)

The Commission and its committees met several times throughout 2012 and early 2013 via meetings, conference calls, and online collaboration. A large volume of strategic plans, trend information, and research was reviewed. The Commission then used all of the information gathered to prioritize its work and to make recommendations to the State Bar and the Supreme Court.

The recommendations are broad in nature. The next steps of the Commission are to develop proposed action items and tasks based on these recommendations followed by a strategy to achieve consensus between the State Bar and the Judiciary on a joint plan to implement and/or respond to the recommendations.

Charge of the Commission

The Commission was tasked to consider what the court system might look like in 20 years and to develop a strategy for how to get from here to there including, but not limited to, court structure, technology, funding, caseload management, and judicial selection. Given the structure of the judicial system in the state and the number of policy-making councils and bodies, the Commission opted to develop a list of recommendations that it hopes will be used collectively by the judicial branch in collaboration with the State Bar in an effort to make forward progress.

Input from the Judicial Community

The voice of judicial community cannot be overlooked in a project of this scope. As part of its work, the Commission developed a survey to solicit input about how to improve the courts. The statewide survey was sent to a wide variety of individuals both inside and outside the judicial system - judges, court staff, clerks, members of the state bar, legislators, media, and others. The Commission itself was a representation of the judicial community, most of whom are also well connected both locally and at the state level in a wide variety of the activities related to the courts. Through its committee representation and the statewide survey, the Commission heard from a wide variety of respondents in an effort to capture the breadth of issues facing the courts currently.

The Next Generation Courts Commission is a partnership between the State Bar of Georgia and the Judicial Branch. It is tasked to consider what the court system might look like in 20 years and develop a strategy for how to get from here to there, including but not limited to, court structure, technology, funding, caseload management, and judicial selection.

Below is an executive summary of the recommendations from the various committees. The full report discusses these recommendations in more depth and places them in context of issues facing the courts both in Georgia and nationally. The recommendations are broad in nature.

Education & Outreach

Education Recommendations

- Commit to primarily state-funded Institute of Continuing Judicial Education (ICJE) while making judicial education more cost-effective;
- Improve and enhance training programs including both remote training and in-person training, use of national-level speakers and materials, cross-training between classes of courts, use of technology in the courts and interdisciplinary training on non-routine issues and the sciences - accounting, psychology, etc.;
- Ensure that judicial benchbooks are more widely available and relevant;
- Develop a robust multi-day new judge orientation for each class of courts;
- Provide advanced training for career judges with more than 10 years on the bench;
- Promote an ethics component in all trainings to include cultural awareness - gender, sexual orientation, Limited English Proficiency (LEP), etc.;
- Support training for clerks, court administrators and court support personnel.

Outreach Recommendations

- Promote transparency and timely public access to court procedures, schedules, records and proceedings;
- Practice and promote transparency by adopting strong public service-oriented products such as news releases and informational portals to provide greater access to court information;
- Encourage public understanding and support of the judicial system. Train judges to educate the public about the role of the courts and importance of an independent judiciary, encourage ICJE to instruct judges on how to do so consistent with codes of judicial conduct;
- Support local and statewide civics education efforts by the State Bar, local bar associations, and other civic groups, including encouraging judges to participate;
- Support appropriate efforts to make court procedures more intelligible to, and navigable by, *pro se* litigants.

Program Improvements

- Endeavor to create a *pro se* center within each circuit so that resources for low income and *pro se* litigants are more in-line with the majority of states;
- Deploy plain-language, standardized, statewide forms, including easy-to-use, interactive online versions of those forms to help ensure that needed information is provided to the court;
- Expand or modify county and circuit law libraries to include user-friendly online materials and/or books that contain updated information that the general public finds useful;
- Expand Alternative Dispute Resolution (ADR) programs to make them available to all litigants in Georgia and include reduced-cost mediation services for low income and *pro se* litigants;
- Expand ADR instructional opportunities and promote the establishment of mediation clinical programs at all law schools to bring students into the courtrooms to mediate real cases at no charge to the parties;
- Increase the involvement of lawyers in Juvenile Court proceedings including Guardians Ad Litem (GALs), mentors, child advocates, etc.;
- Support the establishment of accountability courts or alternatives for substance abuse and mental health treatment throughout the state.

Technology

- Support the establishment of a statewide e-filing portal for electronic filing of civil case documents across all levels of courts;
- Promote electronic access to civil and criminal court records across all levels of courts;
- Encourage the adoption of legislative and rule changes to ensure the protection of personally identifiable information found in court records;
- Support the adoption of a web-based central registry of attorney conflicts and leaves of absence.

Business Process Improvements

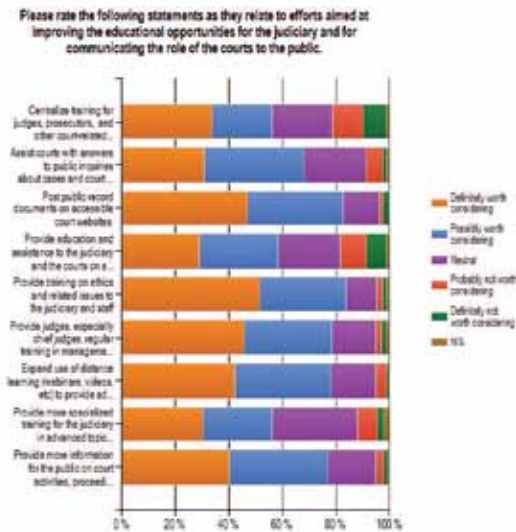
- Promote a uniform approach for the clerk of court to maintain all trial evidence, to mark and note all evidence during a trial and retain such evidence in compliance with appropriate retention schedules;
- Support the ability of clerks of court to charge reasonable, cost-based fees for copies;
- Encourage the Judicial Council and the Board of Court Reporting to collaborate with clerks of superior court and other courts of record when developing the rules and regulations for transcript preparation and storage to effect implementation;
- Encourage the adoption of appropriate technologies for court reporting and court interpreting to enhance business processes;
- Promote increased availability of interpretation services including remote interpretation, translation of court forms, etc.

Funding

- Support an increase in state-based funding necessary to provide statewide court improvement programs in the future;
- Encourage legislative changes that allow for the currently established self-funded programs and user fees to actually be used for their intended purposes rather than simply going over into the general revenue funds of both state and local government.

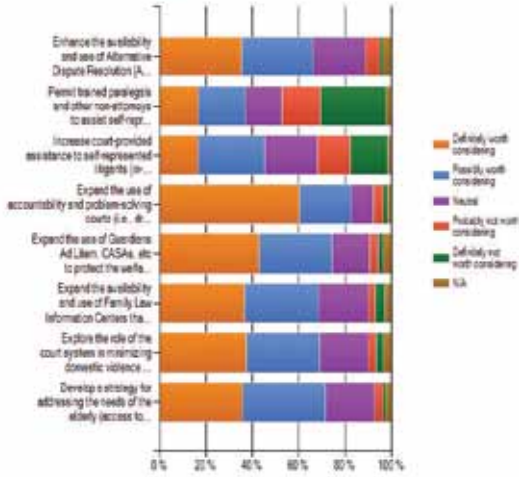
Statewide Survey

As part of its research, the Commission created a survey to be distributed statewide to gather thoughts and suggestions on issues facing the courts.¹ While the response rate was less than expected, the respondents echoed trends and needs in the community. The following slides are the tabulated results from the survey of 435 responses. The more orange (definitely) and blue (probably), the more likely the concept was worth considering. For a full list of the scenarios presented, please see Appendix B to this report. Excerpts from responses to the survey will be provided later in the discussion of the Commission's recommendations.

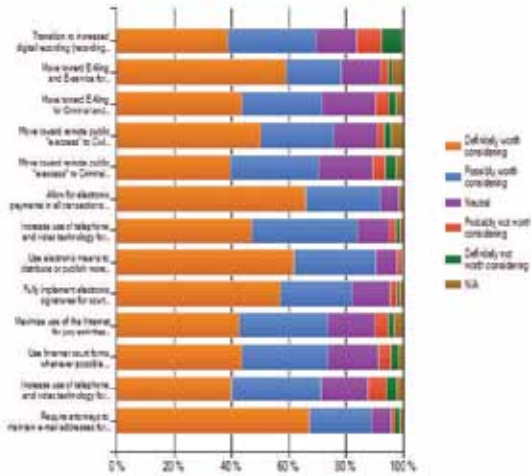


¹<http://www.surveymonkey.com/s/NGCC>

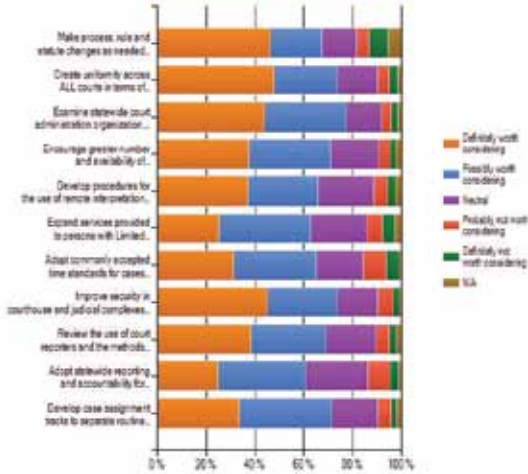
Please rate the following statements as they relate to the use and expansion of court-related programs.



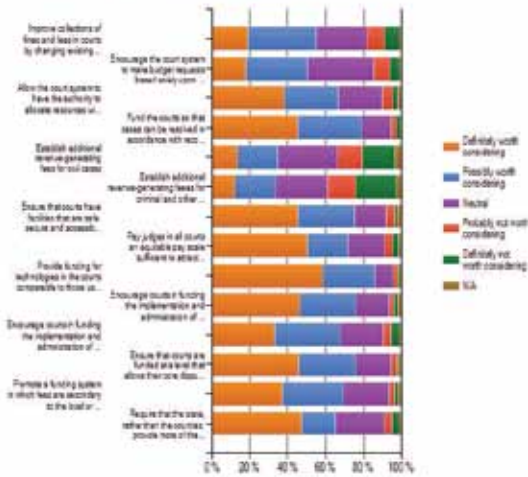
Please rate the following statements as they relate to the possible use of technology in the courts.



Please rate the following statements as they relate to business process improvements in the courts.



Please rate the following statements as they relate to opportunities to improve funding for the courts.



State Trends and Analysis

Blue Ribbon Commission on the Judiciary

In its review of emerging trends and issues, the Commission reviewed a multitude of documents and reports relevant to the court system in Georgia. Of particular note was the 2001 Blue Ribbon Commission on the Judiciary's report *Georgia Courts in the 21st Century*.² A brief summary of that guiding document is below:

I. Trial Court Structure and Processes

Recommendations

- That the Supreme Court amend the Uniform Rules to encourage the creation of drug court calendars;
- That the Supreme Court amend the Uniform Rules to encourage the creation of Family Courts.

2. Appellate Structures and Processes

Recommendations

- That the Court of Appeals continue to receive additional judgeships in the future as may become necessary to accommodate its caseload;
- That the Supreme Court's responsibility for appeals in divorce cases and equity cases be reassigned to the Court of Appeals.

3. Technology and the Judiciary

Recommendations

- That electronic filing should be available statewide;
- That the Superior Court Clerks' Cooperative Authority and the Supreme Court work together; invite participation by the Georgia Technology Authority where appropriate, to develop uniform standards, to create a central repository of electronic court records, and to control collection, storage, access and marketing of data that might be collected from court records;
- That, because the data in the courts is public, it should be accessible on the Internet;
- That the lines of authority among the Superior Court Clerks' Cooperative Authority, the Georgia Court Automation Commission, the Administrative Office of the Courts, and the Georgia Technology Authority be clarified;
- That all strategic planning for Georgia courts should include planning for technology.

4. Enhancing the Effectiveness and Efficiency of Juries

Recommendations – Treatment of Jurors

- That courts adopt "one day/one trial" system wherever practicable;

²<http://www2.law.mercer.edu/lawreview/getfile.cfm?file=531011.pdf>

Research Findings

- That judges personally address jurors at their orientation sessions;
- That the Administrative Office of the Courts undertake a study of financial burdens by jurors and make recommendations for their amelioration through legislation if necessary.

Recommendations – Juror Understanding of Issues at Trial

- That the Judicial Council propose Uniform Rules requiring that written instructions be provided to jurors for use in their deliberations;
- That Uniform Rules and jury instructions be developed to allow and govern the taking of notes by jurors during trial and asking of questions by jurors;
- That the Judicial Council of Georgia, in connection with the Institute of Continuing Legal Education, sponsor a “Georgia Jury Summit”.

Recommendations – Jury Pools, Size of Jury

- That the General Assembly revise the “Motor Voter Jury Statute” to require that necessary information be provided to Jury Commissioners;
- That short juror questionnaire forms should be sent out, with a return envelope, along with the jury summons in courts throughout the state;

- That all civil juries be composed of six persons, rather than twelve;
- That all divorce, alimony, equitable division of property, and child support cases be decided by bench trial, rather than by jury trial.

5. New Tools for Judges in the Administration of Justice

Recommendations

- That Alternative Dispute Resolution services should be available to trial courts throughout the state;
- That Guardians Ad Litem should be available to courts throughout the state;
- That the Uniform Rules be amended to authorize the appointment of Special Masters for resolving discovery disputes.

6. Attracting and Retaining Excellent Personnel in Judicial Service

Recommendations

- That each full-time judge be provided with a law assistant;
- That the Institute of Continuing Legal Education and the Institute of Continuing Judicial Education provide seminars for law assistants and for trial judges about the proper roles law assistants might play for trial court judges;
- That all Magistrate Court judges be attorneys;

- That all candidates for State and Superior Court judgeships be required to have ten years of experience as an attorney;
- That counties with part-time Magistrate Court and State Court judges partner with adjoining counties so that all would become full-time judges;
- That all elections be non-partisan for Magistrate Court and Probate Court Judges and for Superior Court Clerks
- That Superior and State Court judgeships be changed to six year terms;
- That the General Assembly adopt a plan to adjust State judicial salaries in light of cost-of-living variance and to phase out the allowance of a county-paid supplement for Superior Court judges.

7. Making Courts More User-Friendly *Recommendations*

- That judges and judicial staff seek to be proactive in educating and informing the public about the work and processes of the courts;
- That the State Bar and the Supreme Court provide recognition for judges, clerks, and courts that are outstanding in their outreach efforts to inform the public about the judicial system;
- That judges and judicial staff should seek to make courthouses and courts more service oriented in their dealings with litigants,

lawyers, witnesses, victims, jurors, and the general public.

8. Financial Resources for the Judicial Branch *Recommendations*

- That the General Assembly be receptive to the inevitable future need to fund more judgeships to ensure the availability of reasonably prompt justice to every person within the state;
- That all Juvenile Courts be provided with adequately compensated staff in sufficient numbers to handle the case volume;
- That state funding be provided to establish drug court programs in all circuits adopting this judicial innovation and that the State provide drug treatment programs in areas where they are not currently available;
- That the General Assembly be responsive to the recommendations of the Supreme Court Commission on Indigent Defense.

Court Governing Councils

From 2008 through 2011, the various classes of courts underwent strategic business and operation planning through their judicial councils. Those reports were helpful to the Commission in noting central themes. Of particular note were the recurring issues of training, access to the courts, outreach by the courts to the public, and technological improvements.

Local Issues

Of course, the most notable discussion of trends in the state came from the members of the Commission itself. The judicial members, representative of the judicial system as a whole, were well connected in both their court's governing councils as well as in their local community. Legislators and various non-attorney and court leaders also shared helpful background and local experiences.

State Bar of Georgia

In dialogue with leadership from the State Bar, several issues were raised by the State Bar for consideration by the Commission. Below is a brief summary of the highlights.

- Technology improvements including e-filing and video conferencing and use of new technology;

- State-level commitment to accountability courts with standards;
- Standardization in policies and procedures for caseload management;
- Expansion of the Fulton County Business Court to other jurisdictions;
- Court reporting in the digital age;
- Increased need for court interpreters;
- Improved court security.

A preliminary draft of the proposed recommendations contained herein was presented to the Board of Governors of the State Bar at their annual meeting on June 22, 2013. The recommendations were approved unanimously.

National Trends and Analysis

The Commission reviewed numerous articles and materials as part of its research efforts. These materials helped ground the Commission's work with regard to trends and issues around the country. Some of the highlights are noted below for background.

American Bar Association (ABA)

The Commission also learned about national trends likely to affect the courts in the not-too-distant future. From the American Bar Association, the Commission reviewed the February 2011 speech from the Task Force on Preservation of the Justice System³, which noted:

- Develop/Administer growing array of specialized services/courts
- Provide adequate state court funding
- Invest in technology to overcome insufficient staff resources

The ABA also noted the issues of model time standards for state courts, electronic filing processes and drug court standards as emerging concerns of interest.

National Center for State Courts (NCSC)

The National Center for State Courts is an independent, nonprofit court improvement or-

ganization that serves as a clearinghouse for research information and comparative data to support improvement in judicial administration in state courts. All of NCSC's services - research, information services, education, consulting - are focused on helping courts plan, make decisions, and implement improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision-making.

For more than a decade, NCSC has published the *Future Trends in State Courts*⁴ that focuses on scholarly attention to issues facing state courts around the country. In the latest issues reviewed, several topics were useful to the Commission in its research. From the 2011 edition, the issues surrounding increased access to the courts through:

- Technology – courtroom technology, online outreach
- Social Media – communication and outreach in the digital age
- Specialized Courts and Services – problem-solving courts, business courts, security
- Special Programs – adult guardianships, juvenile sentencing reform, mental health court accountability

³<http://ccj.ncsc.org/News/~/media/Microsites/Files/CCJ/Web%20Documents/D%20Muniz%20Remarks.aspx>

⁴<http://www.ncsc.org/trends>

Research Findings

From the 2012 edition, the issues surrounding the courts role in the community:

- Problem Solving Approaches – housing, intensive case management, due process for the self-represented, civics education;
- Education – reducing costs through “blended” learning, generational issues, court management training.

National Association for Court Management (NACM)

The National Association for Court Management has over 2,000 members from the United States, Canada, Australia, and other countries. NACM is the largest organization of court management professionals in the world with members from all levels and types of courts. NACM provides court management professionals the opportunity to increase their proficiency while working with colleagues to improve the administration of justice. The NACM National Agenda drives program priorities and improvements in

the court management profession. The six 2010–2015 NACM National Agenda priorities are⁵:

1. Emphasizing Caseflow Management Improvements;
2. Sustaining Excellence in Difficult Budget Times;
3. Enhancing Public Perceptions of the Courts and Increasing Community Collaboration;
4. Promoting Improved Court Leadership and Governance;
5. Preparing For and Responding to Trends;
6. Supporting Professional Court Management Education.

These priorities are the core surrounding NACM’s educational and outreach activities and were helpful in the Commission’s research.

⁵<https://nacmnet.org/nationalagenda.html>

In the pages that follow, the recommendations of the Commission are explained in more detail and placed in appropriate context. The Commission openly acknowledges that many of the recommendations are very broad in nature. We feel that the implementation of these recommendations may take years of work by judges, court staff, and the judicial community as a whole to fully realize. Many of these efforts will require support from the executive and legislative branches as well as public support from the State Bar, media, and the public as a whole.

Just as important, if not more so, is the need for the judicial community, not just judges but the judicial community as a whole, to work collaboratively on the implementation of these recommendations across jurisdictional, funding, and political lines. Only with such a community can the courts of Georgia be prepared for the future.

The following sections note the recommendations of the Commission along with contextual background and notes. When appropriate, general action steps are provided. Selected quotes from respondents to the statewide survey are also provided.

Education & Outreach

The provision of justice is central to the purpose of state government. To that end, Georgia has long recognized the fundamental state obligation to provide an educated judiciary. Even in a system where most classes of judges are employed by local governments, the state has accepted the duty to provide uniform training and education within each class of judges. As a result, our Institute of Continuing Judicial Education (ICJE) has been a leader both nationally and internationally.

In recent years, however, the duty to educate the judiciary has been questioned, as indeed, each function of state government has been scrutinized in the face of falling revenues. The Judicial Branch, which already receives less than one percent of the state budget, has been particularly hard hit by budget cuts, and the state outlay for ICJE has been cut by more than half.

As stewards of our justice system, the bench and bar have a duty to remind the legislature, the executive, and the public of the importance of an educated judiciary as a core function of government. But stewards also have a duty to make wise, effective use of the public resources entrusted to them. To these ends, then, the Commission makes the following recommendations.

“The courts are essential to constitutional democracy, which we know is the key to freedom in this country. But some of our fellow citizens don’t recognize what our courts do and what our courts mean to freedom in our country. So it’s our job to reach out and increase that understanding. This is not a lawyer issue, not a judge issue—it’s a public issue of significant policy proportions.”

*- William T. Robinson, III
2011-2012 President of the
American Bar Association*

Recommendation: *Commit to primarily state-funded Institute of Continuing Judicial Education (ICJE) while making judicial education more cost-effective*

Discussion: The Institute of Continuing Judicial Education is a resource consortium of the Georgia Judicial Branch, the State Bar of Georgia, and the ABA accredited law schools of the State (Emory, Georgia State, Mercer, John Marshall Law School, and the University of Georgia). ICJE bears primary responsibility for basic training and continuing education of elected officials, court support personnel, and volunteer agents of the state's judicial branch. Conferences and seminars signify the products traditionally identified with ICJE by its constituents. During a typical program year, more than 50,000 attendee contact hours of training will be designed and delivered, involving more than 3,000 program participants.⁶

The ICJE is governed by a Board of Trustees comprised primarily of judges but also with the Executive Director of the Administrative Office of the Courts, representation from the Dean of each law school in the state, and a superior court clerk. ICJE provides training to judges of all six levels of trial courts (Superior, State, Juvenile, Probate, Magistrate, and Municipal) as well as to the clerks of those courts.

State funding for ICJE is minimal. For FY 2014, state appropriations are \$471,789. These limited funds support the six (6) full-time staff dedicated to coordinating the training of the

thousands of judges and court staff noted above. ICJE's current budget is less than half of what it was just five years ago and about one-third of what it was ten years ago. By way of a quick comparison, Michigan, whose population is approximately that of Georgia, spends approximately \$2.2 million on judicial education.

In a nutshell, state funding provides the framework for the educational program but those it trains must pay for the actual costs of training in the form of their own conference costs and travel. The Bench and Bar must not shirk from consistently reminding those in a position to affect the funding of judicial education that the provision of an educated judiciary is a core function of state government. That's not to state opposition to all local contributions, particularly for those judges dealing with local matters such as ordinance violations; but clearly, judicial education can be most effectively and efficiently organized through a single state agency. ICJE must constantly look for ways to make judicial education cost-effective. We believe that ICJE already does that in many ways, not least of which is allowing member-judges to take the lead in teaching their fellows, with no remuneration other than travel reimbursement. As technology advances, however, ICJE must continue to look for ways to rein in costs.

Recommendation: *Improve and enhance training programs including both remote training and in-person training, use of national-level speakers and materials, cross-training between classes of courts,*

⁶<http://icje.uga.edu/annualreports.html>

use of technology in the courts and interdisciplinary training on non-routine issues and the sciences - accounting, psychology, etc.

Discussion: Generally speaking, the small amount of state funding places the burden on the local cities and counties. While arguably this should be the case for some of the courts that only serve a local function, limiting judicial training to the bare minimum that local governments can support in turn limits the depth and breadth of education that ICJE can provide.

ICJE should consider seeking additional state funding and/or grant funding for expansion of both learning modalities and curriculum. Additional learning modules could include self-learning with assessment whether online or via hardcopy materials; distance learning such as webinars or video conferences; regional training sessions; and cross-training with other classes of judges or courts. ICJE and the rest of the judicial branch must make use of advances in online communication to make meetings and materials available to judges remotely, either in real-time or by recording. Printed materials likewise should be available on websites managed either by ICJE or the respective classes of courts.

While Georgia is blessed with well-educated judges and attorneys who will provide training to their colleagues, ICJE needs the resources to bring in the occasional national-level instructor and materials. National speakers can be an invaluable resource and should remain a part of Georgia's judicial education. It may sometimes

be possible to have them speak remotely, by videoconference, but the interaction between live speaker and audience should not be discounted or completely eliminated. Many states' judicial education systems have developed training that is more evolved than Georgia. Funding permitting, ICJE, should assess how other states are effectively incorporating various aspects of adult learning styles.

Additional training is needed on a wide range of topics. The Commission has identified the potential need for specialized training and/or elemental training in disciplines that interface with our courts. With varying degrees of regularity, our courts are asked to make judgments on matters relating to finance and accounting; psychology; pharmacology; various sociological disciplines, such as domestic violence and criminology; and basic scientific theory, among others. It is important that our judges have the opportunity to receive training in these fields of study as they relate to judicial proceedings. A nationally-based scientific training, Advanced Science & Technology Adjudication Resource (ASTAR)⁷ exists to train judges in the basics of the scientific method, and Georgia judges now have the opportunity to participate in ASTAR.

While travel makes up a large portion of the expense of judicial education, there is no substitute for the learning that takes place, formally and informally, in a group of peers. In-person conferences must be preserved as a cornerstone of the judicial education experience.

⁷<http://www.astarcourts.net>

Recommendation: *Ensure that judicial benchbooks are more widely available and relevant*

Discussion: All classes of courts should strive to ensure that judicial benchbooks are available on the most pressing topics such as civil, criminal, domestic violence, and family law. Judges and judicial educators should discuss the need for additional topics or “mini” benchbooks as appropriate. Further, such benchbooks should be kept current and relevant and made available in downloadable, searchable formats. The creation and updating of benchbooks should be a collaborative process involving judges, educators and attorneys as needed.

Recommendation: *Develop a robust multi-day new judge orientation for each class of courts*

Discussion: Currently, while new judge orientation exists for the different classes of courts, such training is sometimes inconsistent. The timing of new judge orientation also varies greatly. Some judges may not get orientation for nearly a year from the date they take office. Topics may include: case management, court administration, personnel management, inter-government departmental relations, public outreach and education, ethics, and professionalism.

Recommendation: *Provide advanced training for career judges with more than 10 years on the bench*

Discussion: There is a wealth of national and even international educational opportunities for our judges. Georgia judges must remain active in the exchange of ideas and knowledge with judges from around the country and around the world. We have much to learn, and much to share with others. We must carefully ensure that the expense of such training is money well invested, but the returns on those investments should not be discounted.

“There should definitely be a focus on educating the Court on current and upcoming technology that can be implemented in resolving cases.”

- Survey Respondent

ICJE should develop a curriculum for experienced, career judges – those with ten or more years on the bench. Such a curriculum could dramatically advance judicial administration as well as combating judicial burnout and the sorts of mid-career ethical/professional issues that have made so many headlines in recent years. For some, it could be coordinated with the Masters Degree or Certificate programs of the National Judicial College⁸ or the American Institute for Justice.⁹ For others, it could evince the aspect of accomplishing a fine-tuned project akin to that expected of court administrators completing the National Center for State Court’s Executive Development Program.¹⁰

⁸<http://www.judges.org>

⁹<http://www.aijinc.org>

¹⁰<http://www.ncsc.org/Education-and-Careers/>

Recommendation: *Promote an ethics component in all trainings to include cultural awareness - gender, sexual orientation, Limited English Proficiency, etc.*

Discussion: The rash of judicial resignations and removals from the bench in recent years related to ethics investigations makes it clear that we need a stronger effort to stress to our judges, not just the Code of Judicial Conduct, but the fundamental virtues embodied therein — honesty, integrity and fairness. Too often it is assumed that such discussions amount to wasted words, but studies show that they do have an effect on behavior: Virtually every judicial training program should contain some ethical and/or professional component. Further, the Bar has suggested, and the Commission confirms, that cultural awareness should be woven into ethics training for both judges and court personnel.

Recommendation: *Support training for clerks, court administrators, and court support personnel*

Discussion: The judicial branch consists not just of judges, but also of clerks and other support personnel. In an effort to promote a well-trained judiciary, clerk, court administrator and support staff should receive appropriate training related to their role in the court. Whether underwritten by attendee fees or state resources, continuing education for

**“[C]ourt staff needs to be trained more on ethics, and this includes the judges.”
- Survey Respondent**

court support personnel is in need of persistent attention and significant improvement. ICJE, for example, provides training for the clerks of the various classes of courts. Such training is generally focused on legal and procedural issues. The Georgia Council of Court Administrators (GCCA)¹¹ conducts its own training seminars for court managers throughout all levels of courts and focuses primarily on management issues – human resources, technology, caseflow management, etc. Judges, clerks, and court administrators should work together to share their collective expertise with one another on topics of mutual interest and assistance.

Recommendation: *Promote transparency and timely public access to court procedures, schedules, records and proceedings*

Discussion: The Supreme Court of Georgia has long recognized that transparency and public outreach are critical to public confidence in Georgia’s judicial system and its constituent courts. See, e.g., *Atlanta Journal v. Long*, 258 Ga. 410, 411 (1988) (“Public access protects litigants both present and future, because justice faces its gravest threat when courts dispense it secretly. Our system abhors star chamber proceedings with good reason. Like a candle, court records hidden under a bushel make scant contribution to their purpose.”); *R.W. Page Corporation v Lumpkin*, 249 Ga. 576 n.1 (1982) (“This court has sought to open the doors of Georgia’s courtrooms to the public and to attract public

¹¹<http://www.gcaonline.org>

interest in all courtroom proceedings because it is believed that open courtrooms are a sine qua non of an effective and respected judicial system which, in turn, is one of the principal cornerstones of a free society.”). See generally *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 13 (1985) (recognizing that the U.S. Constitution and First Amendment afford a right of access to court records and proceedings: “People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.”).

Transparency and public outreach are now largely incidental to the judicial system’s operation. The State Bar stewards a highly popular statewide civic education effort that reaches tens of thousands of students annually and occasionally runs public service announcements in support of the Georgia judicial system. But while there are notable exceptions – e.g., the Supreme Court – most courts in Georgia are not making systematic efforts to promote public access, interest, understanding or awareness, particularly with respect to their day-to-day work and decisions.

The need for such transparency and public outreach is growing exponentially:

Traditional media coverage of the courts is declining. As the recession and the internet have roiled the media industry, local news-room budgets have been slashed and their traditional court reporting sharply curtailed.

- *Pro se* court use is up. As a result of the economic downturn, more and more court-users are untrained and uninformed do-it-yourself litigants.

- Court information seems increasingly inaccessible. As the public has come to expect information, particularly government information, to be

"Publicity is the very soul of justice. It is the keenest spur to exertion, and the surest of all guards against improbity. It keeps the judge himself, while trying, under trial."

- **Jeremy Bentham, 1843**

freely available on the internet, court information and records that may be public at the courthouse but not readily available free and online now seem anachronistically inaccessible, almost secret.

- Courthouses seem increasingly inhospitable. As a result of security concerns and budget cuts, the news services and citizens that do make the trip to the courthouse often find not a welcoming place that reflects the courts’ fundamentally public nature but a cold and inhospitable fortress.

The Judicial Qualifications Commission recently observed that, “It is difficult to catalog succinctly the volume and variety of complaints we regularly receive on this issue.” Opinion 239 (approved August 28, 2013).

Recommendation: Practice and promote transparency by adopting strong public service-oriented products such as news releases and informational portals to provide greater access to court information

Discussion: Courts at all levels in Georgia must promote long-term public confidence and support of the judicial system by demonstrating and practicing transparency, establishing as one of their core functions the effective provision of convenient and timely public access to court procedures, schedules, records and proceedings. The judicial system and each of its constituent courts should:

- Acknowledge as did the Supreme Court in *Long, supra*, decades ago that “like a candle” court records — and proceedings — “hidden under a bushel make scant contribution to their purpose” and that transparency and public outreach are essential court functions.
- Adopt strong public service-oriented products, including at a minimum free onsite non-delayed public access to procedures, schedules, records and proceedings.
- Regularly prepare and issue timely news releases understandable to the media and the general public accurately previewing or describing important decisions, events, initiatives and procedures, e.g., for a number of years now, the Supreme Court has been

preparing and issuing comprehensible summaries of the facts and issues in the cases to be argued before it.

- Establish effective portals, via social media or otherwise, for the dissemination of such releases.
- Seek funding to employ for this purpose single or multi-court public information officers with an understanding of the importance of providing excellent service to the press and public.
- Require that any court e-filing system developed locally or for implementation statewide be designed and operated to serve the public by:

- i. Affording the public free and immediate access to e-filings at the time of filing via public access terminals at the courthouse;

Court filings, like other events of significance, are newsworthy and of interest to the public when they occur, not days afterwards. Accordingly, courts in Georgia and elsewhere have long recognized that the public's right of access to court records is a right of "immediate access." Long, 258 Ga. at 414. No matter whether a court record is filed in paper or electronically, immediate access means the record should be available to the press and public at the courthouse on the day of filing, prior to processing or 'acceptance' by the clerk. See, e.g., Globe Newspaper Co. v. Pokaski, 868 F.2d 497, 507 (1st Cir. 1989) ("even a one to two day delay impermissibly burdens the First Amendment"). Courthouse access, via

paper or public terminal, should also be free as "imposition of a fee is allowed only when the citizen seeking access requests copies of documents or requests action by the custodian that involves an unusual administrative cost or burden," *McFrugal Rental of Riverdale, Inc. v. Garr*, 262 Ga. 369 (1992). Federal courts in Georgia provide free public terminal access at the courthouse to e-filed documents immediately upon filing and prior to any processing or acceptance by a clerk.

ii. Having built-in provision for remote electronic access by registered members of the public for free or for a fee set at the lowest possible level sufficient to cover administrative costs; and

The bar, press, and public have been conditioned by the Internet and the federal PACER system to minimal charges for remote online access to millions or billions of reams of public records, including the records of the nation's federal courts.

iii. Efficiently addressing privacy and 'practical obscurity' concerns not by curtailing or delaying remote public access to e-filings but by requiring e-filers to redact prior to filing on penalty of contempt certain specified categories of sensitive information.

See, e.g., *In re Adopting a Policy on Sensitive Information and Public Access to Electronic Case Files*, Standing Order No. 04-02 (N.D. Ga. 2004) (prohibiting the filing, on penalty of contempt, of full social security numbers,

dates of birth, etc.); Fed. R. Civ. P. 5.2 (Privacy Protection for Filings Made with the Court).

Recommendation: Encourage public understanding and support of the judicial system. Train judges to educate the public about the role of the courts and importance of an independent judiciary and encourage the Institute of Continuing Judicial Education to instruct judges on how to do so consistent with codes of judicial conduct

Discussion: As the Supreme Court observed in *R.W. Page*, "the dry prose of most judicial proceedings is not deemed 'newsworthy' by either the general public or the news media." 249 Ga. at 576 n.1. As a result, the promotion of long-term public confidence and support of the judicial system requires proactive effort by judges at all levels to interest and inform the public about the nature and importance of the courts' work and it is important that judges be trained on how to do so consistent with codes of judicial conduct.

Recommendation: Support local and statewide civics education efforts by the State Bar, local bar associations and other civic groups, including encouraging judges to participate

Discussion: Civics education should be a core function of the judicial branch. There is no more important task than the development of an informed, effective, and responsible citizenry. The American system of a three branch government

with checks and balances must be understood by the public. It is imperative, therefore, that judges, educators, and policymakers make the case and ask for the support of civics education from all segments of judiciary. The AOC¹² as well as the State Bar¹³ have already developed some public outreach materials on the courts. But much more is needed. That information needs to be brought to the community – both to schools and adults – on an ongoing basis. The judiciary and the State Bar together must promote age-appropriate civics education on the Rule of Law and the role of courts in modern American society.

Recommendation: *Support appropriate efforts to make court procedures more intelligible to, and navigable by, pro se litigants*

Discussion: As a result of the economic downturn, more and more court users are untrained and uninformed do-it-yourself litigants. The abundance of information on the Internet, whether right or wrong, can be very empowering. The judiciary must be willing to support a system that is open to the self-represented litigant and, to that end, support efforts to ensure that such parties have access to the courts. See *more in Program Improvements*.

Recommendations: Program Improvements

Program Improvements

Courts, much like most government functions, are facing significant budget constraints and cannot expect the level of funding received in the past. The short-term cost reductions taken by courts – furloughs, training cutbacks, no investment in improvements – will not enable the courts in the long-term to provide their constitutional and statutory mandates to the public. Similarly, “band-aid” type of fixes to change how the courts will not meet the long-term problem. The Georgia courts must commit to planned, systemic changes to redesign key business processes. Such changes require collaboration but must also adhere to a coordinate strategic vision.

“The increasing inaccessibility of legal services - for the poor, for even the middle class - undermines the rule of law for us all. We are a nation and state that believes the law provides protection for those who are most powerful, for those who are most vulnerable.”

*- Chief Justice Wallace B. Jefferson,
Texas State of the Judiciary 2011*

¹²<http://www.georgiacourts.org/index.php/georgia-courts/learn-about-the-courts>

¹³<http://www.gabar.org/forthepublic/forteachersstudents/lre/index.cfm>

Recommendations: Program Improvements

Recommendation: Endeavor to create a pro se center within each circuit so that resources for low income and pro se litigants are more in-line with the majority of states

Discussion: The Fourteenth and Sixteenth Amendments of the US Constitution guarantee the right of the accused to refuse legal representation and act without a lawyer by proceeding “for oneself” or “on one’s own behalf,” otherwise known as *pro se*. With the number of self-represented litigants increasing, especially within domestic relation cases, courts are responding by improving access to justice and making courts more user-friendly and by establishing *pro se* centers where users can get access to simplified court forms, one-on-one assistance, and instructions on how to proceed *pro se*. This has not only empowered people to solve their own problems and improve the public’s trust and confidence in the courts, but has likewise benefited the courts through more efficient caseload and increased quality of information presented to judges.

The civil legal needs of low income Georgians cannot be ignored and are only becoming more pressing due to tough economic times. After a two-year legal needs study, the 2009 report of the *Civil Legal Needs Low and Moderate Income Households*¹⁴ in Georgia noted the following needs:

- Consumer (e.g., abusive collection, oppressive contract terms, disputes over amount owed);

- Housing (e.g., utility issues, vermin, home and housing repairs, homelessness);
- Health (e.g., disputes with insurance company or provider over charges, refusal of provider to accept Medicaid, invasion of privacy issues, access to mental health services, denial of emergency care, and problems with nursing home);
- Employment (e.g., discrimination based on disability, criminal record, race or age, unemployment benefits; wage claims);
- Public Benefits (e.g., difficulty in applying, denials);
- Education (e.g., school discipline, poor quality);
- Family (e.g., child support, domestic violence, visitation, custody).

The report further noted that:

Court personnel report that unrepresented or self-represented litigants impede the efficient operation of the court system. More than 95% of these respondents stated that a lack of understanding as to how the court process works represents an obstacle to the courts’ ability to administer justice for all. Additionally, over 90% of court personnel listed “*pro se* expectations for assistance” as an obstacle to smooth court operations. These problems are exacerbated by the reality that there is a limited amount of pro bono or low cost legal services available. (More than 88%

¹⁴http://www.georgiacourts.org/files/legalneeds_report_2010%20final%20with%20addendum.pdf

of court personnel cited the lack of pro bono or low cost services as an obstacle.)

While several self-help centers exist in Georgia, more are needed. Generally, programs exist in the metro Atlanta area (Fulton and DeKalb counties) with a few more scattered around the state (Appalachian and Northeastern circuits). These programs are, unfortunately, more often limited to family and domestic law issues such as divorce and child support. Additional resources are needed for probate, landlord-tenant, and other civil

legal issues. Many other states are much farther ahead than Georgia in development and state assistance for these programs.

Such programs should partner with local schools, local bar associations, and legal aid programs such as Georgia Legal Services Program in a cooperative and collaborative approach. Local attorneys should be actively involved while also recognizing that such programs are not meant to put them out of business. Attorneys too should assist these *pro se* centers with pro bono hours.

“Forms and educational materials are not substitutes for a legal education. I believe that our profession should require that attorneys participate in pro bono programs which provide some level of legal services to needy litigants at no or reduced fees paid either by the party or paid by the system from fees assessed for this purpose.”

- Survey Respondent

Rather, such programs often reinforce to *pro se* litigants that some legal actions that they would have otherwise attempted on their own are actually better handled with the assistance of a competent local attorney.

Recommendation: Deploy plain-language, standardized statewide forms, including easy-to-use, interactive online versions of those forms to help ensure that needed information is provided to the court.

Discussion: Currently, some circuits have forms and others do not, which means some Georgia citizens are at a severe disadvantage in navigating the court system. When *pro se* litigants have no forms to use as a guide and file their paperwork incorrectly, this is a completely inefficient result for all involved; it delays entry of child support and visitation orders, and is not in the interest of any party. Additionally, reviewing incorrect paperwork creates more work for judges and their staff as it takes away time they could be spending on other matters.

The deployment of plain-language, standardized statewide forms, including easy-to-use, interactive online versions of those forms, can help ensure that needed information is provided to the court. A majority of the states already use state approved forms. All courts should allow for acceptance of standardized statewide forms.

Recommendations: Program Improvements

Recommendation: *Expand or modify county and circuit law libraries to include user-friendly online materials and/or books that contain updated information that the general public finds useful.*

Discussion: County or circuit law libraries are an appropriate fit for providing services to the public. The law libraries in every courthouse should include user-friendly online materials and/or books that contain updated information that the general public finds useful. Materials should be organized by topic, then by type of action. Additionally, pro bono attorneys can provide brief lectures on basic elements of certain types of cases (i.e., divorce, 10 minutes) that could be video recorded and available for viewing at the library. The State Bar could also partner with local libraries as state repository of forms and information. The State Bar could provide assistance to generate recommendations for printed and online materials to provide consistency among the counties.

Recommendation: *Expand Alternative Dispute Resolution (ADR) programs to make them available to all litigants in Georgia and include reduced-cost mediation services for low income and pro se litigants.*

Discussion: Courts reap many benefits by using the Alternative Dispute Resolution (ADR) processes. They are generally touted as increasing participant satisfaction, reducing time, and saving money. No matter what the motivating factor, the court must always be focused on pro-

viding a just process through ADR. Additionally, while the outcomes may not be exactly the same as those reached through traditional litigation, the parties must perceive the process and the outcomes as fair. Well run ADR programs will result in three major benefits:

1. *Increasing Satisfaction* – Improving the experience that participants have while resolving their disputes is an important motivator for many court ADR programs. Whether framed in terms of justice or in terms of customer satisfaction, ADR is very successful. Either way, serving the party well is central to this motivation.
2. *Reducing Time* – Many courts have looked to ADR processes to reduce time spent on a case both by the court and by the parties. This time savings can be measured in many ways, including: time from filing to case closure; number of court appearances prior to resolution; and amount of attorney and/or judge time spent on discovery and other case tasks. Virtually all courts can look to ADR to reduce backlogs of cases by lessening the caseload of judges as many cases can be dealt with through the ADR process.
3. *Saving Money* – Courts see ADR as potentially saving parties money by reducing the number of attorney hours spent on the case, by decreasing the amount of discovery done, and/or settling the case sooner with fewer court appearances. For the courts,

savings are seen as coming from fewer court hearings and trials, and other time that would be spent by the judge and other court personnel on the case.

ADR processes are currently available in the courts of 121 of 159 Georgia counties. In some counties, ADR is available in just one court in just one county. In other counties, ADR is available in all of the trial courts – superior, state, magistrate, probate, and juvenile. Mediation is popular in superior courts as a way to reduce the caseload of family law cases. Magistrate courts appreciate ADR to help the courts handle the sheer volume and nature of disputes. Mediation is also appropriate and productive in juvenile and probate cases and in many minor criminal warrant applications. Courts, lawyers, parties, and taxpayers will benefit from more resolution options, more efficient courts, and less crowded dockets. ADR programs should be expanded to include all courts in all counties.

ADR programs should be made available to all Georgia residents – adults, juveniles, and the elderly – regardless of income. That said, such services should be made available at little to no cost for those who are low income.

Recommendation: Expand ADR instructional opportunities and promote the establishment of mediation clinical programs at all law schools to bring students into the courtrooms to mediate real cases at no charge to the parties.

Discussion: Mediation clinics give those students

who may make mediation part of their professional lives a good start in terms of both skills and ethics. These programs help students see the benefits and limitations of mediation and other dispute-resolution techniques so that they can responsibly counsel their future clients about their choices. Such clinics also help students understand how feelings, background values, and personal style affect performance in a professional role. Participants benefit from these programs, as there is little to no cost for them. But just as important is that law students are highly motivated to help the parties resolve their conflict and will spend more time and effort to reach that goal.

ADR is a mandatory subject in only one Georgia law school, Walter F. George School of Law at Mercer University, where an overview class is required of all students at the start of their third year. At other schools, the available ADR classes are electives, yet they are chronically oversubscribed. There is great student interest and need, as ADR has become mainstreamed into legal practice. ADR instruction can be integrated into the law school curriculum in many ways. Introduction into the concepts and theories of ADR should be mandatory for students at all Georgia law schools.

All students at accredited Georgia law schools have access to at least one clinical ADR experience. Law students are hungry for practical experience, as reflected by the fact that current ADR clinics are chronically oversubscribed.

Recommendations: Program Improvements

Courts will benefit by having cases handled by law students for academic credit rather than fees, and the legal profession will benefit from having lawyers who have hands-on experience in ADR. Law schools should continue to foster these clinical ADR opportunities and seek ways to expand them to benefit both law students and the courts.

Recommendation: *Increase the involvement of lawyers in Juvenile Court proceedings including Guardians Ad Litem (GALs), mentors, child advocates, etc.*

Discussion: The Commission is fully supportive of the efforts of the last few years by the Special Council on Criminal Justice Reform for Georgians. As part of its mandate, that Council recently made several recommendations with regard to juvenile justice reform. One of the primary goals of those reforms is to encourage treatment and services at the community level where taxpayer dollars can be more effective. Local attorneys can play a variety of roles in juvenile court in the form of:

1. Guardians Ad Litem (GALs):
 - a. Fulfill state and federal statutory mandates to protect and promote the best interests of juveniles in abuse and neglect court proceedings and specifically, the training of Guardians ad Litem in particular for their new GAL duties in HB242;¹⁵

- b. Help the courts work efficiently toward safety and permanence for children;
- c. Conduct independent investigations to determine the facts, needs of the child, and the resources appropriate to meet those needs;
- d. Determine the wishes or expressed preferences of the child and report those to the court; and
- e. Provide a voice for abused and neglected children in every county of the state.

2. Mentors – encourage attorneys to become involved as mentors

3. Child Advocates

- a. Work in conjunction with the new child advocacy section of the bar to identify juvenile court issues; and
- b. Assist with development at the local and state level of protocols for Child in Need of Services (CINS) and Family in Need of Services (FINS) designations.

Recommendation: *Support the establishment of accountability courts or alternatives for substance abuse and mental health treatment throughout the state.*

Discussion: The first drug court in Georgia began operations in 1994 in Bibb County. Since that day, over 100 more accountability courts have begun operations in the State of Georgia. In ad-

¹⁵<http://www.legis.ga.gov/Legislation/20132014/135887.pdf>

dition to felony drug courts, accountability courts also comprise mental health courts, juvenile drug courts, DUI courts, family dependency courts, veteran treatment courts and problem solving courts. Currently, approximately half of the counties in state have at least one accountability court but 44 counties still have no adult felony drug court or mental health court.

In 2011, the Special Council on Criminal Justice Reform for Georgians,¹⁶ first recommendation was to “create a statewide system of accountability courts.”¹⁷ Following the report’s recommendations, the State of Georgia appropriated \$11.7 million to the Criminal Justice Coordinating Council (CJCC) to be used by the Accountability Courts Funding Committee to accomplish that recommendation. The Accountability Court Funding Committee’s objectives are to: 1) take Georgia’s accountability courts to scale; 2) reduce incarceration rates; 3) determine accountability court funding priorities; 4) encourage adherence to standards; and 5) save lives, restore families.¹⁸

In 2012, HB 1176¹⁹ the Georgia Legislature mandated that the Judicial Council develop standards and best practices for each type of accountability court. The Judicial Council has

developed Certification and Peer Review processes for each type of accountability court. Additionally, the Judicial Council has established statewide performance measures to monitor the performance of these programs.

The Commission recommends the establishment of a felony drug court, mental health court and juvenile drug court in every judicial circuit to provide the opportunity for access to accountability courts for all Georgians. Further, the Commission supports efforts to ensure that accountability courts are operating under approved standards and complying with best practices.

Fortunately, following the issuance of the Report of the Special Council on Criminal Justice Reform, Gov. Nathan Deal and the Georgia Legislature have helped to provide the mechanisms to accomplish the two goals. The Judicial Council is completing the process of approving the required standards for accountability courts and the certification and review process.²⁰ The funding provided by the legislature will help to implement courts in areas that might not have been able to completely fund them on a local level.

The implementation of accountability courts

¹⁶http://gov.georgia.gov/sites/gov.georgia.gov/files/related_files/press_release/Report%20of%20the%20Special%20Council%20on%20Criminal%20Justice%20Reform%20for%20Georgians%202012%20-%20FINAL.pdf

¹⁷Report of the Special Council on Criminal Justice Reform for Georgians, November 2011, page 13. The Report specifically provided that:

“The Council recommends expanding the number of accountability courts and implementing a comprehensive standards and evaluation system to ensure all accountability courts are effective at improving public safety. Georgia has a number of accountability courts currently operating, including drug courts, mental health courts, veterans’ courts, and others, but some areas of the state do not have any accountability courts. Drug courts, for example, have been proven effective when they follow specific best practices both here in Georgia and across the country. By creating a statewide system of accountability courts that establishes best practices, collects information on performance measures, increases funding and conditions funding on adherence to best practices, Georgia can ensure that its accountability courts are making the most of their potential to increase public safety and controlling costs.”

¹⁸<http://www.gaaccountabilitycourts.org>

¹⁹<http://www.legis.ga.gov/Legislation/en-US/display/20112012/HB/1176>

²⁰<http://www.georgiacourts.org/index.php/aoc/court-services/accountability-courts>

Recommendations: Program Improvements

faces greater challenges than just money alone. It requires the commitment of a judicial circuit and the local government officials to put together a team and secure local funding and support. The Judicial Council and CJCC, with the assistance of the District Court Administrators, should consider developing a team of specialists in implementing accountability courts that could:

1. Identify circuits without accountability courts;

2. Provide encouragement to those circuits to establish a program and meet with local officials, if needed; and,

3. Support to help develop the local team, find funding, implement a program and begin operations.

More evaluation and study of accountability courts targeting domestic violence offenders should be completed to determine the effectiveness. If determined effective, the Judicial Council should consider a similar plan of implementation as with other accountability courts.

Recommendations: Technology

Technology

The courts are still a system that requires large resources of people – judges, court staff, lawyers, and the parties in each case - and time – for arguments and discussion and thoughtful deliberation. And those people generate a great deal of paper for their arguments, discussion, and deliberation. The world is changing around us. Some days it feels as if technology is advancing faster and faster. Everything is going digital. That makes the courts a sort of anathema in the eyes of a technologically focused world. But how can a system that revolves around people, time, and paper embrace a technological world? Only by understanding the role that the people, time, and paper play in the system can technology be used to improve the efficiency of each of those elements.

"Technology is a powerful enabler that can empower courts to meet core purposes and responsibilities, even while severe economic pressures reduce court staff, reduce hours of operation, and even close court locations."

*Chris Crawford, deceased
Former President of Justice Served, an alliance of court management and justice experts*

Recommendation: Support the establishment of a statewide e-filing portal for electronic filing of civil case documents across all levels of courts.

Discussion: Disputes in court require the exchange of information. The primary medium of that exchange has been paper. Georgia courts struggle to process, manage, and store countless court documents. With current technology, it is now possible to receive and store those documents digitally. But sorting documents digitally is

“The need for a state-wide e-filing and remote access system is paramount, especially in civil cases.”
- Survey Respondent

only the first step. Courts need to be able to accept and eventually transmit and share documents electronically. With electronic filing (“e-filing”), storage expenses can decrease dramatically. Clerks who formerly spent time sorting and file-stamping documents can be assigned to more productive activities. Documents will no longer be damaged or lost. The public, lawyers, and judges can instantly access vital pleadings, accelerating the progress of litigation.

The federal courts, including the bankruptcy courts, district courts and courts of appeals, offer e-filing through a unified, nationwide system known as PACER²¹, and most of those courts require lawyers to file electronically. The Public Access to Court Electronic Records (PACER)

system currently has nearly one million users. A recent PACER survey shows that 90% of users were satisfied or highly satisfied with the system. Twenty-three states mandate e-filing to varying degrees.

Courts who have embraced e-filing have reported dramatic improvements in efficiency and decreased costs. Numerous court systems from Alabama²² to Iowa^{23,24} and Alaska²⁵ to Vermont²⁶ have developed or are developing systems. Georgia too could see benefits from e-filing including:

- Quicker access to e-filed documents;
- Increased efficiency for attorneys and litigants;
- Reduced printing and mailing costs for attorneys and litigants;
- Reduced storage costs for clerks since documents arrive in original format rather than scanned;
- Greater security of court documents in the event of disaster;
- More efficient use of court staff, as employees typically assigned to accept documents at the clerk’s office counter can be retrained for higher skilled positions; and
- Increased transparency and access to the courts;

²¹<http://www.pacer.gov>

²²<http://efile.alacourt.gov>

²³<http://www.iowacourts.gov/wfdata/files/StateofJudiciary/2012/EDMSInformation.pdf>

²⁴<https://www.iowacourts.state.ia.us/efile/>

²⁵<http://www.courts.alaska.gov/lynx/>

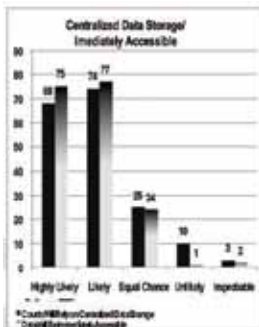
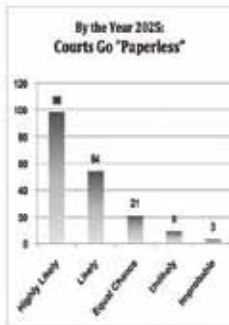
²⁶<https://efiling.eservices.cti.state.vt.us>

Recommendations: Technology

- Information can generally be found more quickly in an e-filed document because of the capacity to search for words and phrases. Documents can also be easily cross-referenced and hyperlinks can facilitate direct citation to other filings, legal databases, and exhibits.

All of this enhances the quality of the judicial process.

A recent national survey of court administrators conducted by members of the National Association for Court Management revealed some interesting trends. By 2025, the survey noted that many courts will be “paperless” and that court data will be more accessible.



Georgia should embrace e-filing in the courts. The Commission fully supports this effort and also notes the following:

- E-filing should be a statewide effort with each class of court setting its own standards and protocols with input from judges, clerks, attorneys, and court administrators. An overarching governing group should be in place with broad representation to set overall standards and protocols;
- The courts should develop a uniform set of case initiation forms and information required for filing at the various levels of court and case type;
- Any e-filing system should use a uniform method of access and filing throughout the state. All courts should be accessible through one initial web site that directs users either through links or dropdown boxes to specific courts and counties;
- E-filing should be mandatory and eventually available in all levels of courts;
- Every attorney registered to practice law within the State of Georgia should be required to file and maintain an e-mail address to accept service of any electronic filing;
- Pro se* litigants who apply for a filing fee waiver should be not required to participate in e-filing unless an approved protocol is setup up to allow those filings at no cost to the user (i.e., receive a code from the clerk);

7. Appropriate enabling legislation should be in place to support a statewide e-filing system;
8. If a user fee is required, allowing for use by credit card, account billing, and ACH should be in place and such fees should be reasonable and used only for the support and maintenance of the e-filing system and/or shared with the clerk's office where the filing is made.

Recommendation: Promote electronic access to civil and criminal court records across all levels of courts.

Discussion: Digital storage of electronic documents provides litigants, courts, and the public the additional benefit of instant access to court papers anytime and anywhere. This creates greater transparency in the judicial system. This efficient access to documents is not present in traditional paper filing systems. Overall, this is beneficial to lawyers and court personnel because of the ability to access documents electronically without leaving their offices.

“[M]y primary interest going forward is the availability of dockets and court files online, in every court in the state.”

- Survey Respondent

Some of the benefits of electronic access (“e-access”) are:

- Elimination or reduction of many paper records in law firms and court storage facilities;

- Immediate access to court records thereby reducing delay and waiting times;
- Many documents may be in native digital format allowing for text to be searched electronically;
- Access to court records is critical to public confidence in Georgia’s judicial system and its constituent courts.

Electronic access to court records bolsters the openness of Georgia’s courts, the “*sine qua non* of an effective and respected judicial system.” *R.W. Page*, 249 Ga. at 576 n.1. The state government and local law enforcement will benefit as well. Accordingly, the Commission also supports the establishment of a statewide judicial data warehouse or clearinghouse system. Several years ago, Michigan began a statewide effort to share judicial information. Like Georgia, each of Michigan’s 241 trial courts could use its own local case management system of which there were 29. It was difficult, if not nearly impossible, to know if a person had a case in more than court without going to the each court individually²⁷ that resulted in²⁸:

- Ability to obtain complete Michigan Judicial history on individuals in an efficient manner;
- Effective data sharing between other Michigan government agencies,
- Access to consistent data within one, statewide database with standardized court data,

²⁷<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/FOC/Documents/Pundits/2012%2001%20Pundit.pdf>

²⁸<http://www.entrepreneur.com/references/WebMichiganSCAO.html>

- Complete picture of an individual's history with the Michigan Judicial system,
- Assistance with locating individuals for collection purposes and making more informed sentencing decisions,
- User-friendly applications for searching and querying data, and
- Statewide performance tracking in areas such as abuse and neglect cases and recidivism rates of drug court participants.

Statewide efforts such as these require support and cannot be successful without support from the State Bar.²⁹

The federal judiciary too recognizes the benefits of data sharing. Recent efforts have identified:

- Reduced data entry costs
- Increase data consistency and reliability
- Improved data analysis for trends and decision making.

The federal judiciary has included data sharing along with many other technology improvements in its 2013 long range information technology plan.³⁰

The importance of transparency cannot be understated. Wider, more immediate access to court records assists journalists and advocacy groups as well as citizens. Many other states are much farther along with than Georgia in the race to make court records more accessible.³¹ This

fosters public safety while increasing confidence in the government's actions. The courts exist to serve the community and are the custodians of the records filed. Those records must be available to the community.

Recommendation: Encourage the adoption of legislative and rule changes to ensure the protection of personally identifiable information found in court records.

Discussion: With the increase in electronic access to court records, personal information about parties in a case may be more readily available for identity thieves. The National Institute of Standards and Technology defines Personally Identifiable Information³² as: "any information about an individual maintained by an agency, including (1) any information that can be used to distinguish or trace an individual's identity, such as name, Social Security Number, date and place of birth, mother's maiden name, or biometric records; and (2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information."

With court records becoming more widely available in electronic format, the possibility for misuse of a person's information is increasing. In order to curb these problems, the legislature must enact statutes prohibiting the online publication of Personally Identifying Information. These statutes, though, should place a burden on lawyers, and not the courts, to remove this infor-

²⁹http://www.michbar.org/generalinfo/jcft_only/TechCrossroadsFullReport.pdf

³⁰<http://www.uscourts.gov/uscourts/FederalCourts/Publications/2013ITLLongRangePlan.pdf>

³¹<http://www.rcfp.org/rcfp/orders/docs/EACR.pdf>

³²<http://csrc.nist.gov/publications/nistpubs/800-122/sp800-122.pdf>

mation from court documents. Such legislation should help curb the amount of personal information on the Internet while holding attorneys responsible for safeguarding the interests of their own clients.

In their e-filing systems, federal courts have effectively protected against such illegal conduct while preventing unnecessary closure of records or delays in access by adopting clear rules requiring parties and their counsel to redact certain information (e.g., full social security numbers and dates of birth, etc.) from pleadings and other documents prior to filing and limiting remote access to certain types of electronic files. See, e.g., *In re Adopting a Policy on Sensitive Information and Public Access to Electronic Case Files*, Standing Order No. 04-02 (N.D. Ga. 2004) ; Fed. R. Civ. P. 5.2 (Privacy Protection for Filings Made with the Court). A number of state e-filing courts, including Alabama, have followed this lead without incident. See, e.g., *Administrative Policies and Procedures for Electronic Filing at 9-10* (Ala., September 6, 2012) (privacy and security provisions)³³; Ala. R. Civ. P. 5.1 (Privacy Protection for Court Filings) and Committee Comments (emphasizing at 5.1 (f) “that this procedure does not impose any responsibility on court officers or personnel to review documents for redactions or to redact documents”).³⁴

Recommendation: *Support the adoption of a web-based central registry of attorney conflicts and leaves of absence.*

Discussion: There is an often quoted saying that “justice delayed is justice denied.” While there

“A state wide conflict / leave of absence system that is primarily electronic would be ideal so that attorneys, judges and clerks all have up to date information.”

- Survey Respondent

are many causes for delay in the judicial process, the availability of the attorneys in a

particular matter are crucial to that case moving forward. Likewise, if a case is scheduled before a judge with a busy calendar, and if that case ends up not having its day in court due to the unavailability of one or more of the attorneys, that is an inefficient use of judicial resources. Another matter could have been scheduled instead.

Attorneys are required to submit conflicts and leaves of absence to the courts. And they do and sometimes at considerable time and expense if that attorney has a busy practice with many open cases. An attorney who wishes to go on a family vacation may have active cases in several dozen courts or counties. A centralized statewide registry of conflicts and leaves of absence would make this process more efficient by allowing the attorneys to submit their information once and have it instantly available to every court and to other attorneys.

³³<http://www.alabar.org/media/AdministrativePoliciesandProcedures.pdf>

³⁴http://judicial.alabama.gov/rules/rcvp_5_1.pdf

Business Process Improvements

According to the Court Business Process Enhancement Guide produced by the National Center for State Courts and SEARCH³⁵, Business Process Improvement or Enhancement is defined as:

"The establishment of goals or expectations for one or more processes, analysis of how those processes are actually carried out in a court or any other organization, and adjustment of those processes if their results do not meet the goals or expectations. Process improvement and process reengineering refer to the scope of the process review, from process improvement of a specific function or activity to a fundamental restructuring or reengineering of a major function or system. . . . Process improvement is a disciplined approach to the simplification and streamlining of business processes, using measurements and controls to aid continuous improvement."

The courts, like any good government function, must improve service delivery while reducing costs. To do this effectively, the courts cannot make such changes overnight. It takes a thoughtful and deliberate process involving planning and collaboration.

The Business Process Improvement Committee determined early on that it would focus on two major areas: Court Reporting and Court Interpreting. The committee reviewed information gathered and reports written by the Judicial

Council and Board of Court Reporting, the Commission on Interpreters and the Department of Justice. Additionally, questions pertaining to these two issues were included in the survey conducted by the Commission.

Of the responses received for the survey, the responses around the two major issues seem to be split. For instance, under the Business

"The courts recognize that things aren't going to get back to whatever 'normal' is and that there will be less revenue in the future, and they are preparing for that."

Daniel J. Hall, Vice President of the National Center for State Court's Denver, Colorado-based Court Consulting Services

Process Improvement section of the survey the rating for encouragement of a greater number of qualified interpreters, development of procedures to use technology for remote interpreting and expansion of services for Limited English Proficiency (LEP) persons were not seen as high priorities. Likewise, there was little interest or recognition of the need to review the practice of court reporting in terms of new technology. However, under technology, use of telephone and video technology to conduct certain court activities and provide access to court interpreters was given a high ranking as was the use of electronic means to distribute and publish more court communications and implementation of electronic signatures for court docu-

³⁵<http://www.search.org/files/pdf/CourtBPEGuide.pdf>

ments. Use of technology in these areas would certainly open the way to use of technology for court interpreting as well as court reporting. Another closely aligned use of technology was an increase in the use of telephone and video technology for various in-court proceedings, including use of video conferencing for off-site live testimony. In other states this same technology is being used as the basis to provide remote interpreting, for both Limited English Proficiency and hearing impaired, and court reporting services.

Also of interest to those surveyed was the provision of “funding for technologies in the courts comparable to those used in other governmental agencies and private businesses.” The private sector and other governmental entities have been using technology to record proceedings and to provide language and hearing impaired access for some time. The development of these technologies gives us the opportunity to adapt them to court use.

Numerous business process improvement topics came up as a result of the survey. Case-flow, scheduling, training and many more issues were raised. Judicial leaders should make note of these and include them in their long-term planning for improvements.

Recommendation: *Promote a uniform approach for the clerk of court to maintain all trial evidence, to mark and note all evidence during a trial and retain such evidence in compliance with appropriate retention schedules.*

Discussion: The clerk of court, whether in a municipal court or a superior court, is the custodian of the court’s records and is therefore responsible for their maintenance and storage. The maintenance of the trial record is an important part of the overall court record. In Georgia, while the ultimate responsibility for the record will lie with the clerk of court, court reporters and other court staff are often responsible for the interim record. That is, someone other than the clerk, usually a court reporter, will maintain the trial records until such time as the trial is completed and a transcript filed. There are, of course, some exceptions when appeals are made, etc., but that is not of consequence here.

The Commission recommends that training be given to anyone who may play a role in handling trial evidence. As the clerks are the ultimate custodians, their councils would be the logical entity that should be responsible for developing a training process for those involved in the trial process. This training, whether in-person, web-based, or a written guide, will promote both uniformity in the marking and maintenance of trial records but also outline expectations to ensure that trial records are maintained and preserved securely.

Recommendation: *Support the ability of clerks of court to charge reasonable, cost-based fees for copies.*

Discussion: Georgia law properly permits clerks of court to impose reasonable, cost-based fees in response to requests for access to court records that seek copies of the records or that otherwise involve an unusual administrative cost or burden. See *McFrugal Rental*, 262 Ga. at 369 (“a fee may not be imposed ... when a citizen seeks only to inspect records that are routinely subject to public inspection”). The Commission fully supports the ability of clerks of court to charge and collect such fees. Further, the Commission supports sharing with the clerks any fees received from electronic access to court records.

Recommendation: *Encourage the Judicial Council and the Board of Court Reporting to collaborate with clerks of superior court and other courts of record when developing the rules and regulations for transcript preparation and storage to effect implementation.*

Discussion: The Judicial Council of Georgia and the Board of Court Reporting of the Judicial Council are the bodies responsible for certification and licensing of court reporters; for setting rules and regulations for the practice of court reporting; and for setting the fees that may be charged for per diem and the preparation of transcripts. Over the past two years, a committee of the Judicial Council has been reviewing

the fee schedule, transcript production and business process. At its meeting in April 2013, the Judicial Council adopted a set of recommendations for action by the Board of Court Reporting and the Judicial Council.³⁶ Suggested time periods are included for meeting the demands of the recommendations with the exception of Recommendation 3.2.

Recommendation: *Encourage the adoption of appropriate technologies for court reporting and court interpreting to enhance business processes*

Discussion: The Commission on Interpreters (COI) has been very cognizant of issues surrounding court interpreters for the Limited English Proficiency population and the hearing impaired and the impact on access to our courts. The COI has adopted language in its rules governing the use of court interpreters to meet the standards set by the American Bar Association in 2011 and the requirements of the 1964 Civil Rights and subsequent acts to ensure equal access to the courts and that no group is discriminated against because of their inability to speak English well enough to understand court proceedings and their ramifications.

The COI is also working on a language access plan that may be adopted as part of the rules but may also be used as a template for each court to develop its own language access plan.

The recommendations adopted by the Judicial Council in April 2013 require the Judicial

³⁶<http://www.georgiacourts.org/index.php/judicial-council>

Council to develop standards for electronic reporting. Also, the Board of Court Reporting is to develop certification criteria for electronic monitors in courtrooms.

Recommendation: *Promote increased availability of interpretation services including remote interpretation, translation of court forms, etc.*

Discussion: The Administrative Office of the Courts, the administrative arm of the Judicial Council, sought and received an appropriation to pilot a remote interpreting project to determine the feasibility of providing remote interpreting services. The premise of the project is that interpreting resources are found primarily in the metro Atlanta area and that remote interpreting would help minimize the cost to a court in a rural area by the provision of court interpreter services at a flat rate with no minimum guarantee and no travel associated with the services. The pilot was set up at two sites and limited to Spanish interpretation. Unfortunately, the sites chosen have not generated enough use

of the service to allow a meaningful evaluation. One of the sites will be closed down and the equipment moved to another site where it is anticipated there will be more use of the interpreters.

On the national front, remote interpreting and the technology for interpreting services has come to the forefront with the National Center for State Courts (NCSC), the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) developing standards for remote interpreting³⁷ and providing technical assistance to states on these standards.³⁸ At the Court Technology Conference in September 2013, one of the six educational tracks was devoted to the use technology for court interpreting and remote interpreting.³⁹ Special attention should be given to what national experts and other states have done in this area. As appropriate, Georgia should develop and adopt standards for remote interpretation.

³⁷<http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-Access/LA-Summit/Program/-/media/Files/PDF/Conferences%20and%20Events/Language%20Access/Abstract-Remote%20Interpretation%20National%20Standards%20V3.ashx>

³⁸http://www.sji.gov/articles.php?pg=LEP_and_state_courts

³⁹<http://www.ctc2013.com>

Funding of the Courts

Money. It makes the wheels of government turn. Money keeps the doors to justice open. While the adage of “doing more with less” imparts both a duty and sense of professional accomplishment, we must be mindful that the courts are primarily people and that even automated processes cannot replace the human interaction that is inherent in the judicial process. Judicial leaders from around the country have been lamenting for several years now about the effects of budget cuts, furloughs, staff reductions and the like on the judicial system. Entire conferences and educational seminars have been dedicated to the topic and how to cope with reduced funding while streamlining business processes and procedures.

In 2011, retired US Supreme Court Associate Justice Sandra Day O'Connor gathered with leaders of the American Bar Association and other judicial leaders to share thoughts on the crisis in court funding.⁴⁰ A few key items were noted:

- Courts must forge alliances with the Bar and legislature to be “true partners” in supporting the courts;
- Reengineering court processes to be cost effective must be embraced;
- Courts must still provide essential services regardless of a person’s ability to pay and some services cannot be compromised;
- Outreach efforts about the role of the courts and the impact of reduced funding.

“Courts across the state have reduced spending, cut staff, and made reductions through temporary furloughs. Courts are different than public agencies. We can compromise on budgets, but we cannot compromise on justice.”

*Former Chief Justice Thomas J Moyer,
2009 Speech to the Ohio State Bar*

The American Bar Association’s Task Force on Preservation of the Justice System documented in their 2011 report “Crisis in the Courts”⁴¹ the extent of judicial underfunding. That report noted four major harms created by the chronic underfunding:

1. *Adverse Impact on Public Safety* – delays in resolving criminal dockets results in jail and prison overcrowding or early release of violent offenders;
2. *Adverse Impact on the Economy* – effects of delays outweigh cost savings from reduction;
3. *Adverse Impact on Those Who Need the Protection of the Courts* – divorce, custody, property, and other cases become increasingly complex as everybody fights for the little dollars there are with more of those cases being *pro se* and taking more judicial time;
4. *Adverse Impact on Our System of Government* – the judicial system is at the mercy of the executive and legislative branches for its support and funding thereby diluting its role as a co-equal branch of government.⁴²

⁴⁰<http://www.abanow.org/2011/08/time-to-act-for-adequate-court-funding-is-now-say-oconnor-bar-leaders/>

⁴¹http://www.microeconomics.com/articles/aba_report_to_the_house_of_delegates.pdf

⁴²http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Better-Courts/-/media/Microsites/Files/Future%20Trends%202012/PDFs/Crisis_Grossi.ashx

Recommendation: *Support an increase in state-based funding necessary to provide statewide court improvement programs in the future.*

Discussion: While the Commission supports increased funding for the courts in general, it fully recognizes that the courts must be good stewards of the public's trust – both in terms of confidence and funding. We recognize that the courts may never return to funding levels of the past nor may they reach sufficient levels in the future.

The Commission does feel strongly that in order for the courts to be successful in their missions, there must investment. But like any investment, strategy must be involved. Funding must be made available for the courts to support initiatives that promote cost effective improvements. These include:

- Supporting educational and training programs that promote better efficiency and effectiveness of the courts, judges and court staff
- Supporting programs that can be evaluated for effectiveness or are evidence-based such as accountability courts, alternative dispute resolution, business courts and family-centered approaches (family courts, juvenile reforms, etc.), pro se programs, etc.
- Supporting the use of technology to improve efficiency of court processes, including the adoption of technology fees only if needed, dedicated to court technology initiatives

- Supporting business process improvements and enhancements based on sound principles and measures that may result in:

- (a) Eliminating functions and processes that are no longer necessary, have less priority or can no longer be afforded by the courts;
- (b) Consolidating functions or removing redundancies to improve effectiveness.

Recommendation: *Encourage legislative changes that allow for the currently established self-funded programs and user fees to actually be used for their intended purposes rather than simply going over into the general revenue funds of both state and local government.*

Discussion: In Georgia there are numerous fees attached to case filings, criminal fines or as separate fees for service.⁴³ These range from the Indigent Defense Application Fee (O.C.G.A. § 15-21A-6), Local Victims Assistance Program (O.C.G.A. § 15-21-130) and Crime Lab Fee (O.C.G.A. § 42-8-34) to charges for copies. Unfortunately, many of these functions ultimately receive far less than the funds actually collected as such funds are deposited in the state or local general funds. In tough economic times, those funds have been reallocated to other government priorities oftentimes putting some of those services and functions at risk. Statutory support for provision of funds for various court programs and services from user fees is inconsistent at best.

⁴³http://www.georgiacourts.org/aoc/publications/courtfeesbook10_2004.pdf

Recommendations: Funding

Prime examples of self-funded court programs in Georgia are the Alternative Dispute Resolution programs, county law libraries, and accountability courts. All of these have statutory authorization for their existence. But, whereas the ADR and law library programs have specific authorization under O.C.G.A. § 15-23-8 and O.C.G.A. § 36-15-5, respectively, and the fees collected to be deposited into a special fund for use only by those programs, no specific authorization exists for drug courts, mental health courts, and other accountability courts. Many other court programs would benefit from statu-

tory preservation of their funds. Such programs may include city or county probation programs, technology and administrative fees that support court services, as well as a myriad of user fees for various clerk functions.

The Commission further recommends that any future user fees established for court services, such as those for an e-filing or e-access program or technology initiatives in general, be statutorily separated from the general funds so that the funds can only be used to support the program or services for which they are intended.

Conclusion

The Commission thanks all of its members for their hard work and dedication. The Commission recognizes that many reports such as this generate thoughtful discussion and debate and then the report gets put on a shelf to gather dust. Where we hope to be different is that we intend to leverage the discussion generated into verifiable action. The Commission and its members cannot act alone. Rather, due to the diversity of the membership of the Commission, we will be encouraging our members to take this report back to their courts, councils, committees, legislatures, etc. in an effort to promote turning these recommendations into realities.

The Commission will work with the legislative team of the Judicial Council along with the State Bar to review any necessary legislative changes highlighted by these recommendations. The Commission is reviewing the need to develop an action plan to outline steps necessary to implement these recommendations.

Finally, the Commission recognizes that the future can be uncertain and many factors can change the outlook and the future of the courts in Georgia. Nonetheless, we hope that Georgia will not only be prepared for the next 20 years but take its place as the leader in judicial reform and best practices.



Next Generation Courts Commission

The future has yet to be decided...

November 16, 2012

Dear Judicial Stakeholder,

We are joining together to encourage you to complete the attached survey to ensure you have a voice in the future of our courts. The survey will take no more than 15 minutes of your time to complete. As a stakeholder in the judicial system here in Georgia, we are confident that you are concerned about the future of the courts. Consequently, we ask that you join us in developing a plan for the future of our courts!

Last year, as a partnership between the Judicial Branch and the State Bar, we collectively created the Next Generation Courts Commission ("NGCC"). This Commission is tasked with considering what the court system might look like in 20 years and developing a strategy for how to get from here to there. The topics we hope to cover include e-filing, court structure, technology, funding, caseload management, public outreach and judicial selection.

The Commission has developed a survey to solicit input about how to improve the courts. We hope to hear from a wide variety of respondents in an effort to capture the breadth of issues facing the courts. We plan to use the results of the survey to help prioritize the Commission's discussions and to make recommendations to the State Bar and the Supreme Court.

We need your input to help guide us! We ask that you share this letter and the survey with your colleagues or members of your organization as well as anyone else who may be interested in the future of the courts. We encourage you to complete the survey by December 31st online at:

<http://www.surveymonkey.com/s/NGCC>

Your response and time is greatly appreciated. Thank you for your participation!

Sincerely,

Hon. Carol W. Hunstein
Chief Justice
Supreme Court of Georgia

Robin Frazer Clark
President
State Bar of Georgia

Hon. Lawton E. Stephens
Chair, NGCC
Chief Judge, Western Circuit

The following are the questions and scenarios presented in the statewide survey.

Please rate the following statements as they relate to efforts aimed at improving the educational opportunities for the judiciary and for communicating the role of the courts to the public.

- Centralize training for judges, prosecutors, and other court-related staff so that all training for the judicial system and its justice system partners are managed through one entity;
- Assist courts with answers to public inquiries about cases and court processes by expanding the use of court-based kiosks and web-based information systems;
- Post public record documents on accessible court websites;
- Provide education and assistance to the judiciary and the courts on appropriate use of social media such as Facebook, Twitter, blogs, etc.;
- Provide training on ethics and related issues to the judiciary and staff;
- Provide judges, especially chief judges, regular training in management and administration;
- Expand use of distance learning (webinars, videos, etc.) to provide additional training options;
- Provide more specialized training for the judiciary in advanced topics such as the sciences, taxation, etc.;
- Provide more information for the public on court activities, proceedings, etc., on court websites.

Please rate the following statements as they relate to the use and expansion of court-related programs.

- Enhance the availability and use of Alternative Dispute Resolution (ADR) including: mandatory ADR in certain case types, prior to moving to trial, as well as greater availability of ADR in cases where it is not mandatory;
- Permit trained paralegals and other nonattorneys to assist self-represented litigants with certain limited case types or court actions without being engaged in the unauthorized practice of law;
- Increase court-provided assistance to self-represented litigants (in person by court staff or by computers at the courthouse, through the Internet, Help Centers, etc.);
- Expand the use of accountability and problem-solving courts (i.e., drug courts, mental health courts, DUI courts, domestic violence courts) around the state, especially in areas where no programs exist;
- Expand the use of Guardians Ad Litem, CASAs, etc. to protect the welfare of children, the elderly and those with mental deficiencies involved in the court process;
- Expand the availability and use of Family Law Information Centers that assist self-represented parties and low-income families with various legal needs;
- Explore the role of the court system in minimizing domestic violence (i.e., Temporary Protection Order matters, firearms possession, divorce and family law cases, juvenile delinquency and deprivation cases, etc.);
- Develop a strategy for addressing the needs of the elderly (access to the courts, elder abuse, fraud, nursing home abuse, etc.).

Please rate the following statements as they relate to the possible use of technology in the courts.

- Transition to increased digital recording (recording court proceedings rather than have the record created by a stenographic or voice writer court reporter);
- Move toward Efiling and Eservice for all civil cases;
- Move toward Efiling for Criminal and other non-civil cases;
- Move toward remote public "eaccess" to Civil case orders and filings;
- Move toward remote public "eaccess" to Criminal and other noncivil case orders and filings;
- Allow for electronic payments in all transactions: fines, fees, restitution, and initiating a civil case.;
- Increase use of telephone and video technology for activities such as courtto court conferences, access to certified court interpreters, and mediations;
- Use electronic means to distribute or publish more communications such as court dockets and schedules, notices to jurors, and announcements of special court activities;
- Fully implement electronic signatures for court documents as permitted in the Georgia Electronic Records and Signatures Act;
- Maximize use of the Internet for jury activities (e.g., orientation, juror questionnaires, and payments to jurors);
- Use Internet court forms whenever possible, particularly in areas with a high number of self represented litigants;
- Increase use of telephone and video technology for various in court proceedings, including use of video conferencing for offsite live testimony;
- Require attorneys to maintain email addresses for notification by the courts.

Please rate the following statements as they relate to business process improvements in the courts.

- Make process, rule and statute changes as needed so that traffic violations can be handled as petty offenses, civil or administrative proceedings;
- Create uniformity across ALL courts in terms of how self represented litigants access the courts including the availability and use of forms, interpreter services, access to counsel, etc.;
- Examine statewide court administration organization, practices, and resources to ensure accountability, transparency, and customer focused service delivery;
- Encourage greater number and availability of qualified interpreters for Spanish and other languages;
- Develop procedures for the use of remote interpretation by qualified interpreters for persons with Limited English Proficiency to have meaningful access to the courts;
- Expand services provided to persons with Limited English Proficiency so as to have meaningful access to all court services, including language access services, provided by the court;
- Adopt commonly accepted time standards for cases in Georgia (time to disposition, etc.) such as those adopted by the American Bar Association and Conference of State Court Administrators;
- Improve security in courthouse and judicial complexes to ensure that they meet minimum safety standards;
- Review the use of court reporters and the methods for producing a true and accurate record of court and for producing an accurate and timely transcript of court proceedings in the digital age;
- Adopt statewide reporting and accountability for various benchmarks of performance based on systems like Cour-Tools (case aging, pending caseload, etc.);
- Develop case assignment tracks to separate routine cases from complex cases to speed disposition (sometimes called differentiated case management).

Appendix B

Please rate the following statements as they relate to opportunities to improve funding for the courts.

- Improve collections of fines and fees in courts by changing existing assessment and collection processes, perhaps including regional or centralized collections;
- Encourage the court system to make budget requests based solely upon demonstrated need supported by appropriate business justification, including the use of workload assessment models and the application of appropriate performance measures;
- Allow the court system to have the authority to allocate resources with a minimum of legislative and executive branch controls including budgets that have a minimal number of line items;
- Fund the courts so that cases can be resolved in accordance with recognized time standards by judges and court staff functioning in accordance with adopted workload standards;
- Establish additional revenue generating fees for Civil cases;
- Establish additional revenue generating fees for Criminal and other Non Civil cases;
- Ensure that courts have facilities that are safe, secure and accessible and which are designed, built and maintained according to adopted courthouse facilities guidelines;
- Pay judges in all courts an equitable pay scale sufficient to attract and retain highly qualified and competent judicial officers;
- Provide funding for technologies in the courts comparable to those used in other governmental agencies and private businesses;
- Encourage courts in funding the implementation and administration of remote e filing and public e-access that charge minimal, cost based user fees for Civil cases;
- Encourage courts in funding the implementation and administration of remote e filing and public e-access that charge minimal, cost based user fees for Criminal and other Non Civil cases;
- Ensure that courts are funded at a level that allows their core dispute resolution functions to be resolved by using the least costly and most effective method applying the appropriate dispositional alternative;
- Promote a funding system in which fees are secondary to the local or state general funds as a means of producing revenue for the courts and that the level of fees does not deny reasonable access to dispute resolution services provided by the courts;
- Require that the state, rather than the counties, provide more of the cost of continuing education for the judges of ALL levels of courts.



STATE BAR OF GEORGIA

COMBINED FINANCIAL STATEMENTS

Years Ended June 30, 2013 and 2012

(With Report of Independent Auditor Thereon)

STATE BAR OF GEORGIA
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Report of Independent Auditor

The Board of Governors
State Bar of Georgia

Report on the Financial Statements

We have audited the accompanying combined financial statements of the State Bar of Georgia and related entity (collectively the "State Bar"), which comprise the combined statements of financial position as of June 30, 2013 and 2012, and the related combined statements of activities and cash flows for the years then ended, and the related notes to the combined financial statements.

Management's Responsibility for the Combined Financial Statements

Management is responsible for the preparation and fair presentation of these combined financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of combined financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these combined financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the combined financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the combined financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the combined financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the State Bar's preparation and fair presentation of the combined financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the State Bar's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the combined financial statements referred to above present fairly, in all material respects, the financial position of State Bar as of June 30, 2013 and 2012, and the changes in its net assets and cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.



Atlanta, Georgia
December 17, 2013

STATE BAR OF GEORGIA
COMBINED STATEMENTS OF FINANCIAL POSITION

JUNE 30, 2013 AND 2012

	<u>2013</u>	<u>2012</u>
ASSETS		
Cash and cash equivalents	\$ 18,460,801	\$ 14,975,166
Accounts receivable	84,334	24,090
Receivable from related parties	78,748	50,275
Receivable from employees	39,904	41,677
Accrued interest receivable	11,778	21,046
Prepaid and other assets	353,105	320,641
Investments, at fair value	7,573,305	9,003,881
Bar Center building, furniture, fixtures, and equipment, at cost, less accumulated depreciation	15,178,539	15,861,633
Furniture, fixtures, and equipment, at cost, less accumulated depreciation	916,510	953,734
Total assets	<u>\$ 42,697,024</u>	<u>\$ 41,252,143</u>
LIABILITIES AND NET ASSETS		
Liabilities:		
Accounts payable	\$ 1,172,389	\$ 894,681
Employee benefits payable	667,557	672,643
Payable to Client Security Fund	2,321,351	2,381,222
Payable to Commission on Continuing Lawyer Competency	40,125	83,673
Accrued vacation	450,954	392,880
Deferred income - dues and sections	7,804,919	6,640,397
Other deferred income	162,172	119,593
Total liabilities	<u>12,619,467</u>	<u>11,185,089</u>
Net assets:		
Unrestricted:		
Undesignated	4,372,327	5,064,996
Board-designated (See Note 8)	24,219,620	23,664,832
Total unrestricted	<u>28,591,947</u>	<u>28,729,828</u>
Temporarily restricted	1,485,610	1,337,226
Total net assets	<u>30,077,557</u>	<u>30,067,054</u>
Total liabilities and net assets	<u>\$ 42,697,024</u>	<u>\$ 41,252,143</u>

See accompanying notes to the combined financial statements.

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STATE BAR OF GEORGIA
COMBINED STATEMENT OF ACTIVITIES

YEAR ENDED JUNE 30, 2013

	Unrestricted			Total
	Undesignated	Board-Designated	Temporarily Restricted	
Revenue and other support:				
Fees:				
License	\$ 9,772,239	\$ -	\$ -	\$ 9,772,239
Advertising	130,841	-	-	130,841
Membership	252,275	-	-	252,275
Total fees	<u>10,155,355</u>	<u>-</u>	<u>-</u>	<u>10,155,355</u>
Contributions	-	1,302,181	1,032,449	2,334,630
Section dues	-	643,177	-	643,177
Convention and meeting fees	-	325,796	-	325,796
Law Practice Management fees	22,228	-	-	22,228
Younger Lawyers Division fees	13,458	-	-	13,458
High School Mock Trial fees	57,513	-	-	57,513
Assessment income	-	282,466	-	282,466
Investment income	52,005	14,448	6,941	73,394
Rental income	-	1,111,316	-	1,111,316
Other	76,426	314,347	-	390,773
Total other revenue	<u>221,630</u>	<u>3,993,731</u>	<u>1,039,390</u>	<u>5,254,751</u>
Net assets released from restrictions	-	891,006	(891,006)	-
Total revenue and other support	<u>10,376,985</u>	<u>4,884,737</u>	<u>148,384</u>	<u>15,410,106</u>
Expenses:				
Program expenses:				
Counsel	3,168,594	-	-	3,168,594
Communications	770,449	-	-	770,449
Section	-	633,601	-	633,601
Conventions and meetings	-	355,571	-	355,571
Membership	467,484	-	-	467,484
Consumer Assistance Program	497,392	-	-	497,392
Unauthorized Practice of Law	710,358	-	-	710,358
Younger Lawyers	400,424	80,547	-	480,971
Fee Arbitration	325,647	-	-	325,647
Legislative	-	531,995	-	531,995
Law Practice Management	396,203	-	-	396,203
Mock Trial	166,591	143	-	166,734
Meetings	227,907	-	-	227,907
SBG Foundation	-	19,985	-	19,985
Law-Related Education	220,633	34,693	-	255,326
Pro Bono	205,787	-	-	205,787
Board of Governors	130,388	-	-	130,388
Lawyers' Assistance Program	38,850	-	-	38,850
Georgia Diversity Program	-	65,261	-	65,261
Standards of the Profession	183,037	-	-	183,037
Basics Program	140,000	141,618	-	281,618
Resource Center	106,989	-	-	106,989
Military/Veterans Pro Bono	92,686	-	-	92,686
Other	26,297	16,765	-	43,062
Total program expenses	<u>8,275,716</u>	<u>1,880,179</u>	<u>-</u>	<u>10,155,895</u>
Management and general	2,043,938	3,199,770	-	5,243,708
Total expenses	<u>10,319,654</u>	<u>5,079,949</u>	<u>-</u>	<u>15,399,603</u>
Other Changes in Net Assets - Transfer	(750,000)	750,000	-	-
Change in net assets	(692,669)	554,788	148,384	10,503
Net assets, beginning of year	5,064,996	23,664,832	1,337,226	30,067,054
Net assets, end of year	<u>\$ 4,372,327</u>	<u>\$ 24,219,620</u>	<u>\$ 1,485,610</u>	<u>\$ 30,077,557</u>

See accompanying notes to the combined financial statements.

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STATE BAR OF GEORGIA
COMBINED STATEMENT OF ACTIVITIES

YEAR ENDED JUNE 30, 2012

	Unrestricted			Total
	Undesignated	Board- Designated	Temporarily Restricted	
Revenue and other support:				
Fees:				
License	\$ 9,450,914	\$ -	\$ -	\$ 9,450,914
Advertising	139,571	-	-	139,571
Membership	229,376	-	-	229,376
Total fees	<u>9,819,861</u>	<u>-</u>	<u>-</u>	<u>9,819,861</u>
Contributions	-	1,238,988	1,179,975	2,418,963
Section dues	-	618,030	-	618,030
Convention and meeting fees	-	329,167	-	329,167
Assessment income	-	282,211	-	282,211
Investment income	51,243	16,512	8,713	76,468
Rental income	-	1,108,754	-	1,108,754
Other	97,800	300,901	-	398,701
Total other revenue	<u>149,043</u>	<u>3,894,563</u>	<u>1,188,688</u>	<u>5,232,294</u>
Net assets released from restrictions	-	1,010,866	(1,010,866)	-
Total revenue and other support	<u>9,968,904</u>	<u>4,905,429</u>	<u>177,822</u>	<u>15,052,155</u>
Expenses:				
Program expenses:				
Counsel	2,998,248	-	-	2,998,248
Communications	719,031	-	-	719,031
Section	-	573,711	-	573,711
Conventions and meetings	-	381,652	-	381,652
Membership	451,647	-	-	451,647
Consumer Assistance Program	472,559	-	-	472,559
Unauthorized Practice of Law	739,882	-	-	739,882
Younger Lawyers	415,824	110,406	-	526,230
Fee Arbitration	308,886	-	-	308,886
Legislative	-	392,803	-	392,803
Law Practice Management	386,183	-	-	386,183
Mock Trial	72,185	168,031	-	240,216
Meetings	216,508	-	-	216,508
SBG Foundation	-	69,195	-	69,195
Law-Related Education	207,069	39,184	-	246,253
Pro Bono	182,278	-	-	182,278
Board of Governors	134,615	-	-	134,615
Lawyers' Assistance Program	37,000	-	-	37,000
Georgia Diversity Program	-	68,134	-	68,134
Standards of the Profession	184,909	-	-	184,909
Basics Program	140,000	142,931	-	282,931
Resource Center	103,122	-	-	103,122
Military/Veterans Pro Bono	93,313	-	-	93,313
Other	24,410	20,182	-	44,592
Total program expenses	<u>7,887,669</u>	<u>1,966,229</u>	<u>-</u>	<u>9,853,898</u>
Management and general	1,921,529	3,173,798	-	5,095,327
Total expenses	<u>9,809,198</u>	<u>5,140,027</u>	<u>-</u>	<u>14,949,225</u>
Change in net assets	159,706	(234,598)	177,822	102,930
Net assets, beginning of year	4,905,290	23,899,430	1,159,404	29,964,124
Net assets, end of year	<u>\$ 5,064,996</u>	<u>\$ 23,664,832</u>	<u>\$ 1,337,226</u>	<u>\$ 30,067,054</u>

See accompanying notes to the combined financial statements.

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STATE BAR OF GEORGIA
COMBINED STATEMENTS OF CASH FLOWS

YEARS ENDED JUNE 30, 2013 AND 2012

	<u>2013</u>	<u>2012</u>
Cash flows from operating activities:		
Change in net assets	\$ 10,503	\$ 102,930
Adjustments to reconcile change in net assets to net cash provided by operating activities:		
Depreciation and amortization	1,467,628	1,439,734
Unrealized loss on investments	13,576	41,894
Loss on disposal of fixed assets	918	305
Decrease (increase) in accounts receivable	(60,244)	16,936
Decrease (increase) in receivables from related parties	(28,473)	47,445
(Increase) decrease in receivables from employees	1,773	(150)
Decrease in accrued interest receivable	9,268	2,102
Increase in prepaid and other assets	(32,463)	(107,198)
Increase in accounts payable	277,708	71,329
Decrease in employee benefits payable	(5,086)	(100,755)
Increase (decrease) in payables to related parties	(43,548)	16,778
Increase in accrued vacation	58,074	34,670
(Decrease) increase in deferred income - dues and sections	1,164,522	(278,846)
(Decrease) increase in other deferred income	42,579	(12,950)
Increase (decrease) in payable to Client Security Fund	(59,871)	26,365
Net cash provided by operating activities	<u>2,816,864</u>	<u>1,300,589</u>
Cash flows from investing activities:		
Purchase of building improvements, furniture, fixtures, and equipment	(748,229)	(399,637)
Purchase of investments	(7,915,000)	(6,421,000)
Proceeds from sale and maturity of investments	9,332,000	4,206,000
Net cash (used in) provided by investing activities	<u>668,771</u>	<u>(2,614,637)</u>
Net increase (decrease) in cash and cash equivalents	3,485,635	(1,314,048)
Cash and cash equivalents at beginning of year	<u>14,975,166</u>	<u>16,289,214</u>
Cash and cash equivalents at end of year	<u>\$ 18,460,801</u>	<u>\$ 14,975,166</u>

See accompanying notes to the combined financial statements.

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STATE BAR OF GEORGIA
NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 1 – Summary of significant accounting policies

Description of Business – The State Bar of Georgia is a membership organization of attorneys in the state of Georgia that performs as a society and regulatory agency for its membership. The State Bar of Georgia Foundation, Inc. is a foundation that supports the charitable and educational activities of the State Bar of Georgia. The combined financial statements include the State Bar of Georgia and the State Bar of Georgia Foundation, Inc., hereinafter collectively referred to as the “State Bar.”

Accrual Basis – The financial statements of the State Bar have been prepared on the accrual basis of accounting. Under this method of accounting, revenues are recognized when earned, and expenses are recognized when incurred.

Basis of Presentation – The State Bar’s net assets and revenue, expenses, gains, and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the State Bar and changes therein are classified and reported as unrestricted and temporarily restricted.

Unrestricted net assets include amounts that are not subject to donor-imposed stipulations that are used to account for resources available to carry out the purposes of the State Bar in accordance with its charter and bylaws. The principal sources of unrestricted funds are membership fees and dues. The State Bar’s governing board has designated certain unrestricted net assets to be held for specific purposes as indicated in the combined statements of financial position.

Temporarily restricted net assets are those resources currently available for use but expendable only for purposes specified by the donor or grantor and may or will be met by the action of the State Bar and/or the passage of time. Such resources originate from grants and contributions restricted for specific purposes or a specific future time frame. When a donor or grantor restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the combined statements of activities as net assets released from restrictions.

Revenue is reported as increases in unrestricted net assets unless use of the related assets is limited by donor-imposed restrictions. Expenses are reported as decreases in unrestricted net assets. Gains and losses on investments and other assets or liabilities are reported as increases or decreases in unrestricted net assets unless their use is restricted by explicit donor stipulation or by law. Expirations of temporary restrictions on net assets (i.e., the donor-stipulated purpose has been fulfilled and/or the stipulated time period has elapsed) are reported as reclassifications between the applicable classes of net assets.

Cash and Cash Equivalents – For purposes of the combined statements of cash flows, the State Bar considers all highly liquid debt instruments with original maturities of three months or less to be cash equivalents. Cash equivalents were \$15,618,804 and \$12,022,633 at June 30, 2013 and 2012, respectively, consisting of money market funds. These funds are not insured.

At June 30, 2013 and 2012, in addition to the money market deposits above, the State Bar maintained bank deposits in excess of federally insured limits of \$2,369,011 and \$0, respectively. The Federal Deposit Insurance Commission’s (“FDIC”) Transaction Account Guarantee program fully guaranteed the State Bar’s checking accounts through December 31, 2012 but lapsed after that date.

Investments – All investments are reported in the combined statements of financial position at fair market value. In addition, both realized and unrealized gains and losses are included in the combined statements of activities. The State Bar has adopted an investment policy.

STATE BAR OF GEORGIA
NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 1 – Summary of significant accounting policies (continued)

Fair Value of Financial Instruments – The State Bar has estimated the fair values of its financial instruments using available market information and other valuation methodologies in accordance with accounting principles generally accepted in the United States of America (“generally accepted accounting principles”). Accordingly, the estimates presented are not necessarily indicative of the amounts that the State Bar could realize in a current market exchange. Determinations of fair value are based on subjective data and significant judgment related to timing of payments and collection of the amounts to be realized. Different market assumptions and/or estimation methodologies might have a material effect on the estimated fair value amounts.

The carrying value of financial instruments such as cash and cash equivalents, other receivables, due to/from related organizations, accounts payable, and accruals approximate fair value because of the terms and relative short maturity of the financial instruments. The State Bar believes the carrying values of its financial instruments are reasonable estimates of their values, unless otherwise noted.

The fair value hierarchy for inputs used in measuring fair value maximizes the use of observable inputs and minimizes the use of unobservable inputs by requiring that the most observable inputs be used when available. Observable inputs are those that market participants would use in pricing the asset or liability based on market data obtained from sources independent of the State Bar. Unobservable inputs reflect the State Bar’s assumption about the inputs market participants would use in pricing the asset or liability developed based on the best information available in the circumstances.

The fair value hierarchy is classified in one of the following three levels based on the inputs:

Level 1: Financial instruments with unadjusted, quoted prices listed on active market exchanges.

Level 2: Financial instruments valued using inputs that include quoted prices for similar assets and liabilities in active markets, and inputs that are observable for the asset or liability, either directly or indirectly, for substantially the full term of the financial instrument.

Level 3: Financial instruments that are not actively traded on a market exchange and require using significant unobservable inputs in determining fair value.

Building, Furniture, Fixtures, and Equipment – Additions to building, furniture, fixtures, and equipment in excess of \$1,000 are capitalized. Building, furniture, fixtures, and equipment are carried at cost. Depreciation expense is computed based on the estimated useful lives of the respective assets using the straight-line method of depreciation. The estimated useful lives range from three to twenty-seven and a half years.

Accounts Receivables – Accounts receivables are presented at face value with no allowance for doubtful accounts. An allowance for doubtful accounts is not considered necessary since all receivables are considered collectible by management.

Revenue Recognition – Membership dues, annual license fees and Bar Center assessments are recorded as revenue in the applicable year when received. Any amounts collected prior to and including June 30 applicable to the subsequent year’s membership dues and assessments are recorded as deferred income in the statements of financial position. Annual license fee and Bar Center assessment notices for the fiscal years ending June 30, 2013 and 2012 were sent out in April 2013 and May 2012, respectively.

STATE BAR OF GEORGIA
NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 1 – Summary of significant accounting policies (continued)

Functional Allocation of Expenses – The costs of providing the various programs and other activities have been summarized on a functional basis in the combined statements of activities. Accordingly, certain costs have been allocated among the programs and supporting services benefited.

Use of Estimates by Management – The preparation of the combined financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the combined financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Income Taxes – The State Bar was established as an instrumentality of the state of Georgia, and its income is therefore exempt from income tax under Internal Revenue Code Section 115, per the Internal Revenue Service determination letter dated May 11, 1965. Under Section 115, net income from an activity other than an essential governmental function can be subject to taxation. In management’s opinion, the State Bar did not have any such net income during the years ended June 30, 2013 and 2012.

The State Bar has evaluated the effect of generally accepted accounting principles guidance for Accounting for Uncertainty in Income Taxes. Management believes that the State Bar continues to satisfy the requirements of a tax-exempt organization and therefore had no uncertain income tax positions at June 30, 2013 and 2012.

Note 2 – Membership

Membership in the State Bar totaled 45,532 and 44,264 at June 30, 2013 and 2012, respectively.

Note 3 – Investments

Investments are carried at fair market value. At both June 30, 2013 and 2012, the State Bar’s portfolio consisted of fully-insured bank certificates of deposit (CDs). The CDs were valued by Merrill Lynch using a valuation model that incorporates credit risk and current market interest rates on the yield curve. Therefore, the valuation is considered a Level 2 valuation (see note 1 above).

Proceeds from the sale of investments may be used in the operations of the State Bar.

Investments, at fair value, and total investment income are summarized as follows:

	<u>2013</u>	<u>2012</u>
Certificates of deposit	\$ 7,573,305	\$ 9,003,881
Total investments	<u>\$ 7,573,305</u>	<u>\$ 9,003,881</u>
	<u>2013</u>	<u>2012</u>
Interest and dividends	\$ 85,274	\$ 114,687
Net realized and unrealized losses	(11,880)	(38,219)
Total investment income	<u>\$ 73,394</u>	<u>\$ 76,468</u>

STATE BAR OF GEORGIA
NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 4 – Building, furniture, fixtures, and equipment

The Bar Center building, furniture, fixtures, and equipment are summarized as follows:

	<u>2013</u>	<u>2012</u>
Building and improvements	\$ 26,517,198	\$ 26,173,172
Furniture and office equipment	2,169,136	2,087,641
Computer and electronic equipment	700,688	716,342
	<u>29,387,022</u>	<u>28,977,155</u>
Less accumulated depreciation	<u>(14,208,483)</u>	<u>(13,115,522)</u>
	<u>\$ 15,178,539</u>	<u>\$ 15,861,633</u>

Furniture, fixtures, and equipment other than the Bar Center's consist of the following:

	<u>2013</u>	<u>2012</u>
Furniture and office equipment	\$ 320,484	\$ 314,671
Computer and electronic equipment	490,839	315,306
Leasehold improvements	319,845	319,845
Computer software	943,360	947,830
	<u>2,074,528</u>	<u>1,897,652</u>
Less accumulated depreciation	<u>(1,158,018)</u>	<u>(943,918)</u>
	<u>\$ 916,510</u>	<u>\$ 953,734</u>

Note 5 – Retirement plan

The State Bar has a money purchase pension plan that covers substantially all employees. State Bar contributions to this plan for the years ended June 30, 2013 and 2012 were \$355,968 and \$362,098, respectively.

Note 6 – Leases

Lessor – The State Bar leases office space to both related and non-related parties. Rental income totaled \$1,111,316 and \$1,108,754 in 2013 and 2012, respectively. These amounts included receipts of \$57,708 and \$61,461, respectively, from related parties. Certain of the leases have expiration dates through June 2018 and certain of the leases are renewable annually or cancelable at the request of the lessee. As of June 30, 2013, approximate future minimum annual lease payments for the leases that are not renewable annually or cancelable are as follows:

Fiscal year ending June 30,	2014	\$ 178,151
	2015	57,106
	2016	58,261
	2017	59,409
	2018	<u>51,171</u>
	Total	<u>\$ 404,098</u>

STATE BAR OF GEORGIA
NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 6 – Leases (continued)

Lessee – The State Bar has entered into various non-cancelable operating lease agreements for the rental of photocopiers and mailing equipment. These lease agreements expire on various dates through September 2014.

In addition, the State Bar entered into a lease on November 1, 2008 for its Coastal Georgia office space in Savannah. The lease expired on October 31, 2013 with two five-year options available to renew through 2023. The State Bar renewed the lease under its first option on November 1, 2013, with expiration on October 31, 2018.

The State Bar also renewed its lease at a satellite office in Tifton, Georgia and executed a lease agreement for expanded conference room space which expires on September 30, 2014.

As of June 30, 2013, approximate future minimum annual lease payments for these leases are as follows:

Fiscal year ending June 30,	2014	\$	99,253
	2015		42,637
	2016		41,329
	2017		42,569
	2018		43,846
	Thereafter		14,758
	Total	\$	<u>284,392</u>

Rental expense charged to operations amounted to approximately \$126,330 and \$130,950 for the years ended June 30, 2013 and 2012, respectively.

Note 7 – Related-party transactions

The Commission on Continuing Lawyer Competency contributed \$1,302,181 and \$1,221,288 to the State Bar in 2013 and 2012, respectively. These amounts represent approximately 8% of the total amount of State Bar's revenue and other support in both 2013 and 2012.

The State Bar was also reimbursed by related organizations for their share of salary and operating expenses during 2013 and 2012 as follows:

	<u>2013</u>	<u>2012</u>
Commission on Continuing Lawyer Competency	\$ 605,068	\$ 592,461
Chief Justice's Commission on Professionalism	238,816	328,558
Georgia Bar Foundation, Inc.	70,710	71,709
Lawyers' Foundation	-	166
	<u>\$ 914,594</u>	<u>\$ 992,894</u>

STATE BAR OF GEORGIA
NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 7 – Related-party transactions (continued)

The following represents a summary of amounts due from related parties at June 30:

	<u>2013</u>	<u>2012</u>
Chief Justice's Commission on Professionalism	\$ 54,776	\$ 34,562
Georgia Bar Foundation, Inc.	23,972	15,713
	<u>\$ 78,748</u>	<u>\$ 50,275</u>

The State Bar had a payable of \$40,125 and \$83,673 to the Commission on Continuing Lawyer Competency at June 30, 2013 and 2012, respectively.

Note 8 – Board-designated net assets

The State Bar has Board-designated net assets available for the following purposes at June 30, 2013 and 2012:

	<u>2013</u>	<u>2012</u>
Bar Center	\$ 17,562,254	\$ 17,830,747
General operations	4,750,000	4,000,000
Litigation	250,000	250,000
Sections	1,623,204	1,520,146
Conventions	34,162	63,939
	<u>\$ 24,219,620</u>	<u>\$ 23,664,832</u>

Bar Center net assets primarily consist of the net depreciated cost of the Bar Center building, building improvements, and related Conference Center furniture and equipment.

STATE BAR OF GEORGIA
NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 9 – Temporarily restricted net assets

Net assets were released from donor restrictions in 2013 and 2012 by incurring expenses satisfying the restricted purposes or by occurrence of other events specified by donors as follows:

<u>Purpose Restrictions Accomplished</u>	<u>2013</u>	<u>2012</u>
Legislative	\$ 531,995	\$ 392,803
Basics Program	141,618	142,931
Younger Lawyers	80,547	110,406
Georgia Diversity Program	65,261	68,134
Law-Related Education	34,693	39,184
State Bar of Georgia Foundation	19,985	69,195
Access to Justice	13,607	4,492
Women in Minorities	1,188	14,622
Bar Media Conference	1,698	1,068
Law Day	271	-
High School Mock Trial	143	168,031
	<u>\$ 891,006</u>	<u>\$ 1,010,866</u>

Temporarily restricted net assets at June 30, 2013 and 2012 were available for the following purposes:

	<u>2013</u>	<u>2012</u>
Legislative	\$ 972,111	\$ 814,187
Law-Related Education / Marshall Fund	295,266	314,596
High School Mock Trial	73,229	57,742
Basics Program	35,976	37,192
Younger Lawyers	27,549	31,873
Lawyers Assistance	20,603	20,525
Georgia Diversity Program	18,855	24,425
Bar Media Conference	16,496	13,641
Evidence Study	7,463	7,434
Law Day	6,346	-
Access to Justice	5,719	9,272
Women and Minorities	4,362	3,139
State Bar of Georgia Foundation	1,633	3,200
	<u>\$ 1,485,609</u>	<u>\$ 1,337,226</u>

Note 10 – Contingencies

The State Bar is subject to various suits and proceedings arising in the ordinary conduct of its affairs and has been named as a defendant in several lawsuits. In the opinion of the Office of the General Counsel, all suits and actions now pending or likely to be filed will be resolved without material adverse effect on the financial position of the State Bar.

STATE BAR OF GEORGIA
NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 11 – Subsequent events

Management of the State Bar has evaluated subsequent events through December 17, 2013, in connection with the preparation of these combined financial statements, which is the date the combined financial statements were available to be issued.

State Bar and the Georgia Department of Transportation (“GDOT”) executed a settlement on August 30, 2013 regarding the Spring Street Viaduct Project (“Project”). The Project will impact the operation of the side entrance of the State Bar parking deck. State Bar will receive a payment of \$248,775 in accord with the settlement, which addressed GDOT’s acquisition of permanent air rights and a temporary construction easement on State Bar property, among other provisions. In addition, per the settlement, State Bar may receive contingent payments of \$5,000 per month if the Project’s construction period exceeds two years.



**COMMISSION ON CONTINUING
LAWYER COMPETENCY**

FINANCIAL STATEMENTS

Years Ended June 30, 2013 and 2012

(With Report of Independent Auditor Thereon)

COMMISSION ON CONTINUING LAWYER COMPETENCY

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Report of Independent Auditor

The Members of the Commission
Commission on Continuing Lawyer Competency

Report on the Financial Statements

We have audited the accompanying financial statements of the Commission on Continuing Lawyer Competency (the "Commission"), which comprise the statements of assets, liabilities, and net assets—modified cash basis as of June 30, 2013 and 2012 and the statements of support, revenues, and expenses—modified cash basis and cash flows—modified cash basis for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the cash basis of accounting described in Note 1; this includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Commission's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets, liabilities, and net assets of the Commission as of June 30, 2013 and 2012, and its support, revenues, and expenses and cash flows for the years then ended in accordance with the basis of accounting as described in Note 1.

Basis of Accounting

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the modified cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to that matter.

A rectangular box containing a handwritten signature in cursive script that reads "Cheryl Be". The background of the box has a vertical line pattern.

Atlanta, Georgia
December 17, 2013

COMMISSION ON CONTINUING LAWYER COMPETENCY
STATEMENTS OF ASSETS, LIABILITIES, AND NET ASSETS – MODIFIED CASH BASIS

JUNE 30, 2013 AND 2012

	<u>2013</u>	<u>2012</u>
ASSETS		
Cash and cash equivalents	\$ 3,631,104	\$ 3,050,249
Receivable from the State Bar of Georgia	40,125	83,673
Furniture, fixtures, and equipment, net	40,816	50,486
Total assets	<u>\$ 3,712,045</u>	<u>\$ 3,184,408</u>
 LIABILITIES AND NET ASSETS		
Net assets:		
Unrestricted	\$ 3,712,045	\$ 3,184,408
Total liabilities and net assets	<u>\$ 3,712,045</u>	<u>\$ 3,184,408</u>

See accompanying notes to the financial statements.

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COMMISSION ON CONTINUING LAWYER COMPETENCY
STATEMENTS OF SUPPORT, REVENUES, AND EXPENSES – MODIFIED CASH BASIS

YEARS ENDED JUNE 30, 2013 AND 2012

	<u>2013</u>	<u>2012</u>
Changes in unrestricted net assets:		
Revenue and other support:		
Sponsor fees	\$ 1,595,834	\$ 1,501,814
Attorney fees	351,805	325,532
Late penalties	494,146	451,643
Interest income	1,405	1,189
Miscellaneous income	-	598
Total revenue and other support	<u>2,443,190</u>	<u>2,280,776</u>
Expenses:		
Program:		
Contributions to State Bar	1,302,181	1,231,288
Personnel expenses	351,389	281,425
Allocated office expenses	82,007	80,782
Data processing	8,800	13,802
Postage	10,057	11,101
Depreciation	12,030	11,417
Credit card and banking fees	12,784	6,466
Audit	3,000	3,000
Other miscellaneous expenses	3,329	4,236
Total program	<u>1,785,577</u>	<u>1,643,517</u>
Management and general	<u>129,976</u>	<u>124,746</u>
Total expenses	<u>1,915,553</u>	<u>1,768,263</u>
Change in unrestricted net assets	527,637	512,513
Net assets, beginning of year	<u>3,184,408</u>	<u>2,671,895</u>
Net assets, end of year	<u>\$ 3,712,045</u>	<u>\$ 3,184,408</u>

See accompanying notes to the financial statements.

COMMISSION ON CONTINUING LAWYER COMPETENCY
STATEMENTS OF CASH FLOWS – MODIFIED CASH BASIS

YEARS ENDED JUNE 30, 2013 AND 2012

	<u>2013</u>	<u>2012</u>
Cash flows from operating activities:		
Change in net assets	\$ 527,637	\$ 512,513
Adjustments to reconcile change in net assets to net cash provided by operating activities:		
Depreciation	12,030	11,417
Decrease (increase) in receivable from the State Bar of Georgia	43,548	(16,878)
Net cash provided by operating activities	<u>583,215</u>	<u>507,052</u>
Cash flows from investing activity:		
Purchase of furniture, fixtures, and equipment	<u>(2,360)</u>	<u>(4,392)</u>
Net increase in cash and cash equivalents	580,855	502,660
Cash and cash equivalents at beginning of year	<u>3,050,249</u>	<u>2,547,589</u>
Cash and cash equivalents at end of year	<u>\$ 3,631,104</u>	<u>\$ 3,050,249</u>

See accompanying notes to the financial statements.

4

COMMISSION ON CONTINUING LAWYER COMPETENCY

NOTES TO THE FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 1 – Summary of significant accounting policies

Organization – The Commission on Continuing Lawyer Competency (the “Commission”) was established by rule of the Supreme Court of Georgia as a permanent commission of the State Bar of Georgia (the “State Bar”). Its purpose is to administer the minimum continuing legal education requirements of attorneys and to otherwise assist the public by helping attorneys to maintain their professional competence throughout their active practice of law.

Basis of Presentation – The financial statements of the Commission have been prepared on the modified cash basis of accounting. Consequently, with certain exceptions, revenue is recognized when received, and expenses are recorded when paid. The Commission has elected to modify the cash basis of accounting to report the capitalization and depreciation of furniture, fixtures, and equipment and to recognize amounts paid by the State Bar on behalf of the Commission as loans in the period advanced. The Commission’s largest revenue source, which is sponsor fees, is recorded when received.

Net assets and revenue, expenses, gains, and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the Commission and changes therein are classified and reported as unrestricted. Unrestricted net assets are not subject to donor-imposed restrictions.

Cash and Cash Equivalents – For purposes of the statements of cash flows – modified cash basis, the Commission considers all highly liquid debt instruments with original maturities of three months or less to be cash equivalents. Cash equivalents of \$1,931,931 and \$1,422,007 at June 30, 2013 and 2012, respectively, consist of money market funds.

At June 30, 2013 and 2012, in addition to money market deposits above, the Commission maintained no bank deposits in excess of federally insured limits. The Federal Deposit Insurance Corporation (“FDIC”) covers \$250,000 for substantially all deposit accounts. Starting January 1, 2013, the FDIC will no longer fully insure deposits in non-interest bearing transaction accounts and the coverage will revert to \$250,000. Cash balances may at times exceed federally insured limits.

Furniture, Fixtures, and Equipment – Additions to furniture, fixtures, and equipment in excess of \$1,000 are capitalized. Furniture, fixtures, and equipment are carried at cost. Depreciation expense is computed based on the estimated useful lives of the respective assets using the straight-line method of depreciation. The estimated useful lives range from three to ten years.

Income Taxes – The Commission is exempt from income taxes under Section 115 of the Internal Revenue Code as a commission of the State Bar.

Functional Allocation of Expenses – The costs of providing the various programs and other activities have been summarized on a functional basis in the statements of support, revenue, and expenses—modified cash basis. Accordingly, certain costs have been allocated among the programs and supporting services benefited.

Use of Estimates – Management of the Commission has made certain estimates and assumptions to prepare the financial statements in conformity with the modified cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Actual results could differ from those estimates.

COMMISSION ON CONTINUING LAWYER COMPETENCY

NOTES TO THE FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2013 AND 2012

Note 1 – Summary of significant accounting policies (continued)

Subsequent Events – Management of the Commission has evaluated subsequent events through December 17, 2013, in connection with the preparation of these financial statements, which is the date the financial statements were available to be issued.

Note 2 – Furniture, fixtures, and equipment

Furniture, fixtures, and equipment are summarized as follows at June 30, 2013 and 2012:

	<u>2013</u>	<u>2012</u>
Furniture and equipment	\$ 8,211	\$ 8,211
Computers and electronics	6,589	10,805
Computer software	<u>86,343</u>	<u>86,343</u>
	101,143	105,359
Less accumulated depreciation	<u>(60,327)</u>	<u>(54,873)</u>
	<u>\$ 40,816</u>	<u>\$ 50,486</u>

Note 3 – Related-party transactions

The Commission reimburses the State Bar for its share of expenses paid by the State Bar, which were \$605,068 in 2013 and \$592,561 in 2012. At June 30, 2013 and 2012, \$40,125 and \$83,673 were receivable from the State Bar, respectively. The Commission contributed \$1,302,181 and \$1,231,288 to the State Bar in 2013 and 2012, respectively.

The Executive Director of the Commission is also the Executive Director of the State Bar.

Note 4 – Retirement plan

The employees of the Commission participate in the State Bar's money purchase pension plan. The contributions to this plan for the years ended June 30, 2013 and 2012 were \$21,210 and \$21,317, respectively.

2/26/14

State Bar of Georgia Revenues and Expenditures as of January 31, 2014

Activity	2013-14 Net Dues	Actual YTD 2013-14			Budget 2013-14	
		# Memb.	Amount	% of Bud	# Memb.	Amount
Active	\$244	36,491	\$8,858,904	99.8%	36,375	\$8,875,500
Inactive	\$122	8,420	\$1,046,084	100.6%	8,525	\$1,040,050
Associates	\$100	19	\$1,850	102.8%	18	\$1,800
Foreign Legal Cnslt	\$244	5	\$1,220	125.0%	4	\$976
Students	\$0	89	\$0	0.0%	100	\$0
Emeritus	\$0	1,365	\$0	0.0%	1,325	\$0
Late Fees			\$228,820	123.7%		\$185,000
Prior Years Dues			\$4,801	96.0%		\$5,000
Total License & Dues		45,024	\$10,141,679	100.3%	45,022	\$10,108,326
Alloc. Section Fees			\$106,665	100.1%		\$106,610
CSF Expense Reimb.			\$42,583	58.3%		\$73,000
Advertising & Sales			\$64,965	51.5%		\$126,200
Membership Income			\$137,917	60.5%		\$228,000
Interest Income			\$20,127	28.8%		\$70,000
Miscellaneous			\$1,581	39.5%		\$4,000
Total Revenue			\$10,515,517	98.1%		\$10,716,136
Total Expenses			\$6,555,441	54.1%		\$12,116,862
Net Gain (Loss)			\$3,960,076			(\$1,400,726)

Board Designated Amounts (Excluding Sections, and Restricted Funds)

Operating Reserve	\$2,750,000
Bar Center Reserve	2,000,000
Litigation Reserve	250,000
Total	\$5,000,000
Surplus (Cash Basis)	
6/30/13	\$6,793,271
Projected 6/30/14	\$6,867,128

February 26, 2014

State Bar of Georgia
Income Statement YTD
For the Seven Months Ending January 31, 2014

	YTD Actual	Annual Budget	Ytd % of Bud
Revenues			
Dues - Active	\$ 8,860,124	\$ 8,875,500	99.83
Dues - Inactive	1,046,084	1,040,050	100.58
Dues - Misc. Types	1,850	2,776	66.64
Dues - Late Fees	233,621	190,000	122.96
	<hr/>	<hr/>	
Total Dues & Licenses	10,141,679	10,108,326	100.33
Section Expense Reimb.	106,665	106,610	100.05
CSF Expense Reimb.	42,583	73,000	58.33
Advertising and Sales	64,965	126,200	51.48
Membership Income	137,917	228,000	60.49
Savannah Misc Income	350	0	0.00
Interest Income	20,127	70,000	28.75
Miscellaneous Revenues	1,231	4,000	30.78
	<hr/>	<hr/>	
Total Revenues	10,515,517	10,716,136	98.13
Expenses			
Administration	1,094,138	1,993,411	54.89
Management Info Systems	231,748	409,781	56.55
General Counsel	1,927,238	3,426,666	56.24
Consumer Assistance Pgm.	307,362	530,832	57.90
Communications	601,875	1,295,853	46.45
Fee Arbitration	233,376	438,010	53.28
Law Related Education	134,498	238,288	56.44
Law Practice Management	227,275	410,219	55.40
Coastal Georgia Office	108,613	187,361	57.97
South Georgia Office	90,612	180,560	50.18
Younger Lawyers Division	230,872	440,400	52.42
Unauthorized Practice of Law	421,540	733,691	57.45
Standards of the Profession	105,404	187,774	56.13
High School Mock Trial	49,462	105,120	47.05
Sections	56,467	106,665	52.94
Lawyer's Assistance Pgm	32,083	55,000	58.33
Pro Bono	121,963	209,080	58.33
Fastcase	102,671	186,000	55.20
Officers' Expenses	72,801	183,271	39.72
Telephone System Project	0	0	0.00
BASICS Program Contribution	140,000	140,000	100.00
Resource Center Contribution	108,701	108,701	100.00
Military/Vets Pro Bono	50,010	100,500	49.76
Other Expenses	106,732	511,505	20.87
	<hr/>	<hr/>	
Total Expenses	6,555,441	12,178,688	53.83
Net Income	\$ 3,960,076	\$ (1,462,552)	(270.76)

State Bar of Georgia
Summary of Selected Payment Information
For the Periods through January 31, 2014, January 31, 2013 and January 31, 2012

Total Number of Members at Apr 30 of prev Bar year (active and inactive)	<u>44,044</u>	<u>42,858</u>	<u>42,271</u>
	Through January 31, 2014	Through January 31, 2013	Through January 31, 2012
Dues			
Active - Number Paid	36,496	35,554	34,584
Inactive - Number Paid	<u>8,420</u>	<u>8,262</u>	<u>8,098</u>
Total Number Paid (Estimated)	<u>44,916</u>	<u>43,816</u>	<u>42,682</u>
Percent Paid	<u>101.98%</u>	<u>102.24%</u>	<u>100.97%</u>
Total Amount Paid - Active and Inactive	<u>9,906,584</u>	<u>9,508,292</u>	<u>9,223,981</u>

Georgia Legal Services

Number Paid (Estimated)	<u>2,219</u>	<u>2,329</u>	<u>2,323</u>
Percent of Total Members Paid as of January 31	<u>4.94%</u>	<u>5.32%</u>	<u>5.44%</u>
Amount Paid	<u>241,152</u>	<u>244,192</u>	<u>240,628</u>
Average Amount Paid	<u>\$ 109</u>	<u>\$ 105</u>	<u>\$ 104</u>

Legislative

Number Paid (Estimated)	<u>7,304</u>	<u>7,381</u>	<u>7,160</u>
Percent of Total Members Paid as of January 31	<u>16.26%</u>	<u>16.85%</u>	<u>16.78%</u>
Amount Paid	<u>688,836</u>	<u>681,698</u>	<u>653,753</u>
Average Amount Paid	<u>\$ 94</u>	<u>\$ 92</u>	<u>\$ 91</u>

Projected 2013-14 Total Amounts Based Upon The Current Participation
Percentages (Note: Participation Usually Decreases For Members Who Pay Later):

Georgia Legal Services	<u>\$ 244,000</u>
Legislative	<u>\$ 692,000</u>

Other Historical Contribution Amounts: (Excludes expenses charged and Pro Bono)	GA Legal Serv	Legislative	
2012 - 2013	<u>\$ 244,707</u>	<u>\$ 685,283</u>	\$100 Contribution
2011 - 2012	<u>\$ 240,678</u>	<u>\$ 656,254</u>	\$100 Contribution
2010 - 2011	<u>\$ 241,772</u>	<u>\$ 657,526</u>	\$100 Contribution
2009 - 2010	<u>\$ 235,276</u>	<u>\$ 650,806</u>	\$100 Contribution
2008 - 2009	<u>\$ 249,480</u>	<u>\$ 660,570</u>	\$100 Contribution
2007 - 2008	<u>\$ 264,255</u>	<u>\$ 1,235,022</u>	\$100 Contribution
2006 - 2007	<u>\$ 295,646</u>	<u>\$ 802,482</u>	\$100 Contribution
2005 - 2006	<u>\$ 751,762</u>	<u>\$ 159,480</u>	\$25 Contribution
2004 - 2005	<u>\$ 170,210</u>	<u>\$ 273,613</u>	\$20 Contribution

State Bar of Georgia
Balance Sheet
January 31, 2014

ASSETS - Current Assets

Total Cash & Short-Term Investments 13,631,284

Investment - Merrill Lynch 8,917,101
Investment - Fidelity 9

Total Long-Term Investments 8,917,110

Accounts Receivable 66,171
Accrued Interest Receivable 12,714
Due from Related Orgs/Emp (96,845)
Prepaid Expenses 610,228
Bar Center Prepaid Expenses 52,943

Total Other Assets 645,211

Total Current Assets 23,193,605

Fixed Assets

Furniture & Equipment 4,944,353
Bar Center 26,517,197
Accum. Depreciation (15,366,501)

Total Fixed Assets 16,095,049

Total Assets \$ 39,288,654

LIABILITIES AND CAPITAL

Accounts Payable \$ 343,199
Other Current Liabilities 653,282
Vacation & Pers Day Accrual 419,158
Due to Client Security Fund 2,441,863
Deferred Income 10,960
C&W - Cushman Accounts Payable 42,574
BC-Accrued Expenses 36,336
C&W - Deferred Rent Income 7,939

Total Current Liabilities 3,955,311

Total Long Term Liabilities 0

Fund Balances - Beg. of Year

Total Fund Balances - Beg. of Year 30,075,924

YTD Activity 5,257,434

Total Liabilities & Capital \$ 39,288,669

2/26/14

**State Bar of Georgia - Bar Center
Revenues and Expenditures - Executive Summary
For the Seven Months Ended January 31, 2014**

Activity	YTD 1/31/14		Budget
	Actual	% Budget	FY 14
Income and Cash Receipts			
CCLC Contribution	\$29,963	2.5%	\$1,200,000
Interest Income	\$1,603	26.7%	\$6,000
Member Assessment	\$273,003	94.1%	\$290,000
Room Rentals and Various Charges	\$12,976	52.0%	\$24,957
Parking Revenues	\$129,181	57.9%	\$223,157
Rental Income	\$686,816	59.3%	\$1,157,797
Operating Budget Transfer	\$331,441	58.3%	\$568,184
GDOT Settlement	\$248,775	0.0%	\$0
Total Income and Cash Receipts	\$1,713,758	49.4%	\$3,470,095
Expenses and Cash Disbursements			
Building Rehabilitation	\$31,843	0.0%	\$25,000
Conference Floor Renovations	\$0	0.0%	\$5,000
Tenant Improvements	\$46,844	936.9%	\$5,000
Sub-Basement Buildout	\$0	0.0%	\$0
Second Floor Attorney Buildout	\$0	0.0%	\$0
Furniture and Equipment	\$669	0.0%	\$0
Design Fees	\$0	0.0%	\$0
Lease Commissions	\$0	0.0%	\$0
Median and Landscaping	\$0	0.0%	\$5,000
Woodrow Wilson Exhibit and Law Museum	\$456	9.1%	\$5,000
President's Conference Room	\$1,001	20.0%	\$5,000
Law Related Education	\$26,250	49.5%	\$53,000
Conference Center Operating Expenses	\$238,346	52.4%	\$454,497
Third Floor Contingency	\$0	0.0%	\$25,000
Building Operating Expenses	\$867,317	50.6%	\$1,713,065
Parking Deck Operating Expenses	\$124,470	54.1%	\$230,172
Legal, Due Diligence and Closing Fees	\$0	0.0%	\$0
Total Expenses and Cash Disbursements	\$1,337,196	52.9%	\$2,525,734
Net Cash Flow	\$376,562		\$944,361
Board Designated Reserves			
Operating	\$2,750,000		
Bar Center	\$2,000,000		
Litigation	\$250,000		
Total	\$5,000,000		
Surplus (Cash Basis)			
6/30/13	<u>\$6,793,271</u>		
Projected 6/30/14	<u>\$6,867,128</u>		



**YLD Report to the
State Bar of Georgia Board of Governors**

**March 22, 2014
Greensboro, GA**

Throughout its 68 year history, the YLD has been known as the “Service Arm of the Bar,” dedicating its efforts to serve both the profession and the public. During the 2013-14 Bar year our dedication to service has continued, this time, though with a focus on “Helping Our Own: Serving Georgia’s Current and Future Young Lawyers.” This is being accomplished with the following five initiatives:

Law School Fellows Program	Page 126-127
Local Affiliate Outreach	Page 128-129
Leadership Academy Expansion.....	Page 130-132
Permanent Funding for PIIP.....	Page 133-135
Legislative Recruitment	Page 136

In addition, we have continued our regular meetings and events, and have continued to be distinguished by our special projects and committees:

Meetings	Page 137
Special Projects	Page 138
Committees and Programs	Page 139-142

1. Law School Fellows Program

It is a little known fact that the YLD Bylaws allow a representative from each of Georgia's five law schools a seat on the YLD Executive Council. Though the YLD has routinely attracted 3L's from several of these schools to participate in YLD programming, we have been unable to create sustained involvement among the students at our law school affiliates from one year to the next.

In an effort to alter this trend, the 2013-14 Bar year has brought with it the implementation of the YLD Law School Fellows Program. With the cooperation of all five of Georgia's law schools, the YLD has created a fellowship for a 2L and 3L at each of these schools. Each 3L this year serves as his or her school's YLD Executive Council Representative, attending at least three of our five business meetings as all other Executive Council members are required to do. Each 2L this year also attends these meetings and will be his or her school's Executive Council representative during the Bar year coinciding with his or her third year of law school. This way the YLD will create the elusive continuity among the law student representatives to the YLD Executive Council.

To enhance the Program, each fellowship features a stipend from the YLD and a matching stipend from the law schools to defray the cost associated with the fellows' attendance at YLD meetings and events.

Update

- All five of Georgia's law schools have now signed-on to participate in this program (updated roster of the Inaugural Class of YLD Law School Fellows is attached).
- Fellows from Emory University, John Marshall Law School, and Mercer University attended the YLD Fall Meeting in Chattanooga, Tennessee (picture below).
- Fellows from Emory University, Georgia State University, John Marshall Law School, and Mercer University attended the YLD Midyear Meeting in Atlanta, Georgia.



Law School Fellows from John Marshall, Emory and Mercer attend the YLD Fall Meeting in Chattanooga.

2013-14 Law Student Fellows Roster

School	2L Fellow	3L Fellow
Emory University	Mark A. Weaver 1121 Glen Way, NE Atlanta, GA 30319 (478) 335-8290 Mark.allen.weaver@emory.edu	Yu-Hsuan "Allen" Chang 10610 Stonefield Landing Duluth, GA 30097 (404) 713-0108 Ychan52@emory.edu
Georgia State University	Wayne Satterfield 335 Eppington Drive Atlanta, GA 30327 (706) 247-0321 Ews1325@gmail.com	Christopher L. Collier 870 Virginia Ave. NE Atlanta, GA 30306 (706) 499-0083 Clc1487@gmail.com
John Marshall Law School	Charles H. Yang 2415 Camellia Lane Apartment 1401 Atlanta, GA 30324 (703) 798-1443 mrcharlesyang@gmail.com	Rachel R. Morelli 11285 West Road Roswell, GA 30075 (404) 312-9388 rrmorelli@johnmarshall.edu
Mercer University	Erin Bittick 546 Poplar Street, Unit 1 Macon, GA 31201 (775) 287-4237 Ebittick15@lawmail.mercer.edu	Steven Pruitt 1027 Bond Street Macon, GA 31201 (706) 331-9774 Steven.I.pruitt@gmail.com

2. Local Affiliate Outreach

Acting under the premise that all Bar involvement is local, while at the same time understanding that an inability to consistently get the state's young lawyers from the local YLD to the State YLD requires a bringing of the State YLD to the local level, the 2013-14 Bar has brought with it a renewed effort at outreach to Georgia's 12 local YLD affiliates. Of course, outreach cannot be done well unless you actually reach out, so over the course of this Bar year all seven YLD officers are visiting each of the 12 local YLD affiliates. Each visit coincides with the local YLD affiliate's regularly scheduled business meeting or social event and features an outreach program tailored to both the local affiliate and the meeting or event.

In addition, the annual YLD affiliates conference begun by past-president Michael Geoffroy will continue this year, but in a different form. With the cooperation of the Bar's Local and Voluntary Bars Committee, this year's affiliates conference will be held in conjunction with that committee's annual Bar Leadership Institute. This will give affiliate YLD leaders access not only to the leaders and programming of the State Bar YLD and other local YLD's, but also to the leaders and programming of the State Bar and other local and voluntary bar associations.

Update

- Updated Local Affiliate Outreach schedule (attached).
- The YLD visited with members of the Macon Bar's YLD on September 25.
- The YLD visited with members of the DeKalb Bar's YLD on October 8.
- The YLD visited with members of the Augusta Bar's YLD on November 5, 2013.
- The YLD visited with members of the Columbus Bar's YLD on February 19, 2014.
- Members of the soon-to-be affiliated Conasauga (Dalton) Bar Association YLD attended the YLD Fall Meeting in Chattanooga, Tennessee as guests of the YLD President (picture below).
- The YLD is using its Multi-Bar Leadership Council Representatives to partner with local YLDs for joint programming, including a partnership with the Gwinnett Bar Association to assist it in rekindling its YLD.



Members of the Dalton/Conasauga YLD attend the YLD Fall Meeting in Chattanooga.

2013-14 Affiliate Outreach Schedule

Cobb Young Lawyers Division	August 15, 2013
Macon Young Lawyers Division	September 25, 2013
DeKalb Young Lawyers Division	October 8, 2013
Augusta Young Lawyers Association.....	November 5, 2013
Columbus Young Lawyers Division	February 19, 2014
Albany Young Lawyers Division.....	March 2014
Rome/Northwest Georgia Young Lawyers Division.....	March 2014
Glynn County Young Lawyers Division.....	April 2014
Savannah Young Lawyers Division	April 2014
Gwinnett Young Lawyers Association.....	April 2014
Western Circuit Bar Association Young Lawyers Division	May 2014
Valdosta Young Lawyers Division.....	June 2014

3. Leadership Academy Expansion

The 2013-14 Bar year has brought with it the expansion of the YLD Leadership Academy, an award-winning premier program of the YLD that propels young lawyers into leadership roles in the YLD, State Bar and their communities. This has been done by increasing the number of scholarships available to young lawyers who qualify for participation in the Leadership Academy but otherwise cannot afford its tuition.

Update

- Fifty-five young lawyers (out of 140 applicants!) have been admitted to the 2014 YLD Leadership Academy Class (roster attached).
- Thanks to the generosity of the State Bar of Georgia Board of Governors, 11 (or 20%) of these young lawyers received scholarships in order to participate in the 2014 YLD Leadership Academy.
- Members of the 2014 Leadership Academy class were able to meet and mingle with Leadership Academy alumni, Justices from the Georgia Supreme Court, representatives of the United States District Court for the Northern District of Georgia, members of the State Bar of Georgia Executive Committee, and the YLD officers at the 6th Annual YLD Leadership Academy Alumni luncheon on December 12, 2013 (picture below).
- **Session 1: Becoming a Leader in the Bar and YLD** - January 10 & 11, 2014, Atlanta, GA
The first session of the 2014 Leadership Academy began on January 10 at the Bar Center and featured speakers from the State Bar Executive Committee, as well as a tour of the Bar Center. The Academy class also attended the YLD General Session at the InterContinental Hotel.

This session continued on January 11 with activities designed to help class members become familiar with each other. First, the class broke into pairs and prepared introductions for their partner. Then the class broke into smaller groups of 10 and played a trivia game designed around interesting facts about their classmates. The session concluded with a lunch hosted by State Bar of Georgia Past-President Ken Shigley.

- **Session 2: Lawyers as Leaders in State Government** - February 20, 2014, Atlanta, GA
This second session of the 2014 Leadership Academy began with a meeting at the Capitol between the Academy class and several of the State's lawyer-legislators, including Rep. Ronnie Mabra, Chairman Wendell Willard, Sen. Charlie Bethel, Rep. Mike Jacobs, and Rep. BJ Pak. Thomas Worthy and the rest of the Bar's lobbying team, including Rusty Sewell, Roy Robinson, and Meredith Weaver also addressed the class and briefed them on the state of the Bar's legislative agenda. Before leaving the Capitol, the class observed a session of the House of Representatives, and was recognized from the House floor by Representative Willard.

The class later traveled to the Sloppy Floyd Building for the YLD's Annual Legislative Luncheon, where they heard an address by Governor Nathan Deal. The class also was able to meet and mingle with several lawyer-legislators and members of the Georgia Supreme Court and Court of Appeals of Georgia. Following the luncheon, the Academy class traveled to the Supreme Court and Court of Appeals, where they were addressed by Justice Nahmias and Judge Ellington and sworn in to both courts.

- **Session 3: Community Service** –March 21-22, 2014, Augusta, GA
While this session is still being planned, it will be an overnight meeting and feature a signature community service or pro bono project, as well as activities with the Augusta YLD.
- **Session 4: Pro Bono and Diversity** – April 17, 2014, Atlanta, GA
This session will focus on pro bono and diversity. Representatives from Georgia Legal Services and Atlanta Legal Aid will be invited to speak about the opportunities for pro bono service offered by these organizations. This session will also feature a diversity workshop and will conclude at a dinner with the Judges of the Court of Appeals of Georgia and Superior Court Judge Dax Lopez.
- **Session 5: Professionalism** – May 16-18, Charlotte, NC
This session will be held in conjunction with the YLD Spring Meeting, and Doug Ashworth will be invited to present his backpack professionalism program. This session will take place in conjunction with the YLD's Spring Meeting.
- **Session 6: Closing Session and Graduation**- June 5-8, Amelia Island, FL
This session will feature a graduation and YLD events in conjunction with the Annual Meeting of the State Bar of Georgia.



Alumni and new participants of the Leadership Academy attend a holiday luncheon.

2014 Leadership Academy Participants

Ms. Ashley Anne Akins (Statesboro)
Ms. Natasha Alladina, Alston & Bird LLP (Atlanta)
Ms. Amy Tidwell Andrews, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC (Atlanta)
Ms. ReShea Jihan Balams, Carlock Copeland & Stair LLP (Atlanta)
Ms. L'Erin Frances Barnes (Atlanta)
Ms. Alexandra Garrison Barnett, Alston & Bird LLP (Atlanta)
Mr. Nicholas David Michael Bedford (Atlanta)
Ms. Terri Keneshia Benton, James Bates Brannan Groover LLP (Macon)
Mr. Michael Joseph Blakely Jr., Pope McGlamry Kilpatrick Morrison & Norwood LLP (Atlanta)
Mr. John Connors Boyd, DeKalb County Solicitor General's Office (Decatur)
Mr. Christopher Ryan Breault (Athens)
Ms. Janene Depreanna Browder, Alcovy Judicial Circuit (Covington)
Mr. Philip William Catalano Jr., Cruser & Mitchell LLP (Norcross)
Ms. Morgan Isehonne Clemons, Georgia Dept. of Banking and Finance (Atlanta)
Mr. Hervey Joseph Colette, Owen Gleaton Egan Jones & Sweeney LLP (Atlanta)
Mr. Christopher Sutton Connolly, Cook & Connolly (Summerville)
Mr. Edwin Montgomery Cook, Bryan Cave LLP (Atlanta)
Ms. Melissa Reese Cruthirds, Williams Litigation Group PC (Brunswick)
Mr. Dustin Eugene Davies, Hasty Pope LLP (Gainesville)
Mr. Andre' Dennis, The Dennis Law Firm, LLC (Atlanta)
Mr. Ryan Welton English, Long & Hall, LLP (Warner Robins)
Mr. James Cullen Evans, Lewis Brisbois Bisgaard & Smith (Atlanta)
Mr. William Wallace Fagan III, Duane Morris LLP (Atlanta)
Ms. Jennifer Mink Fleeman, Social Security Administration (Atlanta)
Mr. Matthew Kenneth Gettinger, Sutton Law Group (Marietta)
Ms. Elicia Nicole Hargrove (Milledgeville)
Mr. David Van Hayes, Owen Gleaton Egan Jones Sweeney (Atlanta)
Ms. Margaret Ann Head, Forsyth County Probate Court (Cumming)
Ms. Lacey Lee Houghton, Roberts Tate, LLC (Saint Simons Island)
Mr. Zachary Sprouse Howard, Oliver Maner LLP (Savannah)
Mr. Daniel Le Huynh, Alston & Bird LLP (Atlanta)
Ms. ShaMiracle Shunwail Johnson, Crowther Law Firm PC (Atlanta)
Ms. Sul Ah Kim, Constangy, Brooks & Smith, LLP (Macon)
Ms. Melissa Ann King (Alpharetta)
Ms. Sarah Elizabeth Klapman, Miller & Martin PLLC (Atlanta)
Ms. Je'Nita Nakia Lane, The J. Lane Law Group (Albany)
Ms. Sarah Ford Madden, McDonnell & Associates (Atlanta)
Ms. Candice Devonne McKinley, The Davis Bozeman Law Firm, PC (Decatur)
Ms. Ashley Nunneker McNair, Greenberg Traurig LLP (Atlanta)
Ms. Kristin Schneider Miller, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC (Atlanta)
Ms. Elise Bush Myers, Henry County Probate Court (McDonough)
Mr. John Thomas O'Neal, Smith Welch Webb and White (Stockbridge)
Ms. Carson Hughes Bacon Penney, Hunter Maclean (Savannah)
Ms. Elizabeth Marie Pool, Smith Welch Webb & White LLC (Jackson)
Mr. Joe Matthew Queen, Feiler & Associates (Marietta)
Ms. Jessica Lee Reece, Hedgepeth, Heredia, Crumrine & Morrison (Atlanta)
Ms. Laurice Marion Rutledge, McKenna Long & Aldridge LLP (Atlanta)
Ms. Katherine Dorothy Schuessler (Jonesboro)
Mr. Jon Taylor Sellers (Atlanta)
Ms. Heather Huggins Sharp, Robbins Ross Alloy Belinfante Littlefield LLC (Atlanta)
Ms. Tiffany Michelle Simmons, Simmons Law (Atlanta)
Mr. Kyle Taylor Swann, Whelchel & Carlton LLP (Thomasville)
Ms. Amanda Michelle Waide, Alston & Bird LLP (Atlanta)
Mr. Matthew Michael Weiss, McKenna, Long & Aldridge LLP (Atlanta)
Mr. John Lawrence Weltin, Constangy, Brooks & Smith, LLP (Macon)

4. Permanent Funding for PIIIP

The brain-child of YLD Past-President Amy Howell, PIIIP was founded during the 2009-10 Bar year to help alleviate a coinciding decrease in the number of legal employment opportunities for young lawyers and a decrease in staffing at Georgia's public interest legal organizations. PIIIP does this by providing law students and new lawyers with funding to pursue internships at these organizations. Lawyer unemployment rose in 2013, and Georgia Supreme Court Chief Justice Hugh Thompson has identified access to justice as the primary challenge facing the legal profession in Georgia today. It is easy to see, then, why the need for PIIIP is as great now as it has ever been.

The value and worthiness of PIIIP speaks for itself. Consider this: in only four Bar years since PIIIP's inception, 274 Georgia young lawyers and law students (including a record 149 in 2013) have applied for PIIIP internships. Of those 274 applicants, 24 have received PIIIP internships and have provided legal services at GLSP, the Atlanta Legal Aid Society, the U.S. Department of Housing & Urban Development, the DeKalb County Public Defender's Office, the DeKalb County Child Advocacy Center, the Federal Defender Program, Gideon's Promise, and the Augusta District Attorney's Office. In addition, PIIIP was awarded first place Service to the Bar project at the ABA's Annual Awards of Achievement. (See the attached article written for the December Issue of the *Georgia Bar Journal* for additional facts and figures about the amount and value of the legal services provided by PIIIP interns to Georgia's public interest legal organizations and those they serve.)

As it currently stands, funding for PIIIP will expire after the 2014 class of PIIIP interns is placed. It is therefore necessary for the long-term continuation of this award-winning and signature program of the YLD that permanent funding for it be secured this year.

Update

- PIIIP was the beneficiary of the 2014 Signature Fundraiser. The Fundraiser was held on February 8, 2014, and under the leadership of Fundraiser co-chairs Jessica Sabbath and Meredith Sutton, it set records in every category. It was attended by a record 289 lawyers, judges, businesspeople and guests, and raised more than \$92,000.00, nearly \$20,000.00 more than any prior Fundraiser. Fundraiser proceeds also will result in a record donation of more than \$66,000.00 to the PIIIP endowment.
- Plans are being developed to use funds secured by the Signature Fundraiser to pursue other sources of funding (for example, CCLC grant).
- Plans for endowment of PIIIP are being put into place with the assistance of Bar CFO Steve Laine. This includes the establishment of a long-term growth fund model for the Program.
- A reception to honor the 2013 PIIIP Interns was held on January 16 at the Bar Center. All past interns and representatives of the public interest organizations where they interned were invited, along with the Executive Committees of the State Bar of Georgia and YLD. Those in attendance were treated to a moving speech given by 2013 PIIIP intern Sarah Bellacicco about her experiences as a PIIIP intern.

Investing in the Public Interest Internship Program: Preparing to Serve the Future
by Darrell L. Sutton

Amy Howell entered the YLD presidency at a time that history will judge as the worst for both young lawyer employment and funding and staffing for Georgia's public interest legal organizations. By the first half of her presidency in the fall of 2009, the "Great Recession" that began in 2007 had resulted in a decline in legal employment so significant that the American Bar Association estimated there was a six-year surplus of young lawyers; six years' worth of young lawyers without legal employment or even the prospect of legal employment.

Coinciding with this was a reduction in funding for Georgia's public interest legal organizations so significant that an unprecedented downsizing in staffing at these organizations resulted. And this at a time when the demand for the services provided by these organizations was at its highest because of what the Great Recession also wrought on so many of our fellow Georgians.

While others saw these as unfortunate but independent consequences of the Great Recession, Howell saw an intersection between them. She therefore sought to establish a program that could simultaneously relieve both. What resulted was the YLD Public Interest Internship Program, or PIIP.

Launched during the 2009-10 Bar year, PIIP matches law students and unemployed or underemployed lawyers with summer internships at Georgia's public interest legal organizations and provides the interns with a \$5,000 stipend to defray living expenses during the internship. In only four Bar years since PIIP's inception, 24 PIIP interns (out of 274 applicants) have provided legal services at the Georgia Legal Services Program, the Atlanta Legal Aid Society, the U.S. Department of Housing & Urban Development, the DeKalb County Public Defender's Office, the DeKalb County Child Advocacy Center, the Federal Defender Program, Gideon's Promise and the Augusta District Attorney's Office.

Considering that each PIIP internship lasts an average of eight weeks and that each intern performs approximately 40 hours of work per week, each PIIP intern contributes 320 hours of service to Georgia's public interest legal organizations. This means that, collectively, the 24 former PIIP interns contributed 7,680 hours of service to Georgia's public interest legal organizations and their fellow Georgians. This also means that each hour of PIIP intern service has cost PIIP only \$15.63; a value apparent to even the most fiscally conservative among us.

While PIIP's value is well-measured numerically, its true value is measured otherwise. For the interns, PIIP means the acquisition of legal experience and skills, which not only help them become better lawyers, but that also make them more attractive candidates for full-time legal employment. What's more, these internships allow the newest members of our profession to set down roots in Georgia and to develop relationships with the legal community both in the area of Georgia where their internship takes place and in the legal community at-large. They also help to instill an interest in public service in the hearts of those involved. And for the public interest organizations and the Georgians they serve, PIIP internships mean the fulfillment of desperately needed hours of legal services for those among us who need them most.

While the Great Recession's effects have subsided in the four years since PIIP was launched, the coinciding shortage of legal employment opportunities for Georgia's young lawyers and staffing at Georgia's public interest legal organizations continues. Consequently, the need for PIIP is just as great now as it was in July 2009. The problem, however, is that once the PIIP interns for 2014 are chosen and placed, PIIP will suffer a financial fate even worse than the public interest legal organizations it benefits: a dearth of funding.

It is for this reason that I have set out to ensure PIIP is endowed and, as a result, funded for 2015 and each year after that. There is no secret to creating an endowment: it is fundraising, plain and simple. And the first phase of fundraising for this endowment is the Eighth annual YLD Signature Fundraiser. This is where you come in.

On Feb. 8, 2014, the YLD Signature Fundraiser will return to the Atlanta Biltmore Hotel in the heart of Midtown. Featuring the return of the Black Tie & Blackjack theme and an evening of dinner and dancing, casino games, live music, silent auction and open bar, 100 percent of the 2014 Signature Fundraiser proceeds will benefit the PIIP endowment. The fundraiser goal is one-half of the amount needed to endow PIIP, or \$75,000. The only way for us to meet this goal is if you sponsor the fundraiser and attend it.

There are five sponsorship packages available, each with different benefits and ranging in cost between \$500 and \$5,000. Each sponsorship package includes tickets to the fundraiser (not to mention the VIP Host Committee reception, which will feature a bourbon tasting), but individual tickets can be purchased for \$100 (general admission) or \$150 (Host Committee), with a discount available to law students and attorneys in transition or who work in government or public interest positions.

A list of the available sponsorship packages can be found on page 9 or at <http://www.georgiabar.org/FundInitialbarnumber.asp>. You can also purchase a sponsorship or tickets via this website, or you can do so by issuing a check payable to the State Bar of Georgia Foundation and mailing it to Young Lawyers Division, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303.

It is rare that we have an opportunity to at one time serve both our profession and the public. But this is one opportunity to do so. Won't you seize this opportunity? Won't you join us and serve?

Darrell L. Sutton is the president of the Young Lawyers Division of the State Bar of Georgia and can be reached at dls@sutton-law-group.com.

5. Legislative Recruitment

In conjunction with the State Bar's legislative lobbying team, the YLD is ramping-up efforts to recruit more young lawyers to run for elected office, especially seats in the Georgia General Assembly. The YLD is also seeking to ramp-up the involvement, in general, of its members in the legislative process by partnering with the State Bar's grass-roots lobbying team.

Update

- YLD Executive Council representative Will Fagan, an associate at Duane Morris, has been appointed to Chair the YLD's Legislative Recruitment efforts.
- Will, in conjunction with Rusty Sewell, Jim Collins, Zach Johnson and young lawyers working in the Governor's office have begun formulating a plan for programming and mentoring of young lawyers with political aspirations. He has also involved Ivy Cadle, co-chair of the YLD Leadership Academy, and David Werner, co-chair of the YLD Legislative Affairs Committee, to coordinate the involvement of those two committees in this Program.
- A database is being created to compile the names of young lawyers who already hold elected office, are running for elected office, or are in pseudo-elected office.
- In November, young lawyer Graham McDonald was elected to a seat on the Sandy Springs City Council.
- In December, young lawyer Chuck Efstraction won a special election to represent District 104 in the Georgia House of Representatives.
- Young lawyer Bert Reeves is running to become the next representative from Georgia House District 34.

Meetings

The YLD holds five business meetings per year. These meetings are where officers and directors report on YLD business and members of the Executive Council update the leadership on projects and events.

Summer Meeting: The YLD held its Summer Meeting in Chicago, IL, August 22-25. The meeting kicked-off with a welcome reception on the W Hotel terrace overlooking Lake Michigan and Navy Pier. On Friday, Mercer University Law Professor James Fleissner engaged attendees with a CLE titled, "Balancing National Security and the Free Flow of Information: The Legal Landscape for Leakers and Publishers of Classified Information." Professor Fleissner has remained Special Assistant United States Attorney and Deputy Special Counsel. As Deputy Special Counsel, Fleissner was lead counsel in litigation regarding motions filed by journalists to quash subpoenas and contempt proceedings in the CIA leak grand jury investigation. This interesting CLE garnered high attendance and participation of young lawyers.

Friday evening, attendees enjoyed a White Sox baseball game at U.S. Cellular Field. And if the game wasn't enough, it also happened to be Elvis night. Retired military personnel dressed as Elvis parachuted onto the field before and after the game and the crowd was treated to a fireworks display set to Elvis' greatest hits.

The YLD general session was held Saturday morning after breakfast and members gave reports on projects and events. Following the meeting, attendees were split up into four teams where they competed to make the most peanut butter and jelly sandwiches in five minutes. The sandwiches were then donated to Cornerstone Community Outreach, a local Chicago shelter. Saturday evening, attendees walked to Gino's East Pizzeria and sampled Chicago's finest deep dish pizza.

Fall Meeting: The YLD held its Fall Meeting in Chattanooga, TN, October 4-6. The meeting started with a well-attended CLE presented by State Bar Past President Lester Tate. The CLE was followed by a Law School Fellows meeting where six law students attended and were given an overview of the Young Lawyers Division. The YLD officers in attendance dropped by to welcome the law students. The General Session was held that afternoon and officers, directors, committee chairs and members gave reports on projects and events. During the meeting a service project for the Hamilton County Juvenile Court CASA Program was conducted and attendees brought books and overnight bags for the children. A representative from the court was present to give an overview of their program and collect the donations.

That evening, a reception was held at the hotel and members of the Chattanooga and Dalton YLDs attended as special guests. A group dinner was held after the reception offsite at The Boathouse where diners had a spectacular view of the Tennessee River while they mingled.

On Saturday, attendees were bused to Knoxville for a tailgate prior to the UGA vs. UT game. Thanks to a UGA victory in overtime, attendees held their heads high as they made their way through the Volunteer crowd and back to the hotel which concluded the meeting.

Midyear Meeting: The YLD held its Midyear Meeting in conjunction with the State Bar on January 10 in Atlanta. The general session garnered an attendance of approximately 150 young lawyers which is the largest attended general session to date. At the meeting, officers, directors, committee chairs and members gave reports on projects and events. Special guest Attorney General Sam Olens was in attendance to talk about the upcoming Legal Food Frenzy. A reception was held immediately following the general session. In addition, suits and cell phones were collected as the service project and were donated to local shelters.

Special Projects

Wills Clinic: Young lawyers Brandon Elijah and Katie Willett created and implemented a Wills Clinic for First Responders. The first Wills Clinic was held on December 14th at the Augusta Marriott. Approximately 25 young lawyers from across the state provided simple estate planning for more than 40 of the Augusta area's first responders and their spouses (picture below), and prepared 120 estate planning documents for them. These young lawyers not only helped those whose job it is to put us first, but in the process gained invaluable first-hand estate planning experience.

Supreme Cork: The YLD Family Law Committee hosted its 8th Annual "Supreme Cork" Silent Auction and Wine Tasting Fundraiser on October 17, 2013 at 5 Seasons Brewing Company Westside, hosting approximately 150 guests (picture attached). The event was a great success, with the Committee raising nearly \$23,000 for the Atlanta Volunteer Lawyers Foundation's (AVLF) Guardian ad Litem and Domestic Violence Programs.

This is the second year AVLF has been named as the beneficiary of the Supreme Cork, with the funds raised specifically for its family law programs. AVLF's Guardian ad Litem Program provides attorney volunteers, trained and supervised by AVLF, to serve as guardians ad litem for children from low-income households in contested custody cases. The Domestic Violence Program operates the Safe Families Office in conjunction with Partnership Against Domestic Violence, providing free legal and safety planning assistance on a walk-in basis at the Fulton County Courthouse to survivors of sexual assault, domestic violence, dating violence, and stalking. The program also trains and places volunteer attorneys to represent survivors at 12-month TPO hearings.



Young lawyer volunteers assist first responders in preparing wills at an event in Augusta on Dec. 14.



YLD Family Law Committee Chairs, staff from AVLF and the YLD President at the committee's Supreme Cork.

Committees and Programs

The YLD is routinely referred to as the “service arm” of the Bar. The YLD’s 28 committees offer a wide range of service opportunities—to the profession, the public and otherwise. Through the involvement and leadership of young lawyers, these committees have produced programming that has routinely garnered the YLD national recognition.

- **Advocates for Students with Disabilities**

Co-Chairs: Emma Hetherington & Laurice Rutledge

This committee provides technical support and networking opportunities to the growing community of attorneys whose practice or passion includes students with disabilities and their families. The committee works to ensure the number of attorneys involved with families continues to grow and these attorneys have excellent continuing education opportunities, as well as a network of colleagues. In addition to educational issues, the committee provides support on estate planning, civil rights, health care, power of attorneys, juvenile justice, guardianships and more.

- **Appellate Admissions**

Co-Chairs: Kristen Cawley & Bryan Schivera

This committee arranges the biannual ceremonies for admission of new Bar admittees to the Supreme Court of Georgia, the Court of Appeals of Georgia and the U.S. District Court for the Northern District of Georgia.

- **Aspiring Youth Program**

Co-Chairs: Lindy Kerr & Tamika Sykes

This committee works to teach conflict resolution skills through the “Art of Debate” to incarcerated youth in the DeKalb Regional Youth Detention Center. This committee assists at-risk youth by working to increase rehabilitation rates and their aspirations to graduate from high school and college by demonstrating the importance of education, hard work and commitment. Young lawyers serve as positive role models while developing mentoring relationships with these youth.

- **Business Law**

Co-Chairs: Steven Moulds, Emily Shoemaker & Sarah Statz

This committee addresses issues specific to young lawyers whose practice involves either commercial litigation or commercial transactions. The committee monitors and addresses legal developments in the areas of business, commerce and finance on both federal and state levels.

- **Community Service Projects**

Co-Chairs: Deepa Subramanian & Kristi Wilson

This committee provides opportunities for young lawyers to participate in local, state or national service projects focused on various social issues, such as working with organizations that address the needs of underprivileged children, hunger, domestic violence and the environment.

- **Criminal Law**

Co-Chairs: Amanda Clark Palmer & Rebekah Shelnuitt

This committee strives for the improvement of the criminal justice system, and where appropriate, seeks to implement changes. The committee annually sponsors CLE seminars and the Commitment to Justice Award.

- **Disaster Legal Assistance**

Co-Chairs: Monica Kinene & Jessica Reece

This committee coordinates emergency legal assistance for victims of disasters who are located in Georgia.

- Ethics and Professionalism**
Co-Chairs: Kristy Offitt & Raj Shah
 This committee develops programs to assist lawyers in achieving the ethical and professional standards set forth for the legal profession and to make the public aware that lawyers are striving to meet and exceed these standards. This committee works directly with the Chief Justice's Commission on Professionalism to develop programs designed to promote these standards for lawyers who have recently entered the profession. Each year, the committee recognizes one exceptional young lawyer who has demonstrated outstanding professionalism with its Ethics & Professionalism Award.
- Family Law**
Co-Chairs: Jamie Perez & Kelly Reese
 This committee provides educational and networking opportunities to young lawyers whose practice involves family law. The committee sponsors a networking reception as part of the annual Family Law Institute, as well as hosting The Supreme Cork, an annual fundraising event to raise money and awareness for causes involving family related issues in Georgia.
- High School Mock Trial**
Chairs: Kevin Epps, Lee Ann Feeley & Righton Johnson
 This committee provides educational litigation experience to hundreds of high school students by sponsoring a statewide mock trial competition, sending a team to the national competition and holding an intensive weekend law academy. Young lawyers, judges and teachers throughout Georgia are involved in all levels of the competition as coaches, judges and committee members.
- Intellectual Property**
Co-Chairs: Liz Wheeler & Clark Wilson
 This committee promotes communication among young lawyers practicing in the various areas of intellectual property law as well as networking with other practice groups to enhance the availability of business opportunities. The committee provides CLE programs as well as social activities that promote networking and Bar participation.
- Intrastate Moot Court Competition**
Co-Chairs: Kathleen Sullivan Dod & Emelia Walker
 This committee sponsors the annual Intrastate Moot Court Competition among students from Georgia law schools. It organizes and conducts all aspects of the competition.
- Judicial Law Clerk**
Co-Chairs: Margaret Head & Elise Myers
 This committee serves the professional needs of, and addresses issues specific to, young lawyers serving as staff attorneys or judicial law clerks in either state or federal courts throughout the state. In this regard, the committee monitors and addresses legal developments and issues facing the courts. Moreover, the committee provides a forum for young, practicing lawyers to gain insight from other young lawyers serving in the courts. The committee also sponsors CLE programs, covering topics of interest to staff attorneys and judicial law clerks, and offers networking events throughout the year.
- Juvenile Law**
Co-Chairs: Donald Lee & Stephanie Mason
 This committee is responsible for studying and recommending changes in the areas of juvenile law, facilities and rehabilitation. The committee encourages and celebrates excellence in juvenile law practice across Georgia through sponsorship of an annual CLE event and child advocate awards. The committee organizes and co-sponsors the Celebration of Excellence, a graduation ceremony for youth in the state foster care system. In addition, the committee recently drafted comprehensive recommended revisions to Georgia's Juvenile Code and provided technical support to turn the recommendations into legislation.

- **Labor & Employment Law**
Co-Chairs: Allison Ballard, Stan Hill & Abby Larimer
 This committee provides educational and networking opportunities by: (1) enhancing the role and skill of young lawyers engaged in the practice of labor and employment through the development and dissemination of materials and discussion on subjects of interest to young labor and employment law practitioners; (2) assisting in the formation, administration and implementation of programs, forums and other activities for the education of members in matters pertaining to labor and employment; and (3) recognizing and discussing means of improving the practice of law in the field of labor and employment through meetings and other social events.
- **Leadership Academy**
Co-Chairs: Ivy Cadle, Rachel Fields & Yari Lawson
 Founded in 2006, the Young Lawyers Division Leadership Academy of the State Bar of Georgia is a program for young lawyers who are interested in developing their leadership skills as well as learning more about their profession, their communities and their state. The Leadership Academy counts more than 300 alumni. Those alumni members include solo practitioners, judicial law clerks, partners in large and small law firms, assistant district attorneys, public defenders, non-profit lawyers, ADR specialists and in-house counsel for Fortune 500 companies.
- **Legal Food Frenzy**
Chair: Jonathan Poole
 The Legal Food Frenzy was started in 2012 when Georgia’s Attorney General partnered with the Young Lawyers Division and the Georgia Food Bank Association to recreate a program born in Virginia. This is a friendly competition between law firms, corporate law offices and legal organizations to help families who need food assistance in our state. The winner receives the “Attorney General’s Cup” from Georgia’s Attorney General Sam Olen. Awards are also given in sole proprietor, small firm, medium firm, large firm, legal organization and corporate law firm divisions. Any firm in the state can win since the awards are based on a per person average (pounds raised divided by the number of employees in the firm). For more information, please visit www.galegalfoodfrenzy.org.
- **Legislative Affairs**
Co-Chairs: Clint Bearden, Leslie Powell & David Werner
 This committee serves as the clearinghouse for YLD-initiated legislation and aids legislators and other YLD committees in various matters. The committee also holds an annual legislative luncheon.
- **Litigation**
Co-Chairs: John Jett & Brandon Smith
 This committee addresses the needs of younger litigators by sponsoring litigation themed Lunch and Learns, CLEs and socials. The committee also places an emphasis on social activities as well as service to the community, fostering networking among its members.
- **Minorities in the Profession**
Co-Chairs: Yennifer Delgado & Morgan Clemons
 This committee encourages increased participation by minorities in the Bar and the YLD, examines the problems affecting the minority lawyer and expands the opportunities for minority lawyers within the profession.
- **National Moot Court Competition**
Co-Chairs: Cara Convery, April Holloway & Bert Hummel
 This committee conducts the Region V competition of the National Moot Court Competition.
- **Non-Traditional Legal Careers Committee**
Chair: Taylor Sellers
 Newly created, this committee will work to maintain professional identity and engagement of young lawyers who work in settings other than traditional law practice.

- **Public Interest Internship Program**
Co-Chairs: Jennifer Fleeman & Kerry Nicholson
 This committee oversees the Public Interest Internship Program and acts as liaison to other public interest organizations.
- **Real Estate**
Co-Chairs: Sarah Madden & Matt Schectman
 This committee promotes communication among young lawyers practicing in the various areas of real estate law as well as networking with other practice groups to enhance the availability of business opportunities. The committee provides CLE programs as well as social activities that promote networking and Bar participation.
- **Signature Fundraiser**
Co-Chairs: Jessica Sabbath & Meredith Sutton
 This committee organizes and orchestrates an annual fundraising event to raise money to support nonprofits.
- **Solo Practice/Small Firm**
Co-Chairs: Soo Hong, Dar'shun Kendrick & Tracy Rhodes
 This committee seeks to provide opportunities for and support to solo practitioners and young lawyers who work in small firms. Recognizing that the economy and many other factors contribute to young lawyers hanging their own shingles, this committee focuses on providing discounted CLEs, organizing networking events and creating projects aimed at sharpening the skills and increasing the success of its members.
- **William Daniel National Invitation Mock Trial**
Chair: Matt Jones
 This committee hosts an annual criminal mock jury trial competition among law students in November. The competitors are law students from schools across the country. Georgia law schools are also invited to participate. Every summer, the committee sends applications to ABA accredited law schools. Only 18 schools are invited to compete in this distinguished national mock trial competition.
- **Women in the Profession**
Co-Chairs: Nadia Deans & Jennifer Nichols
 This committee's mission is to ensure the success of women attorneys just beginning their legal careers by providing a forum for the exchange of dialogue and ideas on concerns of women, sponsoring programs directed to business and professional development of women attorneys, organizing networking activities, and supporting organizations and causes which advance the status and progress of women in society.

Future Meetings Schedule

(2/24/2014)



Executive Committee

April, 2014	Thomasville, GA
May, 2014	Atlanta, GA

Board of Governors

Spring 2014	March 20-23, 2014	Ritz Carlton Lodge, Reynolds Plantation, Greensboro, GA
Annual 2014	June 5-8, 2014	Omni Amelia Island, Amelia Island, FL
Fall 2014 (joint with the YLD)	Oct. 31 – Nov. 2, 2014	Jekyll Island Club, Jekyll Island, GA (contract pending)
Midyear 2015	Jan. 8-10, 2015	Atlanta Marriott Marquis (contract pending)
Spring 2015	April 17-19, 2015	Brasstown Valley Resort & Spa, Young Harris, GA

Young Lawyers Division

Spring 2014	May 15-18, 2014	Ballantyne Hotel & Lodge, Charlotte, NC
Annual 2014	June 5-8, 2014	Omni Amelia Island, Amelia Island, FL
Retreat 2014	July 11-12, 2014	Ritz Carlton Lodge, Reynolds Plantation, Greensboro, GA
Fall 2014 (joint with the Big Bar)	Oct. 31 – Nov. 2	Jekyll Island Club, Jekyll Island, GA (contract pending)
Midyear 2015	Jan. 8-10, 2015	Atlanta Marriott Marquis (contract pending)

American Bar Association Meetings

Annual 2014	August 7-12, 2014	Boston, MA
Midyear 2015	February 4-10, 2015	Houston, TX
Annual 2015	July 30 – Aug. 5, 2015	Chicago, IL
Midyear 2016	February 3-9, 2016	San Diego, CA
Annual 2016	August 4-9, 2016	San Francisco, CA

Southern Conference Meetings

2014	October 10-11, 2014	Marriott Frenchman's Reef Beach Resort, St. Thomas, U.S. Virgin Islands
2015	October 2015	Virginia
2016	October 13-16, 2016	Big Cedar Lodge, Branson, MO
2017	October 2017	Tennessee
2018	October 2018	Georgia
2019	October 2019	Florida

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
November 15, 2013
Law Office of Baker Donelson/Macon, GA**

Members Present:

Charles L. Ruffin, President; Patrise M. Perkins-Hooker, President-elect; Robert J. Kauffman, Treasurer; Rita A. Sheffey, Secretary; Robin Frazer Clark, Immediate Past President; Darrell L. Sutton, YLD President; V. Sharon Edenfield, YLD President-elect (by phone); Jonathan B. Pannell, YLD Immediate Past President (by phone); Phyllis Holmen (by phone); Kenneth B. Hodges, III (by phone); David S. Lipscomb; Patrick T. O'Connor; and Brian D. Rogers.

Members Absent:

Elizabeth Louise Fite.

Staff Participating:

Sharon L. Bryant, Chief Operating Officer; Paula Frederick, General Counsel (by phone); and Bob McCormack, Deputy General Counsel.

Consent Agenda

President Buck Ruffin presented the Consent Agenda. There being no objection or request for removal of any item, a motion was made and seconded to approve all of the following items on the Consent Agenda:

- a) Previous Executive Committee Minutes of October 21, 2013 (Current Version)
- b) Future Meetings Schedule (Current Version)
- c) Members Requesting Resignation (approve): Wendy M. Warren 319442, Melissa Maran White 558202, Stacy Silverston 153041, Nancy L. Gettinger 292377, Martha L. Coulter 190175, Douglas B. Wolk 564789, Margaret F. McCoy 486225, Danielle Haas-Laursen 316086, Dock Heard Davis, 207900
- d) Approval of Members' Requests:
 - 1) Corey Smith (waive and refund late fee)

The Executive Committee, by unanimous voice vote, approved all of the above items on the Consent Agenda.

Civil Legal Services Task Force

Secretary Rita Sheffey and Paula Frederick presented a slightly revised draft of Bar Rule 1.15 (I), (II), and (III) which had been discussed at the Fall Board of Governors. A motion and second to recommend, as revised (Exhibit A), proposed Bar Rule 1.15 to the Board of Governors was approved by unanimous voice vote. The new version, along with an executive summary and FAQ's, will be sent out to the Board members in advance of the mailing of the Board agenda to allow time for review and comment. Before the vote was taken, President Ruffin asked Phyllis Holmen if she wanted to abstain from voting. She declined to abstain.

New Members Dues Proration

Following a report by YLD Immediate Past President Jon Pannell, YLD President Darrell Sutton, and Bob McCormack on prorating State Bar dues, the Executive Committee, by unanimous voice vote, approved the following Bylaw amendment:

Section 1. Registration of Members

Persons admitted by the courts to the practice of law shall, within sixty days after admission to the bar of the Superior Court, register with the State Bar and pay the pro-rated dues for the remainder of the State Bar's year of the date of admission. If the date of admission is on or after May 15, the member shall not be required to pay any dues for that fiscal year.

The Executive Committee received a copy of an email from the President and YLD President to the new State Bar members congratulating them on passing the Georgia Bar Exam and reminding them that their first year of dues depends on their swearing-in date.

Fitness Waiver Policy/Rule

Bob McCormack reported on a proposed Standing Executive Committee Policy regarding Waiver of Fitness Requirement. The Executive Committee, by unanimous voice vote, approved as revised the following policy:

Standing Executive Committee Policy - Waiver of Fitness Requirement

A resigned or suspended member of the Bar under either Rule 1-208 (Resignation from Membership) or Rule 1-501 (License Fees), or an applicant who failed to register under Article I, Section 4, of the Bylaws (Failure to Register) may petition the Executive Committee for a waiver of the fitness certification requirement for revoking the resignation, or lifting the suspension, or permitting the late registration.

The Executive Committee, at its sole discretion, may waive the fitness requirement upon good cause shown, including but not limited to (a) undue financial hardship beyond the control of the applicant; (b) the applicant remaining in good standing with another State Bar or State disciplinary authority; or (c) the applicant having undergone fitness certification within two years of the petition. In addition, a petitioner suspended under Rule 1-501 for failure to pay dues, or a petitioner who failed to register under Article I, Section 4, of the Bylaws, shall show good cause to the Executive Committee concerning the failure to pay dues or the failure to register.

Military Active Duty Policy/Rule

Bob McCormack reported on proposed revisions to Bylaw Article 1, Section 8, Active Traditional Guardsmen or Reservists, regarding waiver of dues for members called up to active duty and whose activation or deployment is causing a financial hardship. The Executive Committee did not take any action on the proposal

Sponsorship Request

Following a report by Treasurer Bob Kauffman and Paula Frederick, the Executive Committee, by unanimous voice vote, approved an amended motion authorizing a \$10,000 sponsorship for the Conference of Chief Justices that will take place at Sea Island, Georgia, on January 23-30, 2014.

CCLC – Age 70 Opt-in

Immediate Past President Robin Clark reported on a Bar member's request that the rule exempting 70-year-old Bar members from CLE should be changed so that every active member of the Bar, regardless of

age, should be required to engage in CLE. The Executive Committee, by unanimous voice vote, denied the request.

President's Report

President Ruffin reported that he has been meeting with local bar associations around the state in connection with the Bar's legislative grassroots efforts, similar to the luncheon program today with the Executive Committee and the Macon Bar Association. The programs have been very well received by the Bar members and the legislative representatives.

He reported that Former Governor Carl Sanders will attend and accept a Founders Award at the Midyear Meeting's 50th Anniversary Celebration dinner on Friday evening, January 10, 2014. That morning, there will be a CLE program on the unification of the State Bar featuring a replay of the video created in 1996 titled A Walk Down Memory Lane. The program will be moderated by Justice Robert Benham.

YLD Report

YLD President Darrell Sutton provided a report on the numerous activities of the Young Lawyers Division. He reported that there were 140 applicants for the Leadership Academy. A class of 50 will be selected soon, and Session 1 (Becoming a Leader in the Bar and YLD) will take place on January 10-11, 2014. The YLD Officers recently visited the Augusta YLD affiliate as part of the Local Affiliate Outreach Program. He thanked those Executive Committee members who have signed up as sponsors for the Annual Signature Fundraiser benefiting the Public Interest Internship Program (PIIP). He announced that Bert Reeves, a young lawyer in Marietta, is running for a seat in the House of Representatives. He referred the Executive Committee to a letter from the Atlanta Volunteer Lawyers Foundation thanking the YLD for allowing AVLF to receive the benefits of the YLD Supreme Cork fundraiser. Lastly, he reported that a Wills Clinic is being planned in Augusta and will serve as a pilot program to take to other locations.

The Executive Committee received a written YLD report outlining the activities mentioned above as well as other upcoming events and activities of other YLD committees.

Legislative Program

President Buck Ruffin reported that Zach Johnson is doing a great job with the State Bar's grassroots efforts. He also reported that he has talked with a candidate for an in-house Director of Governmental Affairs position, but nothing has been finalized yet.

Treasurer's Report

Treasurer Kauffman provided a report on the Bar's finances. He reported that he and Steve Laine will be meeting with Merrill Lynch to review the State Bar's investment portfolio strategy. He also reported that Steve Laine is going to review and update the 10-year projections to help the Finance Committee determine an appropriate dues increase this year. The Executive Committee received copies of the Revenues and Expenditures, Income Statement YTD, Balance Sheet, and Bar Center Revenues and Expenditures Executive Summary for the three months ending September 30, 2013.

Office of General Counsel

Paula Frederick reported that she will submit a written report for the Midyear Meeting.

Bar Admissions

Bob McCormack reported on a request from Judge Peters for the State Bar to posthumously admit Police Officer James Neal Bowers, who passed the Georgia Bar exam in 1979, but who was killed in the line of

duty before learning of those results. The Executive Committee, by unanimous voice vote, approved presenting a resolution to his family recognizing and honoring Officer Bowers for his service.

Bob McCormack reported he had talked to Sally Lockwood with the Office of Bar Admissions about its policy with respect to why attorneys coming to Georgia from adjacent states, specifically South Carolina and Florida, which require Georgia attorneys to take the multi-state bar exam, are not required to take the multi-state bar exam in Georgia. She reported that Bar Admissions is aware of the situation, but since they do not receive any funds from applicants taking the multi-state exam, the Supreme Court does not have much interest in requiring applicants to retake the multi-state exam and do not view it as a fairness issue. President Ruffin agreed to contact the presidents of the South Carolina and Florida Bars to discuss the issue further and will report back the results.

Member Benefits Private Insurance Exchange

Treasurer Bob Kauffman reported that Member Benefits Inc.'s private insurance exchange for State Bar members will soon be ready for testing before going live on the Bar's web site. Sheila Baldwin has contacted both the Florida and Texas Bars regarding their members' experiences, which have been positive. The Executive Committee received copies of a Texas Bar Journal article announcing the exchange to its members and the information posted on Texas Bar's web site.

Secretary of State's Web Site

President Ruffin provided an update regarding ongoing problems with the Secretary of State's web site.

Proposed Legislation - Georgia Anti-Barratry Act

Following a report by Buck Rogers on proposed legislation enacting the Georgia Anti-Barratry Act, the Executive Committee took the following action:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar; and
2. By unanimous voice vote, approved recommending the proposed legislation, as revised (Exhibit B), to the Advisory Committee on Legislation and forwarding it to the State Bar Sections for review and comment.

Board of Governors Minutes

The Executive Committee received a copy of the minutes of the November 2, 2013, Board of Governors meeting.

Atlanta Bar's 2013 Celebrating Service Pro Bono Fair and Awards Luncheon

The Executive Committee received a copy of the 2013 Celebrating Services Luncheon & Pro Bono Fair program.

July 2013 Georgia Bar Exam Results

The Executive Committee received the July 2013 Georgia Bar Examination General Statistics Summary.

Forsyth County Superior Court Judges' Supplement

The Executive Committee received an article about the Superior Court Judges in Forsyth County asking the county commission to consider doubling their local supplement to their state-paid salary since the state has not granted a pay raise in 15 years.

Civil Legal Services

The Executive Committee received information on grants and contracts the Legal Services Corporation intends to award to states to help deliver civil legal services to low-income individuals in designated service areas. The Georgia Legal Service Program and the Atlanta Legal Aid Society will be recipients of those grants.

The Executive Committee received an article about the Texas Legislature appropriating \$17.6 million for the state's civil legal aid system.

Missouri Plan/Judicial Elections Poll

The Executive Committee received an article on two polls, one in Missouri and the other a national view, challenging voters' support for judicial elections.

Old Business

There was no old business.

New Business

David Lipscomb reported that the Fee Arbitration Program is in need of volunteer attorneys to handle uncollected awards on behalf of clients, which are now averaging three a month. Sutherland has been voluntarily handling the majority of these cases for many years, but cannot continue to take on anymore. The program is looking into the need to hire an in-house or contract lawyer to handle the cases.

YLD Immediate Past President Pannell reported that the Georgia Chamber of Commerce is holding a Civil Justice Forum at the Marriott Marquis on December 12, 2013.

Executive Session

Upon a motion and second, the Executive Committee, met in Executive Session. Thereafter, the Executive Committee, by unanimous voice vote, moved out of Executive Session.

Adjournment

There being no further business the Executive Committee meeting was adjourned.



Rita A. Sheffey, Secretary

Approved:



Charles L. Ruffin, President

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
December 5, 2013
State Bar Building/Atlanta, GA**

Members Present:

Charles L. Ruffin, President; Patrise M. Perkins-Hooker, President-elect; Robert J. Kauffman, Treasurer; Rita A. Sheffey, Secretary; Robin Frazer Clark, Immediate Past President; Darrell L. Sutton, YLD President; Jonathan B. Pannell, YLD Immediate Past President; Elizabeth Louise Fite; Kenneth B. Hodges, III (by phone); David S. Lipscomb; Patrick T. O'Connor (by phone); and Brian D. Rogers.

Members Absent:

V. Sharon Edenfield, YLD President-elect; and Phyllis Holmen.

Staff Participating:

Cliff Brashier (by phone).

Executive Session

Upon a motion and second, the Executive Committee met in Executive Session to discuss a personnel matter. Executive Director Cliff Brashier joined for a portion of the meeting, but then was excused. Thereafter, the Executive Committee, by unanimous voice vote, moved out of Executive Session.

Adjournment

There being no further business the Executive Committee meeting was adjourned.


Rita A. Sheffey, Secretary

Approved:


Charles L. Ruffin, President

D-R-A-F-T
STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
January 10, 2014
Executive Session

Members Participating


Charles L. Ruffin, President; Patrise M. Perkins-Hooker, President-elect; Robert J. Kauffman, Treasurer; Rita A. Sheffey, Secretary; Robin Frazer Clark, Immediate Past President; Darrell L. Sutton, YLD President; Sharri Edenfield, YLD President-elect; Jonathan B. Pannell, YLD Immediate Past President; Elizabeth Louise Fite; Kenneth B. Hodges, III; Phyllis Holmen; David S. Lipscomb; Patrick T. O'Connor and Brian D. Rogers (by phone).

Executive Session

The Executive Committee met in Executive Session to discuss the search procedures for a new Executive Director of the State Bar of Georgia.


Adjournment

There being no further business the Executive Committee meeting was adjourned.



Rita A. Sheffey, Secretary

Approved:



Charles L. Ruffin, President

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
January 16, 2014
Via Email**

Members Participating by Email

Charles L. Ruffin, President; Patrise M. Perkins-Hooker, President-elect; Robert J. Kauffman, Treasurer; Rita A. Sheffey, Secretary; Robin Frazer Clark, Immediate Past President; Darrell L. Sutton, YLD President; Sharri Edenfield, YLD President-elect; Jonathan B. Pannell, YLD Immediate Past President; Elizabeth Louise Fite; Kenneth B. Hodges, III; Phyllis Holmen; David S. Lipscomb; Patrick T. O'Connor and Brian D. Rogers.

Conference of Chief Justices

The Executive Committee took the following action on a request for an additional \$10,000 contribution for the Conference of Chief Justices that begins January 25, 2014, at Sea Island:

1. By email vote of more than 2/3 of the Committee members, approved the specially called Executive Committee meeting; and
2. By email vote, with Immediate Past President Robin Clark abstaining and no votes in opposition, approved providing an additional \$10,000 contribution to the Conference of Chief Justices.

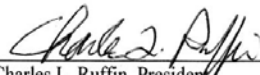
Adjournment

There being no further business the Executive Committee meeting was adjourned.



Rita A. Sheffey, Secretary

Approved:



Charles L. Ruffin, President

2014 State Bar Board of Governors Election Information

Listed below are the members of the State Bar of Georgia Board of Governors whose terms will expire in June 2014. The highlighted circuits/posts listed below are positions for which no petition was received by the published deadline from the incumbent or the race is contested.

Circuit/Post	Incumbent	Non-incumbent petition received as of Feb. 28, 2014
Alapaha Circuit, Post 2	Thomas C. Chambers III, Homerville <i>(incumbent not running)</i>	Paul William Hamilton, Nashville Clayton Alan "Clay" Tomlinson, Homerville
Alcovy Circuit, Post 2	Michael R. Jones Sr., Loganville	
Atlanta Circuit, Post 2	Brian DeVoe "Buck" Rogers, Atlanta	
Atlanta Circuit, Post 4	Jeffrey Ray Kuester, Atlanta	
Atlanta Circuit, Post 6	Dwight L. Thomas, Atlanta	
Atlanta Circuit, Post 8	Kenneth Bryant "Ken" Hodges III, Atlanta	
Atlanta Circuit, Post 10	Myles E. Eastwood, Atlanta <i>(incumbent not running)</i>	Bisa F. Ajanaku, Atlanta Kent Edward Altom, Roswell Amy Tidwell Andrews, Atlanta Cynthia Hinrichs "C" Clanton, Atlanta Scott Dewitt Delius, Atlanta Harriet C. Isenberg, Atlanta Edward C. Konieczny, Atlanta Jennifer Elizabeth Nix, Atlanta R. Gary Spencer, Atlanta Nathan Paul Sycks, Atlanta
Atlanta Circuit, Post 12	Elena Kaplan, Atlanta	
Atlanta Circuit, Post 14	Edward B. Krugman, Atlanta	
Atlanta Circuit, Post 16	Dawn M. Jones, Atlanta	
Atlanta Circuit, Post 18	Foy R. Devine, Atlanta	
Atlanta Circuit, Post 20	William V. Custer IV, Atlanta	James "Jay" E. Rollins Jr., Atlanta
Atlanta Circuit, Post 22	Frank B. Strickland, Atlanta	
Atlanta Circuit, Post 24	Joseph Anthony Roseborough, Atlanta	
Atlanta Circuit, Post 26	Anthony B. Askew, Atlanta	
Atlanta Circuit, Post 28	J. Henry Walker IV, Atlanta	
Atlanta Circuit, Post 31	Michael Brian Terry, Atlanta	
Atlanta Circuit, Post 33	S. Kendall Butterworth, Atlanta	
Atlanta Circuit, Post 35	Terrence Lee Croft, Atlanta	
Atlanta Circuit, Post 37	Samuel M. Matchett, Atlanta	

Atlanta Circuit, Post 38	Michael Dickinson Hobbs Jr., Atlanta	
Atlanta Circuit, Post 40	Carol V. Clark, Atlanta	
Atlantic Circuit, Post 1	H. Craig Stafford, Hinesville	
Augusta Circuit, Post 2	William James Keogh III, Augusta	
Augusta Circuit, Post 4	William R. McCracken, Augusta	
Bell Forsyth Circuit	Philip C. Smith, Cumming	
Blue Ridge Circuit, Post 1	David Lee Cannon Jr., Canton	
Brunswick Circuit, Post 2	Jeffrey S. Ward, Brunswick	
Chattahoochee Circuit, Post 1	Gwyn P. Newsom, Columbus	Mark W. Wortham, Columbus
Chattahoochee Circuit, Post 3	Thomas Frederick Gristina, Columbus	
Cherokee Circuit, Post 1	Randall H. Davis, Cartersville	
Clayton Circuit, Post 2	Harold B. "Scott" Watts, Jonesboro	
Cobb Circuit, Post 1	Dennis C. O'Brien, Marietta	
Cobb Circuit, Post 3	David P. Darden, Marietta	
Cobb Circuit, Post 5	J. Stephen Schuster, Marietta <i>(incumbent not running)</i>	Glen Scott Bass, Marietta Kimberly Keheley Frye, Marietta Vivian D. Hoard, Atlanta Dawn Renee Levine, Marietta Maziar Mazloom, Marietta
Cobb Circuit, Post 7	William C. Gentry, Marietta	
Conasauga Circuit, Post 1	Terry Leighton Miller, Dalton	
Coweta Circuit, Post 1	Gerald P. Word, Atlanta	
Dougherty Circuit, Post 1	Joseph West Dent, Albany	
Douglas Circuit	Kenneth Ray Bernard Jr., Douglasville	
Eastern Circuit, Post 1	Sarah "Sally" Brown Akins, Savannah	
Eastern Circuit, Post 3	Patrick T. O'Connor, Savannah	
Enotah Circuit	Steven Keith Leibel, Dahlonega <i>(incumbent not running)</i>	Joy Renea Parks, Cleveland
Flint Circuit, Post 2	John Philip Webb, Stockbridge	
Griffin Circuit, Post 1	Janice Marie Wallace, Griffin	
Gwinnett Circuit, Post 2	Judy C. King, Lawrenceville	
Gwinnett Circuit, Post 4	Gerald Davidson Jr., Lawrenceville	
Houston Circuit	Carl A. Veline Jr., Warner Robins	
Lookout Mountain Circuit, Post 1	Archibald A. Farrar Jr., Summerville	

Lookout Mountain Circuit, Post 3	Lawrence Alan Stagg, Ringgold	
Macon Circuit, Post 2	Thomas W. Herman, Macon	
Middle Circuit, Post 1	John Kendall Gross, Metter	
Northeastern Circuit, Post 1	Mark William Alexander, Gainesville	
Northern Circuit, Post 2	R. Chris Phelps, Elberton	
Ocmulgee Circuit, Post 1	Green Berry Moore III, Gray	
Ocmulgee Circuit, Post 3	Christopher Donald Huskins, Eatonton	
Oconee Circuit, Post 1	Ashley W. McLaughlin, McRae (<i>incumbent not running</i>)	
Ogeechee Circuit, Post 1	Daniel Brent Snipes, Statesboro	
Out-of-State, Post 2	Ralph John Caccia, Washington, DC (<i>incumbent not running</i>)	Joaquin "Quino" E. Martinez, Orlando, FL
Paulding Circuit	Martin Enrique Valbuena, Dallas	
Rockdale Circuit	William Gilmore Gainer, Conyers	
Rome Circuit, Post 2	J. Anderson "Andy" Davis, Rome	
South Georgia Circuit, Post 1	Lawton Chad Heard Jr., Cairo	
Southern Circuit, Post 1	James E. "Jim" Hardy, Thomasville	
Southern Circuit, Post 3	Gregory Tyson Talley (<i>incumbent not running</i>)	H. Burke Sherwood Sr., Valdosta
Stone Mountain Circuit, Post 1	Katherine K. "Katie" Wood, Atlanta	
Stone Mountain Circuit, Post 3	J. Antonio DelCampo, Atlanta	
Stone Mountain Circuit, Post 5	Amy Viera Howell, Atlanta	
Stone Mountain Circuit, Post 7	John G. Haubenreich, Atlanta	
Stone Mountain Circuit, Post 9	Sherry Boston, Decatur	
Tallapoosa Circuit, Post 2	Brad Joseph McFall, Cedartown	
Tifton Circuit	Render Max Heard Jr., Tifton (<i>incumbent not running</i>)	Render M. Heard Jr., Tifton
Waycross Circuit, Post 1	Douglass Kirk Farrar, Douglas	
Western Circuit, Post 2	Edward Donald Tolley, Athens	

**State Bar of Georgia
2014 Election Schedule**

2013

- August 9 Deadline for submission of election schedule for publication in October issue
Georgia Bar Journal
- October Official Election Notice, October Issue *Georgia Bar Journal*
- December 2 Nominating petition package mailed to incumbent Board of Governors
Members and other members who request a package

2014

- January 9-11 Nomination of Officers at Midyear Board Meeting
- January 30 Deadline for receipt of nominating petitions for incumbent Board Members
including incumbent nonresident (out of state) members
- Feb 28 Deadline for receipt of nominating petitions for new Board Members
including new nonresident (out of state) members
- March 14 Deadline for write-in candidates for Officer to file a written statement (not less
than 10 days prior to mailing of ballots (Article VII, Section 1 (c))
- March 14 Deadline for write-in candidates for Board of Governors to file a written
statement (not less than 10 days prior to mailing of ballots (Article VII, Section
2 (c))
- March 28 Ballots mailed
- April 29 11:59 p.m. Deadline for ballots to be cast in order to be valid
- May 5 Election service submits results to the Elections Committee
- May 12 Election results reported and made available

STATE BAR OF GEORGIA

OFFICE OF THE GENERAL COUNSEL

PAULA J. FREDERICK
General Counsel

WILLIAM P. SMITH, III
Ethics Counsel

Bar Counsel
ROBERT E. McCORMACK
Deputy General Counsel
JOHN J. SHIPTENKO
Assistant General Counsel



Disciplinary Counsel
JENNY K. MITTELMAN
Deputy General Counsel

JONATHAN HEWETT
Sr. Assistant General Counsel

REBECCA A. HALL
A.M. CHRISTINA PETRIG
WILLIAM J. COBB
Assistant General Counsel

CARMEN ROJAS RAFTER
Grievance Counsel

Memorandum to: Members, Board of Governors
From: Paula Frederick, General Counsel
Date: March 22, 2014
Re: Report of the Office of the General Counsel

The OGC reports the following activity since the Bar's 2014 Midyear meeting:

Discipline: During January 2014 the OGC sent 158 Grievance forms to members of the public and received 142 filed Grievances. The Court entered orders in four disciplinary cases during January. The Year-to-Date Report on Lawyer Regulation (covering the period May 1, 2013 through January 31, 2014) appears at page 4 of this memorandum.

Rules Changes:

Several proposed rules changes are still pending:

- Proposed additions to Rule 7.2(c)1-5 would require additional disclosures in certain advertisements.
- Proposed revisions to Rule 7.3(a)(5) would prohibit a lawyer from sending a letter soliciting representation before confirming that the recipient has been served with process in the matter.
- New comments 8 and 9 to Rule 7.3 would prohibit a lawyer from bidding for case referrals from a lawyer referral service.
- Proposed revisions to Rule 4-219 create a process for volunteer lawyers who agree to serve as receiver to close the practice of a dead, disabled or disbarred attorney; the rule also provides for reimbursement of expenses for receivers in some circumstances.
- Proposed revisions to Rule 9.4(b) would require the OGC to file a reciprocal discipline case only when the Georgia lawyer's suspension in another jurisdiction is for a period of over six months.

Formal Advisory Opinion Board: The following opinions are pending:

- FAO 13-1; propriety of participating in a piecemeal element of a Georgia residential real estate transaction where no Georgia lawyer will supervise the other aspects of the closing process. The OGC requested that the Court review the opinion and it was filed in the

Supreme Court in early February. The Bar will submit a brief in support of its position that the Opinion should be approved.

- FAO 13-2, propriety of a lawyer as a condition of settlement agreeing to indemnify the opposing party from claims by third persons to the settlement funds. The opinion was filed with the Supreme Court in January. No one requested review by the Supreme Court, so the opinion is final and is binding upon the Bar and the person who requested it.
- FAO Request No. 13-R2 – The Board has accepted the following question for drafting an opinion: May a lawyer contact and interview former employees of an organization represented by counsel when the former employees are bound by separation agreements governing non-disclosure and/or nondisparagement?
- The board has completed its review of all existing opinions to determine whether they should be withdrawn or amended in light of recent revisions to the Rules of Professional Conduct. As a result of the review the board will revise three old opinions. The opinions will be republished after they are revised.

Lawsuits: The Bar has prevailed in all of the litigation pending against it in the trial courts. One plaintiff has appealed the dismissal of her case; that appeal is pending.

Continuing Legal Education: Staff from the OGC have presented the following CLE programs since my last report:

- *Ethics Update*, Columbus Bar Association;
- *Ethics Update*, North Fulton Bar Association;
- *Ethics in Family Law Practice*, Dekalb Bar Family Law Section;
- *Ethics Issues for Government/Public Sector Lawyers*, ABA Government/Public Sector Lawyers Division;
- *View from the OGC*, Attorney's First Aid Kit (Lawyers' Assistance Program CLE);
- *Skits & Suds*, Georgia Defense Lawyers Association;
- *Bridge the Gap*, ICLE;
- *Ethics and Product Liability*, ICLE program on Product Liability;
- *Ethics for Guardians ad Litem*, Truancy Intervention Project;
- *Ethics for In-House Counsel*, Association of Corporate Counsel;
- *Dealing with Pro Se parties*, Gwinnett County Bar;
- *Ethics in Litigation*; General Practice & Trial Institute;
- *Ethics in Practice*; GABWA Professional Development Academy.

Committees and Other Projects:

- The Continuity of Practice Committee is working on a Handbook for Receivers and plans to conduct training to educate lawyers about the receivership rules once they are approved.

- The International Transactions in Legal Services (ITILS) Committee received approval from the Executive Committee to enter a Friendship Agreement with the Barcelona Bar Association for the mutual exchange of information.
- The Fair Market Practices Committee met in November to consider additional strategies to combat lawyers' use of runners.
- The Disciplinary Rules and Procedures Committee continues its review of the most recent changes to the ABA Model Rules of Professional Conduct.

**Year-to-Date Report on Lawyer Regulation
 May 1, 2013 through January 31, 2014**

Grievance forms requested and sent to public	2,051
Grievance forms sent back to Office of General Counsel for screening	1,389
Grievances pending as of 4/30/2013	<u>397</u>
TOTAL	1,786

Grievances referred to State Disciplinary Board members.....	146
Grievances being screened by Grievance Counsel (GC)	345
Grievances closed by Grievance Counsel	1,282
Grievances moved to moot status by GC after attorney was disbarred	<u>13</u>
TOTAL	1,786

Regulatory Action May 1, 2013 through January 31, 2014

	<u>Attorneys</u>	<u>Cases</u>
Letters of Admonition Accepted	12	12
Investigative Panel Reprimands Administered	6	8
Review Panel Reprimands	4	4
Public Reprimand	1	1
Suspensions	19	23
Disbarments/Voluntary Surrenders	<u>19</u>	<u>28</u>
	61	76
Reinstatements Granted	6	
Reinstatements Denied	0	

MEMORANDUM FOR: Board of Governors of the State Bar of Georgia

**FROM: Norman E. Zoller, attorney coordinating the
Military Legal Assistance Program**

DATE: February 28, 2014

SUBJECT Status of the Military Legal Assistance Program

Background and Overview of Work: The Military Legal Assistance Program (MLAP) by the State Bar of Georgia has recently entered its fifth year of operation since its founding first under the aegis of Georgia Legal Services and then as its own separate entity. Since then, a **total of 1,150** connections have been made between a Georgia lawyer with a service member or veteran located throughout the State or from other places throughout the world, provided that jurisdiction of the case lies in a state or a federal court in Georgia, as summarized by category below.

In addition to processing requests for legal assistance, the program through oversight by the Military Legal Assistance Program Committee, also initiated or served as facilitator for other legal assistance-related activities to include the following:

- 1) Established an award, designated as the **Marshall-Tuttle Award**, now being given annually to an attorney who is deemed to be the outstanding lawyer providing *pro bono* or reduced-fee services and significant support to military service members and veterans. The inaugural award was presented to Drew N. Early in 2011, the second award in 2012 to H. Lane Dennard, Jr., and the third award to Cary S. King. The fourth award was presented to William John Camp of Warner Robbins at the last meeting of the Board of Governors on January 11, 2014 (news release shown at **Exhibit A**).

- 2) **Lawyers' Trip to Normandy, France.** At the suggestion of Charles (Buck) Ruffin, plans are moving forward to sponsor and conduct a trip to Normandy and Paris, France, over the period May 1-9, 2014. This trip, in part, commemorates the 70th anniversary of the World War II D-Day Landings. Together with GA ICLE, the Military and Veterans Law Section, and the MLAP Committee, a Request for Proposal (RFP) was distributed in late September to 14 destination management (tour) companies. Following analysis of four firms responding to the RFP by a lawyers' Exploratory Committee, the Road Scholar firm of Boston, Massachusetts, was selected to conduct and lead this tour. Information about this trip was circulated to the more than 32,000 lawyers maintained on ListServe rosters of GA ICLE, the principal itinerary features of which are shown in **Exhibit B**. A total of **67 participants (38 lawyers and 29 spouses and guests)** are registered to take part in this trip.

- 3) Possible Legislative Matters.** Working in conjunction with the Military and Veterans Law Section, the MLAP Committee has been considering two possible legislative proposals: one concerns the Uniform Deployed Parents Custody and Visitation Act (UDPCVA, H.B. 685) and one concerns the creation of enabling authority for veterans' courts (S.B. 320). At this writing, the veterans' court legislation was approved by the Senate on February 24 and was read a second time on February 26 in the House. H.B. 685 would amend Title 19 of the Code of Georgia relating to domestic relations, so as to provide for visitation and custody of children of parents serving in the military; to revise a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.
- 4) MOU with Augusta VAMC.** Following the signing of a Memorandum of Understanding with the Veterans Administration Medical Center (VAMC) in Decatur in January 2013, plans moved forward to recruit volunteer lawyers with support from the Augusta Bar Association and to execute a similar MOU with the VAMC in Augusta. The MOU and its referral process was formally initiated on January 31, 2014, in Augusta (**Exhibit D**), and that clinic is now operational.
- 5) Satellite VA Legal Clinic at Fort McPherson.** Following the signing of the Memorandum of Understanding with the Veterans Administration Medical Center (VAMC) in Decatur plans moved forward to formally open a satellite office at Fort McPherson. A ribbon cutting ceremony took place on February 21, 2014. These facilities are new and will provide excellent access for legal help to veterans who live on the south side of Greater Atlanta.
- 6) Cases Processed.** Below is a summary of the number and types of legal assistance cases thus far received and referred to lawyers under the State Bar's Military Legal Assistance Program. Under the program, including the cases processed prior to its formal inception in 2009, **a total of 1,150 cases have been processed.** Further, a total of 26 additional cases are in process (i.e., in the pipeline), awaiting agreement authorizations from potential clients (19) or agreements from attorneys (7) to accept a case. Further, although the program does not handle criminal cases, about 150 inquiries have been received from veterans or service members seeking help on a criminal law matter (which are typically referred to the applicable county public defender or to a local bar association).

Family Law	562 (with 59 previous)
Contested Divorce	201
Uncontested Divorce	17
	2

Divorce Enforcement	9
Child Support	78
Guardianship/Adoption	53
Visitation	24
Child Custody	121
Consumer Law	86
Housing/Property	69
Foreclosure	17
Veterans Benefits/Disability	151
Wills/Estates/Probate	55
Employment/USERRA/SCRA	33
Bankruptcy	16
Insurance	16
Personal Injury	32
Property Damage	3
Worker's Compensation	2
Contract	4
Medical Malpractice	5
Toxic Substances	5
Other	<u>94</u>
	1,150

Exhibits:

- A) News Release: Marshall Tuttle Award Presented to John Camp.
- B) Brochure from Road Scholar concerning the travel to Normandy, France, over the period May 1-9, 2014.
- C) MOU signed creating Legal Assistance Clinic at Augusta VAMC, Jan. 31, 2014.



State Bar of Georgia

Lawyers Serving the Public and the Justice System

FOR IMMEDIATE RELEASE
January 16, 2014

CONTACT: **Sarah I. Coole**
Director of Communications
404-527-8700; 800-334-6865 or
Norman Zoller, 404-527-8765

State Bar of Georgia Honors Attorney William John Camp for Work with Military Legal Assistance Program

Atlanta – Georgia native William John Camp was honored with the Marshall-Tuttle Award, presented by the State Bar of Georgia during its Midyear Meeting on Jan. 11. Camp, who practices law in Macon and Warner Robins, was cited for providing legal expertise in working with military service members and veterans and for his unwavering support of the Bar's Military Legal Assistance Program.

Camp is a partner in the firm of Westmoreland Patterson Moseley & Hinson and has 38 years' experience as an attorney, including 22 years of service in the Air Force as a staff judge advocate. Over the years he has handled many cases involving federal benefits, child support, complex custody and visitation and related family law matters. He is admitted to practice in Georgia and in Florida and the bars of the Supreme Courts of Georgia and Florida, the U.S. Court of Appeals for the Eleventh Circuit, the U.S. Court of Appeals for the Armed Forces, the Georgia Court of Appeals and the U.S. District Court for the Middle District of Georgia.

Camp graduated *magna cum laude* from Auburn University in 1971 and was commissioned as a Distinguished Military Graduate into the Regular Air Force. In 1974, he graduated from the University of Georgia School of Law, and was then designated as an Air Force Judge Advocate. His diversity in practice while in the Air Force included serving as a Special Assistant U.S. attorney; trial and defense counsel in more than 700 courts-martial; chief military counsel, National Security Agency; and, as deputy staff judge advocate to U.S. Central Command, where he was the principal legal architect in drafting many special operational orders, including the Rules of Engagement and legal annexes for Operations Desert Shield and Desert Storm. Of significance was his General Order No. 1, which allowed for more than a half million U.S. military personnel to enter the Middle East Area of Combat Operations. More than two decades later, that Order remains in place in the United States Central Command Area of Combat Operations. In a report to Congress on "Lessons Learned from the 1990-1991 Conflict," military and international legal experts credited General Order No. 1 as instrumental to integrating the armed forces of the United States with allies from Muslim countries.

Camp also was recognized for his humanitarian efforts for displaced civilians and prisoners of war. In 1991, the International Committee of the Red Cross recognized Camp for his service as the legal adviser to the United States and Coalition Forces Delegation to Geneva for negotiations with Iraq leading to the repatriation of more than 90,000 enemy prisoners of war and displaced civilians.

EXHIBIT A

Since 1996, Camp has devoted himself to the developing area of military family law. He is a recognized national expert in the area of military health care, pension division, survivor benefits and custody disputes involving military families. He is often called upon as an expert witness in family law cases that concern military benefits and children's issues. His 2010 American Bar Association Family Law Quarterly Article on "Health Care Options for Former Military Spouses" is a principal reference for family law attorneys around the nation.

The Board of Governors of the State Bar of Georgia recognized Camp for his extraordinary legal services in three notable pieces of Georgia legislation, including Military Compensation issues in the Child Support Guidelines (OGCA sect 19-6-15); the Military Parents Rights Act (SB 112); and the currently pending Uniform Deployed Parents Custody and Visitation Act (HB 685). On these and related matters, he is a respected speaker, author and advocate on such issues as health care options for former military spouses, access to TRICARE and the Continued Health Care Benefit Program, to cite only a few.

Camp and his wife, Dr. Teresa Luhrs, live in Macon. Camp's son, Corbin, is a senior computer systems analyst in Birmingham, Ala., and his daughter, Lauren, is a full-time mother and homemaker in Mobile, Ala.

Presenting the Marshall-Tuttle Award, Norman Zoller, director of the State Bar's Military Legal Assistance Program, said, "John Camp is one of the exemplary lawyers handling military family law and related cases in our state, if not in the nation. He brings unique skills, steadiness, and confidence to his clients and is a credit to our State Bar's legal assistance program." Camp inspires other attorneys with his "Follow Me!" leadership in assisting the Georgia military community.

The Marshall-Tuttle Award was named in honor and memory of Army Cpl. Evan Andrew Marshall, a soldier from Athens, Ga., who was killed in action in Iraq in 2008, and in honor and memory of U.S. Circuit Judge Elbert Parr Tuttle. Tuttle was in the Army for 30 years, was a founding partner of the Atlanta law firm of Sutherland Asbill and served as a federal judge for 43 years. He also provided *pro bono* legal services to many people, including John Johnson, a young Marine. In 1938, the U.S. Supreme Court held in *Johnson v. Zerbst* that counsel must be provided for all defendants in federal criminal trials who cannot afford to hire their own attorneys. The State Bar determined that these two men, Evan Marshall and Elbert Tuttle, each contributed mightily to the state of Georgia and the nation and to the ideal of service and sacrifice for the public good.

Since the Military Legal Assistance Program began, help has been provided to more than 1,100 military service members and veterans throughout Georgia. Through its Continuing Legal Education programs, the Bar has also provided training for more than 600 lawyers seeking accreditation to practice before the U.S. Department of Veterans Affairs. Currently in Georgia, more than 115,000 men and women are on active duty or serve in the National Guard or Reserves, and more than 774,500 veterans have chosen to live in Georgia.

###

The State Bar of Georgia, with offices in Atlanta, Savannah and Tifton, was established in 1964 by Georgia's Supreme Court as the successor to the voluntary Georgia Bar Association, founded in 1884. All lawyers licensed to practice in Georgia belong to the State Bar. Its more than 46,000 members work together to strengthen the constitutional promise of justice for all, promote principles of duty and public service among Georgia's lawyers, and administer a strict code of legal ethics.

The ICLE in Georgia and the State Bar of Georgia Announce ...

An Exclusive Travel and Learning Adventure to France for Georgia Lawyers

Historic Normandy and Paris

THURSDAY, MAY 1 TO FRIDAY, MAY 9, 2014 | PROGRAM #20589

Program Overview:

Experience two unique and fascinating faces of France. This educational journey led by Road Scholar experts has it all — from authentic visits to the Beaches of Normandy to the wonders and allure of Paris. Discover Normandy and its Celtic-influenced culture, medieval history, natural beauty and tantalizing cuisine, and experience the sobering magnitude of the D-Day landing beaches on-site and in period military vehicles. Then continue on to experience Paris's grand boulevards, Gothic architecture and world-class museums with plenty of time for independent discoveries. Two half-day, morning CLE courses will be offered in Paris.

Highlights:

- Learn the story of the Allied Invasion of Normandy and explore the landing beaches in period military vehicles.
- Discover the picturesque town of Honfleur on foot.
- Explore Paris markets, museums and cafés, and take a field trip to the opulent Palace of Versailles.

Program Includes:

- 7 nights' accommodations
- 16 Meals: 7 breakfasts, 5 lunches, 4 dinners
- 2 expert-led lectures
- 14 field trips
- A Group Leader to accompany you throughout the program
- All gratuities, taxes and destination fees
- The Road Scholar Emergency and Travel Assistance Plan, including 24-hour assistance for medical and other emergencies

Enroll Today!

Limited spaces are available.
Enroll by calling **(800) 322-5315**,
Monday-Friday: 8 a.m. to 7 p.m. ET.
Please reference Program
#20589 when calling.



PROGRAM PRICE

Category 1 (All 4-star hotels in Paris and Caen)

Double-Occupancy Land Only: \$2,699

Single-Occupancy Land Only: \$3,349

Double-Occupancy with Air from Atlanta: \$3,799

Single-Occupancy with Air from Atlanta: \$4,449

Category 2 (4-star Paris and 3-star Caen hotels)

Double-Occupancy Land Only: \$2,499

Single-Occupancy Land Only: \$2,959

Double-Occupancy with Air from Atlanta: \$3,599

Single-Occupancy with Air from Atlanta: \$4,059

Accommodations in Caen:

Category 1: Hotel in Caen: Best Western Malherbes or the Best Western Moderne, both 4-star hotels with private bath.

Category 2: Ibis Caen Centre: A 3-star hotel.

Smaller rooms with private bath.

Accommodations in Paris:

The Crown Plaza Paris: A 4-star hotel, with private bath, occupying a fully renovated 19th-century Neo-Baroque building.



ROAD SCHOLAR®

EXHIBIT B

Historic Normandy and Paris

DAILY SCHEDULE

Thursday, May 1 – Departure from the U.S.

Friday, May 2 – Arrival in Paris. Transfer to Caen and Orientation

Arrival: Arrive in Paris and transfer to hotel.

Saturday, May 3 – **Mont St. Michel and the Bayeux Tapestry**
Note: Walking on cobblestone streets and a steep incline to the top of Mont St. Michel is required.

Breakfast: Buffet at the hotel.

Morning: Visit and explore the UNESCO World Heritage Site of Mont St. Michel. This tiny tidal island houses the majestic St. Michel Monastery.

Lunch: At a local farmhouse inn featuring typical local Normandy specialties.

Afternoon: Discover the famous Bayeux Tapestry on a fascinating excursion.

Dinner: On your own to explore local fare in Caen.

Sunday, May 4 – **WWII in Normandy, the Landing Beaches and the US WWII Cemetery**

Breakfast: Buffet at the hotel.

Morning: Explore the landing sites of WWII in a unique way — using period vehicles. Start the morning at Point du Hoc to learn about the preparations leading up to D-Day and the bombing preceding the troop arrivals. We continue the morning on the landing beach of Omaha and learn how the beach head was taken with great sacrifice of U.S. troops. We see and discuss many of the remaining gun positions that still survive today. We leave Omaha beach and pay our respects to the fallen soldiers at the U.S. WWII Cemetery. Here we have a brief ceremony. The morning ends in Arromanches to see the remnants of the artificial harbor built by the troops to unload the equipment that won the war for the Allies.

Lunch: In Arromanches.



Afternoon: Calvados and Cheese — Normandy's Pride: Sample the region's renowned apple brandy at the Chateau d'Englesqueville, where the first U.S. monument to WWI soldiers was built.

Dinner: On your own to explore local fare in Caen.

Monday, May 5 – **Honfleur, Rouen and the Cathedral of Rouen**

Note: Walking about two miles on cobblestone streets.

Breakfast: Buffet at the hotel.

Morning: Check out of your hotel and depart by coach for Honfleur. A field trip this morning is led by your Study Leader and explores the picturesque town of Honfleur on foot.

Lunch: On your own in Honfleur.

Afternoon: Explore historic Rouen, led by your Study Leader. Start at the Cathedral of Rouen, which was painted multiple times by Monet as he studied the impact of light. Rouen offers outstanding examples of half-timbered houses. Arrive in Paris and check into your hotel in the early evening.

Dinner: Near the hotel

Evening: See the lights and highlights of the city on an illuminating evening bus exploration.

Tuesday, May 6 – **Meetings (optional Opera Garnier, the Ile de la Cite and Notre Dame Cathedral)**

Breakfast: Buffet at the hotel.

Morning: There will be a CLE meeting for all participating lawyers. Optional Field Trip for partners, spouses and non-participating lawyers: Discover the beautiful Paris Opera House (Opera Garnier) and enjoy exploring the area around the Opera, famous for les Grands Magasins (the French stores Primemps and the Gallery Lafayette).

Lunch: Near les Halles.

Afternoon: Explore the heart of Paris: Ile de la Cite. Discover the flower markets and the Sainte-Chapelle, one of the most beautiful specimens of Gothic architecture. End the afternoon at Notre Dame Cathedral.

Dinner: On your own to explore local fare in Paris.



Continued on reverse ...

TO REGISTER

Limited spaces are available. Call (800) 322-5315 and reference Program #20589 – Historic Normandy & Paris starting on 5/1/2014.

REGISTRATION AND CANCELLATION INFORMATION

Historic Normandy & Paris

Program Number: 20589 **Departure Date:** 5/1/2014

Please note that participants on this program must be 21 Years of age or older due to program content and the serving of alcohol.

Payment Schedule	
Deposit Payment	\$500 (Due upon enrollment.)
Final program payment	Amount due is contingent upon hotel category chosen and single or double occupancy (see page 1). (Due 2/13/2014 or upon enrollment if enrolling after 02/13/14.)
Cancel/Transfer Schedule	Fee amount per person
Cancellation from time of enrollment to 67 days prior 5/1/14	\$250
Cancellation from 66 days to 30 days prior to 5/1/2014	50% of total program price
Cancellation less than 30 days prior to 5/1/2014	100% of total program price

Pre/Post-Program Extensions:

Our staff will be pleased to work with travelers interested in pre/post-program arrangements including flight and ground travel arrangements

Road Scholar Trip Cancellation, Interruption & Travel Delay

Insurance: Road Scholar recommends you purchase travel insurance. Please consider taking advantage of Road Scholar's Optional Trip Cancellation, Interruption, & Trip Delay insurance.

Optional insurance for this program is \$243 per person.

You will receive a detailed brochure about this insurance policy when you enroll in the program.

Wednesday, May 7 – Meetings (optional Parisian market and the Orsay Museum) and Montmartre

Breakfast: Buffet at the hotel.

Morning: There will be a CLE meeting for all participating lawyers. Optional Field Trip for partners, spouses and non-participating lawyers: Explore the life cadence of a typical Parisian. Led by your Study Leader, visit the morning market and enjoy some opportunities to taste local cheese, breads and specialties. Continue to the Orsay Museum for a self-guided visit using the museum's audio guides. Orsay has the largest collection of Impressionist masterpieces in the world.

Lunch: Near the museum.

Afternoon: Led by your Study Leader, explore Montmartre, the neighborhood that was made famous by artists and that continues to this day to be popular with Parisian artists and writers. See Sacre Coeur and Place du Tertre, and also explore the back and side streets of this well-known neighborhood.

Dinner: On your own to explore local fare in Paris.

Thursday, May 8 – Monet's Gardens at Giverny and the Palace of Versailles

Breakfast: Buffet at the hotel.

Morning: Explore the beautiful gardens of Claude Monet at Giverny.

Lunch: On your own in Giverny to explore local fare.

Afternoon: Visit the Palace of Versailles and the Fountain Gardens.

Dinner: Festive Farewell Dinner near the hotel.

Friday, May 9 – Return to the U.S.

Breakfast: Buffet at the hotel.

Morning: Transfers to the airport to return to the U.S. or continue on with independent arrangements.



Charlie Norwood VA Medical Center
Public Affairs Office

One Freedom Way
Augusta, GA 30904

News Release

**Veterans Legal Clinic opens at
Charlie Norwood VA Medical Center**

Augusta – The Augusta Bar Association through the military and Veterans law section of the state bar of Georgia will provide legal assistance to Veterans free of charge. In a ceremony held Friday January 31 2014 Adam King President of the Augusta Bar Association signed a Memorandum of Understanding with Charlie Norwood VA Medical Center Director Robert Hamilton. This is a program started at the Atlanta VA Medical Center 15 years ago and is now branching out to include other Medical Centers in an effort to assist more Veterans.

Volunteer Bar Association members will staff a facility at the Uptown Medical Center at 1 Freedom Way Augusta, Georgia. Veterans with legal questions will be able to set up an appointment and meet with legal representatives.

For more information please call Pete Scovill, Public Affairs Officer
(706) 733-0188 extension 1733

EXHIBIT C

Law Practice Management Program

(Abbreviated report for the 2013-2014 Bar Year)

This is a summary of program events scheduled and completed during the period July 1 – February 25, 2014.

Consultations by City	#	Types of Consultations	#	Size of Firms	#
Atlanta:	15	General:	6	1 Attorney (Solo):	5
Conyers:	1	Technical:	13	2-4 Attorneys:	5
Decatur:	1			5-8 Attorneys:	9
Marietta	2			9-15 Attorneys:	0
				16+ Attorneys:	0

Total Number of Consultations = 19

Resource Library:

Our lending library has a grand total of **1,253** 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 **374** checkouts by **117** patrons.

Software Library:

The Program has a Software Library that consists of complete, working copies of software applications. Many of these products are legal specific, and require more guidance when being demonstrated than general applications. During this period, **5** visits were made to look at software programs in the Software Library.

Office Visits:

LPM distributed **376** booklets (*Starting Your Georgia Law Practice*) as requested by attorneys. There were **49** startup discussions conducted by the Program via office visits.

Speaking Engagements:

There are a total of **27** completed and scheduled programs during this period. The Program's staff has given **15** continuing legal education and special presentations to Georgia lawyers and other related groups. These presentations have been held in various local and national venues. **12** programs are scheduled for future dates.

American Bar Association (ABA) Teleseminar CLE: *Bad Check Fraud: How You Can Avoid Being Duped (Co-Presenters: Natalie Kelly and Dan Pinnington)*, July 1, 2013.

Solo and Small Firm Summer CLE Seminar (sponsored by LPM), *Advanced Fastcase Tips and Tricks (Sheila Baldwin)*, *Solo and Small Firm Financial Management (Natalie Kelly)*, *Selecting Software for the Solo and Small Firm (Natalie Kelly)*, State Bar of Georgia State Bar of Georgia Conference Center, Atlanta, Georgia, August 15, 2013, *34 attendees*.

Cobb County Women of the Bar Section Luncheon CLE, *Law Office Technology (Natalie Kelly)*, Shillings on the Square Restaurant, Marietta, Georgia, September 20, 2013, *17 attendees*.

Blue Ridge Bar Association, *Fastcase (Sheila Baldwin)*, Cherokee County Conference Center, Canton, Georgia, October 9, 2013, *40 attendees*.

Basic Fiduciary Practice CLE, *Law Practice Management (Sheila Baldwin)*, Mercer University Law School, October 18, 2013, *60 attendees*.

National Association of Legal Secretaries (NALS) 62nd Annual Education Conference and National Forum, *Solo and Small Firm Finances (Natalie Kelly)*, Atlanta Marriott Perimeter Center, Atlanta, Georgia, October 18, 2013.

Cobb County Bar Solo and Small Firm Section Luncheon CLE, *Law Office Technology and Marketing* (Natalie Kelly), Sutherland, Atlanta, Georgia, October 24, 2013, 14 attendees.

GABWA Professional Development Academy, *Law Practice Management* (Natalie Kelly), Sutherland, Atlanta, Georgia, October 26, 2013, 26 attendees.

Solo and Small Firm Fall CLE Seminar (sponsored by LPM), *iPad and Other Gizmos and Useful Apps for the Lawyer* (Co-Presenters: Sheila Baldwin and Eric Ballinger), State Bar of Georgia Headquarters, Atlanta, Georgia, October 31, 2013, 39 attendees.

John Marshall Law School Solo Practitioner Bootcamp, *Client Development (Social Media) and State Bar Resources* (Natalie Kelly), John Marshall Law School, Atlanta, Georgia, November 5, 2013, 30 attendees.

ABA 7th Annual Labor & Employment Law Conference, *Apps for Lawyers* (Co-Presenters: Natalie Kelly, Jeff Richardson, and Jeff Taylor), Hilton New Orleans, New Orleans, Louisiana, November 7, 2013.

Cobb County Bar CCLPA Winter CLE, Fastcase and Member Benefits Program (Sheila Baldwin), Cobb County Central Library, Marietta, Georgia, November 8, 2013, 35 attendees.

Georgia State University Law School, *Overview of Attorney Resources at the State Bar Office* (Natalie Kelly), Atlanta, Georgia, November 15, 2013, 10 attendees.

Corporate Counsel Institute CLE, *Paperless Productivity and 40 Tech Tips in 40 Minutes* (Co-Presenters: Natalie Kelly and Steve Best), Grand Hyatt Buckhead, Atlanta, Georgia, December 13, 2013, 208 attendees.

State Bar of Georgia Midyear Meeting CLE: iPad for Lawyers (sponsored by LPM), *iPad and Other Gizmos and Useful Apps for the Lawyer* (Co-Presenters: Sheila Baldwin and Eric Ballinger), Intercontinental Buckhead, Atlanta, Georgia, January 14, 2014, 8 attendees.

Upcoming Speaking Engagements:

Cobb County Bar Annual Solo and Small Firm CLE, *Law Firm Management: Tips for Effectively Running Your Solo or Small Firm* (Natalie Kelly), Fastcase (Sheila Baldwin), Switzer Library, Marietta, Georgia, February 28, 2014.

Emory University Law School, *Technology in Legal Practice* (Natalie Kelly), Atlanta, Georgia, March 6, 2014.

TILPP Group Mentoring, *Ways the State Bar Enhances Your Career, Model Mentoring Plan C* (Natalie Kelly), State Bar of Georgia Conference Center, Atlanta, Georgia, March 11, 2014.

ABA Bar Leadership Institute (BLI), *Opportunities for Innovation in a Changing Legal Landscape* (Moderator: Marta-Ann Schnabel, Co-Presenters: Dolores Dorsainvil, William Hornsby, Natalie Kelly, Daniel B. Rodriguez, Sarah Sladek, and R. Amani Smathers), Marriott Chicago Downtown, Chicago, Illinois, March 13, 2014.

Columbus Bar Association Luncheon CLE, *Location TBD*, Columbus, Georgia, March 20, 2014.

GABWA Professional Development Academy, *Law Practice Management* (Natalie Kelly), Sutherland, Atlanta, Georgia, March 22, 2014.

ABA 2014 TECHSHOW, (Planning Board Chair, Natalie Kelly), *60 Sites in 60 Minutes* (Co-Presenters: Natalie Kelly, Randy Juip, Lincoln Mead, Sharon Nelson) Hilton Chicago, Chicago, Illinois, March 27-29, 2014

Mercer University Law School, *Law Office Management (Natalie Kelly)*, Atlanta, Georgia, April 1, 2014.

Knoxville Bar Association Law Practice Today Expo, *Cloud v. Traditional Software: Should You Go There? and Managing Your Practice through Technology (Natalie Kelly)*, U.T. Conference Center, Knoxville, Tennessee, April 4, 2014.

Solo and Small Firm Spring CLE: Georgia's ABA TECHSHOW Roadshow (sponsored by LPM), State Bar of Georgia Conference Center, Atlanta, Georgia, April 25, 2014.

Virginia State Bar ABA TECHSHOW Roadshow, *Time, Billing & Accounting Case Management Software (Co-Presenters: Natalie Kelly and Brett Burney) and The Virtual Lawyer (Natalie Kelly)*, May 19, 2014.

State Bar of Georgia Annual Meeting: Law Practice Management CLE (*Chair, Natalie Kelly*), Omni Amelia Island Plantation Resort, Amelia Island, Florida, June 5, 2014.

Georgia's Annual Solo and Small Firm Institute & Technology Showcase (sponsored by LPM), State Bar of Georgia Conference Center, Atlanta, Georgia, July 25-26, 2014.

Fastcase Report:

During this period, a grand total of **95** members have attended Fastcase CLE seminars.

Since the decision was made to transition to Fastcase, **1114** attorneys and **58** staff members have attended Fastcase live training. Others have taken advantage of webinar training.

Fastcase Reported Problems	
Issue	Resolution
09/20/13 Member Reported: GA. Code 16-13-30 and it is listed twice.	09/23/13 FC Response: Editorial mistake, appreciated our member letting them know, it was fixed immediately.
10/4/13 Member Reported: Couldn't get into Fastcase, no access.	10/4/13 FC Response: Problem was our website was down; Fastcase offered an alternate way to access the site.
11/18/13 Member Reported: The screen will not stay open. It flashes with the 'search' screen and then goes blank.	11/18/13 FC Response: Member needs to update flash on computer.

Partner Usage Report For State Bar of Georgia From 12/1/2010 to 2/28/2014

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	
First Time Logins	2010	0	0	0	0	0	0	0	0	0	0	0	6	6
	2011	5,594	1,607	1,274	1,414	556	593	425	485	349	359	356	355	13,367
	2012	411	455	502	275	225	269	250	213	181	191	202	217	3,391
	2013	300	279	254	228	144	202	180	190	150	155	176	205	2,463
	2014	198	152	0	0	0	0	0	0	0	0	0	0	350
Total Logins	2010	0	0	0	0	0	0	0	0	0	0	0	11	11
	2011	22,559	20,630	22,257	18,197	17,523	18,294	17,199	20,056	17,758	18,566	16,890	15,899	225,828
	2012	18,804	19,965	19,992	17,911	17,923	17,679	16,869	19,140	16,072	18,143	15,426	13,298	211,222
	2013	18,584	17,776	18,736	18,558	17,870	16,527	17,720	19,016	17,748	19,901	16,147	14,906	213,489
	2014	18,402	14,394	0	0	0	0	0	0	0	0	0	0	32,796
Total Users Who Logged In	2010	0	0	0	0	0	0	0	0	0	0	0	6	6
	2011	5,598	4,487	4,863	5,159	4,046	4,241	3,984	4,317	3,996	4,097	4,043	3,897	52,728
	2012	4,309	4,417	4,583	4,153	4,019	4,065	3,918	4,075	3,711	3,977	3,732	3,503	48,462
	2013	4,120	4,122	4,295	4,167	3,938	3,860	3,912	4,048	3,954	4,069	3,836	3,771	48,092
	2014	4,082	3,687	0	0	0	0	0	0	0	0	0	0	7,769
New Premium Subscriptions	2010	0	0	0	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0	0	0	0
	2013	0	0	0	0	0	0	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0	0	0	0	0	0	0
Searches Conducted	2010	0	0	0	0	0	0	0	0	0	0	0	9	9
	2011	62,837	58,021	70,424	57,017	56,689	61,542	60,391	61,987	56,444	61,009	54,726	50,293	711,380
	2012	59,411	62,588	61,323	54,780	54,417	53,292	51,196	57,415	50,585	56,245	47,017	39,735	648,004
	2013	55,731	53,488	54,381	53,275	51,382	47,166	94,310	100,091	99,340	108,527	89,299	82,823	889,813
	2014	103,444	80,288	0	0	0	0	0	0	0	0	0	0	183,732
Documents Viewed	2010	0	0	0	0	0	0	0	0	0	0	0	17	17
	2011	225,094	138,848	168,464	140,187	138,639	138,753	137,845	155,018	146,913	145,395	128,508	120,850	1,784,514
	2012	147,806	160,548	156,593	137,240	137,603	148,466	144,033	174,781	142,462	160,610	140,763	112,806	1,763,711
	2013	164,989	157,620	163,334	161,149	156,073	138,337	154,034	160,488	153,820	168,659	137,893	126,522	1,842,918
	2014	157,852	124,260	0	0	0	0	0	0	0	0	0	0	282,112
Documents Printed	2010	0	0	0	0	0	0	0	0	0	0	0	0	0
	2011	13,718	13,941	17,297	14,390	14,524	15,050	13,368	15,959	15,054	16,514	14,772	12,978	177,565
	2012	15,318	16,338	16,098	13,572	13,722	14,002	13,673	15,500	13,353	14,867	12,651	10,622	169,716
	2013	16,146	15,170	16,812	16,180	16,917	14,361	14,640	16,295	15,232	17,336	14,048	14,039	187,176
	2014	16,413	13,687	0	0	0	0	0	0	0	0	0	0	30,100
Total Transactions	2010	0	0	0	0	0	0	0	0	0	0	0	26	26
	2011	301,649	210,810	256,185	211,594	209,852	215,345	211,604	232,964	218,411	222,918	198,006	184,121	2,673,459
	2012	222,535	239,474	234,014	205,592	205,742	215,760	208,902	247,696	206,400	231,722	200,431	163,163	2,581,431
	2013	236,866	226,278	234,527	230,604	224,372	199,864	262,984	276,874	268,392	294,522	241,240	223,384	2,919,907
	2014	277,709	218,235	0	0	0	0	0	0	0	0	0	0	495,944

PRIVATE EXCHANGE - STATE BAR OF GEORGIA

As of February 21, 2014

Individual Marketplace Stats	
Start Page Views	1,389
Individual Marketplace Accounts Created	464
Medical Enrollments	32
Ancillary Product Enrollments	19

Employer Exchange Stats	
Start Page Views	549
Employer Registrations (Quotes Requested)	13
Employer Groups Joining Exchange (Sold)	-
Total # of Enrolled Employees on Exchange	-
Medical Enrollments	-
Ancillary Product Enrollments	-

**CONSUMER ASSISTANCE PROGRAM
STATE BAR OF GEORGIA**

February 27, 2014

The Consumer Assistance Program (CAP) continues to serve both the public and members of the Bar, as it has since 1995. So far during this fiscal year (2013-2014) CAP has handled around 7108 new or “unique” contacts (calls, letters, emails, faxes, and rare walk-ins). This does not include repeat calls, letters, emails, or follow-up contacts. CAP itself has handled 78.25% of these contacts. The remaining 21.75% have been referred to the Office of General Counsel (OGC) for investigation by way of grievances. It is beyond the scope of CAP’s responsibility to investigate or handle allegations of serious violations of the Georgia Rules of Professional Conduct and ethical misconduct.

CAP’s staff consists of three administrative assistants and two attorneys. CAP directly answers “live” about 97% of the calls received. The CAP Helpline is used when no one is available to answer calls live or for calls that come in after business hours. Calls that are not answered live are returned within the same or the next working day. CAP’s response to the voluminous mail, emails, and faxes, is usually within one day.

CAP’s two attorneys frequently contact members of the Bar by telephone, fax, or letter, at the request of clients. It is often helpful for attorneys to receive a confidential, non-disciplinary courtesy call, letting the attorneys know that their clients have contacted the Bar with various concerns or complaints. In order to facilitate communication between clients and attorneys, CAP notifies attorneys that their clients wish to hear from them, do not understand what is happening on their cases, need updates on case status, or, in the case of former clients, need their files. Realizing that CAP has heard only one side of the situation, CAP does not presume to advise attorneys on how to practice law or to assert that the client’s position is true and correct. Each CAP call is just a “heads-up” or courtesy call to the attorney. None of CAP’s actions in this regard reach attorneys’ permanent records, and all are confidential.

CAP is the contact point of the Bar for persons complaining about attorneys who are delinquent in paying their court ordered child support. Under OCGA 19-6-28.1 an attorney obligated to pay child support can be administratively suspended from the practice of law, if the custodial parent submits a certified copy of an order verifying the arrearage. The suspension is lifted once certain requirements are met in accordance with the Code and Bar rules. There has been no such case during this fiscal year.

CAP is also a contact point for the Judicial District Professionalism Program (JDPP). This involves inquiries from lawyers or judges concerning unprofessional conduct and incivility among peers. This program is private, confidential, voluntary, and non-disciplinary in nature. Its purpose is to open channels of communication by the informal use of local peer influence. During this fiscal year there has been one JDPP case.

CAP remains within its annual budget of \$530,832, and it is anticipated that it will continue to do so.

**CHIEF JUSTICE'S COMMISSION
ON PROFESSIONALISM**

JOIN US!



Suite 620 , 104 Marietta Street, NW
Atlanta, Georgia 30303
404.225.5040
professionalism@cjcpga.org

The Chief Justice's Commission on Professionalism is celebrating its 25th Anniversary with a grand celebration and benefit to be held on **Tuesday, March 25, 2014**, at 6:00 p.m. at the Commerce Club, 191 Peachtree Street in Atlanta, Georgia.

This 25th Anniversary Celebration will proudly benefit the Georgia Legal Services Program (GLSP), a non-profit organization whose mission is to provide low-income Georgians with access to justice and opportunities to overcome poverty.

This event will also pay tribute to Commission co-founder, A. James Elliott, now Associate Dean and Professor at Emory University School of Law, Past President of the State Bar of Georgia, Past President of the Young Lawyers Division of the State Bar of Georgia, Co-Founder of Georgia Legal Services Program.



Tickets are available and can be purchased by check using form or by credit card online at:

<http://donatenow.networkforgood.org/CJCP25thAnniversaryCelebration>

For more information:

<http://gabar.org/newsandpublications/announcement/announcementdetail.cfm?id=31585>



Sponsorships are still available. For more information call or email Jeanette Burroughs, at GLSP 404.563.7710 x. 1611, jbroughs@glsp.org.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM
25th Anniversary Celebration and Benefit for Georgia Legal Services

Tuesday, March 25, 2014, 6:00 p.m. - Commerce Club, 191 Peachtree St., Atlanta, Georgia

Name: _____

Informal Name (for name badge): _____ Firm/Organization: _____

Address: _____

State: _____ Zip _____ Phone _____

Email: _____

Ticket Pricing

Individual Ticket - \$125.00*

Vegetarian Meal Option(s) _____

Reserved Tables

Please provide your Firm or Organization name as well as the names of the registrants assigned to your table. Contact us for additional information.

Purchase Reserved Table of 10 - \$1100.00*

Firm/Organization:

Attendees Names*:

1 _____ 6 _____

2 _____ 7 _____

3 _____ 8 _____

4 _____ 9 _____

5 _____ 10 _____

*Use Attendees Names for both individual tickets purchased, if more than one, or table purchases.

\$ _____ amount denoted as tax deductible

Payment

Please complete this form and return it to the Georgia Legal Services Program with your payment.

Total Amount \$ _____

Make check payable to **GLSP**

Mail check and form to:

GLSP
Attn: Jeanette Burroughs
Suite 250
104 Marietta Street, NW
Atlanta, GA 30303

Questions:

404-563-7710, ext. 1611

You may also purchase tickets online using a credit card at:

<https://donatenow.networkforgood.org/CJCP25thAnniversaryCelebration>



Lawyers Serving the Public and the Justice System



The State Bar of Georgia Law School Excellence in Access to Justice Award

Presented by the Access to Justice Committee of the State Bar of Georgia, the Young Lawyers Division of the State Bar of Georgia and the Pro Bono Project of the State Bar of Georgia

Nomination Criteria

Created by the State Bar of Georgia Access to Justice Committee and the State Bar of Georgia Young Lawyers Division (YLD), the **Law School Excellence in Access to Justice Award** is open to all law students currently enrolled in or graduating from an accredited Georgia law school. The **Law School Excellence in Access to Justice Award** will recognize an individual law student or law student group or group activity. The award specifically recognizes a law student who has excelled in participation in support of a civil pro bono or legal aid program or who has developed or has been instrumental in the development of a civil pro bono program satisfying previously unmet civil legal needs or extended services to underserved segments of the population. The Award may also specifically recognize a law student-led group or activity that has demonstrated an effective mechanism in addressing the civil legal needs of the community or that has demonstrated a high level of participation and commitment of its members to provision of civil legal services to the poor in the community.

All law-related activities for which the nominee is credited must be within the realm of those permitted for law students or under the direction of a lawyer or law school program.

Representatives from the Access to Justice Committee and YLD will select the best nominee and will present the student or student group selected with the **Law School Excellence in Access to Justice Award** at the April 2014 meeting of the Bar's Access to Justice Committee as well as at State Bar of Georgia's annual Pro Bono Awards Reception in October 2014.

A law school dean, professor, law student organization, legal services provider or lawyer-supervisor may nominate an eligible law student by submitting a nomination form to the Awards Committee. Law students also may self-nominate or nominate a fellow law student for this award. Each school may have multiple nominees. **Email a completed nomination form to probono@gabar.org, or mail the form to Pro Bono Project, State Bar of Georgia, 104 Marietta Street, Suite 100, Atlanta, GA 30303. *Electronic nominations are encouraged, and all nominations must be received by midnight, March 21, 2014.***

Additional materials such as letters of recommendation or news articles may be included with a nomination. Please limit each nomination to ten pages, including supporting materials.

Nominators should use the attached **Nomination Form** for guidance.

The synopsis in the **Nomination Form** should clearly identify the services and accomplishments of the nominee in the areas of civil legal services which benefit low-income and poor or marginalized segments of the population, such as migrant farmworkers, persons with disabilities and immigrants. The synopsis should clearly describe the nominee's qualifications for this award.

Your nomination should highlight, for example, the following:

- If a law student nominee, a passion for advocating for underserved populations, demonstrated by work for that population during law school, and/or intent to practice law on behalf of that population after graduation;
- Substantial performance of civil legal service (as opposed to general public service such as volunteer work for a charity that does not involve the application of legal theories or administrative or court procedure, and supervised by a licensed attorney or under the purvey of an accredited law school);
- Involvement in public service activities.

In evaluating nominees, the selection committee may consider clinical course work and summer law-related activities of a law student.

The State Bar of Georgia Law School Excellence in Access to Justice Award

Nomination Criteria

On behalf of the State Bar of Georgia Access to Justice Committee and the State Bar of Georgia Young Lawyers Division, the selection committee seeks nominations from the law school and legal services community to recognize a law student who has provided outstanding civil legal public service for poor and underserved segments of the population. Please review the award criteria and nominate a student you believe is deserving of such recognition.

1. Nominee information

Law Student's Name

Year in Law School

OR

Name of Law Student Organization/Project

Law School Name

Address

Phone Number

Email

2. Nominating individual's information

Name of individual making nomination

Position Title

Organization

Address

Phone Number

Email

3. Synopsis

A one to two page synopsis describing nominee's qualifications must be attached to the nomination form. See nomination criteria for description of the synopsis. Additional supporting materials may be included with a nomination. Please limit each nomination to ten pages total.

4. Attachments

Note: Rather than reproducing and attaching web resources, you may provide links to relevant Facebook, LinkedIn or other social media sites or apps that support the nomination. For each link, provide a **very brief** description of what will be found at the link. Please test your links.

[THIS COVER PAGE DOES NOT COUNT TOWARD THE 10-PAGE LIMIT]



ABA Legislative Action Alert

Urge Congress to Reject Burdensome Tax Proposal that Adversely Affects Many Lawyers and Law Firms

We need your help to convince leaders of the House Ways & Means and Senate Finance Committees to remove key provisions from their draft tax reform bills that would impose substantial new financial burdens on many law firms, accounting firms and other personal service businesses throughout the country. These harmful provisions would require all such firms with annual gross receipts over \$10 million to use the accrual method of accounting rather than the traditional cash receipts and disbursement method. As a result, all of these firms would be forced to pay taxes on income they have not yet received and may never receive.

BACKGROUND

Current law allows individuals and most partnerships and other pass-through entities—as well as other types of businesses with annual gross receipts of \$5 million or less—to use the simple cash method of accounting for tax purposes, in which income is not recognized until cash or other payment is actually received. In addition, all law firms, accounting firms, and various other types of personal service businesses are allowed to use the cash method of accounting regardless of their annual revenue unless they have inventory. Most other businesses are required to use the more complicated accrual method of accounting, in which income is recognized when the right to receive the income arises, not when the income is actually received.

Last year, House Ways & Means Committee Chairman Dave Camp (R-MI) and Senate Finance Committee Chairman Max Baucus (D-MT) released separate discussion draft tax reform bills containing provisions that would fundamentally change the manner in which many law firms and other personal service businesses must pay their taxes. Section 212 of Chairman Camp's draft "[Tax Reform Act of 2013](#)" and Section 51 of the [similar draft bill](#) by Chairman Baucus would dramatically change current law by raising the gross receipts cap to \$10 million while eliminating the existing exemption for law firms and other personal service businesses, partnerships and S corporations, and farmers. The practical effect would be to substantially accelerate the firms' tax payments.

In November 2013, the ABA Board of Governors adopted a [Resolution](#) opposing the draft legislation and any other similar measures that would require law firms and other personal service businesses to switch from the cash to the accrual method of accounting. Similar resolutions have been adopted by a number of state bars, including those in Ohio, Minnesota, New Jersey, and Wisconsin, and other bars are now considering taking similar action.

On January 13, 2014, the ABA sent [letters](#) to the House Ways & Means and Senate Finance Committees opposing Sections 212 and 51 in the respective draft bills. The ABA expressed concerns that these provisions would create unnecessary complexity in the tax law; increase compliance costs; and cause substantial hardship to many law firms and other personal service businesses by requiring them to pay tax on income they have not yet received and may never receive. Therefore, the ABA urged the Committees to remove these provisions from the draft bills. The ABA's concerns are more fully explained in the [ABA Fact Sheet](#) on this issue.

URGENT ACTION REQUESTED

The ABA needs your bar's help to persuade leaders of the House Ways & Means and Senate Finance Committees to remove Sections 212 and 51 from the House and Senate draft bills, respectively. Please assist us in this effort by:

- **Adopting a resolution** opposing these provisions in the draft legislation (See [model bar resolution](#)); and
- **Emailing or faxing letters to your Members of Congress** urging them to oppose the legislation and to convey their views to the relevant Committee leaders. (See [sample bar letter to Representatives](#) and [sample bar letter to Senators](#).) Because the [House Ways & Means Committee](#) or [Senate Finance Committee](#) could schedule a markup and vote on the draft bills at any time, all state and local bars with Members on either Committee are especially encouraged to send letters to those Committee Members as soon as possible.

If you have any questions or if you adopt a resolution or send letters to Congress, please contact Larson Frisby, Associate Director of the ABA Governmental Affairs Office, at (202) 662-1098 or larson.frisby@americanbar.org. This will help us to coordinate and follow-up on your efforts. Thank you for your assistance on this important issue.



February 26, 2014

The Honorable Saxby Chambliss
United States Senate
Washington, D.C. 20510

Re: Draft Legislation Requiring Many Law Firms and Other Personal Service Businesses to Pay Taxes Using the Accrual Method of Accounting

Dear Senator Chambliss:

On behalf of the State Bar of Georgia and its more than 42,000 members, I write to express our concerns regarding Section 51 of the discussion draft bill prepared by former Senate Finance Committee Chairman Max Baucus. If enacted, this provision would require all law firms and other personal service businesses with annual gross receipts over \$10 million to use the accrual method of accounting rather than the traditional cash receipts and disbursement method of accounting. As a result, many law firms, accounting firms, medical firms, and other professional service providers would be forced to pay taxes on income long before it is actually received.

Under current law, individuals and most partnerships and other pass-through entities—as well as other types of businesses with annual gross receipts of \$5 million or less—are permitted to use the simple cash method of accounting, in which income is not recognized until cash or other payment is actually received. In addition, all law firms and various other types of personal service businesses are allowed to use the cash method of accounting regardless of their annual revenue unless they have inventory. Most other businesses are required to use the more complicated accrual method of accounting, in which income is recognized when the right to receive the income arises, not when the income is actually received. Section 51 would dramatically change current law by raising the gross receipts cap to \$10 million while eliminating the existing exemption for law firms and other personal service businesses, other individuals, partnerships and S corporations, and farmers.

Although we commend former Chairman Baucus' efforts to simplify the tax laws, we are concerned that Section 51 of the draft bill would have the opposite effect and cause other negative unintended consequences. This far-reaching provision would create unnecessary complexity in the tax law and increased compliance costs by disallowing the use of the simple, straightforward cash method of accounting. In addition, the proposal would impose significant new financial burdens and hardships on millions of personal service businesses throughout the country—including many law firms—by requiring them to pay tax on income they have not yet received and may never receive.

To avoid these harmful consequences, the State Bar of Georgia urges you to oppose the accrual accounting requirement contained in Section 51 of the draft bill and convey your opposition to

STATE BAR
OF GEORGIA

Charles L. Ruffin
President, 2013-2014



Lawyers Serving the Public and the Justice System

Letter to Senator Chambliss
Page 2

the new Chairman of the Senate Finance Committee, Senator Ron Wyden, and to the Committee's Ranking Member, Senator Orrin Hatch.

Thank you for considering our views on this issue, which is of critical importance to lawyers, law firms, and many other types of personal service businesses throughout Georgia and around the country.

Sincerely,

A handwritten signature in black ink that reads "Charles L. Ruffin".

Charles L. Ruffin
President



February 26, 2014

The Honorable John H. Isakson
United States Senate
Washington, D.C. 20510

Re: Draft Legislation Requiring Many Law Firms and Other Personal Service Businesses to Pay Taxes Using the Accrual Method of Accounting

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Sincerely,

A handwritten signature in black ink that reads "Charles L. Ruffin". The signature is written in a cursive, flowing style.

Charles L. Ruffin
President

CLR/sb