

Board Book

State Bar of Georgia
Board of Governors
Agenda Book



2015 Fall Meeting
Savannah, GA



State Bar of Georgia

259th BOARD OF GOVERNORS MEETING

Saturday, October 24, 2015

9:00 a.m.–12:00 p.m.

The Hyatt Regency
2 W. Bay Street
Savannah, Georgia

Dress: Business Casual

AGENDA

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
1) ADMINISTRATION		
a) Welcome and Call to Order.....	Bob Kauffman President	1-4
b) Invocation.....	Jon Pannell	
c) Recognition of Former Presidents, Judges And Special Guests	Bob Kauffman	
d) Roll Call (by signature)	Buck Rogers, Secretary.....	5-11
e) Future Meetings Schedule	Bob Kauffman	12-13
2) ACTION		
a) Minutes of the 257 th & 258 th Meeting	Buck Rogers	14-29 of the Board of Governors on June 19-20, 2015
b) Appointments to the Commission on Continuing ... Lawyer Competency (CCLC)	Bob Kauffman	
(1) Reappointment of Jenny Jensen, 2016-2018		
(2) Appointment of Virgil L. Adams, 2016-2018		

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
c) Lawyer Assistance Program (LAP)	Bill NeSmith	30-31
Proposed Rules Changes		
(1) Rule 7-202. Volunteers		
(2) Rule 7-301. Contacts Generally		
d) Elections Committee.....	Bill NeSmith	
Proposed Rules Changes & Bylaws Amendments		
(1) Rule 1-204. Good Standing		32
(2) Rule 1-501. License Fees.....		33-38
(3) Bylaw Article VII Nomination and Elections; Section 6-9, 11-14.....		39-44

3) LEGISLATION

a) ACL September 16, 2015 Meeting.....	Elena Kaplan, Vice Chair	45-47
New Legislative Proposals (action)	Rusty Sewell	
(1) Funding Request for Legal Representation for	Joyce Gist Lewis	48-49
Victims of Domestic Violence	Derrick A. Pope Co-Chairs, Committee to Promote Inclusion in the Profession	
(2) Pay Parity for Assistant Public Defenders and	Bryan Tyson	50-51
Assistant District Attorneys	Executive Director Georgia Public Defender Council Chuck Spahos.....	52-57
(3) SB 64. Repeal of Administrative Legitimation	Regina Quick, Chair	58-70
	Pilar Prinz, Legislative Liaison Family Law Section	

Topics

Presenter

Page No.

4) INFORMATIONAL REPORTS

a) President’s ReportBob Kauffman

b) South Carolina Bar’s Attorney Wellness Committee.....Michael Ethridge, Chair

c) Disciplinary Rules & Procedure Committee.....John Haubenreich, Chair

d) Treasurer’s ReportPat O’Connor 71-75
Treasurer

e) Young Lawyers Division.....Jack Long..... 76-84
YLD President

f) Activities in the Circuits.....Susan Cox, Ogeechee Circuit
John Manly, Eastern Circuit

5) WRITTEN REPORTS

a) Executive Committee Minutes

 (1) May 15, 2015 85-94

 (2) June 24, 2015..... 95

 (3) August 14, 2015..... 96-104

b) Office of the General Counsel Report 105-108

c) Lawyers Helping Lawyers: Policies and Guidelines 109-119

d) Military Legal Assistance Program 120-137

e) Consumer Assistance Program..... 138-139

f) Law Practice Management Program 140-142

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
g) Chief Justice’s Commission on Professionalism.....		143-151
h) <i>ABA Bar Leader</i> article, “LegalZoom, other companies: Friends or Foes”		152-155
i) Media Report.....		156-158

6) CLOSING

- a) Old Business.....Bob Kauffman
- b) New Business.....Bob Kauffman
- c) Questions/Answers; Comments/SuggestionsBoard of Governors
Officers
Executive Committee
Executive Director
General Counsel
- d) Adjournment **to begin Strategic Planning Session**Bob Kauffman

Strategic Planning Session with all Board of Governors members immediately following the Board of Governors meeting.

STATE BAR OF GEORGIA
BOARD OF GOVERNORS MEETING
FALL 2015



THE HYATT REGENCY SAVANNAH

OCT. 23-25

SAVANNAH, GA.

Hotel Cut-off Date: Friday, Sept. 25

Registration Cut-off Date: Friday, Oct. 16

SCHEDULE OF EVENTS

Friday, Oct. 23

10 a.m. – 12 p.m.

Joint Meeting of the Military/Veterans Law Section
and MLAP Committee
(Executive Committee members only)

10 a.m. – 3 p.m.

Investigative Panel

12 – 1:30 p.m.

ICLE Board of Trustees Fall Meeting

1 – 3 p.m.

ICJE Quarterly Board Meeting

1 – 4 p.m.

Review Panel

1:30 – 3 p.m.

CCLC Meeting

2 – 5 p.m.

Disciplinary Rules and Procedures Committee

4 – 5 p.m.

Member Benefits Committee

6:30 – 9 p.m.

Board of Governors Reception and Dinner

Saturday, Oct. 24

9 a.m. – 12 p.m.

Board of Governors Meeting



BOARD OF GOVERNORS RECEPTION AND DINNER

Please join us Friday evening for dinner, drinks and entertainment in the Hyatt Harborside Ballroom. Relax and network with fellow Board members and their guests.

HOTEL ACCOMMODATIONS

Cut-off date is Friday, Sept. 25

*The Hyatt Regency Savannah
2 W. Bay St.
Savannah, GA 31401
912-238-1234
Fax: 912-944-3678
savannah.hyatt.com*

The Hyatt Regency Savannah will be our host hotel offering discounted room rates. A block of rooms has been reserved for the meeting. Our room rates are: \$203/standard; \$253/riverfront, plus applicable taxes and fees.

To make reservations and receive our special rates please call the Hyatt Savannah Regency at 912-238-1234 and tell them you are with the State Bar of Georgia. Reservations must be made by Friday, Sept. 25, as rooms will be on a space and rate availability basis after this date.

You may also make your reservations online here.



CHECK-IN/CHECK-OUT TIME

Check-in is 3 p.m.
Check-out is 12 p.m.

ATTIRE

Casual dress for all meetings.

AROUND TOWN



Historic District

The Historic District of Savannah is the heart of one of the most beautiful cities in the world, with cobblestone streets, manicured gardens and oak-shaded parks drizzling with silvery Spanish moss. The largest National Historic Landmark District in the United States, Savannah contains more than 20 city squares filled with museums, churches, mansions, monuments and famous forts of the Revolutionary and Civil War eras.

River Street

River Street is a glittering, multi-faceted gem along the broad Savannah River. The century-old buildings, once cotton warehouses, have been converted to antique shops, distinctive boutiques, spectacular galleries, quaint brew pubs, fabulous restaurants, unique nightspots, elegant inns and hotels. It's also the place to see Savannah from the river by taking a cruise or watching ships from around the globe sail into one of the busiest ports in America.

Visit www.savannah.com for information on tours, restaurants, shopping and events.

Thank You

MB | MemberBenefits

5 Gavel Corporate Sponsor

REGISTRATION FORM

Please complete and remit the enclosed registration form by Friday, Oct. 16, checking all events you plan to attend, including "no charge" functions.

ATTENDEE INFORMATION

Bar Number _____

Name _____

Nickname _____

Spouse/Guest Name _____

Address _____

City/State/Zip _____

Email _____

SPECIAL NEEDS

DIETARY RESTRICTIONS

ADA: If you have a special need addressed by the Americans with Disabilities Act, please call our ADA coordinator at 404-527-8700.

REFUND POLICY

Meeting registration cancellation is Friday, Oct. 16 for refunds. The State Bar of Georgia will accept only written requests for refund of registration fees. No refunds will be made after Friday, Oct. 16.

REGISTRATION OPTIONS

	Qty.
BOG Functions	
<input type="radio"/> BOG Dinner – Friday	\$65 _____
<input type="radio"/> BOG Meeting	N/C _____
Committee Functions	
<input type="radio"/> CCLC	N/C _____
<input type="radio"/> Member Benefits Committee	N/C _____
<input type="radio"/> Military/Veterans Law Section/MLAP <i>(Executive Committee members only)</i>	N/C _____
Related Organization Functions	
<input type="radio"/> ICLE Board of Trustees	N/C _____
<input type="radio"/> ICJE Board Meeting	N/C _____
Total Fees Enclosed:	\$ _____

PAYMENT INFORMATION

Registrations will be processed on a first-come, first-served basis. Visa, MasterCard and American Express are now accepted. Please make checks payable to State Bar of Georgia and mail to: Michelle Garner, Director of Meetings, Fall BOG Meeting, State Bar of Georgia, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303-2743, Fax 404-527-8717.

CREDIT CARD INFORMATION

Please bill my: Visa MasterCard AMEX

Credit Card Number _____

Exp. Date _____

Name as it appears on the card (Please print) _____

Signature _____



State Bar
of Georgia

Board of Governors Attendance Record

	1-13	3-13	6-13(Fri)	6-13(Sat)	10-13	1-14	3-14	6-14(Fri)	6-14(Sat)	11-14	1-15	4-15	6/15(Fri)	6/15(Sat)
	ATL	Oconee	HH	HH	Jekyll	ATL	Oconee	Amelia	Amelia	Jekyll	ATL	Brass	Stone Mtn	Stone Mtn
Virgil L. Adams	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	.	.	.	e	.	.
Sarah Brown Akins	e	.	.	.	e	.	.	.	.	.	.	e	.	.
Mark W. Alexander	.	.	.	.	.	.	.	.	.	.	.	e	.	.
Kent Edward Altom	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	.
Anthony B. Askew	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Eric A. Ballinger	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Donna G. Barwick	.	e	e	e	e	.	e	e	.	.	.	.	e	e
Joshua C. Bell	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Kenneth R. Bernard, Jr	.	e	.	.	.	.	.	e	e	.	.	e	.	.
Diane E. Bessen	.	.	.	.	e	.	e	.	.	.	.	e	e	.
Sherry Boston	.	.	.	.	e	.	e	.	.	e	.	.	.	.
Jeb T. Branham	n/a	n/a	n/a	.	.	.	.	.	.	.	.	.	e	e
Thomas Neal Brunt	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Thomas R. Burnside III	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Stephanie D. Burton	.	.	.	.	e	.	.	.	.	e	.	e	.	.
JaDawyna C. Butler	n/a	n/a	n/a	.	.	.	.	.	.	.	.	.	.	.
S. Kendall Butterworth	.	e	.	.	e	e	e	.	.	.	e	e	e	e
David Lee Cannon, Jr.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Paul Todd Carroll, III	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Carol V. Clark	.	.	.	e	.	.	.	.	.	.	.	e	e	.
John Christopher Clark	.	.	e	e	.	.	.	.	.	.	.	e	.	.
Edward R. Collier	n/a	n/a	n/a	.	.	.	.	.	.	.	.	e	e	e
Martin L. Cowen III	.	.	.	.	.	.	.	.	.	.	.	.	.	.

To request an excused absence, please email Secretary Buck Rogers (buck@frig-law.com)

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	ATL	Oconee	HH	HH	Jekyl	ATL	Oconee	Amelia	Amelia	Jekyl	ATL	Brass	Stone	Stone
Susan W. Cox	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Terrence Lee Croft	•	•	•	•	e	•	•	•	•	e	•	•	e	e
Matthew B. Crowder	n/a	n/a	n/a	•	•	•	e							
William V. Custer, IV		•	•	•	•	•	•	•	•	•	•	•	•	•
David P. Darden	•	•	•	•	e	•	•	e	e	e	•	•	•	•
Gerald Davidson Jr.	•	•	•	•	•	•	•	e	e	•	e	e	•	•
J. Anderson Davis	•	•	•	•	•	•	e	e	e	•	e	e	•	•
Kimberly Cooper Davis	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	e	•	e	e
Randall H. Davis	•	•	•	•	•	•	•	•	•	•	•	•	•	•
J. Antonio Delcampo	•	e	•	•	•	•	•	•	•	•	•	•	•	•
Scott Dewitt Delius	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•
Joseph W. Dent	e	•	•	•	•	•	•	•	•	•	•	•	•	•
Foy R. Devine	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Thomas V. Duck, III	n/a	n/a	n/a	•	•	•	•	•	•	•	•	•	•	•
V. Sharon Edenfield	n/a	n/a	n/a	•	•	•	•	•	•	•	•	•	•	•
Damon E. Elmore	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Archibald A. Farrar	•	•	e	e	•	•	•	•	•	•	•	•	•	•
Douglass Kirk Farrar	•	e	•	•	•	•	•	•	•	•	e	•	•	•
Elizabeth L. Fite	•	•	•	•	•	•	•	e	e	•	•	•	e	•
Gary Stuart Freed	n/a	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	•	•	•	•	e	•	•	•	•	e	•	e	•	•
Gregory A. Futch	•	•	•	•	•	•	•	•	•	•	•	•	•	•
William Gilmore Gainer	•	•	e	e	•	•	•	•	•	•	•	•	•	•

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

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	ATL	Oconee	HH	HH	Jekyl	ATL	Oconee	Amelia	Amelia	Jekyil	ATL	Brass	Stone Mtn	Stone Mtn
James T. Irvin	•	e	•	•	•	•	•	•	•	•	e	•	•	
William Dixon James	•	•	•	•	•	•	•	e	e	•	•	•	•	•
Curtis S. Jenkins		•	•	•	•	•	•	•	•	•	•	•	•	•
Lester B. Johnson, III	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Dawn M. Jones	•	•	•	•	•	•	•	•	•	•	•	e	•	•
Michael R. Jones, Sr.			•	•	•	•	•	•	•	•	•	•	•	•
Elena Kaplan	•	•	•	•	•	•	•	•	•	e	•	•	•	•
Robert J. Kauffman	•	•	•	•	•	•	•	•	•	•	•	•	•	•
John Flanders Kenned	•	•	e	e	•	•	•	•	•	e	•	e	•	•
William J. Keogh, III	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Barry E. King	n/a	n/a	n/a	•	•	•	•	•	•	e	•	•	•	•
Judy C. King	•	•	•	•	•	•	•	•	•	e	•	•	•	•
Seth D. Kirschenbaum	•	•	•	•	e	•	•	•	•	e	•	•	•	•
Catherine Koura	•	•	e	•	•	•	•	e	e	e	•	•	e	•
Edward B. Krugman	•	•	•	•	•	•	•	•	•	•	•	e	•	•
Jeffrey R. Kuester	•	•	•	•	•	•	•	•	•	e	•	•	•	•
Allegra Lawrence-Hard	•	•	•	•	•	•	•	•	•	e	•	e	•	•
J. Alvin Leaphart	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Dawn Renee Levine	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•
David S. Lipscomb	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Dax Eric Lopez	n/a	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 Ryd Bush Long	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•
Ronald A. Lowry	•	e	•	•	•	•	•	•	•	•	e	•	•	•

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John Bell Manly	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Samuel M. Matchett	•	•	•	e	•	•	•	e	e	•	•	•	n/a	•
William R. McCracken	•	e	e	•	•	e	•	•	•	•	e	•	•	•
Letitia A. McDonald	•	•	•	e	•	•	•	•	•	•	•	e	•	•
Brad J. McFall	•	•	•	e	•	•	e	•	•	•	•	•	•	•
Ashley W. McLaughlin							•	•	•	e	•	e	•	•
Michael D. McRae	•	•	•	•	•	•	•	e	e	•	•	•	•	•
Terry L. Miller	•	•	•	•	•	•	•	•	•	•	•	•	•	•
W. Benjamin Mitcham,	•	•	•	•	•	•	•	•	•	e	•	•	•	•
Jennifer C. Mock	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
G.B. Moore III	•	•	•	e	•	•	•	•	•	e	•	•	•	•
Shondeana G. Morris	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Laura J. Murphree	n/a	n/a	n/a	e	•	•	•	•	•	•	•	•	•	•
Gwyn P. Newsom	•	•	•	•	•	•	•	•	•	•	•	e	e	•
Sam G. Nicholson	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•	•	•	•
Dennis C. O'Brien	•	•	•	e	•	•	•	•	•	•	•	•	•	•
Patrick T. O'Connor	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Samuel S. Olenz											•			
Jonathan B. Pannell	•	•	•	•	•	•	•	•	•	•	•	e	•	•
Joy Renea Parks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•
Carson Dane Perkins							•	•	•	•	•	•	•	•
Patrise Perkins-Hooker	•	•	•	•	•	•	•	•	•	•	•	•	•	•
R. Chris Phelps		•	•	•	•	•	•	•	•	•	•	•	•	•

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	ATL	Oconee	HH	HH	Jekyl	ATL	Oconee	Amelia	Amelia	Jekyl	ATL	Brass	Stone Mtn	Stone Mtn
Will H. Pickett, Jr.	•	•	e	e	•	•	e			•	n/a	•		•
W. Gregory Pope	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Jill Pryor	•	•	e	e	e	•	•	e	e	•	•	e		
William M. Ragland, Jr.	•	•	•	•	e	•	•	•	•	e	•	•	e	e
Robert V. Rodatus	•	•	e	e	•	•	•	e	e	•	•	•	e	e
Tina S. Roddenbery	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Brian D. Rogers	•	•	•	•	•	e	•	•	•	•	•	•	•	•
Joseph A. Roseborough	•	•	•	•	•	•	•	•	•	•	•	•	•	•
William C. Rumer	•	•	•	•	e	•	•	•	•	e	•	e	e	e
Claudia S. Saari	•	•	•	•	e	•	•	•	•	•	•	•	e	•
Aimee Pickett Sanders	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Dennis C. Sanders	•	•	•	•	e	•	•	•	•	e	•	•	•	•
Rita A. Sheffey	•	•	•	•	•	•	•	•	•	•	•	•	•	•
H. Burke Sherwood	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•
Robert H. Smalley, III	•	•	•	•	•	•	•	•	•	•	•	•	e	•
Philip C. Smith	•	•	e	e	•	•	•	•	•	•	•	•	•	•
R. Rucker Smith	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Daniel B. Snipes	•	e	•	•	•	•	•	•	•	•	e	•	•	•
R. Gary Spencer	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
H. Craig Stafford	•	•	•	•	e	•	e	•	•	•	•	•	•	•
Lawrence A. Staggs	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Lawton E. Stephens	•	•	•	•	e	•	•	•	•	e	•	•	•	•
C. Deen Strickland	e	•	•	•	•	•	•	•	•	•	•	e	•	•

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Frank B. Strickland	•	e	•	•	•	•	e	•	•	e	e	e	e	•
Joseph Carl Sumner, 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	•
Michael B. Terry	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Anita W. Thomas	•	•	•	e	•	•	•	•	•	•	•	•	•	•
Dwight L. Thomas	•	e	e	e	e	•	•	•	•	•	•	e	•	•
Edward D. Tolley	•										•			
Clayton A. Tomlinson	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	e	•	•
Martin E. Valbuena	•	•	•	e	e	•	•	•	•	•	•	•	•	•
Carl R. Varnedoe	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Nicki N. Vaughan	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Carl A. Veline, Jr.	•	•	•	•	•	•	•	•	•	•	•	•	•	•
J. Henry Walker	•	•	•	e	e	•	•	•	•	•	•	e	•	•
Janice M. Wallace	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Jeffrey S. Ward	e	•	•	•	•	•	•	•	•	•	•	•	•	•
Harold B. Watts	•	•	•	e	e	•	•	•	•	e	•	•	•	•
John P. Webb	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Nancy J. Whaley	•	•	•	•	•	•	•	•	•	•	•	e	•	•
Sandra N. Wisenbaker	•	•	•	e	e	•	•	•	•	e	•	•	•	•
Kathleen M. Womack	•	e	•	•	•	•	•	•	•	•	•	•	•	•
Katherine K. Wood	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Douglas R. Woodruff	•	e	•	•	•	•	•	•	•	•	•	•	e	•
Gerald P. Word	e	•	•	e	e	e	e	•	•	•	•	e	e	e
Fred A. Zimmerman	n/a	n/a	n/a	•	•	•	•	•	•	•	•	•	•	•
• - Attended Meeting							n/a - Not on BOG							

To request an excused absence, please email Secretary Buck Rogers (buck@frg-law.com)

Future Meetings Schedule

(9/22/2015)



Executive Committee/Strategic Planning

October 2, 2015		Bar Center – Strategic Planning Sessions Fri. Oct. 2: 8:00 am - 6:30 pm
November 13, 2015 TENTATIVE		Georgia Sports Hall of Fame (lunch with Macon Bar/Mercer Law School – Executive Cmte. Mtg. 12:30 – 2 p.m. (lunch) & 2:30 – 5 p.m. (mtg.)
February 18, 2016		
April 15-17, 2016		Supreme Court Retreat (Mansion on Forsyth Park, Savannah, GA)

Board of Governors

Fall 2015	October 23-25, 2015	Hyatt on River Street, Savannah, GA
Midyear 2016	January 7-9, 2016	Legacy Lodge at Lake Lanier Islands, Buford, GA
Spring 2016	May 6-7, 2016	Bar Center, Atlanta, GA
Annual 2016	June 16-19, 2016	Omni Amelia Island, Amelia Island, FL

Young Lawyers Division

Summer 2015	August 20-23, 2015	The Ritz-Carlton Lodge, Reynolds Plantation, Greensboro, GA
Fall 2015	Nov. 5-8, 2015	The Greenbrier, White Sulphur Springs, WV
Midyear 2016	January 7-9, 2016	Legacy Lodge at Lake Lanier Islands, Buford, GA
Spring 2016	March 10-13, 2016	The Cosmopolitan of Las Vegas, Las Vegas, NV
Annual 2016	June 16-19, 2016	Omni Amelia Island, Amelia Island, FL

American Bar Association Meetings

Midyear 2016	February 3-9, 2016	San Diego, CA
Annual 2016	August 4-9, 2016	San Francisco, CA
Midyear 2017	February 1-7, 2017	Miami, FL
Annual 2017	August 10-15, 2017	New York, NY
Midyear 2018	January 31-Feb. 6, 2018	Vancouver, British Columbia
Annual 2018	August 2-7, 2018	Chicago, IL
Midyear 2019	January 23-29, 2019	Las Vegas, NV
Annual 2019	August 8-13, 2019	San Francisco, CA
Midyear 2020	February 12-18, 2020	Austin, TX
Annual 2020	August 6-11, 2020	Toronto, Ontario, Canada
Midyear 2021	February 10-16, 2021	Orlando, FL
Annual 2021	August 5-10, 2021	Chicago, IL

Southern Conference Meetings

2015	October 8-10, 2015	Alexandria, Virginia
2016	October 13-16, 2016	Big Cedar Lodge, Branson, MO
2017	October 2017	Tennessee
2018	October 2018	Georgia
2019	October 2019	Florida

D-R-A-F-T
STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MINUTES
Friday, June 19, 2015
Evergreen Conference Center/Stone Mountain, GA

The 257th meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Patrise M. Perkins-Hooker, President, presided.

Special Recognition

President Patrise Perkins-Hooker recognized the members of the judiciary, the Past Presidents of the State Bar, other special guests in attendance, and the retiring Executive Committee members.

Roll Call

Secretary Pat O'Connor circulated the roll for signature. The list of those in attendance is attached as Exhibit A.

Future Meetings Schedule

President Patrise Perkins-Hooker referred the Board of Governors to the Future Meetings Schedule.

Approval of the Meeting Agenda

President Patrise Perkins-Hooker presented the Meeting Agenda and explained to the members of the Board of Governors the need for the Board to go into and out of Plenary Session since there was an action item that only members of the Board could vote on, but the Board of Governors Meeting was being convened during the Annual Meeting for members of the State Bar. There being no requested changes to it, the Board of Governors adopted the Meeting Agenda by majority voice vote.

Consent Agenda

President Patrise Perkins-Hooker presented the following Consent Agenda. There being no objection or request for removal of the item, a motion was made and seconded to approve the following item:

- 1) Minutes of the 256th Meeting of the Board of Governors
The minutes of the Board of Governors meeting held on April 18, 2015 at Brasstown Valley Resort in Young Harris, GA.

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

Plenary Session/Members' Meeting

Upon a motion and second, President Patrise Perkins-Hooker recessed the Board of Governors meeting and convened the Plenary Session/Members' Meeting.

State of the Supreme Court of Georgia

The Honorable Hugh P. Thompson, Chief Justice of the Supreme Court of Georgia, delivered the State of the Supreme Court of Georgia address.

State of the Court of Appeals of Georgia

The Honorable Herbert E. Phipps, Chief Judge of the Court of Appeals of Georgia, delivered the State of the Court of Appeals of Georgia address.

State of the Georgia Senate Judiciary Non-Civil Committee

Senator Jesse Stone, Chair of the Senate Judiciary Non-Civil Committee, provided an update on the Committee's activities.

State of the Georgia House Judiciary Committee

Representative Wendell Willard, Chair of the House Judiciary Committee, provided an update on the Committee's activities.

State of the Georgia House Judiciary Non-Civil Committee

Representative Rich Golick, Chair of the House Judiciary Non-Civil Committee, provided an update on the Committee's activities.

House Juvenile Justice Committee

Representative Tom Weldon, Chair of the House Juvenile Justice Committee, provided an update on the Committee's activities.

State of the U.S. District Court, Southern District

The Honorable Lisa Godbey Wood, Chief Judge of the United States District Court, Southern District of Georgia, delivered the State of the U.S. District Court for the Southern District address.

State of the Georgia Law Department

President Patrise Perkins-Hooker announced that Attorney General Sam Olens was unable to attend the meeting and referred the Board members to the written report from the Georgia Law Department.

Board of Governors Meeting

Upon a motion, second and unanimous voice vote, President Patrise Perkins-Hooker recessed the Plenary Session/Members' Meeting and reconvened the Board of Governors Meeting.

Law School Incubator Project

President Patrise Perkins-Hooker reported on the proposed Law School Incubator Project. She stated that at the workshop, presentation, and question and answer session held during the Spring Board of Governors meeting concerns were raised about liability from the project being housed at the State Bar Building, the costs to refurbish the 5th floor, rent abatement, whether or not the project was helping one group of people over another, lack of parking, security, and other issues. She reported that she had worked with Bucky Askew to try to address as many of the concerns as possible, but due to the nature of the project, not all of those issues have been resolved. She stated that she was no longer seeking for the project to be a State Bar program. She described the program as a joint project of the State Bar, the five Georgia law schools, and the Supreme Court of Georgia. It will be overseen by a separate 501(c)(3) entity called Lawyers for Equal Justice (LEJ) with member representatives from each of the stakeholder groups interested in the project. She asked the Board of Governors to approve funding for the Law School Incubator Project in the amount of \$85,000 per year for three years. The funds will be used by the LEJ to locate, rent and occupy space for the incubator project. She indicated that the \$85,000 was based on the average of downtown Atlanta space rental rates for the square footage that the incubator wanted to occupy in the Bar Center. She explained that these rental rates were provided by Cushman Wakefield, the Bar Center's property manager and leasing agent. After a motion was made and seconded on the request for the Bar to provide \$85,000 a year for rent for three years, and discussion by the Board of Governors on the merits for and against the project, the Board of Governors took the following action:

- 1) A motion for a ballot vote instead of a hand vote on the original motion passed by a standing vote of 58 in favor to 41 opposed; and
- 2) A motion to table the matter indefinitely failed by a ballot vote of 47 in favor to 59 opposed, and
- 3) A motion to approve funding for the proposed incubator project in the amount of \$85,000 a year for three years for the purposes of providing funding to cover its rent was approved by a ballot vote of 59 in favor to 48 opposed.

Plenary Session/Members' Meeting

Upon a motion, second and unanimous voice vote, President Patrise Perkins-Hooker reconvened the Plenary Session/Members' Meeting of the State Bar of Georgia.

Sutherland Resolution

President Patrise Perkins-Hooker and David Lipscomb presented a resolution to the Sutherland law firm for their many years of pro bono assistance to the State Bar's Fee Arbitration Program.

Audit Resolutions

President Patrise Perkins-Hooker announced that Jeffrey R. Banish and Susan P. Logan were unable to attend the meeting to receive their resolutions, but she acknowledged them for their assistance in providing pro bono services to the Fee Arbitration Program.

Presentation of the Employee of the Year Award

President Patrise Perkins-Hooker and YLD Immediate Past President Darrell Sutton presented the Employee of the Year Award to Mary McAfee, Director of the Young Lawyers Division.

Presidential Recognitions

President Patrise Perkins-Hooker recognized various Bar staff, Communications Consultant Stephenie Jones for all of their outstanding work and support during the past year. She also recognized the State Bar Corporate Sponsors.

Young Lawyers Division

YLD President Sharri Edenfield reported on the activities of the Young Lawyers Division. Initiatives pursued this year were: 1) Military Support, 2) Succession Planning and 3) Professional Development. She stated that 40-50 lawyers were accredited to represent veterans on benefits appeals. The Augusta Warriors Project, which was the recipient of the Annual Signature Fundraiser, was presented with a check for \$60,139. She reported that a Succession Planning Program designed to connect young lawyers with older lawyers transitioning out of practicing law was held and received strong, positive initial feedback. She indicated that a Next Step Institute took place at the Midyear and Annual Meetings with topics that included media training, becoming a community leader, and opening your own law firm. A Solo-Small Firm Institute on how to open your own law practice was held at Mercer Law School in February. She reported that the 4th annual Legal Food Frenzy collected statewide the equivalent of 1.18 million pounds of food, which is the largest amount of food collected to date. The Spring YLD Meeting featured a CLE on *Plessy v. Ferguson* moderated by Avarita Hanson, Director of the Chief Justice's Commission on Professionalism and Morgan Clemons, Cochair of the YLD Minorities in the Profession Committee. She thanked members of the Executive Committee and Board of Governors for all of their support during her Presidency.

Awards Presentations

President Patrise Perkins-Hooker presented the following State Bar awards:

Indigent Defense Award: The Southern Center for Human Rights

Thomas O. Marshall Professionalism Awards: Honorable Herbert E. Phipps and Lester B. Johnson, III

Local and Voluntary Bar Awards:

Thomas R. Burnside, Jr. Excellence in Bar Leadership Award: Dawn M. Jones
Award of Merit (presented in categories based upon the size of the local bar association): Tifton Judicial Circuit Bar, Houston County Bar, Blue Ridge Bar, Stonewall Bar, Georgia Association of Black Women Attorneys

Law Day Award of Achievement (presented in categories based upon the size of the local bar association): Piedmont Circuit Bar, Blue Ridge, Augusta Bar, Cobb County Bar

Best New Entry: Tifton Judicial Circuit Bar

Best Newsletter(presented in categories based upon the size of the local bar association) : Georgia Hispanic Bar, Blue Ridge Bar, Gwinnett County Bar, Georgia Defense Lawyers Association

Best Website: Georgia Hispanic Bar, Blue Ridge Bar, DeKalb Bar, Atlanta Bar Association

President's Cup Award: Georgia Association of Black Women Attorneys

Section Awards:

Section of the Year: Child Protection & Advocacy

Awards of Achievement: Family Law Section, Intellectual Property Law

Memorials

President Patrise Perkins-Hooker presented the Memorials report.

Georgia Legal Services Program (GLSP)

President Patrise Perkins-Hooker presented a check to Phyllis Holmen representing contributions made by Bar members to the GLSP in the amount of \$532,234 and congratulated her for the outstanding work that her organization was doing outside of the Metro Atlanta area to address the legal needs of poor and low income Georgians.

Investigative Panel

Laverne Lewis Gaskins reported on the activities of the Investigative Panel and recognized the current and retiring Panel members. President Patrise Perkins-Hooker recognized Laverne Lewis Gaskins who while remaining on the Panel, is stepping down as the chairperson, for her work as the Panel's chair this Bar year.

Review Panel

Tony Askew reported on the activities of the Review Panel and recognized the current and retiring Panel members.

Formal Advisory Opinion Board

Brad Marsh reported on the activities of the Formal Advisory Opinion Board and recognized the current Board members.

Clients' Security Fund

Vince Clanton reported on the activities of the Clients' Security Fund.

President's Address

Following an introduction by Immediate Past President Buck Ruffin, President Patrise Perkins-Hooker delivered the President's address (Exhibit B) and referenced the cumulative Communications Report which was not available at the meeting, but is attached hereto as (Exhibit C).

Ratification of Vote on the Law School Incubator Project

The Board of Governors, by unanimous voice vote, ratified that the minutes would reflect the results of the final vote on the proposed law school incubator project, as the results had to be tabulated and were announced later on in the agenda.

Adjournment

There being no further business, the meeting was adjourned.

Patrick T. O'Connor, Secretary

Patrise M. Perkins-Hooker, President

D-R-A-F-T
STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MINUTES
Saturday, June 20, 2015
Evergreen Conference/Stone Mountain, GA

The 258th meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Robert J. Kauffman, President, presided.

Special Recognition

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

Welcome to New Officers and Board Members

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

Roll Call

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

Future Meetings Schedule

President Bob Kauffman referred the Board of Governors to the Future Meetings Schedule.

Approval of President's Appointments to the State Disciplinary Boards

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

Investigative Panel:

District 1: Christian Joseph Steinmetz, Savannah (2018)

District 2: Charles Edward Peeler, Albany (2018)

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

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

Review Panel:

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

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

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

Formal Advisory Opinion Board:

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

Young Lawyers Division: John Bell Manly, Savannah (2017)
John Marshall: Jeffrey Alan Van Detta, Atlanta (2017)
Mercer University: Patrick E. Longan, Macon (2017)
University of Georgia: Lonnie Theodore Brown, Jr., Athens (2017)
Investigative Panel: Julayaun Maria Waters, Savannah (2017)
At-Large: Edward B. Krugman, Atlanta (2017)
Dennis C. O'Brien, Marietta (2017)

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

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

Report of the President

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

Treasurer's Report

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

2015-2016 State Bar Budgets

Treasurer Pat O'Connor presented the consolidated 2015-2016 Proposed State Bar Budget. He reported that the projected \$861, 296 net budgeted loss will increase by \$85,000 to a net budgeted loss of \$946,926 due to the approval of the Law School Incubator Project at Friday's Board of Governors meeting. Nancy Whaley reported that the Cornerstones of Freedom budget, which contributed to the Bar's excess surplus in the past, will now be a reserve fund.

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

1. Maintaining dues at \$248 for active members and \$124 for inactive members. This reflects no dues increase, but does include indexing dues \$.90 per member for the Fee Arbitration Program contract attorney. The increase in dues will be absorbed from the Bar's excess surplus.

2. Section dues to be reflected on the dues statement ranging from \$10-\$35; and
3. Continuation of assessments required by Bar Rules for lawyers in their first four years of practice regarding the Clients' Security Fund (\$100 @ \$25/year) and Bar Center Facility (\$200 @ \$50/year); and
4. Continuation of a \$100 opt-out contribution for the Legislative and Public Education Fund; and
5. A suggested \$300 opt-in provision for individual contributions and a \$100 opt-in contribution for young lawyers for Georgia Legal Services Program.

Financial Resolutions

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

- 1) Authorization for President to Secure Blanket Bonds for Officers and Staff
As required by Article V, Section 8 of the Bylaws, to authorize the President to secure a blanket fidelity bond to cover all officers, employees and other persons handling State Bar funds.
- 2) Designation of Depositories for General Operations of State Bar of Georgia
Pursuant to Article V, Section 6 of the Bylaws, that the State Bar of Georgia and related entities open appropriate accounts with such banks in Georgia, but excluding any bank that does not participate in the IOLTA Program, and other such depositories as may be recommended by the Finance Committee, and designated by the Executive Committee of the Board of Governors of the State Bar of Georgia, and that the persons whose titles are listed below are authorized to sign an agreement to be provided by such banks and customary signature cards, and that the said banks are hereby authorized to pay or otherwise honor any check drafts, or other orders issued from time to time for debit to said accounts when signed by two of the following: the Treasurer, the Secretary, the President, the Immediate Past President, the President Elect, the Executive Director, the Office Manager and the General Counsel provided either the President, the Secretary or the Treasurer shall sign all checks or vouchers and that said accounts can be reconciled from time to time by said persons or their designees. The authority herein given is to remain irrevocable so far as said banks are concerned until they are notified in writing of such revocation of authority and in writing, acknowledge receipt thereof.

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

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

Executive Director Election

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

Executive Committee Election

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

Nominations:

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

Results:

Elected by majority voice vote for a two-year term

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

Elected by majority voice vote for a two-year term

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

Elected by majority voice vote for a two-year term

Georgia Legal Services Appointments

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

Chief Justice's Commission on Professionalism Appointment

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

Elections Schedule 2015-2016

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

Elections Committee Proposed Rules Changes

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court of Georgia the following proposed changes to Rule 1-205 and Rule 1-304 as follows:

Rule 1-205 Bar of Judicial Circuit

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

Rule 1-304 Election of Members of Board of Governors

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

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

event, the terms of the members of the Board of Governors from such circuits will remain as they were before the change in geographical limits until the election of the Board of Governors to be held the following year.

Lawyer Assistance Program (LAP) Committee Proposed Rules Changes

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court of Georgia the following proposed rules changes to the LAP Rule 7-303 and Rule 7-305 as follows:

Rule 7-303. Confidentiality

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

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

Rule 7-305. Emergency Suspension

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

Admission of Attorneys Who Are Military Spouses

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

YLD Report

YLD President Jack Long presented an overview of his proposed program of activities for the 2015-2016 Bar year. He does not have a platform with new initiatives and instead will be reviewing current YLD programs to either strengthen or conclude them. He strongly encouraged Board members to look at the report in the Board agenda to see everything that the YLD is doing. He highlighted the new Succession Planning Program that matches retiring attorneys with new attorneys. He announced that the mock trial team from Northview High School finished 2nd place at the 2015 National High School Mock Trial Championship and that the YLD will host the 2019 national competition in Athens. He reported that he looks forward to working with everyone this Bar year.

2015-16 Legislation Update

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

Lawyer Assistance Program's (LAP) Peer Program

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

agree to disengage, and 4) self-recuse in cases of relapse. Contact information was provided for those that would like to be contacted to act as a volunteer.

Georgia Bar Foundation

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

Activities in the Circuits

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

Executive Committee Minutes

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

Office of the General Counsel

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

Civil Legal Services Task Force

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

Consumer Assistance Program

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

Fee Arbitration Program

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

Law-Related Education Program

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

Law Practice Management Program

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

Military Legal Assistance Program

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

Committee to Promote Inclusion in the Profession

The Board of Governors received a written report on the activities of the Committee to Promote Inclusion in the Profession Committee.

Committee on Professionalism

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

Transition into the Law Practice Program

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

Unlicensed Practice of law

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

Chief Justice's Commission on Professionalism

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

Bar Exam Results

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

Communications Report

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

Sections' Annual Reports

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

Old Business

There was no old business.

New Business

Josh Bell reported that the Access to Justice Committee lacked geographic diversity. In the future, since access to justice affects so many people in South Georgia, we need to be cognizant of membership participation around the state. President Kauffman invited any

member who would like to be appointed to a committee to send him a request, noting that he will continue to make appointments to committees as appropriate.

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

Remarks, Questions/Answers, Comments/Suggestions

The President opened up the meeting for questions and comments.

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

Adjournment

There being no further business, the meeting was adjourned.

Brian D. (Buck) Rogers, Secretary

Robert J. Kauffman, President

1 **LAP Rules (Current) - 7-202 & 7-301**

2
3 Rule 7-202. Volunteers.

4 The Committee may establish a network of attorneys and lay persons
5 throughout the state of Georgia, experienced or trained in impairment counseling,
6 treatment or rehabilitation, who can conduct education and awareness programs and
7 assist in counseling and intervention programs and services.
8
9

10 Rule 7-301. Contacts Generally.

11 The Committee shall be authorized to establish and implement procedures to
12 handle all contacts from or concerning impaired attorneys, either through its chosen
13 health care professional source, the statewide network established pursuant to Rule
14 7-102, or by any other procedure through which appropriate counseling or
15 assistance to an impaired attorney may be provided.
16
17
18

19 **LAP Rules Changes (Redlined) – 7-202 & 7-301**

20
21 Rule 7-202. Volunteers.

22 The Committee may establish a network of attorneys and lay persons throughout
23 the state of Georgia, ~~who are~~ experienced or trained in impairment counseling, treatment or
24 rehabilitation, who can conduct education and awareness programs and assist in counseling
25 and intervention programs and services. The Committee may also establish a network of
26 peer-support volunteers who are members of the State Bar of Georgia who are not trained
27 in impairment counseling, treatment or rehabilitation, who can provide support to impaired
28 or potentially impaired attorneys by sharing their life experiences in dealing with (a)
29 mental or emotional health problems, (b) substance abuse problems or (c) other similar
30 problems that can adversely affect the quality of attorneys' lives and their ability to
31 function effectively as lawyers.
32
33

34 Rule 7-301. Contacts Generally.

35 The Committee shall be authorized to establish and implement procedures to
36 handle all contacts from or concerning impaired or potentially impaired attorneys, either
37 through its chosen health care professional source, the statewide network established
38 pursuant to Rule 7-~~1~~202, or by any other procedure through which appropriate counseling
39 or assistance to ~~an impaired~~such attorneyss may be provided.
40
41
42
43

LAP Rules Changes (Clean) 7-202 & 7-301

44

45

46 Rule 7-202. Volunteers.

47

48 The Committee may establish a network of attorneys and lay persons throughout
49 the state of Georgia who are experienced or trained in impairment counseling, treatment or
50 rehabilitation, who can conduct education and awareness programs and assist in counseling
51 and intervention programs and services. The Committee may also establish a network of
52 peer-support volunteers who are members of the State Bar of Georgia who are not trained
53 in impairment counseling, treatment or rehabilitation, who can provide support to impaired
54 or potentially impaired attorneys by sharing their life experiences in dealing with (a)
55 mental or emotional health problems, (b) substance abuse problems or (c) other similar
56 problems that can adversely affect the quality of attorneys' lives and their ability to
57 function effectively as lawyers.

58

59

60 Rule 7-301. Contacts Generally.

61

62 The Committee shall be authorized to establish and implement procedures to
63 handle all contacts from or concerning impaired or potentially impaired attorneys, either
64 through its chosen health care professional source, the statewide network established
pursuant to Rule 7-202, or by any other procedure through which appropriate counseling or
assistance to such attorneys may be provided.

1 Rule 1-204. Good Standing

2 | No ~~person~~ lawyer shall be deemed a member in good standing:

3 (a) while delinquent after September 1 of any year for nonpayment of
4 the annual license fee and any costs or fees of any type as prescribed in
5 Chapter 5, Rule 1-501-(a)-(c) hereof;

6 (b) while suspended for disciplinary reasons;

7 (c) while disbarred;

8 (d) while suspended for failure to comply with continuing legal education
9 requirements; ~~or~~

10 (e) while in violation of ~~Bar~~ Rule 1-209 for failure to pay child support
11 obligations.

12 Clean version:

13

14 No lawyer shall be deemed a member in good standing:

15 (a) while delinquent after September 1 of any year for nonpayment of
16 the annual license fee and any costs or fees of any type as prescribed in
17 Chapter 5, Rule 1-501(a)-(c) hereof;

18 (b) while suspended for disciplinary reasons;

19 (c) while disbarred;

20 (d) while suspended for failure to comply with continuing legal education
21 requirements;

22 (e) while in violation of Rule 1-209 for failure to pay child support
23 obligations.

1 **Rule 1-501. License Fees**

2
3 | (a) -Annual license fees for membership in the State Bar of Georgia shall be due and
4 payable on July 1 of each year. Upon the failure of a member to pay the license fee by September
5 1, the member shall cease to be a member in good standing. When such license fees, including
6 and any late fees, costs, charges or penalties incurred by the State Bar of Georgia as the result of
7 a cancelled or dishonored payment of any type or kind for the current and prior years have been
8 paid in full, the member shall automatically be reinstated to the status of member in good
9 standing, except as provided in section (b) of this Rule.

10 | (b) -In the event a member of the State Bar is delinquent in the payment of any
11 license fee, late fee, assessment, reinstatement fee, or cost, charge or penalty incurred by the
12 State Bar of Georgia as the result of a cancelled or dishonored payment of any type or kind ~~or~~
13 penalty and of any nature for a period of one (1) year, the member shall be automatically
14 suspended, and shall not practice law in this state. The suspended member may thereafter lift
15 such suspension only upon the successful completion of all of the following terms and
16 conditions:

17 | (1) ~~ii~~ -payment of all outstanding dues, assessments, late fees, reinstatement fees, and
18 any and all penalties due and owing before or accruing after the suspension of
19 membership;

20 | (2) ~~ii~~ -provide the membership section of the State Bar of Georgia the following:

21 | (i) ~~A~~ -a certificate from the Office of the General Counsel of the State Bar of
22 Georgia that the suspended member is not presently subject to any
23 disciplinary procedure;

24 | (ii) ~~B~~ -a certificate from the Commission on Continuing Lawyer Competency
25 that the suspended member is current on all requirements for continuing
26 legal education;

27 | (iii) ~~C~~ -a determination of fitness from the Board to Determine Fitness of Bar
28 Applicants;

29 | (3) ~~iii~~ -payment to the State Bar of Georgia of a non-waivable reinstatement fee as
30 follows:

31 | (i) ~~A~~ - \$150.00 for the first reinstatement paid within the first year of
32 suspension, plus \$150.00 for each year of suspension thereafter up to a total of
33 five years;

34 | (ii) ~~B~~ - \$250.00 for the second reinstatement paid within the first year of
35 suspension, plus \$250.00 for each year of suspension thereafter up to a total of
36 five years;

37 | (iii) ~~C~~ - \$500.00 for the third reinstatement paid within the first year of
38 suspension, plus 500.00 for each year of suspension thereafter up to a total of five
39 years; or

40 | (iv) ~~D~~—\$750.00 for each subsequent reinstatement paid within the first year of
41 | suspension, plus \$750.00 for each year of suspension thereafter up to a total of
42 | five years.

43 | The yearly increase in the reinstatement fee shall become due and owing in its entirety
44 | upon the first day of each next fiscal year and shall not be prorated for any fraction of the
45 | fiscal year in which it is actually paid.

46 | _____(c)____—A member suspended under subsection (b) above for a total of five years in
47 | succession shall be immediately terminated as a member without further action on the part of the
48 | State Bar of Georgia. The terminated member shall not be entitled to a hearing as set out in
49 | section (d) below. The terminated member shall be required to apply for membership to the
50 | Office of Bar Admissions for readmission to the State Bar of Georgia. Upon completion of the
51 | requirements for readmission, the terminated member shall be required to pay the total
52 | reinstatement fee due under subsection (b) (iii) above plus an additional \$750.00 as a
53 | readmission fee to the State Bar of Georgia.

54 | _____(d)____—Prior to suspending a member under subsection (b) above, the State Bar of
55 | Georgia shall send by certified mail a notice thereof to the last known address of the member as
56 | contained in the official membership records. It shall specify the years for which the license fee
57 | is delinquent and state that either the fee and all penalties related thereto are paid within ~~sixty~~
58 | ~~(60)~~ days or a hearing to establish reasonable cause is requested within ~~sixty (60)~~ days, the
59 | membership shall be suspended.
60 |

61 | _____If a hearing is requested, it shall be held at State Bar Headquarters within ~~ninety (90)~~
62 | days of receipt of the request by the Executive Committee. Notice of time and place of the
63 | hearing shall be mailed at least ten ~~(10)~~ days in advance. The party cited may be represented by
64 | counsel. Witnesses shall be sworn; and, if requested by the party cited, a complete electronic
65 | record or a transcript shall be made of all proceedings and testimony. The expense of the record
66 | shall be paid by the party requesting it and a copy thereof shall be furnished to the Executive
67 | Committee. The presiding member or special master shall have the authority to rule on all
68 | motions, objections, and other matters presented in connection with the Georgia Rules of Civil
69 | Procedure, and the practice in the trial of civil cases. The party cited may not be required to
70 | testify over his or her objection.
71 |

72 | _____The Executive Committee shall (1) make findings of fact and conclusions of law and
73 | shall determine whether the party cited was delinquent in violation of this Rule 1-501; and (2)
74 | upon a finding of delinquency shall determine whether there was reasonable cause for the
75 | delinquency. Financial hardship short of adjudicated bankruptcy shall not constitute reasonable
76 | cause. A copy of the findings and the determination shall be sent to the party cited. If it is
77 | determined that no delinquency has occurred, the matter shall be dismissed. If it is determined
78 | that delinquency has occurred but that there was reasonable cause therefor, the matter shall be
79 | deferred for one (1) year at which time the matter will be reconsidered. If it is determined that
80 | delinquency has occurred without reasonable cause therefor, the membership shall be suspended
81 | immediately upon such determination. An appropriate notice of suspension shall be sent to the
82 | clerks of all Georgia courts and shall be published in an official publication of the State Bar of
83 | Georgia. Alleged errors of law in the proceedings or findings of the Executive Committee or its
84 | delegate shall be reviewed by the Supreme Court of Georgia. The Executive Committee may

85 delegate to a special master any or all of its responsibilities and authority with respect to
86 suspending membership for license fee delinquency in which event the special master shall make
87 a report to the Committee of its findings for its approval or disapproval.
88

89 _____ After a finding of delinquency, a copy of the finding shall be served upon the
90 ~~R~~espondent attorney. The ~~R~~espondent attorney may file with the Court any written exceptions
91 (supported by the written argument) said ~~R~~espondent may have to the findings of the Executive
92 Committee. All such exceptions shall be filed with the Clerk of the Supreme Court of Georgia
93 and served on the Executive Committee by service on the General Counsel within ~~twenty (20)~~
94 days of the date that the findings were served on the ~~R~~espondent attorney. Upon the filing of
95 exceptions by the ~~R~~espondent attorney, the Executive Committee shall within ~~twenty (20)~~ days
96 of said filing, file a report of its findings and the complete record and transcript of evidence with
97 the Clerk of the Supreme Court of Georgia. The Court may grant extensions of time for filing in
98 appropriate cases. Findings of fact by the Executive Committee shall be conclusive if supported
99 by any evidence. The Court may grant oral argument on any exception filed with it upon
100 application for such argument by the ~~R~~espondent attorney or the Executive Committee. The
101 Court shall promptly consider the report of the Executive Committee, exceptions thereto, and the
102 responses filed by any party to such exceptions, if any, and enter its judgment. A copy of the
103 Court's judgment shall be transmitted to the Executive Committee and to the ~~R~~espondent
104 attorney by the Court.
105

106 _____ Within ~~thirty (30)~~ days after a final judgment which suspends membership, the
107 suspended member shall, under the supervision of the Supreme Court of Georgia, notify all
108 clients of said suspended member's inability to represent them and of the necessity for promptly
109 retaining new counsel, and shall take all actions necessary to protect the interests of said
110 suspended member's clients. Should the suspended member fail to notify said clients or fail to
111 protect their interests as herein required, the Supreme Court of Georgia, upon its motion, or upon
112 the motion of the State Bar, and after ten ~~(10)~~ days notice to the suspended member and proof of
113 failure to notify or protect said clients, may hold the suspended member in contempt and order
114 that a member or members of the State Bar of Georgia take charge of the files and records of said
115 suspended member and proceed to notify all clients and take such steps as seem indicated to
116 protect their interests. Any member of the State Bar of Georgia appointed by the Supreme Court
117 of Georgia to take charge of the files and records of the suspended member under these Rules
118 shall not be permitted to disclose any information contained in the files and records in his or her
119 care without the consent of the client to whom such file or record relates, except as clearly
120 necessary to carry out the order of the eCourt.

121 Clean Version

123 Rule 1-501. License Fees

124
125 (a) Annual license fees for membership in the State Bar of Georgia shall be due and
126 payable on July 1 of each year. Upon the failure of a member to pay the license fee by September
127 1, the member shall cease to be a member in good standing. When such license fees, including
128 any late fees, costs, charges or penalties incurred by the State Bar of Georgia as the result of a

129 cancelled or dishonored payment of any type or kind for the current and prior years have been
130 paid in full, the member shall automatically be reinstated to the status of member in good
131 standing, except as provided in section (b) of this Rule.

132 (b) In the event a member of the State Bar of Georgia is delinquent in the payment of
133 any license fee, late fee, assessment, reinstatement fee, or cost, charge or penalty incurred by the
134 State Bar of Georgia as the result of a cancelled or dishonored payment of any type or kind and
135 of any nature for a period of one (1) year, the member shall be automatically suspended, and
136 shall not practice law in this state. The suspended member may thereafter lift such suspension
137 only upon the successful completion of all of the following terms and conditions:

138 (1) payment of all outstanding dues, assessments, late fees, reinstatement fees, and
139 any and all penalties due and owing before or accruing after the suspension of
140 membership;

141 (2) provide the membership section of the State Bar of Georgia the following:

142 (i) a certificate from the Office of the General Counsel of the State Bar of
143 Georgia that the suspended member is not presently subject to any
144 disciplinary procedure;

145 (ii) a certificate from the Commission on Continuing Lawyer Competency
146 that the suspended member is current on all requirements for continuing
147 legal education;

148 (iii) a determination of fitness from the Board to Determine Fitness of Bar
149 Applicants;

150 (3) payment to the State Bar of Georgia of a non-waivable reinstatement fee as
151 follows:

152 (i) \$150.00 for the first reinstatement paid within the first year of suspension,
153 plus \$150.00 for each year of suspension thereafter up to a total of five years;

154 (ii) \$250.00 for the second reinstatement paid within the first year of
155 suspension, plus \$250.00 for each year of suspension thereafter up to a total of
156 five years;

157 (iii) \$500.00 for the third reinstatement paid within the first year of suspension,
158 plus 500.00 for each year of suspension thereafter up to a total of five years; or

159 (iv) \$750.00 for each subsequent reinstatement paid within the first year of
160 suspension, plus \$750.00 for each year of suspension thereafter up to a total of
161 five years.

162 The yearly increase in the reinstatement fee shall become due and owing in its entirety
163 upon the first day of each next fiscal year and shall not be prorated for any fraction of the
164 fiscal year in which it is actually paid.

165 (c) A member suspended under subsection (b) above for a total of five years in
166 succession shall be immediately terminated as a member without further action on the part of the

167 State Bar of Georgia. The terminated member shall not be entitled to a hearing as set out in
168 section (d) below. The terminated member shall be required to apply for membership to the
169 Office of Bar Admissions for readmission to the State Bar of Georgia. Upon completion of the
170 requirements for readmission, the terminated member shall be required to pay the total
171 reinstatement fee due under subsection (b) (iii) above plus an additional \$750.00 as a
172 readmission fee to the State Bar of Georgia.

173 (d) Prior to suspending a member under subsection (b) above, the State Bar of
174 Georgia shall send by certified mail a notice thereof to the last known address of the member as
175 contained in the official membership records. It shall specify the years for which the license fee
176 is delinquent and state that either the fee and all penalties related thereto are paid within 60 days
177 or a hearing to establish reasonable cause is requested within 60 days, the membership shall be
178 suspended.

179
180 If a hearing is requested, it shall be held at State Bar Headquarters within 90 days of
181 receipt of the request by the Executive Committee. Notice of time and place of the hearing shall
182 be mailed at least ten days in advance. The party cited may be represented by counsel. Witnesses
183 shall be sworn; and, if requested by the party cited, a complete electronic record or a transcript
184 shall be made of all proceedings and testimony. The expense of the record shall be paid by the
185 party requesting it and a copy thereof shall be furnished to the Executive Committee. The
186 presiding member or special master shall have the authority to rule on all motions, objections,
187 and other matters presented in connection with the Georgia Rules of Civil Procedure, and the
188 practice in the trial of civil cases. The party cited may not be required to testify over his or her
189 objection.

190
191 The Executive Committee shall (1) make findings of fact and conclusions of law and
192 shall determine whether the party cited was delinquent in violation of this Rule 1-501; and (2)
193 upon a finding of delinquency shall determine whether there was reasonable cause for the
194 delinquency. Financial hardship short of adjudicated bankruptcy shall not constitute reasonable
195 cause. A copy of the findings and the determination shall be sent to the party cited. If it is
196 determined that no delinquency has occurred, the matter shall be dismissed. If it is determined
197 that delinquency has occurred but that there was reasonable cause therefor, the matter shall be
198 deferred for one (1) year at which time the matter will be reconsidered. If it is determined that
199 delinquency has occurred without reasonable cause therefor, the membership shall be suspended
200 immediately upon such determination. An appropriate notice of suspension shall be sent to the
201 clerks of all Georgia courts and shall be published in an official publication of the State Bar of
202 Georgia. Alleged errors of law in the proceedings or findings of the Executive Committee or its
203 delegate shall be reviewed by the Supreme Court of Georgia. The Executive Committee may
204 delegate to a special master any or all of its responsibilities and authority with respect to
205 suspending membership for license fee delinquency in which event the special master shall make
206 a report to the Committee of its findings for its approval or disapproval.

207
208 After a finding of delinquency, a copy of the finding shall be served upon the respondent
209 attorney. The respondent attorney may file with the Court any written exceptions (supported by
210 the written argument) said respondent may have to the findings of the Executive Committee. All
211 such exceptions shall be filed with the Clerk of the Supreme Court of Georgia and served on the
212 Executive Committee by service on the General Counsel within 20 days of the date that the

213 findings were served on the respondent attorney. Upon the filing of exceptions by the respondent
214 attorney, the Executive Committee shall within 20 days of said filing, file a report of its findings
215 and the complete record and transcript of evidence with the Clerk of the Supreme Court of
216 Georgia. The Court may grant extensions of time for filing in appropriate cases. Findings of fact
217 by the Executive Committee shall be conclusive if supported by any evidence. The Court may
218 grant oral argument on any exception filed with it upon application for such argument by the
219 respondent attorney or the Executive Committee. The Court shall promptly consider the report of
220 the Executive Committee, exceptions thereto, and the responses filed by any party to such
221 exceptions, if any, and enter its judgment. A copy of the Court's judgment shall be transmitted to
222 the Executive Committee and to the respondent attorney by the Court.
223

224 Within 30 days after a final judgment which suspends membership, the suspended
225 member shall, under the supervision of the Supreme Court of Georgia, notify all clients of said
226 suspended member's inability to represent them and of the necessity for promptly retaining new
227 counsel, and shall take all actions necessary to protect the interests of said suspended member's
228 clients. Should the suspended member fail to notify said clients or fail to protect their interests as
229 herein required, the Supreme Court of Georgia, upon its motion, or upon the motion of the State
230 Bar of Georgia, and after ten days notice to the suspended member and proof of failure to notify
231 or protect said clients, may hold the suspended member in contempt and order that a member or
232 members of the State Bar of Georgia take charge of the files and records of said suspended
233 member and proceed to notify all clients and take such steps as seem indicated to protect their
234 interests. Any member of the State Bar of Georgia appointed by the Supreme Court of Georgia to
235 take charge of the files and records of the suspended member under these Rules shall not be
236 permitted to disclose any information contained in the files and records in his or her care without
237 the consent of the client to whom such file or record relates, except as clearly necessary to carry
238 out the order of the Court.

1 **Bylaw Article VII Nominations and Elections**

2
3 **Section 6. Ballots.**

4 ~~_____~~ The ~~Executive Elections~~ Committee shall determine the list of candidates
5 and have ballots prepared. The ballot shall include the name of each candidate and
6 a space for a write-in vote for each position to which the ballot applies. If
7 practicable, the space for a write-in vote may be eliminated from ballots for which
8 no write-in candidate has declared under Article VII, Section 1 (c) or Article VII,
9 Section 2 (c) above. The ballot shall contain voting instructions and a notice of the
10 location and last date by which the ballot must be received, ~~at the State Bar~~
11 ~~Headquarters~~. The Board of Governors shall annually determine this date. The
12 ballots may be in written or electronic form, or both.
13

14 **Section 7. Voters Lists; Distribution of Ballots.**

15 ~~_____~~ (a) ~~A voters list shall be prepared containing the names of the members~~
16 ~~qualified to vote in elections for officers, ABA delegates, circuit board~~
17 ~~members and nonresident board members. Each member shall be assigned a~~
18 ~~distinguishing number. A voters list containing the names of active~~
19 ~~members within the circuit shall be prepared for each circuit. Each member~~
20 ~~shall be assigned a distinguishing number.~~

21 ~~_____~~ (b) ~~A voters list shall be prepared for active nonresident members. Each~~
22 ~~member shall be given a distinguishing number.~~

23 ~~_____~~ (c) ~~(b)~~ On the date determined according to Section 14 of this Article, ~~each~~
24 ~~all active~~ members in good standing shall be furnished by regular mail a
25 ballot for the elections in which they are qualified to vote and a return
26 envelope;

27 ~~(1) a ballot for election of officers of the State Bar and for election of a~~
28 ~~member or members of the Board of Governors of the member's circuit or,~~
29 ~~in the case of nonresident members, for the nonresident member post, if an~~
30 ~~election is to be held in that year; and~~

31 ~~(2) A special return envelope addressed to the headquarters of the State Bar~~
32 ~~bearing the number referred to in subparagraphs (a) and (b) above. The~~
33 ~~ballots shall bear no number.~~

34 ~~_____~~ (d) (c) In lieu of the written ballot described above, a member may vote by a
35 secure electronic ballot which meets all the requirements for integrity as
36 determined by the Elections Committee. Should any member submit both a
37 paper ballot and an electronic ballot, only the electronic ballot shall be
38 counted.
39

40 **Section 8. Method of Voting.**

41 For written ballots, the member shall mark the ballot according to its
42 instructions and shall return the ballot or ballots in the envelope provided ~~to the~~
43 ~~State Bar~~ on or before the date specified by the Board of Governors. Only written
44 ballots of an individual member, timely returned in the envelope provided with the
45 ballot required by Section 7 (c) (2) above, shall be deemed valid. Electronic ballots
46 shall be cast according to the instructions provided with the electronic ballot.

47
48 **Section 9. Elections Committee.**

49 The Elections Committee shall conduct the election, count or supervise the
50 counting of the ballots, and report the results on the date determined according to
51 Section 14 of this Article under procedures established by the Board of Governors.

52 The Elections Committee may utilize State Bar of Georgia and independent and
53 impartial contract staff and facilities as the Committee deems appropriate and
54 may employ impartial accounting and clerical assistance as necessary.

55 In computing the number of votes constituting a majority of those cast in
56 each election of officers, the Committee shall exclude from the computation the
57 votes cast for a properly declared “write-in” candidate receiving less than two
58 percent of the total votes cast.

59
60 **Section 11. Tie Vote.**

61 _____ (a) Officers and ABA delegates. If there is a tie vote between two or more
62 candidates receiving the highest number of votes in any election for officers or
63 ABA delegates, the incumbent shall continue to serve until the Board of Governors
64 elects one of the tying candidates as the successor. If more than one election
65 results in a tie vote, the Board of Governors shall first determine who shall be
66 elected in this order: Treasurer, Secretary, President-Elect and, when appropriate,
67 President.

68 _____ (b) _____-Circuit Posts. If there is a tie vote between two or more candidates
69 receiving the highest number of votes in any election for a circuit post, a run-off
70 election shall be held pursuant to Article VII, Section 12 of these Bylaws.

71
72 **Section 12. Run-Off.**

73 _____ If no candidate for office receives a majority of the votes cast or if there is a
74 tie vote for a circuit post, within ten days from the date of the report of the
75 Elections Committee, ~~or the Recount Committee~~, the Board of Governors shall
76 make provisions for a runoff election between the two candidates receiving the
77 highest number of votes or all tied candidates. The runoff election shall be held no

78 | later than thirty days from the date of the report of the Elections Committee ~~or~~
79 | ~~Recount Committee~~ and shall be conducted as provided for regular elections. The
80 | incumbent shall continue to serve until the successor is determined. In run-off
81 | elections, members of the Board shall be elected by plurality vote.

82 |

83 | **Section 13. Recount.**

84 | ~~Any candidate dissatisfied with the result of the count by the Election~~
85 | ~~Committee in his or her election contest may request within two days of the date~~
86 | ~~upon which the count is completed, a recount of the ballots pertaining to the~~
87 | ~~election by filing a request in writing with the Executive Director. Any candidate~~
88 | ~~dissatisfied with the result of the count may file a written recount request with the~~
89 | ~~Executive Director, within two business days after the winners are declared. The~~
90 | ~~Executive Director shall notify the President of the request for a recount and the~~
91 | ~~President shall direct the Elections Committee to review the request(s) and if~~
92 | ~~deemed appropriate, the Elections Committee will direct an independent~~
93 | ~~elections vendor [SK1] to conduct a recount. Once the certified recount totals are~~
94 | ~~received, the Elections Committee will announce its findings to all candidates in~~
95 | ~~the disputed election and any other concerned parties, appoint a recount~~
96 | ~~committee composed of persons who are not members of the Election Committee.~~
97 | ~~The results of the recount shall be final. As soon as practicable, but not less than~~
98 | ~~three days prior to the Wednesday of the week during which the annual meeting~~
99 | ~~of the State Bar is scheduled, the Recount Committee shall count the ballots~~
100 | ~~pertaining to all elections in which a recount has been requested, examine the~~
101 | ~~ballots not counted, determine the number of votes validly cast for each candidate~~
102 | ~~in the election, and immediately report the results to the President who shall~~
103 | ~~announce the results at the first plenary session during that annual meeting. The~~
104 | ~~results of the recount shall be final.~~

105 |

106 | **Section 14. Date of Elections.**

107 | ~~(a) At least 15 days prior to the meeting of the Executive Committee~~
108 | ~~immediately preceding the fall meeting of the Board of Governors, the~~ Elections
109 | Committee shall timely meet and publish a proposed schedule for the upcoming
110 | elections which shall set out the specific dates for the following events: the date the
111 | Official Election Notice is to be published in the *Georgia Bar Journal*; the date the
112 | Nominating Petition package shall be mailed to Board of Governors Incumbents;
113 | the date the Board of Governors shall nominate candidates for officers of the State
114 | Bar of Georgia; the deadline for the receipt of nominating petitions for incumbent
115 | Board Members; the deadline for the receipt of nominating petitions for new Board
116 | Members; the deadline for receipt of nominations of nonresident members of the

117 Board; the date on which the ballots are to be mailed; the deadline for ballots to be
118 cast in order to be valid; and the date the election results shall be reported and
119 made available.

120 | ~~_____ (b) _____~~ The Executive Committee shall review and approve, or modify and
121 approve such schedule as submitted by the Elections Committee. The schedule, as
122 approved by the Executive Committee, shall then be submitted to the Board of
123 Governors no later than the ~~fall~~ Annual or Summer Meeting preceding the election
124 meeting for approval.

125 | ~~_____ (c) _____~~ ~~Should the Executive Committee determine that the election schedule~~
126 ~~must be finalized prior to the fall meeting of the Board of Governors, or in the~~
127 ~~event there is no fall meeting of the Board of Governors, the Executive Committee~~
128 ~~may give final approval to the election. For good cause, the Executive Committee~~
129 ~~may modify this approval schedule.~~

130

131 **Clean Version**

132 **Bylaw Article VII Nominations and Elections**

133

134 **Section 6. Ballots.**

135 The Elections Committee shall determine the list of candidates and have
136 ballots prepared. The ballot shall include the name of each candidate and a space
137 for a write-in vote for each position to which the ballot applies. If practicable, the
138 space for a write-in vote may be eliminated from ballots for which no write-in
139 candidate has declared under Article VII, Section 1 (c) or Article VII, Section 2 (c)
140 above. The ballot shall contain voting instructions and a notice of the location and
141 last date by which the ballot must be received. The Board of Governors shall
142 annually determine this date. The ballots may be in written or electronic form, or
143 both.

144

145 **Section 7. Voters Lists; Distribution of Ballots.**

146 (a) A voters list shall be prepared containing the names of the members
147 qualified to vote in elections for officers, ABA delegates, circuit board
148 members and nonresident board members. Each member shall be assigned a
149 distinguishing number.

150 (b) On the date determined according to Section 14 of this Article, all
151 active members in good standing shall be furnished by regular mail a ballot
152 for the elections in which they are qualified to vote and a return envelope.

153 (c) In lieu of the written ballot described above, a member may vote by a
154 secure electronic ballot which meets all the requirements for integrity as

155 determined by the Elections Committee. Should any member submit both a paper
156 ballot and an electronic ballot, only the electronic ballot shall be counted.
157

158 **Section 8. Method of Voting.**

159 For written ballots, the member shall mark the ballot according to its
160 instructions and shall return the ballot or ballots in the envelope provided on or
161 before the date specified by the Board of Governors. Only written ballots of an
162 individual member, timely returned in the envelope provided with the ballot, shall
163 be deemed valid. Electronic ballots shall be cast according to the instructions
164 provided with the electronic ballot.
165

166 **Section 9. Elections Committee.**

167 The Elections Committee shall conduct the election, count or supervise the
168 counting of the ballots, and report the results on the date determined according to
169 Section 14 of this Article under procedures established by the Board of Governors.
170 The Elections Committee may utilize State Bar of Georgia and independent and
171 impartial contract staff and facilities as the Committee deems appropriate. In
172 computing the number of votes constituting a majority of those cast in each
173 election of officers, the Committee shall exclude from the computation the votes
174 cast for a properly declared “write-in” candidate receiving less than two percent of
175 the total votes cast.
176

177 **Section 11. Tie Vote.**

178 (a) Officers and ABA delegates. If there is a tie vote between two or more
179 candidates receiving the highest number of votes in any election for officers or
180 ABA delegates, the incumbent shall continue to serve until the Board of Governors
181 elects one of the tying candidates as the successor. If more than one election
182 results in a tie vote, the Board of Governors shall first determine who shall be
183 elected in this order: Treasurer, Secretary, President-Elect and, when appropriate,
184 President.

185 (b) Circuit Posts. If there is a tie vote between two or more candidates
186 receiving the highest number of votes in any election for a circuit post, a run-off
187 election shall be held pursuant to Article VII, Section 12 of these Bylaws.
188

189 **Section 12. Runoff.**

190 If no candidate for office receives a majority of the votes cast or if there is a
191 tie vote for a circuit post, within ten days from the date of the report of the

192 Elections Committee, the Board of Governors shall make provisions for a runoff
193 election between the two candidates receiving the highest number of votes or all
194 tied candidates. The runoff election shall be held no later than thirty days from the
195 date of the report of the Elections Committee and shall be conducted as provided
196 for regular elections. The incumbent shall continue to serve until the successor is
197 determined. In runoff elections, members of the Board shall be elected by plurality
198 vote.
199

200 **Section 13. Recount.**

201 Any candidate dissatisfied with the result of the count may file a written
202 recount request with the Executive Director, within two business days after the
203 winners are declared. The Executive Director shall notify the President of the
204 request for a recount and the President shall direct the Elections Committee to
205 review the request(s). If deemed appropriate, the Elections Committee will direct
206 an independent elections vendor to conduct a recount. Once the certified recount
207 totals are received, the Elections Committee will announce its findings to all
208 candidates in the disputed election and any other concerned parties. The results
209 of the recount shall be final.
210

211 **Section 14. Date of Elections.**

212 (a) The Elections Committee shall timely meet and publish a proposed
213 schedule for the upcoming elections which shall set out the specific dates for the
214 following events: the date the Official Election Notice is to be published in the
215 *Georgia Bar Journal*; the date the Nominating Petition package shall be mailed to
216 Board of Governors Incumbents; the date the Board of Governors shall nominate
217 candidates for officers of the State Bar of Georgia; the deadline for the receipt of
218 nominating petitions for incumbent Board Members; the deadline for the receipt of
219 nominating petitions for new Board Members; the deadline for receipt of
220 nominations of nonresident members of the Board; the date on which the ballots
221 are to be mailed; the deadline for ballots to be cast in order to be valid; and the date
222 the election results shall be reported and made available.

223 (b) The Executive Committee shall review and approve, or modify and
224 approve such schedule as submitted by the Elections Committee. The schedule, as
225 approved by the Executive Committee, shall then be submitted to the Board of
226 Governors no later than the Annual or Summer Meeting preceding the election for
227 approval.

228 (c) For good cause, the Executive Committee may modify this approval
229 schedule.

ADVISORY COMMITTEE ON LEGISLATION

2015-2016

MINUTES OF MEETING NO. 1

September 15, 2015

State Bar of Georgia Headquarters
Atlanta, Georgia

The first meeting of the 2015-2016 State Bar of Georgia Advisory Committee on Legislation (“ACL”) was held on Tuesday, September 15, 2015 at the State Bar of Georgia headquarters in Atlanta, Georgia.

ATTENDANCE

The following members and liaisons were present: Marc Howard (Chair), Elena Kaplan (Vice Chair), Thomas Worthy (Staff Liaison), Bob Kauffman (Executive Committee Liaison), Dawn Jones, Representative Mary Margaret Oliver, Judge John Sumner, Carol Clark, Judge Lawton Stephens, Graham McDonald, Representative Wendell Willard, Frank Strickland, Jon Pannell, Nancy Whaley, Amy Howell, Tracee Benzo, Judge Kathy Gosselin and Curtis Jenkins.

The following members and liaisons participated via conference call: Donna Hix, Andy Davis, Thomas Burnside, Kelly Campanella and Carl Varnedoe.

Others present included: Rusty Sewell (consultant), Wanda Segars (consultant), Meredith Weaver (consultant), Paula Frederick, Bill NeSmith, Jeff Davis, Jordan Read, Pilar Prinz, Representative Regina Quick, Phyllis Holmen, Chuck Spahos, Bob Bray, Cynthia Clanton, Tracy Mason, Christine Butcher, Debra Nesbit, Jimmonique Rodgers, Cheryl Karounos, Anne Kirkhope, Eric John, Shannon Weathers and Bill Clark.

CALL TO ORDER

ACL Chair Marc Howard called the meeting to order at 10:06 am. Persons attending the meeting, including those participating by phone, introduced themselves.

APPROVAL OF MINUTES

The minutes of the December 4, 2014 meeting were unanimously approved.

KELLER REVIEW

Paula Frederick, General Counsel of the State Bar of Georgia, presented a review of *Keller v. State Bar of California*, 496 U.S. 1 (1990).

LEGISLATIVE AND POLITICAL UPDATE

Thomas Worthy, Rusty Sewell and Meredith Weaver informed the ACL of legislative and political developments over the summer. Worthy also informed the Committee of Judge Marvin Shoob's order in *Strickland v. Alexander*, No. 1:12-CV-02735-MHS (N.D. Ga. Sept. 8, 2015), which struck down portions of Georgia's garnishment statute. Attorney General Sam Olens and the Georgia Department of Law will be convening stakeholders to develop a consensus-based legislative proposal to bring the statute into compliance with the holding. Worthy anticipates the proposal will be available for ACL vetting at the December meeting.

LEGISLATIVE MATTERS

The ACL reviewed the following proposals. The proposals that were approved by the ACL will be considered by the Board of Governors at its fall meeting in Savannah, Georgia on October 24, 2015.

- 1. Funding Request for Legal Representation for Victims of Domestic Violence.** Phyllis Holmen of Georgia Legal Services presented this proposal on behalf of the Committee to Promote Inclusion in the Profession. The proposal restores full funding to the AOC for grants to legal services providers for representation of victims of domestic violence. After years of budget cuts, the state appropriation for this program fell to approximately \$1.8 million. In the past two years, the State Bar lobbying efforts prevailed in having approximately \$579,000 more added to the appropriation. This proposal requests the final installment of approximately \$193,000 to restore full funding. The *Keller* vote was unanimous. The vote for supporting this proposal was unanimous. The Board of Governors will consider this proposal on October 24.
- 2. Pay Parity for Assistant Public Defenders and Assistant District Attorneys.** Jimmonique Rodgers of the Georgia Public Defenders Council and Chuck Spahos of the Prosecuting Attorneys Council presented this proposal, which recommends pay equity for assistant public defenders and assistant district attorneys along with an update of statutory step pay increases. While the Committee, Ms. Rodgers and Mr. Spahos all agreed that the new compensation commission created by HB 279 last year would be looking at this issue, everyone also agreed that it was important for the Bar to approve this proposal so that Bar lobbyists could engage in the discussion before the compensation commission. The *Keller* vote was unanimous. The vote supporting the proposal was unanimous. The Board of Governors will consider this proposal on October 24.
- 3. SB 64—Repeal of Administrative Legitimation.** Representative Regina Quick and Pilar Prinz of the Family Law Section presented this proposal, which was introduced as SB 64 last Session by the Georgia Commission on Child Support. The Family Law Section is requesting the Bar's support of this bill, which repeals administrative legitimation via the execution of voluntary acknowledgments of legitimation. This legislation is in response to problems identified in a special concurrence in *In Re: Estate of James Andrew Hawkins*, 328 Ga. App. 436 (2014). The *Keller* vote was unanimous.

The vote to support SB 64 was unanimous. The Board of Governors will consider this proposal on October 24.

REPORT ON GRASSROOTS ACTIVITIES

Thomas Worthy updated the Committee about the State Bar's Grassroots Program and discussed his outreach to local and voluntary bar associations throughout the summer. He also informed the Committee about the success of last year's rollout of the State Bar Action Network, an online interactive dashboard through which State Bar members can monitor the Bar's legislative agenda, other law-related legislation and communicate with their legislators with ease. He encouraged all Committee members to sign up.

UPDATE FROM THE JUDICIARY

Cynthia Clanton, Christine Butcher and Tracy Mason from Judicial Council/Administrative Office of the Courts expressed appreciation for the State Bar, the ACL and members of the General Assembly. The ACL was informed of legislative proposals that will be taken up by the Judicial Council at its September 30 meeting in Macon.

ADJOURNMENT

Chair Marc Howard reminded Committee members and attendees that the second and last ACL meeting of this cycle will take place on Tuesday, December 8, 2015 at 10:00 am in Meeting Room 1 of the Bar Center. The deadline for receiving proposals to be considered at that meeting is Monday, November 30, 2015. With no further business before the Committee, Mr. Howard adjourned the meeting at 11:21 am.



August 28, 2015

Mr. Thomas Worthy
Director of Governmental Affairs
State Bar of Georgia
104 Marietta Street NE
Atlanta, GA 30303

Re: Legislative Proposal - Domestic Violence Funding for the 2017 Fiscal Year

Dear Thomas:

We write on behalf of the State Bar's Committee to Promote Inclusion in the Profession (Committee) to request the State Bar of Georgia's endorsement of legislation that would provide an appropriation for civil legal services to low-income victims of domestic violence. Each year the Committee seeks the endorsement of the State Bar of Georgia for this legislation, which provides for an appropriation to non-profit organizations that provide civil legal services to low-income Georgians. It is our understanding that for the State Bar of Georgia to endorse this legislation for the upcoming fiscal year, the proposal must be renewed before the Advisory Committee on Legislation. As a result, our Committee wishes to again propose an appropriation of \$2,500,000.00 for the 2017 fiscal year. We understand that the Judicial Council is also making this specific dollar request in their budget and we ask that the Advisory Committee on Legislation support the same. Understanding the state's budget restraints is the only reason that we do not request more funding at this time, however, the need in this area dictates that we do not request less.

In 1998, the General Assembly appropriated \$2 million as part of the Administrative Office of the Court's budget. The funds were appropriated for use in providing civil legal services to low-income victims of domestic violence. That year, the General Assembly recognized the importance of providing legal services to victims of domestic violence, and has provided funding to do so every year since. However, over the years that support has been dwindling while the need has been increasing. Last year's appropriation was \$2,306,875, which is a \$195k increase from FY 2015, but still below FY 2009. In 2007 the statistics showed that because of the domestic violence crisis in our state there are up to 90% of our most vulnerable citizens that are not able to hire lawyers to represent them according to a statement by Chief Justice Leah Ward Sears in a 2007 State of the Judiciary Address. This funding helps to provide that assistance that would otherwise go unmet. In addition, for each \$1 spent on temporary protective orders, this saves \$30.75 in costs for law enforcement, hospital, incarceration, and community services. For the 2015 fiscal year, the General Assembly renewed and increased its commitment to stopping domestic violence, but more is needed. The Judicial Council is committing to this level and the State Bar of Georgia should stand with it.

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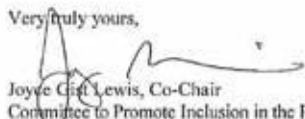


Letter to T. Worthy
Page 2

The Committee to Promote Inclusion in the Profession is aware of no opposition to this proposal for the appropriation of \$2,500,000.00 for the 2017 fiscal year. It is our understanding that we do not need to submit the specific language for the legislation at this time because this is a budget item. Furthermore, this proposal satisfies the *Keller* criteria because it is within the scope and purposes of the State Bar of Georgia to advance the administration of justice. It also is consistent with past actions by the Board of Governors in support of access to legal services by the poor.

We thank you for your consideration of our request.

Very truly yours,


Joyce Gill Lewis, Co-Chair
Committee to Promote Inclusion in the Profession


Derrick Alexander Pope, Co-Chair
Committee to Promote Inclusion in the Profession

JGL/DAP/sh

cc: Mr. Robert J. Kauffman
Mr. J. Marcus Edward Howard
Ms. Cynthia Clanton

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September 4, 2015

VIA EMAIL

W. Thomas Worthy, Esq.
Director of Governmental Affairs
State Bar of Georgia
104 Marietta Street NW, Suite 100
Atlanta, GA 30303

Re: Legislative Priorities for 2015 Session

Dear Thomas:

The Georgia Public Defender Council requests that the State Bar of Georgia support legislation and state funding requests that would equalize the compensation of Assistant District Attorneys and Assistant Public Defenders. Standardizing the pay for state attorneys would recognize the hard work of the attorneys in District Attorney and Circuit Public Defender offices and would also provide salary increases for many public defenders who have never received a raise of significance since beginning their service with the agency. This request is made pursuant to Section 1.02(a)(1) of Standing Board Policy 100.

Assistant District Attorneys in Georgia have had a pay scale since 1984, even though that pay scale has not been fully funded in recent years. When the Public Defender Council was created, the salaries for the various classes of Assistant Public Defenders were designed to mirror the classes for Assistant District Attorneys. The salary base in each of the statutes match exactly. *See* O.C.G.A. §§ 17-12-27 (APDs); 15-18-14 (ADAs).

Despite these original classifications, the Public Defender Council has never had sufficient funding to mirror the step increases received by ADAs. As a result, a significant number of APDs have received little or no salary increases during their service to the state.

The lack of predictability and the inability to offer step increases have resulted in a high turnover rate for APDs within GPDC. Over the last fiscal years for which information is available, GPDC consistently loses a significant number of its attorneys. The turnover rate for GPDC has been:

FY2010	FY2011	FY2012	FY2013
23%	16%	14%	20%

This high turnover affects the ability of GPDC to deliver services to clients, because each attorney leaving the system takes relationships and experience with them and each new attorney entering the system requires training. In addition, the long working hours with little pay and no predictability as to future salary makes it infeasible for individual attorneys to choose public service within GPDC as a career path.

The low pay received by APDs is exacerbated by the heavy debt load carried by those attorneys. GPDC has received over 150 responses from its APDs regarding student debt and the results are staggering:

- 81% of respondents are carrying debt.
- Only 7% of those with debt have deferred loan payments.
- Approximately 60% of those with debt owe more than \$75,000.
- Approximately 25% of those with debt owe more than \$175,000.
- At their current rates of repayment 30% of respondents will require more than 25 years to pay off their loans.

The lack of parity between ADAs and APDs has also led to circuit offices “trading” attorneys between DA and CPD offices. When a CPD is unable to offer a raise, in some cases a DA can hire an APD at a higher rate when someone of more experience leaves. Similarly, when an ADA is not receiving step increases, in some cases a CPD office can hire that individual at a higher rate when an experienced APD leaves. These attorneys wish to remain in public service but simply cannot afford to remain in their current positions, requiring additional training and upheaval for existing clients.


In light of the legislative history regarding ADA and APD salaries, GPDC believes that pay parity is appropriate and requests that the State Bar support this position. GPDC also requests that the State Bar support yearly salary increases for ADAs and APDs that mirror one another.

If you have any questions at all, please direct them to me, because I will be coordinating with the Council to testify at any hearings and provide any additional information you need. My contact information is as follows:

Bryan P. Tyson, Executive Director
Georgia Public Defender Council
104 Marietta Street, Suite 200
Atlanta, GA 30303
404-232-8900
btyson@gapubdef.org

Thank you for your attention to this matter.

Sincerely,



Bryan P. Tyson
Executive Director



CHARLES A. SPAHOS
Executive Director

August 31, 2015

DANNY PORTER
Chair
District Attorney
Gwinnett Judicial Circuit

W. Thomas Worthy, Esq.
Director of Governmental Affairs
State Bar of Georgia
104 Marietta Street NW, Suite 100
Atlanta, Georgia 30303

STEPHANIE WOODARD
Vice Chair
Solicitor-General
Hall County

LEIGH PATTERSON
Secretary
District Attorney
Reno Judicial Circuit

RE: Request for Pay Equity

HAYWARD ALTMAN
District Attorney
Middle Judicial Circuit

Director Worthy,

SHERY BOSTON
Solicitor-General
DeKalb County

The Prosecuting Attorneys' Council of Georgia requests that the State Bar of Georgia support legislation and state funding requests that would equalize the state compensation of Assistant Public Defenders and Assistant District Attorneys. In addition to establishing and standardizing the pay of State-paid attorneys for both Defendants and the State, the legislation would also provide for partial compensation for attorneys who were unable to receive authorized step increases in salary over the past seven years due to the economic downturn and budgetary constraints. This request is made pursuant to Section 1.02 (a) (1) of Standing Board Policy 100.

GEORGE HARTWIG
District Attorney
Houston Judicial Circuit

TASHA MOSLEY
Solicitor-General
Clayton County

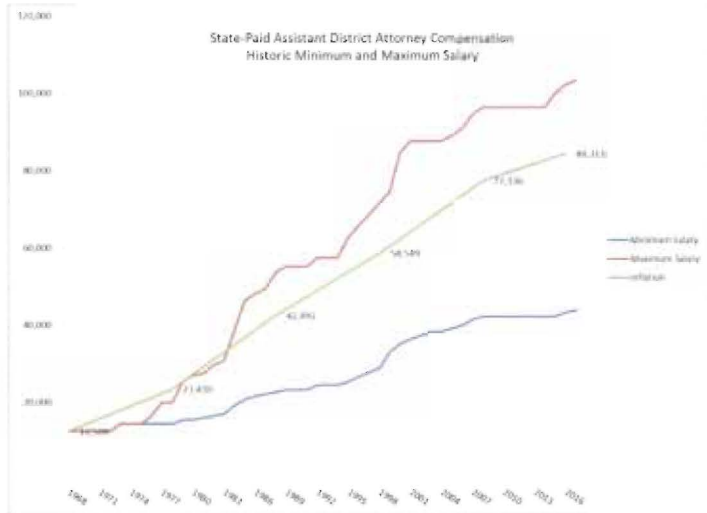
A. The case for pay equity

BERT POSTON
District Attorney
Cobb Judicial Circuit

In 1968, when the office of District Attorney became a full-time State-funded position, a limited number of circuits were granted a "state-paid" Assistant District Attorney position. While the annual pay of the elected District Attorney was set at \$18,000, the assistant's pay was capped at \$12,500. Today, the assistant's salary would be equivalent to more than \$85,700. Due to difficulties in hiring and retention of Assistant District Attorneys, the requirement that an attorney have three years of experience to be an assistant was removed from the statute.

ASHLEY WRIGHT
District Attorney
Augusta Judicial Circuit

In 1976, the Georgia General Assembly created a single tier pay structure, setting the pay for Assistant District Attorneys between \$14,500 and \$16,500. In today's dollars, the range would be \$60,813 to 69,201. The General Assembly established the current scale, found at O.C.G.A. § 15-18-14 with four grades or classes in 1984. The scale has caps for each class of Assistant District Attorney, sets caps on the maximum pay for a particular class, and authorizes pay increases. At no time would an assistant make more than ninety percent of the elected District Attorney's salary. Under this pay structure, the Chief Assistant District Attorney of each Judicial Circuit is entitled to a supplement in their pay.



In the legislation that created the Public Defenders Council, the Circuit Public Defenders' pay was set, as well as the number of State-paid assistant public defenders for each circuit and their compensation. O.C.G.A. § 17-12-25 provides that the salary of the circuit public defender would be \$87,593.58. This past legislative session, their pay was increased to \$99,526.00. Similar to Assistant District Attorneys, Assistant Public Defenders are placed in one of four classes and have a salary range assigned to the class.

Class	Assistant District Attorney	Assistant Public Defender
1	Not less than \$38,124.00 nor more than 65 percent of the compensation of the district attorney	Not less than \$38,124.00 nor more than 65 percent of the compensation of the circuit public defender
2	Not less than \$40,884.00 nor more than 70 percent of the compensation of the district attorney	Not less than \$40,884.00 nor more than 70 percent of the compensation of the circuit public defender
3	Not less than \$45,108.00 nor more than 80 percent of the compensation of the district attorney	Not less than \$45,108.00 nor more than 80 percent of the compensation of the circuit public defender
4	Not less than \$52,176.00	Not less than \$52,176.00 nor more than 90 percent of the compensation of the circuit public defender

While the floors are the same for all four classes, it should be noted that the Assistant District Attorney scale was set nineteen years before the legislature created Assistant Public Defenders and their pay scale. If the floors for the four classes are converted from 1984 dollars, the year the pay scales for the four classes of Assistant District Attorneys were set, to 2003 dollars, the year when the legislature created Assistant Public Defenders and the creation of the four classes, there is a difference of nearly \$30,000 for the floor of each class.

1984	2003	2015
\$38,124.00	\$67,515.07	\$87,563.38
\$40,844.00	\$72,402.85	\$93,810.69
\$45,108.00	\$79,883.27	\$103,604.26
\$52,176.00	\$92,400.23	\$119,838.08

Based on this understanding, one can conclude that the General Assembly desired that all state-paid members of the judicial system, whether they are prosecutors or defense attorneys, were to be paid similar salaries based on comparable experience. However, at current time there is no mechanism to ensure that an Assistant Public Defender with seven years of experience is being paid the same as an Assistant District Attorney with similar experience levels. The Council seeks the support of the State Bar in calling for a study of the compensation paid to the state paid attorneys for both prosecution and defense and a harmonization of their pay.

B. The Case for Appropriately Adjusted Compensation

The compensation statutes for both prosecutors and defenders also provide for advancement and salary increases. However, due to recent economic struggles, state-paid attorneys have not been afforded these statutorily provided raises. In fact, most attorneys are making less than when they started if their salaries were adjusted for inflation.

From FY 2010 to FY 2016, ADAs were eligible to advance “7 steps.” Given an average increase of about 4.7% between steps, ADAs should have realized, on average about a 37% increase in salary. However, budgetary constraints during the recession limited increases to 5.9%. The loss is even greater for certain classes and steps.

Consider the following example of a new Assistant District Attorney hired in March 2008. This is what the new assistant was eligible for under the Council Rules adopted based on the applicable statutes:

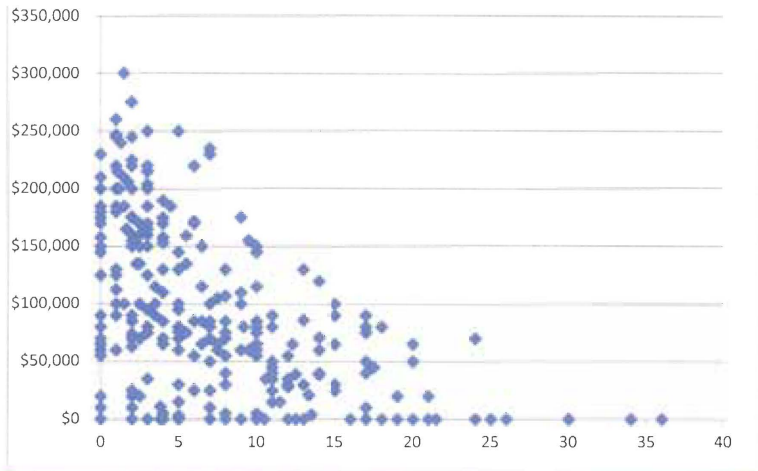
Fiscal Year	Personnel Action	Class/Step	Salary
2008	Hired March 3, 2008	1/1	\$42,081
2009	Anniversary Step Increase	1/2	\$42,975
2010	Promotion	2/1	\$45,117
2011	Promotion	3/1	\$49,782
2012	Anniversary Step Increase	3/2	\$52,248
2013	Promotion	4/1	\$57,585
2014	Anniversary Step Increase	4/2	\$60,507
2015	Anniversary Step Increase	4/3	\$63,531
2016	Anniversary Step Increase	4/4	\$65,558

However, due to the recession and budgetary constraints, this is what actually happened to the young assistant's salary:

Fiscal Year	Personnel Action	Class/Step	Salary
2008	Hired March 3, 2008	1/1	\$42,081
2009	Anniversary Step Increase	1/2	\$42,975
2010		1/2	\$42,975
2011		1/2	\$42,975
2012		1/2	\$42,975
2013	Anniversary Step Increase	1/2A	\$44,046
2014		1/2A	\$45,103
2015		1/2A	\$45,103
2016		1/2A	\$45,554

While the Assistant District Attorney hired in March 2008 was eligible for a total of \$23,477 in salary progression, she only received \$3,473 during those 8 years. Moreover, during that same time, state-paid prosecutors were required to take twenty-four furlough days. The loss of those twenty-four days of pay would have cost the assistant district attorney in this example to lose a total of \$3,966.92 during those years.

Equalization of pay for all state-paid attorneys as well as committing to the yearly advances created in the statutes also will help solve the crushing student debt load so many of these attorneys face. The staff of the Council recently queried the District Attorney's Offices in the forty-nine judicial circuits. Twenty-nine circuits plus the Council's attorneys responded to a survey on debt load. Based on the responses, the 289 prosecutors owe an average of \$86,529. Assuming that the public defenders are operating with a similar obligation would be appropriate. Equalizing pay and committing to compensating those lawyers in line with the statutory scheme would help allow those public servants to repay their debts.



Total Amount owed	average debt per ADA	Years of Experience
\$14,120,450	\$131,967	zero to three years
\$5,957,223	\$96,084	four to seven years
\$2,562,000	\$67,421	eight to ten years
\$1,362,328	\$40,068	eleven to fourteen years
\$915,000	\$29,516	fifteen to twenty years
\$90,000	\$5,294	more than twenty years
\$25,007,001	\$86,529	Total amount owed

Unable to afford their repayments, discouraged by the lack of positive financial growth, or a combination of both, many attorneys are leaving the State's employment. In the past two fiscal years, more than ten percent of the prosecutors in this state have quit.

	FY 2011	FY 2012	FY 2013	FY 2014
Turnover Rate (Excluding Retirement)	6.95%	4.96%	11.36%	10.60%
Turnover Rate (With Retirements)	8.44%	5.96%	14.07%	12.05%

During the 2014 fiscal year, the average Assistant District Attorney who left employment had 6.84 years of experience. They were replaced by an attorney with less than two years of

experience. That figure includes giving credit for experience gained as a judicial law clerk, interning with a prosecution office during law school, or taking a course in law school designated as a prosecution clinic course. Similar information from the Public Defenders is anticipated.

What cannot be quantified is the impact on cases with such turnover in staff. In addition to training costs for all of the new hires, those new prosecuting attorneys must spend time making connections with witnesses and victim. Their counterparts in the Public Defenders Office must assure their clients that while the faces representing them are changing, the defendant is not part of some type of assembly-line judicial mechanism. Continuity of representation helps to create a trust or ease with the uncertainties associated with the criminal process. By not constantly having to repeat basic training for such a large segment of the profession, advanced courses can be offered to assist more experienced prosecutors and defense attorneys in handling more complex cases. Raising pay makes the job competitive with other options in the legal profession.

Considering the pay history between Assistant District Attorneys and Assistant Public Defenders, the Council believes that pay parity is appropriate and requests that the State Bar support the same. As demonstrated, the Council also asks the State Bar to support the call to provide the yearly pay increases contained in the statutes.

If you have any questions regarding this request, please direct all correspondence to me as I will be coordinating with the Council and our membership to make sure that we are present at any hearing regarding this matter. My contact information is as follows:

Chuck Spahos, Executive Director of the Prosecuting Attorneys' Council
Prosecuting Attorneys' Council of Georgia
1590 Adamson Parkway, 4th Floor
Morrow, Georgia 30260-1755
404-282-6300
espahos@pacga.org

Sincerely,

A handwritten signature in blue ink, appearing to read 'C A A' followed by a long horizontal stroke.

Chuck Spahos

Executive Director of the Prosecuting Attorneys' Council

REGINA M. QUICK, P.C.
ATTORNEY AT LAW
150 E. WASHINGTON STREET
ATHENS, GEORGIA 30601

REGINA M. QUICK

706/543-9925-TELEPHONE
706/353-0167-FACSIMILE

August 26, 2015

W. Thomas Worthy, Esquire
Director of Governmental Affairs
State Bar of Georgia
104 Marietta Street NW
Suite 100
Atlanta, Georgia 30303

Re: Family Law ACL Proposal

Dear Thomas:

The Executive Committee of the State Bar of Georgia Family Law Section voted to formally request that the State Bar of Georgia lend organizational support to the Georgia Commission on Child Support and add SB64 to the legislative initiatives for the 2016 General Assembly. The request was made at our July 30 meeting on behalf of the Commission for assistance in gaining passage of the version of the bill contained in LC 29 6630S.

The Family Law Section would appreciate the favorable consideration of the Advisory Committee on Legislation on this matter so that the measure can then be approved by the Board of Governors.

Please let me know if anything further is required. I trust this finds you well and anticipating fall and all the approaching season entails!.....Go Dawgs!

With best regards, I am

Sincerely yours,



Regina M. Quick

cc: Derrick Stanley (via email)
2015 Executive Committee Members (via email)
Honorable Louisa Abbot, Chair, Georgia Commission on Child Support (via email)

The House Committee on Juvenile Justice offers the following substitute to SB 64:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-11-2, Title 19, and Chapter 10 of Title 31 of the Official Code
2 of Georgia Annotated, relating to definitions for the Juvenile Code, domestic relations, and
3 vital records, respectively, so as to repeal voluntary acknowledgments of legitimation; to
4 provide for conforming cross-references relating to the elimination of administrative
5 legitimation; to provide for and revise definitions; to clarify provisions relating to judicial
6 petitions for legitimation; to provide for witnesses to the signing of acknowledgments of
7 paternity; to provide for access to signed acknowledgments of paternity and voluntary
8 acknowledgments of legitimation; to change provisions relating to hospital programs for
9 establishing paternity; to provide for a savings clause; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions for
13 the Juvenile Code, is amended by revising paragraph (43) as follows:

14 ~~“(43) ‘Legal father’ means a male who has not surrendered or had terminated his rights~~
15 ~~to a child and who:~~

16 (A) Has legally adopted ~~a~~ such child;

17 (B) Was married to the biological mother of ~~a~~ such child at the time such child ~~was~~
18 ~~conceived or was born or within the usual period of gestation,~~ unless paternity was
19 disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19;

20 (C) Married the legal mother of ~~a~~ such child after such child was born and recognized
21 such child as his own, unless paternity was disproved by a final order pursuant to
22 Article 3 of Chapter 7 of Title 19; ~~or~~

23 (D) Has been determined to be the father of a child by a final paternity order pursuant
24 to Article 3 of Chapter 7 of Title 19;
25

S. B. 64 (SUB)

- 1 -

26 ~~(E)~~(D) Has legitimated a such child by a final order pursuant to Code Section 19-7-22;
 27 or
 28 ~~(F) Has legitimated a child pursuant to Code Section 19-7-21.1."~~

29 **SECTION 2.**

30 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
 31 amended by repealing in its entirety Code Section 19-7-21.1, relating to acknowledgment of
 32 legitimation.

33 **SECTION 3.**

34 Said title is further amended by revising Code Section 19-7-22, relating to the petition for
 35 legitimation of a child, requirements therefor, the effect of such, claims for custody or
 36 visitation, and third-party actions for legitimation, as follows:

37 "19-7-22.

38 (a) As used in this Code section, the term:

39 (1) 'Biological father' means the male who impregnated the biological mother resulting
 40 in the birth of a child.

41 (2) 'Legal father' means a male who has not surrendered or had terminated his rights to
 42 a child and who:

43 (A) Has legally adopted such child;

44 (B) Was married to the biological mother of such child at the time such child was born
 45 or within the usual period of gestation, unless paternity was disproved by a final order
 46 pursuant to Article 3 of this chapter;

47 (C) Married the legal mother of such child after such child was born and recognized
 48 such child as his own, unless paternity was disproved by a final order pursuant to
 49 Article 3 of this chapter; or

50 (D) Has legitimated such child pursuant to this Code section.

51 ~~(a)~~(b) The biological ~~A~~ father of a child born out of wedlock may render his relationship
 52 with the child legitimate by petitioning the superior court of the county of the residence of
 53 the child's mother or other party having legal custody or guardianship of the child;
 54 provided, however, that if the mother or other party having legal custody or guardianship
 55 of the child resides outside ~~the~~ this state or cannot, after due diligence, be found within ~~the~~
 56 this state, the petition may be filed in the county of the biological father's residence or the
 57 county of the child's residence. If a petition for the adoption of the child is pending, the
 58 biological father shall file the petition for legitimation in the county in which the adoption
 59 petition is filed.

60 ~~(b)(c)~~ A legitimation The petition shall set forth the name, age, and sex of the child, the
 61 name of the mother, and, if the biological father desires the name of the child to be
 62 changed, the new name. If the mother is alive, she shall be named as a party and shall be
 63 served and provided an opportunity to be heard as in other civil actions under Chapter 11
 64 of Title 9, the 'Georgia Civil Practice Act.' If there is a legal father who is not the
 65 biological father, he shall be named as a party by the petitioner and shall be served and
 66 provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9,
 67 the 'Georgia Civil Practice Act.'

68 ~~(c)(d)~~ Upon the presentation and filing of the a legitimation petition, and after a hearing
 69 for which notice was provided to all interested parties, the court may pass issue an order
 70 declaring the biological father's relationship with the child to be legitimate, and that the
 71 provided that such order is in the best interests of the child. If such order is issued, the
 72 biological father and child shall be capable of inheriting from each other in the same
 73 manner as if born in lawful wedlock and specifying. Such order shall specify the name by
 74 which the child shall be known.

75 ~~(d)(e)~~ A legitimation petition may be filed, pursuant to Code Section 15-11-11, in the
 76 juvenile court of the county in which a dependency proceeding regarding the child is
 77 pending; provided, however, that if either parent has demanded a jury trial as to child
 78 support, that issue of the case shall be transferred to superior court for a jury trial. Such
 79 petition shall contain the same information and require the same service and opportunity
 80 to be heard as set forth in subsection (c) of this Code section. After a hearing, the juvenile
 81 court may issue the same orders as set forth in subsection (d) of this Code section.

82 ~~(e)(f)~~ A superior Except as provided by subsection (f) of this Code section, the court shall,
 83 upon notice to the mother further establish such duty as the father may have to support the
 84 child, considering the facts and circumstances of the mother's obligation of support and the
 85 needs of the child after notice and hearing, enter an order establishing the obligation to
 86 support a child as provided under Code Section 19-6-15.

87 ~~(f)~~ After a petition for legitimation is granted, if a demand for a jury trial as to support has
 88 been properly filed by either parent, then the case shall be transferred from juvenile court
 89 to superior court for such jury trial:

90 ~~(f.1)(g)~~ A The petition for legitimation petition may also include claims for visitation,
 91 parenting time, or custody. If such claims are raised in the legitimation action, the court
 92 may order, in addition to legitimation, visitation, parenting time, or custody based on the
 93 best interests of the child standard. In a case involving allegations of family violence, the
 94 provisions of paragraph (4) of subsection (a) of Code Section 19-9-3 shall also apply.

95 ~~(g)(1)(h)~~ In any petition to establish paternity pursuant to paragraph (4) of subsection (a)
 96 of Code Section 19-7-43, the alleged biological father's response may assert a third-party

97 action for the legitimation of the child born out of wedlock if the alleged biological father
 98 is, in fact, the biological father. Upon the determination of paternity or if a voluntary
 99 acknowledgment of paternity has been made and has not been rescinded pursuant to Code
 100 Section 19-7-46.1, the court or trier of fact as a matter of law and pursuant to the provisions
 101 of Code Section 19-7-51 may enter an order or decree legitimating a child born out of
 102 wedlock, provided that such is in the best interest interests of the child. In determining the
 103 best interests of the child, the court should insure that the petitioning alleged biological
 104 father is, in fact, the biological father and may order the mother, the alleged father, and the
 105 child to submit to genetic testing in accordance with Code Section 19-7-45. Whenever a
 106 petition to establish the paternity of a child is brought by the Department of Human
 107 Services, issues of name change, visitation, and custody shall not be determined by the
 108 court until such time as a separate petition is filed by one of the parents or by the legal
 109 guardian of the child, in accordance with Code Section 19-11-8; if the petition to establish
 110 paternity is brought by a party other than the Department of Human Services or if the
 111 alleged biological father seeks legitimation, the court may determine issues of name
 112 change, visitation, and custody in accordance with subsections ~~(b) and (f.1)~~ (c) and (g) of
 113 this Code section. Custody of the child shall remain in the mother unless or until a court
 114 order is entered addressing the issue of custody.
 115 ~~(2) In any voluntary acknowledgment of paternity which has been made and has not been~~
 116 ~~rescinded pursuant to Code Section 19-7-46.1, when both the mother and father freely~~
 117 ~~agree and consent, the child may be legitimated by the inclusion of a statement indicating~~
 118 ~~a voluntary acknowledgment of legitimation."~~

119 **SECTION 4.**

120 Said title is further amended by revising Code Section 19-7-25, relating to in whom parental
 121 power over a child born out of wedlock lies, as follows:
 122 "19-7-25.
 123 Only the mother of a child born out of wedlock is entitled to custody of the child, unless
 124 the father legitimates the child as provided in Code Section ~~19-7-21.1~~ or 19-7-22.
 125 Otherwise, the mother may exercise all parental power over the child."

126 **SECTION 5.**

127 Said title is further amended by revising Code Section 19-7-27, relating to hospital program
 128 for establishing paternity, as follows:

129 "19-7-27.

130 (a) ~~Except in the event of a medical emergency, prior to~~ Upon the birth of a child to an
 131 unmarried woman in a public or private hospital, the hospital that provides perinatal labor
 132 and delivery services shall:

133 ~~(1) Provide the child's mother and alleged father if he is present at the hospital the~~
 134 ~~opportunity to acknowledge paternity consistent with the requirements of Code Section~~
 135 ~~19-7-46.1; and~~

136 ~~(2) Provide~~ provide to the mother and alleged father:

137 ~~(A)(1)~~ Written materials about administratively establishing paternity establishment;

138 ~~(B)(2)~~ The forms necessary to voluntarily acknowledge paternity;

139 ~~(C)(3)~~ A written description of the rights and responsibilities of voluntarily
 140 acknowledging paternity, the differences between paternity and legitimation, and the duty
 141 to support a child upon acknowledgment of paternity; and

142 ~~(D)(4)~~ The opportunity, prior to discharge from the hospital, to speak with staff, either
 143 by telephone or in person, who are trained to clarify information and answer questions
 144 about administratively establishing paternity establishment and the availability of judicial
 145 determinations of paternity.

146 ~~(b) Providing the written materials describing rights and responsibilities shall not~~
 147 ~~constitute the unlawful practice of law.~~

148 ~~(c) After the birth of a child to an unmarried woman in a public or private hospital, the~~
 149 ~~hospital that provides labor and delivery services shall:~~

150 ~~(1) Provide the child's mother and alleged father if he is present at the hospital the~~
 151 ~~opportunity to execute a voluntary acknowledgment of paternity consistent with the~~
 152 ~~requirements of Code Section 19-7-46.1;~~

153 ~~(2) File the signed voluntary acknowledgment of paternity with the State Office of Vital~~
 154 ~~Records within 30 days of its execution; and~~

155 ~~(3) Provide to the child's mother and alleged father copies of the signed voluntary~~
 156 ~~acknowledgment of paternity."~~

157 **SECTION 6.**

158 Said title is further amended by revising subsection (d) of Code Section 19-7-43, relating to
 159 petition to establish paternity and genetic testing, as follows:

160 "(d) In any case in which the paternity of a child or children has not been established, any
 161 party may make a motion for the court to the court, either on its own motion or on the
 162 motion of any party, may order the mother, the alleged father, and the child or children to
 163 submit to genetic tests as specified in Code Section 19-7-45. Such motion, if made by a
 164 party, shall be supported by a sworn statement ~~(+)~~ alleging paternity and setting forth facts

165 establishing a reasonable possibility of the requisite sexual contact between the parties; or
 166 ~~(2) denying paternity and setting forth facts establishing a reasonable possibility of the~~
 167 ~~nonexistence of sexual contact between the parties. Appropriate orders shall be issued in~~
 168 ~~accordance with the provisions of this article by the court.~~ The court shall grant the a
 169 party's motion unless it finds good cause as defined by the federal Social Security Act or
 170 if other a good excuse for noncooperation is established."

171 **SECTION 7.**

172 Said title is further amended by revising Code Section 19-7-46.1, relating to name or social
 173 security number on birth certificate or other record as evidence of paternity and signed
 174 voluntary acknowledgment of paternity, as follows:

175 "19-7-46.1.

176 (a) The appearance of the name or social security account number of the father, entered
 177 with his written consent, on the certificate of birth or a certified copy of such certificate or
 178 records on which the name of the alleged father was entered with his written consent from
 179 the vital records department of another state or the registration of the father, entered with
 180 his written consent, in the putative father registry of this state, pursuant to subsection (d)
 181 of Code Section 19-11-9, shall constitute a prima-facie case of establishment of paternity
 182 and the burden of proof shall shift to the putative father to rebut such in a proceeding for
 183 the determination of paternity.

184 (b) When both the mother and father have signed a voluntary acknowledgment of paternity
 185 in the presence of a notary public or other witness swearing or affirming the statements
 186 contained in the acknowledgment are true and such acknowledgment is filed with the State
 187 Office of Vital Records within 30 days of its execution and the acknowledgment is
 188 recorded in the putative father registry established by subsection (d) of Code Section
 189 19-11-9, the acknowledgment shall constitute a legal determination of paternity, subject
 190 to the right of any signatory to rescind the acknowledgment prior to the date of the support
 191 order, any other order adjudicating paternity, or 60 days from the signing of the agreement,
 192 whichever is earlier. Recording such information in the putative father registry shall
 193 constitute a legal determination of paternity for purposes of establishing a future order for
 194 support, ~~visitation privileges,~~ and other matters under Code Section 19-7-51.
 195 Acknowledgment of paternity shall establish the biological father, as such term is defined
 196 in Code Section 19-7-22, but shall not constitute a legal determination of legitimation
 197 pursuant to Code Section ~~19-7-21.1~~ or 19-7-22.

198 (c) After the 60 day rescission period specified in subsection (b) of this Code section, the
 199 signed voluntary acknowledgment of paternity may be challenged in court only on the basis
 200 of fraud, duress, or material mistake of fact, with the burden of proof on the person

201 challenging the acknowledgment. The legal responsibilities of any signatory, including
 202 child support obligations, arising from the acknowledgment may not be suspended during
 203 the challenge, except for good cause shown.

204 (d) A copy of a signed voluntary acknowledgment of paternity shall be provided to any
 205 signatory upon request.

206 (e)(1) As used in this subsection, the term:

207 (A) 'Child-placing agency' means an agency licensed as such pursuant to Chapter 5 of
 208 Title 49.

209 (B) 'Legal custodian' shall have the same meaning as set forth in Code Section 15-11-2.

210 (C) 'Local custodian' shall have the same meaning as set forth in Code Section 31-10-1.

211 (D) 'State registrar' shall have the same meaning as set forth in Code Section 31-10-1.

212 (2) The state registrar or local custodian, upon receipt of a written application, shall issue
 213 a certified copy of voluntary acknowledgment of paternity in the state registrar's or local
 214 custodian's custody to:

215 (A) The person who signed such acknowledgment and his or her guardian or temporary
 216 guardian;

217 (B) The person whose paternity was acknowledged, if he or she is at least 18 years of
 218 age;

219 (C) The guardian, temporary guardian, or legal custodian of the person whose paternity
 220 was acknowledged;

221 (D) The living legal spouse or next of kin, the legal representative, or the person who
 222 in good faith has applied and produced a record of such application to become the legal
 223 representative of the person whose paternity is registered;

224 (E) A court of competent jurisdiction upon its order or subpoena;

225 (F) Any governmental agency, state or federal, provided that such certificate shall be
 226 needed for official purposes;

227 (G) A member in good standing of the State Bar of Georgia, provided that such
 228 certificate shall be needed for purposes of legal investigation on behalf of a client; and

229 (H) A child-placing agency, provided that such certificate shall be needed for official
 230 purposes."

231 **SECTION 8.**

232 Said title is further amended by revising Code Section 19-7-51, relating to order of support,
 233 visitation privileges, and other provisions, as follows:

234 "19-7-51.

235 The decree or order establishing paternity may contain any other provisions concerning the
 236 duty to support the child by periodic or lump sum payments; visitation privileges with the

237 ~~child as provided in Code Section 19-6-15, or any other matter in the best interest interests~~
 238 ~~of the child."~~

239 **SECTION 9.**

240 Said title is further amended by revising paragraph (6) of Code Section 19-8-1, relating to
 241 definitions relating to adoption, as follows:

242 "(6) 'Legal father' means a male who ~~has not surrendered or had terminated his rights to~~
 243 ~~a child and who:~~

244 (A) Has legally adopted a such child;

245 (B) Was married to the biological mother of ~~that~~ such child at the time ~~that~~ such child
 246 ~~was conceived or was born or within the usual period of gestation, unless such~~ paternity
 247 was disproved by a final order pursuant to Article 3 of Chapter 7 of this title;

248 (C) Married the legal mother of the such child after ~~the~~ such child was born and
 249 recognized the such child as his own, unless ~~such~~ paternity was disproved by a final
 250 order pursuant to Article 3 of Chapter 7 of this title; or

251 (D) Has legitimated the such child by a final order pursuant to Code Section 19-7-22;
 252 or

253 ~~(E) Has legitimated the child pursuant to Code Section 19-7-21.1~~

254 ~~and who has not surrendered or had terminated his rights to the child."~~

255 **SECTION 10.**

256 Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-4,
 257 relating to when surrender or termination of parental or guardian's rights is required, as
 258 follows:

259 "(D) The pre-birth surrender shall not be valid for use by a legal father as defined under
 260 paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a~~
 261 ~~voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2)~~
 262 ~~of subsection (g) of Code Section 19-7-22 or a voluntary acknowledgment of paternity~~
 263 ~~pursuant to the provisions of Code Section 19-7-46.1."~~

264 **SECTION 11.**

265 Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-5,
 266 relating to surrender or termination of parental or guardian's rights when child to be adopted
 267 by a third party, as follows:

268 "(D) The pre-birth surrender shall not be valid for use by a legal father as defined under
 269 paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a~~
 270 ~~voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2)~~

271 ~~of subsection (g) of Code Section 19-7-22 or a voluntary acknowledgment of paternity~~
 272 ~~pursuant to the provisions of Code Section 19-7-46.1."~~

273 **SECTION 12.**

274 Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-7,
 275 relating to surrender or termination of parental or guardian's rights when child to be adopted
 276 by a relative, as follows:

277 "(D) The pre-birth surrender shall not be valid for use by a legal father as defined under
 278 paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a~~
 279 ~~voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2)~~
 280 ~~of subsection (g) of Code Section 19-7-22 or a voluntary acknowledgment of paternity~~
 281 ~~pursuant to the provisions of Code Section 19-7-46.1."~~

282 **SECTION 13.**

283 Said title is further amended by revising subsection (c) of Code Section 19-8-9, relating to
 284 surrender of parental rights when legal mother puts up for adoption a child that she
 285 previously adopted herself, as follows:

286 "(c) If a legal mother has voluntarily and in writing surrendered all of her parental rights
 287 pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or
 288 19-8-7 and has not withdrawn her surrender within the ten-day period after signing as
 289 permitted by the provisions of subsection (b) of this Code section, she shall have no right
 290 or authority to sign ~~either a voluntary acknowledgment of legitimation pursuant to the~~
 291 ~~provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or a voluntary~~
 292 ~~acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1~~
 293 ~~regarding the same child."~~

294 **SECTION 14.**

295 Said title is further amended by revising subsection (e) of Code Section 19-8-12, relating to
 296 notice to biological father, as follows:

297 "(e) When notice is to be given pursuant to subsection (b) of this Code section, it shall
 298 advise such biological father who is not the legal father that he loses all rights to the child
 299 and will neither receive notice nor be entitled to object to the adoption of the child unless,
 300 within 30 days of receipt of such notice, he files:

301 (1) A petition to legitimate the child pursuant to Code Section 19-7-22 ~~or an~~
 302 ~~acknowledgment of legitimation pursuant to Code Section 19-7-21.1; and~~

303 (2) Notice of the filing of the petition to legitimate or ~~acknowledgment of legitimation~~
 304 with the court in which the action under this Code section, if any, is pending and to the
 305 person who provided such notice to such biological father."

306 **SECTION 15.**

307 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
 308 is amended by revising subsections (a) and (d) of Code Section 31-10-25, relating to
 309 disclosure of information contained in vital records, as follows:

310 [^](a) To protect the integrity of vital records, to ensure their proper use, and to ensure the
 311 efficient and proper administration of the system of vital records, it shall be unlawful for
 312 any person to permit inspection of, or to disclose information contained in vital records or
 313 to copy or issue a copy of all or part of any such record except as authorized by this
 314 chapter, Code Section 19-7-46.1, and by regulation or by order of a court of competent
 315 jurisdiction. Regulations adopted under this Code section shall provide for adequate
 316 standards of security and confidentiality of vital records. The provisions of this subsection
 317 shall not apply to court records or indexes of marriage licenses, divorces, and annulments
 318 of marriages filed as provided by law."

319 [^](d) Information in vital records indicating that a birth occurred out of wedlock shall not
 320 be disclosed except as ~~provided by regulation or upon the~~ authorized by this chapter, Code
 321 Section 19-7-46.1, and regulation or by order of a court of competent jurisdiction."

322 **SECTION 16.**

323 Said chapter is further amended by revising subsection (a) of Code Section 31-10-26, relating
 324 to certified copies of vital records, issuance, and use for statistical purposes, as follows:

325 [^](a) In accordance with Code Section 31-10-25 and the regulations adopted pursuant
 326 thereto:

327 (1) The state registrar or local custodian, ~~of vital records appointed by the state registrar~~
 328 ~~to issue certified copies~~ upon receipt of a written application, shall issue;

329 (A) A ~~a~~ certified copy of a vital record in that registrar's or custodian's custody or
 330 abstract thereof to any applicant having a direct and tangible interest in the vital record;
 331 ~~except that certified;~~

332 (B) Certified copies of voluntary acknowledgments of paternity as provided in
 333 subsection (e) of Code Section 19-7-46.1;

334 (C) Certified copies of voluntary acknowledgments of legitimation executed on or
 335 before June 30, 2015, to the same individuals and entities specified in subsection (e) of
 336 Code Section 19-7-46.1; and

337 (D) Certified copies of certificates shall only be issued to:

338 ~~(A)(i)~~ The person whose record of birth is registered;
 339 ~~(B)(ii)~~ Either parent, guardian, or temporary guardian of the person whose record of
 340 birth or death is registered;
 341 ~~(C)(iii)~~ The living legal spouse or next of kin, or the legal representative, or the
 342 person who in good faith has applied and produced a record of such application to
 343 become the legal representative of the person whose record of birth or death is
 344 registered;
 345 ~~(D)(iv)~~ A The court of competent jurisdiction upon its order or subpoena; or
 346 ~~(E)(v)~~ Any governmental agency, state or federal, provided that such certificate shall
 347 be needed for official purposes; and
 348 (2) Each certified copy issued shall show the date of registration and duplicates issued
 349 from records marked 'delayed' or 'amended' shall be similarly marked and show the
 350 effective date. The documentary evidence used to establish a delayed certificate of birth
 351 shall be shown on all duplicates issued. All forms and procedures used in the issuance
 352 of certified copies of vital records in this state shall be provided or approved by the state
 353 registrar."

354 **SECTION 17.**

355 This Act shall not be construed to affect a voluntary acknowledgment of legitimation that
 356 was valid under the former provisions of Code Section 19-7-21.1, nor any of the rights or
 357 responsibilities flowing therefrom, if it was executed on or before June 30, 2015.

358 **SECTION 18.**

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

The Family Law Sections requests that the State Bar support the passage of SB 64 (version LC 29 6630S) which repeals administrative legitimation via the execution of voluntary acknowledgments of legitimation.

During the 2008 legislative session, SB 88 created a method of administrative legitimation by the execution of a voluntary acknowledgment in order to parallel the ability of biological parents to execute a voluntary acknowledgment of paternity. The unintended consequences of equating these two concepts and eliminating judicial oversight as to the best interests of the child have been numerous and profound. These problems include the establishment of a non-biological father as the legal father without judicial recourse. Most recently, the problems were again identified and summarized in a special concurrence by Judge Michael Boggs of the Court of Appeals. See **In Re: Estate of James Andrew Hawkins**, 328 Ga. App. 436, 762 S.E. 2d 149 (2014)

In short, the current law should be repealed, as it is in irreconcilable conflict with the body of Georgia law on legitimation and adoption and potentially violative of the constitutional protections guaranteed to biological fathers and their children. The repeal is supported by the Georgia Council of Adoption Attorneys, the Georgia Council of Juvenile Court Judges and Georgia Court Appointed Special Advocates.

In addition to the repeal of administrative legitimation, SB 64 clarifies provisions relating to judicial petitions for legitimation, provides for witnesses to the signing of acknowledgments of paternity, provides access to signed acknowledgments and changes provisions relating to hospital programs for establishing paternity.

9/18/15

**State Bar of Georgia Consolidated Revenues and Expenditures as of June 30, 2015
Operations and Bar Center**

Activity	2014-15 Net Dues	Actual YTD 2014-15			Budget 2014-15	
		# Memb.	Amount	% of Bud	# Memb.	Amount
Active	\$248	37,651	\$9,141,890	98.8%	37,300	\$9,250,400
Inactive	\$124	8,662	\$1,105,491	103.4%	8,625	\$1,069,500
Associates	\$100	22	\$2,200	110.0%	20	\$2,000
Foreign Legal Cnslt	\$248	7	\$1,736	140.0%	5	\$1,240
Students	\$0	153	\$0	0.0%	100	\$0
Emeritus	\$0	1,629	\$0	0.0%	1,450	\$0
Late Fees			\$294,475	133.9%		\$220,000
Prior Years Dues			\$8,899	148.3%		\$6,000
Total License & Dues		46,495	\$10,554,691	100.1%	46,050	\$10,549,140
Bar Center Revenue			\$3,595,699	101.9%		\$3,529,175
Alloc. Section Fees			\$107,520	95.6%		\$112,482
CSF Expense Reimb.			\$73,000	100.0%		\$73,000
Advertising & Sales			\$93,336	76.4%		\$122,200
Membership Income			\$163,913	67.6%		\$242,500
Interest Income			\$63,372	126.7%		\$50,000
Miscellaneous			\$5,243	174.8%		\$3,000
Total Revenue			\$14,656,774	99.8%		\$14,681,497
Total Expenses			\$14,512,642	95.3%		\$15,223,212
Net Gain (Loss)			\$144,132			(\$541,715)

Direct Charges Against Bar Center Surplus Capital Expense in Addition to Expenses Above	
Bar Center Chillers	\$405,346
Bar Center Roof	199,592
Videoconferencing	224,868
Demolition 5th floor	86,724
	<u>\$916,530</u>

Board Designated Amounts (Excluding Sections, and Restricted Funds)	
Operating Reserve	\$2,750,000
Bar Center Reserve	2,000,000
Litigation Reserve	250,000
Cornerstones of Freedom	600,000
Total	<u>\$5,600,000</u>
Estimated Surplus (Cash Basis) 6/30/15 SUBJECT TO AUDIT	
Operations	<u>(\$872,036)</u>
Bar Center	<u>\$7,715,225</u>
Total Reserves and Surplus	<u>\$12,443,189</u>

September 21, 2015

State Bar of Georgia
Income Statement YTD - Operations Only
For the Twelve Months Ending June 30, 2015

	YTD Actual	Annual Budget	Ytd % of Bud
Revenues			
Dues - Active	\$ 9,143,626	\$ 9,250,400	98.85
Dues - Inactive	1,105,491	1,069,500	103.37
Dues - Misc. Types	2,200	3,240	67.90
Dues - Late Fees	303,374	226,000	134.24
	<hr/>	<hr/>	
Total Dues & Licenses	10,554,691	10,549,140	100.05
Section Expense Reimb.	107,520	111,795	96.18
CSF Expense Reimb.	73,000	73,000	100.00
Advertising and Sales	93,336	122,200	76.38
Membership Income	94,213	92,500	101.85
Pro Hac Vice Admissions	267,375	150,000	178.25
Pro Hac Vice GBF Contra Acct	(197,675)	0	0.00
Savannah Misc Income	2,000	0	0.00
Interest Income	63,372	50,000	126.74
Miscellaneous Revenues	3,243	3,000	108.10
	<hr/>	<hr/>	
Total Revenues	11,061,075	11,151,635	99.19
Expenses			
Administration	2,003,539	2,008,782	99.74
Management Info Systems	467,565	481,076	97.19
General Counsel	3,512,378	3,633,474	96.67
Consumer Assistance Pgm.	543,725	551,242	98.64
Communications	1,348,118	1,399,461	96.33
Fee Arbitration	454,841	494,683	91.95
Law Related Education	236,104	247,206	95.51
Law Practice Management	414,988	426,202	97.37
Coastal Georgia Office	199,161	197,264	100.96
South Georgia Office	154,536	169,035	91.42
Younger Lawyers Division	440,073	432,333	101.79
Unauthorized Practice of Law	743,253	757,145	98.17
Standards of the Profession	198,122	192,646	102.84
High School Mock Trial	95,413	123,108	77.50
Sections	107,520	111,795	96.18
Lawyer's Assistance Pgm	55,000	55,000	100.00
Pro Bono	212,216	212,216	100.00
Fastcase	186,314	190,000	98.06
Officers' Expenses	106,380	148,786	71.50
BASICS Program Contribution	140,000	140,000	100.00
Resource Center Contribution	110,332	110,332	100.00
Military/Vets Pro Bono	102,007	102,008	100.00
Other Expenses	411,412	512,206	80.32
	<hr/>	<hr/>	
Total Expenses	12,242,997	12,696,000	96.43
	<hr/>	<hr/>	
Net Income	\$ (1,181,922)	\$ (1,544,365)	76.53

9/18/15

**State Bar of Georgia - Bar Center
Revenues and Expenditures - Executive Summary
For the Twelve Months Ended June 30, 2015**

Activity	YTD 6/30/15		Budget
	Actual	% Budget	FY 14
Income and Cash Receipts			
CCLC Contribution	\$1,308,195	109.0%	\$1,200,000
Interest Income	\$18,655	186.6%	\$10,000
Member Assessment	\$317,677	109.5%	\$290,000
Room Rentals and Various Charges	\$24,987	89.9%	\$27,800
Parking Revenues	\$244,335	100.7%	\$242,753
Rental Income	\$1,105,143	93.5%	\$1,181,915
Operating Budget Transfer	\$576,707	100.0%	\$576,707
Total Income and Cash Receipts	\$3,595,699	101.9%	\$3,529,175
Expenses and Cash Disbursements			
Building Rehabilitation	\$14,840	59.4%	\$25,000
Conference Floor Renovations	\$0	0.0%	\$20,000
Tenant Improvements	20,362	40.7%	\$50,000
Furniture and Equipment	\$8,185	69.7%	\$11,750
Architect and Design	\$26,413	0.0%	\$0
Median and Landscaping	\$0	0.0%	\$5,000
Woodrow Wilson Exhibit and Law Museum	\$1,904	38.1%	\$5,000
President's Conference Room	\$0	0.0%	\$7,500
Law Related Education	\$52,500	99.1%	\$53,000
Conference Center Operating Expenses	\$387,490	93.3%	\$415,124
Third Floor Contingency	\$21,175	84.7%	\$25,000
Building Operating Expenses	\$1,432,753	84.1%	\$1,703,416
Parking Deck Operating Expenses	\$228,604	98.0%	\$233,281
Legal and Due Diligence Fees	\$75,418	0.0%	\$0
Total Expenses and Cash Disbursements	\$2,269,645	88.9%	\$2,554,071
Net Cash Flow	\$1,326,054		\$975,104
Direct Charges Against Bar Center Surplus			
Capital Expense in Addition to Expenses Above			
Bar Center Chillers	\$405,346		
Bar Center Roof	199,592		
Videoconferencing	224,868		
Demolition 5th floor	86,724		
	<u>\$916,530</u>		

State Bar of Georgia
Balance Sheet
June 30, 2015

ASSETS - Current Assets

Total Cash & Short-Term Investments	21,854,834
Investment - Merrill Lynch	3,554,795
Investment - Fidelity	9
Investment - Georgia Banks	1,256,175
Total Long-Term Investments	4,810,979
Accounts Receivable	132,254
Accrued Interest Receivable	7,895
Due from Related Orgs/Emp	(298)
Prepaid Expenses	421,701
Bar Center Prepaid Expenses	15,320
Total Other Assets	576,872
Total Current Assets	27,242,685

Fixed Assets

Furniture & Equipment	6,055,144
Bar Center	26,004,590
Accum. Depreciation	(17,476,218)
Total Fixed Assets	14,583,516
Total Assets	\$ 41,826,201

LIABILITIES AND CAPITAL

Accounts Payable	\$ 725,576
Other Current Liabilities	867,191
Vacation & Pers Day Accrual	483,630
Due to Client Security Fund	2,432,607
Deferred Income	7,647,676
C&W - Cushman Accounts Payable	97,490
BC-Accrued Expenses	3,352
C&W - Deferred Rent Income	24,949
Bar Center - Deferred Income	129,391
Total Current Liabilities	12,411,862
Total Long Term Liabilities	0

Fund Balances - Beg. of Year

Total Fund Balances - Beg. of Year	30,147,004
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YTD Activity	(732,655)
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Total Liabilities & Capital	\$ 41,826,211
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**State Bar of Georgia
Summary of Dues and Voluntary Contributions
At August 31**

Total Number of Members at Apr 30 of prev Bar year (active and inactive)	<u>46,113</u>	<u>45,133</u>	<u>44,044</u>
	Dues Season May Through April 2016	Dues Season May Through April 2015	Dues Season May Through April 2014
Dues			
Active - Number Paid	36,467	35,554	34,877
Inactive - Number Paid	<u>8,521</u>	<u>8,342</u>	<u>8,135</u>
Total Number Paid	<u>44,988</u>	<u>43,896</u>	<u>43,012</u>
Percent Paid	<u>97.56%</u>	<u>97.26%</u>	<u>97.66%</u>
Total Amount Paid - Active and Inactive	<u>10,091,028</u>	<u>9,841,376</u>	<u>9,484,769</u>

Georgia Legal Services

Number Paid	<u>2,258</u>	<u>2,250</u>	<u>2,173</u>
Percent of Total Members Paid	<u>5.02%</u>	<u>5.13%</u>	<u>5.05%</u>
Amount Paid	<u>260,452</u>	<u>251,250</u>	<u>236,393</u>
Average Amount Paid	<u>\$ 115</u>	<u>\$ 112</u>	<u>\$ 109</u>

Legislative

Number Paid	<u>5,908</u>	<u>6,188</u>	<u>6,998</u>
Percent of Total Members Paid	<u>13.13%</u>	<u>14.10%</u>	<u>16.27%</u>
Amount Paid	<u>556,634</u>	<u>584,375</u>	<u>659,965</u>
Average Amount Paid	<u>\$ 94</u>	<u>\$ 94</u>	<u>\$ 94</u>

Projected 2015-16 Dues Year Totals Based Upon The Current Participation Percentages (Note: Participation Usually Decreases For Members Who Pay Later):

Georgia Legal Services	<u>\$ 266,965</u>
Legislative	<u>\$ 570,554</u>

Contribution Amounts by Dues Year (May 1 - April 30)

	GLSP	Legislative	
2014 - 2015	<u>\$ 255,713</u>	<u>\$ 640,505</u>	\$100 Contribution
2013 - 2014	<u>\$ 241,362</u>	<u>\$ 691,736</u>	\$100 Contribution
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

9/22/2015



October 5, 2015

Board of Governors
State Bar of Georgia
104 Marietta Street
Atlanta, Georgia 30303

Re: October 23-25, 2015 Report to the Board of Governors

Board Members:

It is my privilege to report to the Board on the activities of the State Bar of Georgia YLD. The YLD is committed to continually promoting the mission of our Bar through its younger members, who number more than 10,000. Though it is still early in the Bar year, the YLD has been busy both continuing already great programs and projects and improving initiatives recently begun by our Immediate Past President, Sharri Edenfield. This report will bring you up to date on our activities and accomplishments so far this year.

Signature Service Projects

The YLD Officers and Directors met in Augusta, Georgia, July 10-11, 2015 for their annual planning retreat, where Camp Lakeside was announced as the 2016 YLD Signature Fundraiser beneficiary. This project, a dynamic partnership between Children's Hospitals of Georgia and the Family Y, will build a state-of-the-art facility for children with chronic and terminal illnesses and healthy children alike to experience a fun, safe, and memorable camping experience. Once completed, Camp Lakeside (located in Lincolnton, GA) will be able to provide services to children in Georgia who live outside the Atlanta area and who are not able to travel to attend the one other such camp in the State. The YLD has a goal of raising at least \$100,000 to support this worthy cause.



YLD Officers attend the 2015 Signature Fundraiser.

In addition, the YLD will be organizing and participating in the fifth annual Legal Food Frenzy in conjunction with the Office of the Attorney General. The Food Frenzy has a 2016 goal of raising over 1 million pounds of food for Georgia's needy, making a cumulative total raised of more than 5 million pounds of food over the course of the project's first five years in existence. All donations will not only stay in Georgia, but will directly benefit the local community food banks where the donations are made.



Tamara Branch (left) Tifton Circuit Bar President and bar member Jody Snow collected food for the 2015 Legal Food Frenzy (LFF) to benefit local food banks.

These two major service projects not only benefit our State as a whole and our local communities, they show the public that Georgia lawyers care more about their contribution to society than the billable hour. *I am asking each of you, as members of our Board of Governors, to support our mission of public service, and personally contribute your time, talent, or financial resources towards one or both of these signature public service events.*

YLD Committees

The YLD as a whole has been working diligently to ensure that the legal profession maintains its public reputation as a high calling and that we provide relevant, quality programming for our membership. The YLD Committee Chairpersons and Representative Council met at the Bar Center on July 24, 2015 for their annual orientation. During this orientation, YLD leaders began their plans for building a successful year, including planning CLEs, social events, and service projects. Goals for each committee included broadening the work of the committee, not just by increasing membership and participation, but also by committing to hold events outside the metro Atlanta area to involve *all* of Georgia's young lawyers.



YLD Committee Chairs Jennifer Fleeman Weaver (left) and Kerry Nicholson make plans for the Public Interest Internship Committee during the 2015 YLD Orientation.

I am extremely proud of these committee leaders, who have already been successful in their first two months on the job. To place it in context, some of our committees alone do more in terms of planning CLE programming, networking events, and public service projects than that of some entire young lawyers divisions state-wide in other states across the nation. By way of a few examples, I would like to highlight to the Board just some of the work in which the more than thirty YLD committees have been actively engaged:

- **Advocates for Students with Disabilities**

- **Co-Chairs: Clayton Adams & Susan Haynes**

- Historically, the aim of the YLD Advocates for Students with Disabilities Committee has been to provide support and networking opportunities for attorneys and advocates who represent students with disabilities. The incoming chairs are working both to continue with these efforts and to give the committee some new direction, by providing better resources for technical assistance and pro bono opportunities to its membership. The YLD Advocates for Students with Disabilities Committee held a well-attended kickoff happy hour on Sept. 17 from 5:30-7 p.m. at Cabbage Pie, to get to know each other and discuss plans for the year. The Committee also held a business lunch meeting on Oct. 15 from 12-2 p.m. at the Bar Center in the YLD Presidents Boardroom. Four other meetings are scheduled both at the Bar Center and outside the metro Atlanta area. In addition, the Committee is working to co-sponsor an event with the Center for Law Health and Society at Georgia State University's School of Law.

- **Appellate Admissions**

- **Co-Chairs: Bryan Schivera & Rachel Hudgins**

- The Appellate Admissions Committee will organize a mass swearing in ceremony in the spring of 2016 for new admittees to the Supreme Court of Georgia and Georgia Court of Appeals. The previous ceremony was held in the spring of 2015. Standard procedures in preparation of the ceremonies will be conducted.

- **Aspiring Youth Program**

- **Co-Chairs: LaToya Bell & Alexia Davis**

- Under new leadership, the Aspiring Youth Program decided to implement Project LYFE – Lifting Youth for Future Empowerment -- at Youth Detention Centers across the State of Georgia. This program will focus on a curriculum designed for building skills necessary for re-entry into society after a child’s release from a YDC facility. The programming will be held on a quarterly basis, and will teach re-entry skills such as interviewing, dress, etiquette, goal setting and stress management. The Committee has also been working on creating a Georgia Substance Abuse Awareness brochure to be distributed statewide in DJJ facilities.

- **Business Law**

- **Co-Chairs: Alex Bartko & Ryan Ingram**

- The Business Law Committee is in the process of planning a number of events to appeal to transactional lawyers and commercial litigators alike. A lunch and learn event is planned for October 8, 2015, where former house counsel for Enron will be a guest speaker. Future events include networking happy hours, CLE programming, and a community service event.

- **Community Service Projects**

- **Co-Chairs: Kimberly Bourroughs & Zach Howard**

- The YLD Community Service Projects Committee started the new Bar year by hosting a mentoring lunch on July 25 at Georgia State University in conjunction with Fulton County DFCS, where members provided lunch to teens as part of a mentoring and enrichment program. This committee also held their first business meeting of the year on Sept. 9 at 12 p.m. at the Bar Center, where they had lunch and discussed plans for the upcoming year.

One of the first upcoming events of the CSPC will be to assist and co-sponsor Georgia Legal Services Program’s “Ask a Lawyer Day.” On Thursday, October 29, the committee will be assigning– in conjunction with the Savannah Bar Association’s YLD – volunteers to each of the eleven counties assigned to GLSP’s Savannah Regional Office to take part in the program and provide an opportunity for residents in each county to speak with a lawyer or lawyers to answer basic questions about legal problems and services available to them. GLSP staff will be available to assist and provide intake services for residents who have more involved legal needs. The program promises to be a great way to give back to the community, introduce rural residents to GLSP and its purpose, and provide an opportunity for those residents to get a more thorough understanding of the justice system and the role of lawyers. Once locations and times for the “Ask a Lawyer Day” events in the Savannah area are finalized, the Committee will begin coordinating volunteer efforts.

The CSPC is also excited to announce that it, along with the YLD’s Public Interest Internship program Committee, will be co-sponsoring the “Saturday Lawyer Program” put on by the Atlanta Volunteer Lawyers Foundation on Saturday, November 7, 2015. The Saturday Lawyer Program provides low-income Atlantans with access to volunteer attorneys and offers volunteer attorneys a chance to do meaningful pro bono work. Volunteers who want to participate will have the opportunity to interview potential clients, assess their claims, and determine which cases, if any, they want to accept for full

representation. The AVL F offers a wide range of training and support for those who are able and willing to accept pro bono cases and, of course, volunteers are under no obligation to accept cases if their schedules do not so permit.

- **Criminal Law Committee**

- **Co-Chairs: C. Brock Brockington & Ryan English**

- So far this year, the Criminal Law Committee hosted a joint social in Atlanta with the Solo/Small Firm Committee and the Family Law Committee. This event was held on Thursday, Sept. 10, 2015. Programming in planning for the Bar year includes a social event to be held in Macon, as well as a criminal law "primer" CLE.

- **Ethics & Professionalism**

- **Co-Chairs: Matthew L. Jones & Alisha Marie Scott**

- The YLD Ethics & Professionalism Committee held a well-attended kickoff lunch meeting on Sept. 3, 2015 at the Bar Center to plan their year of meetings, events and possible CLE topics. The Committee also held a business lunch meeting on Oct. 1 from 12-2 p.m. at the Bar Center in the Presidents Boardroom. A community service project and CLE are both in planning for later in the Bar year.

- **Family Law**

- **Co-Chairs: Katie Kiihnl & Jonathan Brezel**

- The YLD Family Law Committee is one of the most active YLD Committees, and held a kickoff social on Aug. 12 in Atlanta to plan the new Bar year and watch a Braves game. The Committee has held monthly meetings since, and recently hosted a Meet the Judges Happy Hour on Sept. 23 in Decatur, an evening where young lawyers got to meet the judges of DeKalb County in a relaxed and informal setting and network outside the courtroom. A packed schedule of future meetings and networking events is planned for the rest of the year.

In a joint partnership with the Military Support Committee and the Texas Young Lawyers Association, the Committee is in the process of creating a booklet designed to assist family law practitioners and pro se parties alike in identifying the issues unique to divorcing military spouses. Members of the Committee are also encouraging young lawyers to participate in the Child Support Helpline, an initiative of the Child Support Commission and the State Bar Family Law Section. On October 22, 2015, the Committee will host its annual Supreme Cork silent auction and wine tasting. The event will be held at 5 Seasons Brewery Westside in Atlanta, benefiting the Guardian ad Litem and Domestic Violence programs of AVL F.

- **High School Mock Trial**

- **Co-Chairs: Adam Hebbard & Elizabeth Johnson**

- The YLD High School Mock Trial Competition held their annual Law Academy Sept. 25-27, at the Bar Center, where mock trial participants from across Georgia learned the ins and outs of trial preparation and trial skills along with visits to the Georgia Supreme Court and the Georgia Court of Appeals.

- **Intellectual Property Law**
Co-Chairs: Sonia Lakhany & Tiffany Logan
 The Intellectual property committee will host a happy hour on Oct. 13 in Atlanta, and is in the process of planning a community service project in mid-November or early December.
- **Intrastate Moot Court Competition**
Co-Chairs: William A. Alexander & Mary Weeks
 The IMCC Committee is in the process of planning the next Intrastate Moot Court Competition, scheduled for April, 2016. This annual event will include a happy hour for competitors and a dinner and reception for the volunteer judges. The 2016 Competition will be held in Athens, Georgia, where we will host 2 teams from each of 6 law schools within the State of Georgia.
- **Judicial Law Clerk**
Co-Chairs: Chris Perniciaro & Lucy Dodd Roth
 The YLD Judicial Law Clerk Committee held a well-attended kickoff happy hour on Aug. 25, 2015, which was held immediately after the Judicial Law Clerk CLE hosted by the ICJE. This committee is seeking to promote networking and collegiality among the law clerks in various courts across the state, as well as to build relationships with other practicing attorneys.
- **Juvenile Law**
Co-Chairs: Araceli Jacobs & Deidre' Merriman
 The YLD Juvenile Law Committee held a well-attended lunch meetings on Aug. 18, 2015 at the Bar Center, where guest speaker Judge Sumner presented and the members had a chance to begin planning their committee year. This committee also held a lunch meeting on Sept. 15 at the Bar Center, featuring guest speaker Judge Lovett and a lunch meeting on Oct. 20 at the Bar Center, featuring a discussion with guest speaker Office of the Child Advocate Director, Ashley Willcott.
- **Labor & Employment**
Co-Chairs: Alyssa Peters, John Weltin & Lisa Simpson
 The YLD Labor & Employment Committee held a well-attended committee meeting on July 1, 2015 at Troutman Sanders, where special guest speaker Charlie Hawkins gave a presentation on practical advice regarding non-competes. On July 15 they hosted a happy hour in Atlanta to promote networking and collegiality, and celebrate a successful 2014-2015 Bar year. The Committee held a complimentary luncheon on Sept. 28 at Fisher & Phillips, which featured guest speaker Jennifer Sandberg, who presented "How to Conduct a Harassment Investigation."
- **Law School Outreach Program**
Director of LRO: Dustin Davies; Law School Fellows Program Chair: Terri Benton
 Our Director of Law School Outreach, Dustin Davies, has coordinated outreach events with each of Georgia's law schools to educate law students about the benefits of state bar involvement, particularly in the YLD. First on the list was Atlanta's John Marshall Law School on Aug. 27, 2015, where the YLD provided information to law students at a career fair. On September 1, 2015, the YLD hosted a well-attended lunch at Georgia

State University College of Law, where YLD Past President Michael Geoffroy and YLD President Jack Long provided a talk to 2L & 3Ls. On September 8, 2015, President Jack Long visited Mercer School of Law and hosted another well-attended event. On September 9, he went to Emory University School of Law and on Sept. 23 he and other volunteers spoke to 2L and 3L class members at the University of Georgia School of Law. An outreach event for Alabama law students planning to practice in Georgia is planned for late October. These outreach events are important to bridge the gap between law students and young lawyers, and promote involvement and leadership in our profession.

- **Litigation Committee**

Co-Chairs: Edwin Cook & Jake Evans

The YLD Litigation Committee held a well-attended College Football Kickoff Happy Hour on Sept. 3, 2015 and provided networking opportunities. Their first business meeting of the year will be held on Sept. 10, 2015 at Bryan Cave's office in Midtown Atlanta for a lunch, guest speaker presentation, and a discussion about plans for the upcoming year. The Committee also will hold a business lunch meeting on Oct. 8 at the Bar Center in Room SB-2, and the YLD Business Law Committee helped sponsor the lunch.

- **Military Support**

Co-Chairs: Kathleen Dod & Quentin Marlin

The YLD Military Support Committee is currently conducting a service project for "Homeless Veterans Stand Down," an initiative created to meet the needs of homeless veterans. On October 17, 2015 young lawyers volunteered at Fort McPherson's clinic to assist these individuals and bring them into the fold of the Atlanta Veterans Affairs Medical Center, so they could receive the care they need and deserve. YLD volunteers handed out essential supplies to the veterans. In a joint partnership with the Family Law Committee and the Texas Young Lawyers Association, they are in the process of creating a booklet designed to assist family law practitioners and pro se parties alike in identifying the issues unique to divorcing military spouses.

- **Public Interest Internship Program**

Co-Chairs: Jennifer Weaver & Kerry Nicholson

The YLD Public Interest Internship Program Committee held a well-attended lunch meeting on Aug. 19, 2015 at the Bar Center, where they discussed plans for the next reception to celebrate the 2015 PIIP grant recipients and prepare to receive 2016 grant applications. The Committee will host a Finalists Reception to honor the 2015 Top Ten Finalists on Oct. 28 from 5:30-7:30 p.m. in the Bar Center Gallery. This reception features a guest speaker and words from our grant recipients and will serve wine and cheese and celebrate public interest work while giving guests the opportunity to network with fellow public interest colleagues.

- **YLD Committee Mixer**

The YLD Criminal Law Committee, the YLD Solo-Small Firm Committee and the YLD Family Law Committee held a well-attended mix and mingle happy hour on Sept. 10 at 6 p.m. at Stillhouse where complimentary appetizers were served and everyone got to relax and network.

- **YLD Women in the Profession**

Co-Chairs: Morgan Clemons & Danielle Russell

The YLD Women in the Profession Committee held a kickoff happy hour at the Brazilian Steakhouse Chama Gaucha on Sept. 24 from 6-8 p.m. for a time of fun, networking and discussion of events and programs for this Bar year. The Committee also met for a professional development book reading of “Fast Forward: How Women Can Achieve Power & Purpose” on Oct. 22 at 7 p.m. at the Carter Presidential Library & Museum Lobby.

Quarterly Meetings

In addition to the work load of our many committees, YLD members gather four times over the course of the Bar year during quarterly meetings to report on their committee work, socialize, and plan and organize division-wide projects. The YLD Summer Meeting took place August 20-23, 2015 at the Ritz-Carlton Lodge at Reynolds Plantation in Greensboro, Georgia. It featured food, fellowship, and our first business meeting of the year. In addition, our members had the opportunity to attend a CLE entitled “Practicing in the Sticks: Candid Advice From Rural Jurists.” The CLE included a panel discussion among local judges practical tips and professional advice to the attendees. For the first time, both the CLE and General Session were simulcast over the internet so that members who could not make it to the meeting in person could participate; each of our future meetings this Bar year will have this feature to attract more registrants. I am proud to report that all events were well attended with the highest number of in-person registrants in the last five years; nearly double that of last year’s Summer Meeting.



YLD President Jack Long (left) with judges and moderators from the YLD’s Summer Meeting CLE: Practicing in the Sticks: Candid Advice From Rural Jurists. (L-R) Judge Rizza O’Connor, Judge John Flythe, Judge Hal Hinesley, Judge Kristina Cook Graham, ShaMiracle Johnson and Sutton Connelly.

Our other meetings promise similar results, at exciting destinations both in-state and abroad. Our future YLD meetings schedule is as follows:

YLD Fall Meeting
November 5-8, 2015
The Greenbrier
White Sulphur Springs, WV

Midyear Meeting (held in conjunction with the State Bar Midyear Meeting)
Jan. 7-9, 2016
The Legacy Lodge at Lake Lanier Islands
Buford, Georgia

YLD Spring Meeting
March 10-13, 2015
The Cosmopolitan Hotel
Las Vegas, NV

If you are so inclined, we would love to have you join us for a CLE or service project at any of these meetings.

I hope the Board shares in my enthusiasm for the great work the YLD does. Please let me know if there are any projects you have in your local communities that the YLD can assist with, or if I can be of service to you in any way.

Truly Yours,

A handwritten signature in blue ink, appearing to read "John R.B. 'Jack' Long". The signature is stylized with a large loop at the beginning and a horizontal line across the top.

John R.B. "Jack" Long
2015-16 YLD President

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
May 15, 2015
Atlanta Legal Aid Society/Atlanta, GA**

Members Participating:

Patrise M. Perkins-Hooker, President; Robert J. Kauffman, President-elect; Rita A. Sheffey, Treasurer; Patrick T. O'Connor, Secretary (by phone); Charles L. Ruffin, Immediate Past President; V. Sharon Edenfield, YLD President (by phone); John R.B. Long, YLD President-elect (by phone); Darrell L. Sutton, YLD Immediate Past President; Elizabeth Louise Fite; Kenneth B. Hodges, III; David S. Lipscomb; Brian D. Rogers and Nicki Vaughn.

Members Absent:

Phyllis Holmen.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Jeff Davis, Executive Director; Paula Frederick, General Counsel; and Steve Laine, Chief Operating Officer.

Approval of the Meeting Agenda

President Patrise M. Perkins-Hooker presented the following changes to the Meeting Agenda: 1) a Welcome and Tour (following the meeting) by Steve Gottlieb, Executive Director, Atlanta Legal Aid Society; 2) a Member Request by James Fisher as item 2)d)(3)); 3) a request for an Indigent Defense Committee Award as item 3)l); 4) a \$2,500 sponsorship request from Atlanta Urban League as item 3)m); 5) proposed Uniform Superior Court Rule 48 as item 3)n); and 6) Old and New Business as items 6)a) and b). The Executive Committee adopted the Meeting agenda, as amended, by unanimous voice vote.

Welcome by Atlanta Legal Aid Society (ALAS)

Steve Gottlieb, Executive Director, ALAS, welcomed the Executive Committee to ALAS's new office and briefly discussed the history of the building. ALAS staff attorneys Payal Kumari Kapoor and Allison Stiles reported on special projects being performed by the ALAS.

Recognition of Retiring Executive Committee Members

President Patrise Perkins-Hooker recognized and thanked outgoing Executive Committee members Immediate Past President Buck Ruffin and YLD Immediate Past President Darrell Sutton for their service over the years to the Bar and the Executive Committee.

Future Meetings Schedule

The Executive Committee received a copy of the Future Meetings Schedule. President-elect Bob Kauffman announced there would be an Executive Committee meeting at the State Bar Building on August 14, 2015 at 12:00 pm in conjunction with the strategic planning process.

Consent Agenda

President Patrise Perkins-Hooker presented the Consent Agenda. There being no request for removal of any of the items, a motion was made and seconded to approve the following items on the Consent Agenda:

- a) Minutes of the March 27 and April 9, 2015 Executive Committee Meetings
- b) Members Requesting Resignation (approve): Kathleen Mayton (479868), Stephen A. Markey (002050), Robert M. Phebus (575255), Christine E. Bryce (092035), Diane Perry (572510)
- c) Members Requesting Disabled Status (approve): John D. Mayer (479250), Suanne Steinman (678250), Kathy R. Bess (055760), Jackson L. Culbreth (200300)
- d) Approval of Member's Requests (based upon staff recommendations shown in parenthesis):
 - 1) Jeffrey A. Rinde (deny request for waiver of fitness but extend termination date until 3/1/2016 to allow time to complete fitness)
 - 2) Truman Tinsely (approve request for military dues waiver)
 - 3) James Fisher (approve request for waiver of exam and fitness but require payment of all fees)

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

David Lipscomb requested that the Military Waiver Form be amended to include information on military members' annual income.

Approval of 2015-2016 State Bar Budget

Treasurer Rita A. Sheffey presented the 2015-16 Proposed (4th Draft) State Bar and Bar Center Budget as recommended by the Finance Committee and the Executive Committee.

YLD President Sharri Edenfield questioned why the travel budgets for the YLD Officers were decreased since the Officers are obligated to attend all meetings of the YLD, Executive Committee, Board of Governors, and the ABA. The Executive Committee, by majority voice vote, approved adjusting the YLD Officers' travel budgets back to their 2014-15 base lines and with the out-of-town adjustments.

YLD President-elect Jack Long asked the Executive Committee to consider offsetting travel costs for all members of the Investigative Panel, not just for the lay members as is currently done. President-elect Bob Kauffman reported that the entire disciplinary process is being reviewed in the next Bar year and the review will include a discussion on whether or not positions on the disciplinary panels need to be funded.

The Executive Committee, by unanimous voice vote, approved submitting to the Board of Governors the 2015-2016 Proposed (4th Draft) State Bar and Bar Center Budgets, as modified for the YLD Officer's travel budgets (Exhibit A). The budgets reflect:

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

Lawyer Assistance Program (LAP) Proposed Rule Changes

Following a report by President Patrise Perkins-Hooker and Paula Frederick, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed rules changes to the LAP's Rule 7-303 and Rule 7-305 as follows:

Rule 7-303. Confidentiality

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

- a. which is mandated by statute to be reported;

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

Rule 7-305. Emergency Suspension

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

Proposed Public Service Announcement (PSA)

Elizabeth Fite reported that the Communications Co-Chairpersons were on board with the recommendation by the Executive Committee to wait on any development of public service announcements until after the strategic plan is completed, but suggested that perhaps Big Table Agency's Phase I proposal, which is the study, research and collaboration with key stakeholders for the creation of campaign goals and key messages, might be able to be integrated into the strategic planning strategy workshops and information gathering sessions. The Executive Committee, by unanimous voice vote, tabled the matter until President-elect Bob Kauffman can talk to both Leadership Strategies, Inc. and Big Table Agency about the possibility of coordinating the two efforts.

Elections Committee Proposed Rules Changes

President Patrise Perkins-Hooker reported on proposed rules changes recommended by the Elections Committee to bring them into compliance with the current elections process and practices. Bylaws changes proposed by the Elections Committee were not presented for action today. The Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the proposed rules changes as follows:

Rule 1-205. Bar of Judicial Circuit

Each member in good standing who is a resident of this State shall be considered a member of the bar of the judicial circuit in which his /her official bar mail is

delivered. As an exception, a member may elect to be a member of the circuit of his/her residence or where their actual office is located.

Rule 1-304 Election of Members of Board of Governors

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

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

Following a discussion by the Executive Committee on other recommendations made by the Elections Committee, it was the consensus of the Executive Committee that the Elections Committee deal with the elections process itself, but not policy questions. The Executive Committee consented to place the Board of Governors Attendance Record of the Bar's web site as recommended by the Elections Committee.

NOW Accounts

President Patrise Perkins-Hooker reported that the Member Benefits Committee (MBC) turned down the vendor proposal on NOW accounts for small law firms, and instead encouraged the vendor to join the bar's online vendor directory and consider becoming a Corporate Sponsor. YLD President-elect and MBC member Jack Long reported on the evaluation process and reasons for denying the request. The Executive Committee, by unanimous voice vote, accepted the recommendation of the Member Benefits Committee.

Distinguished Service Award

The Executive Committee, by unanimous voice vote, approved the recipient of the Distinguished Service Award.

Executive Session

Following a motion and second, the Executive Committee met in Executive Session to discuss the recipient of Employee of the Year Award. Thereafter, by unanimous voice vote, the Executive Committee moved out of Executive Session.

Commitment to Equality Awards Sponsorship/Committee to Promote Inclusion in the Profession

Following a report by President Patrise Perkins-Hooker the Executive Committee, by unanimous voice vote, approved providing a minimum of \$1,000, but up to \$3,000 to close any sponsorship funding shortage, for the Committee to Promote Inclusion in the Profession's 2015 Commitment to Equality Awards Ceremony and Reception. The event will take place on June 11, 2015 at the National Center for Civil and Human Rights.

Insurance Committee Recommendations

Treasurer and Committee Chair Rita A. Sheffey presented two proposed policies recommended by the Insurance Committee. The State Bar Basement Workout Room policy governs the use of the State Bar's workout room in the basement, including rules and regulations to be posted in the room and a procedure for approval and execution of a waiver and release form by each employee or approved guest prior to use of the room. As the proposed policy is for Bar employees and will be approved by the Executive Director, this was presented for information only. The Member Legal Services Programs policy governs the creation and operation of Bar programs that provide free legal services to members of the public, including draft forms on creating programs and annual reporting. It notifies the Sections, Divisions, Committees and Programs that create or endorse such programs that none of the Bar's policies provide malpractice coverage for the members who volunteer their legal services. Members who provide legal services to indigent individuals or small non-profit organizations through the Pro Bono Project or a 501(c)(3) legal services provider typically are provided malpractice insurance through those organizations. YLD President Sharri Edenfield asked if the YLD were to provide money for malpractice insurance for YLD programs that operate in this fashion would that solve the insurance issue, but Treasurer Sheffey stated that it is not a matter of

money, but the fact that the Bar's insurance broker reported that there is no coverage available for such programs under the umbrella of the State Bar. President Patrise Perkins-Hooker commented that Member Legal Service Programs policy at that this level of bureaucracy will limit participation in pro bono projects. Immediate Past President Buck Ruffin noted that he did not believe the policy would deter members of the Military/Veterans Law Section who currently volunteer. The Executive Committee, by majority voice vote, approved the Member Legal Services Programs policy, as revised (Exhibit B).

NABE Communications Workshop – Host 2016

Jeff Davis reported that the Bar's Communications Department would like the State Bar to host the NABE Communications Workshop either in Atlanta or Savannah in 2016. The ABA Division for Bar Services is responsible for signing all contracts and making all financial payments on behalf of the Workshop, so there is no financial liability to the host bar. The Executive Committee, by unanimous voice vote, authorized the Communications Department to pursue hosting the event.

Approval of Resolution for Sutherland for Service to the Fee Arbitration Program

Following a report by President Patrise Perkins-Hooker the Executive Committee, by unanimous voice vote, approved presenting a resolution to Sutherland in recognition of its many years of services on behalf of the Fee Arbitration Program. The resolution will be presented at the Annual Meeting in June.

Indigent Defense Award

Following a report by President Patrise Perkins-Hooker and Nicki Vaughan on the Indigent Defense Committee's request for a creation of an Indigent Defense Award the Executive Committee, by unanimous voice vote, approved the creation of and funding for the award. The award will be presented annually at the Annual Meeting to an especially deserving Public Defender.

Urban League Sponsorship Request

Following a report by Ken Hodges the Executive Committee, by unanimous voice vote, approved a \$2,500 sponsorship for the Urban League of Greater Atlanta's 5th Annual Spirit of the League Awards Luncheon on Friday, May 29, 2015.

Proposed New Uniform Superior Court Rule 48

Nicki Vaughan reported on proposed Superior Court Rule 48 and the Indigent Defense Committee's request for approval to file a comment on the proposed rule to the Council of Superior Court Judges before July 6, 2015. The Executive Committee, by unanimous voice vote, opposed proposed Superior Court Rule 48 as written and asked the General Counsel's office to draft a letter outlining the issues for the opposition and to distribute it to the Executive Committee for review and comment. Secretary Pat O'Connor suggested

that either the President or President-elect also communicate the Bar's concerns with the Bench and Bar Committee Co-Chairpersons.

President's Report

President Patrise Perkins-Hooker provided an update on her activities. She met with President-elect Bob Kauffman to discuss his transition to the office of President. She circulated letters to the appropriate county commission chairs on the status of the rural lawyers program, and with the assistance of the General Counsel's office, she is in the process of drafting policies and procedures for the program. She reported that the iCivics program is moving forward. Hall and Augusta/Richmond Counties are adopting the program and Cobb County will soon follow. A more detailed report on her activities for the year will be included in the June Board of Governors agenda.

Treasurer's Report

Treasurer Rita Sheffey provided a report on the Bar's finances and investments. The Executive Committee received copies of the Operations and Bar Center Consolidated and Individual Revenue and Expenditures Reports and Income Statement YTD for the seven months ended March 31, 2015, the Balance Sheet as of March 31, 2015, and the Summary of Dues and Voluntary Contributions for May-March 2013-2015.

YLD Report

YLD President Sharri Edenfield reported on the activities of the Young Lawyers Division. She reported that the rollout of the Succession Planning Program has been a huge success. She announced that the Legal Food Frenzy ended on May 21 and surpassed its original fundraising goal, but she did not have the final results to report. She reported that the YLD is sponsoring a YLD Next Step Institute, Part II CLE at Annual Meeting. She reported that the YLD had a very successful year and thanked everyone on the Executive Committee for their support.

Executive Director's Report

Jeff Davis reported that we are completing the arrangements for the Criminal Justice Coordinating Council and Georgia Public Defenders Standards Council to fully occupy the 4th floor. Parking deck upgrades will be done in conjunction with the Spring Street viaduct completion. The upgrades are designed to move cars in and out of the deck more efficiently.

Office of General Counsel Report and ABA Report

Paula Frederick referred the Executive Committee to the written report on the activities of the Office of General Counsel and stated that there will be a more detailed report in the June Board of Governors agenda.

Elections Results

President Patrise Perkins-Hooker reported that the elections results can be found on the Bar's web site. YLD Immediate Past President Darrell Sutton reported that four candidates ran for the office of YLD Secretary, which created a runoff that is taking place now between Rizza O'Connor and Kevin Charles Patrick. Rita Sheffey reported that the runoff will cost the Bar more than \$10,000 so that we might want to look at using only electronic voting for future statewide runoff elections.

Board of Governors Minutes

The Executive Committee received a copy of the draft April 18, 2015 Board of Governors Minutes. David Lipscomb and Treasurer Rita Sheffey requested some revisions to the minutes.

Secretary Pat O'Connor asked if the proposal at the June Board meeting is going to be that the incubator program be made a Bar program. President Patrise Perkins-Hooker said it was the same proposal that it has always been, which is that it will be a joint program of the law schools and the State Bar of Georgia. He stated that he is concerned about it being a Bar program based on the opposition that arose at the Spring BOG meeting.

Law School Outreach Committee

The Executive Committee received a Summary of Law School Presentations from the Law School Outreach Committee. The YLD Officers commented that from their participation, and feedback from several attendees, participation was very low and the programs were poorly executed. They feel it would be worthwhile to involve the YLD leadership directly in the planning and implementation of these programs. Treasurer Rita Sheffey reported that she attended the Emory event, which was also poorly attended, and that she talked to the committee chairperson afterwards about improvements for future programs. President-elect Bob Kauffman indicated he would work with the YLD on any future programs.

Communications Report of Published Articles 2014-2015

The Executive Committee received a copy of the 2014-15 Media Report.

Old Business

David Lipscomb pointed out that to house the law school incubator program on the 5th floor it would cost the Bar \$240,000 in addition to the rent abatement for three years, and that each law school is only committing \$25,000 to the program. He does not think the Bar should build out the 5th floor when it cannot even provide enough parking for its current tenants, let alone any new 5th floor tenants. He senses that the Board of Governors is likely to defeat the program if it is presented as a State Bar program, and he does not believe it can be a self-supporting program in three years. He asked that the Bar consider looking at the Chicago model wherein the Bar would provide some financial

support and training, but the program would be housed elsewhere.

Treasurer Rita Sheffey reported that she is more focused on governance issues than the substance issues. She believes we did have extensive conversations about the incubator program at the Spring Board meeting, both by the President and the Board members, as well as conversations following the meeting, and it is important for the Executive Committee to have the same discussion now before the June Board meeting, because if we ignore the incubator issue at this meeting the Board will wonder why the Executive Committee is not acting as Bar leaders to advise and recommend on issues to the Board. When she reflected back on January Executive Committee meeting and vote, and the amendment of that motion to take the issue to the Board, she said that should have been the standard procedure without the need for a motion. Board members asked her if there should be a policy so that decisions such as this can only be taken by the Board. As she understands it, the Board is the governing body of the State Bar and the Executive Committee serves in that role in between meetings. She stated that when the Executive Committee is thinking about decisions, it needs to be mindful that the Board is the governing body and that the Executive Committee should not surpass that role.

David Lipscomb commented that the incubator program will need dues indexing to fund it if it is approved by the Board.

President-elect Bob Kauffman suggested that the Bar should fund the incubator at the same level as the law schools. He is against housing the incubator at the Bar and what that would entail in terms of security, parking and other issues. He would prefer to see the incubator as a standalone entity outside of the State Bar.

New Business

Buck Ruffin reported that he enjoyed working with each members of the Executive Committee and if he can ever be of help to let them know.

Adjournment

There being no further business the Executive Committee meeting was adjourned by unanimous voice vote.


Patrick T. O'Connor, Secretary

Approved:


Patriise M. Perkins-Hooker, President

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
June 24, 2015
Via Email**

Members Participating:

Robert J. Kauffman, President; Rita A. Sheffey, President-elect; Patrick T. O'Connor, Treasurer; Brian D. (Buck) Rogers, Secretary; Patrise M. Perkins-Hooker, Immediate Past President; John R.B. Long, YLD President; Jennifer Mock Campbell, YLD President-elect; V. Sharon Edenfield, YLD Immediate Past President; Thomas R. Burnside, III, Elizabeth Louise Fite; Kenneth B. Hodges, III; Phyllis J. Holmen, David S. Lipscomb; and Nicki Vaughn.

Legislative Consultants – Georgia Capitol Partners Contract Renewal

The Executive Committee took the following action regarding the services of Capitol Partners Public Affairs Group as legislative consultants for the 2015-16 Bar year:

1. By unanimous email vote, approved the specially called Executive Committee meeting; and
2. By unanimous email vote, approved retaining Capitol Partners Public Affairs Group, and specifically Russell N. Sewell, as legislative consultants for the 2015-16 Bar year (July 1, 2015 through June 30, 2016) at a cost of \$185,000. The cost will be paid from voluntary contributions in the Legislative and Public Advocacy Fund.



Brian D. (Buck) Rogers, Secretary

Approved:


Robert J. Kauffman, President

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
August 14, 2015
State Bar Building/Atlanta, GA**

Members Participating:

Robert J. Kauffman, President; Rita A. Sheffey, President-elect; Patrick T. O'Connor, Treasurer; Brian D. (Buck) Rogers, Secretary; Patrise M. Perkins-Hooker, Immediate Past President; John R.B. Long, YLD President; Jennifer Campbell Mock, YLD President-elect; V. Sharon Edenfield, YLD Immediate Past President; Thomas R. Burnside, III; Elizabeth Louise Fite; Kenneth B. Hodges, III; Phyllis Holmen; David S. Lipscomb; and Nicki Vaughn.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Jeff Davis, Executive Director; Paula Frederick, General Counsel; Steve Laine, Chief Operating Officer; Bill NeSmith, Bar Counsel; and Thomas Worthy, Director of Governmental Affairs.

Future Meetings Schedule

President Bob Kauffman referred the Executive Committee to the copy of the Future Meetings Schedule and discussed the arrangements for the upcoming Executive Committee Retreat.

Executive Committee Minutes

The minutes of the May 15 and June 24, 2015 Executive Committee Meetings were approved by unanimous voice vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee, by majority voice vote, approved the following resignation requests: Nicola King-409701; Bonnie M. Grant-159024; Grace Shang-Wen Yang-435126; Natalie C. Lee-516171; Ross P. Kendall-414069 Richard G. Pechin-569650; Thomas O. Lasley-438513; Alyne Sue Assunto-026120; John S. Butler-099675; John R. Justice-705723; Robert Arthur Smith-662715; Sam R. Lowe III-459950; Melissa A. Mullin-528610; Ashley Olsson-940464; Denise Roy-617319; Christine Mabe Scott-462680; Henry T. Hardin III-324850; Forrest W. Hunter-378850; Susan A. Adams-004175; Rebecca Anne Womeldorf-736667; Terence P. McElwee-526120; Charles W. Christian-125250; Grover E. Taylor-700225; Marcelle A. Castillo-116129; James Leonard-446656; Steven R. Thorpe-710671; Frank R. Labudde-431028; Robert B. Kinz-422380; Derrick Smith-655602; Davis S. Rand-593725; Jessica McArdle-738218; Lawrence Hunter-379167; Beth L. Rowe-616632; Joseph S. Dunn-234275; Mark A. Fink-450463; Joel Beerman-046929; Daniel T. Hansmeier-142060; Peng Li-192656; Paul A. Ray-593406; Deborah S. Miknis-940656; William Helmstetter-964570; Jeffrey S. Norwood-733087; Louis Shannon Copponex-187343; Thomas R.

Foley-267189; Raymond Lee Coss-189127; Mark E. Swofford-695530; Bonnie Hanna-838972; Roger A. Brown-089450; Monali Vikram Matcha-483697; Veronica Jones Carey-403955; Edwin L. Hoffman -359725; Stacey Lynn Ewhrlich-746437; Janie Duncan-233462; Jason Harrington-329029; Roger A. Brown-089450; Barbara K. Geier-288885

David Lipscomb asked for confirmation that every member above personally requested to resign and it was not requested by a third party, such as a court-appointed guardian. Following the meeting, Brinda Lovvorn, Membership Director, confirmed that all of the above resignation requests were requested by each attorney. She also stated that in the case of a resignation request from a third party, she consults with the Office of General Counsel for a course of action.

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee, by unanimous voice vote, approved the following requests for disabled status: Elizabeth H. Petersen-749624; Peter G. Kelley-412324; Robert W. Steinbruegge-679150; William David Tate Jr.-818812; Craig Carten-113597; Harold Stephen Berezin-53942; M. Shannon Feeney-257256

Member's Request for a Hearing - Waiving Penalties and Late Fees: James Dickey (001030)

Pursuant to Rule 1-501, the Executive Committee, by unanimous voice vote, relegated the naming of a Special Master by Bryan Cavan, Coordinating Special Master, to hear the appeal of James Dickey, Jr.

Member's Request for Military Dues Waiver: Robert W. Mayhue, Jr. (479614)

The Executive Committee, by majority voice vote, denied a request by Robert W. Mayhue, Jr. for a Military Dues Waiver as his active duty salary exceeds his regular salary. David Lipscomb requested that the section asking for income on the waiver form be amended to just reflect "List your active duty income."

Elections Committee Proposed Bylaws Amendments

Following a report by Bill NeSmith, the Executive Committee, by majority voice vote, approved recommending to the Board of Governors the following proposed amendments to Bylaw Article VII Nomination and Elections:

Section 6. Ballots.

The Elections Committee shall determine the list of candidates and have ballots prepared. The ballot shall include the name of each candidate and a space for a write-in vote for each position to which the ballot applies. If practicable, the space for a write-in vote may be eliminated from ballots for which no write-in candidate has declared under Article VII, Section 1 (c) or Article VII, Section 2 (c) above. The ballot shall contain voting instructions and a notice of the location and last

date by which the ballot must be received. The Board of Governors shall annually determine this date. The ballots may be in written or electronic form, or both.

Section 7. Voters Lists; Distribution of Ballots.

- (a) A voters list shall be prepared containing the names of the members qualified to vote in elections for officers, ABA delegates, circuit board members and nonresident board members. Each member shall be assigned a distinguishing number.
- (b) On the date determined according to Section 14 of this Article, all active members in good standing shall be furnished by regular mail a ballot for the elections in which they are qualified to vote and a return envelope.
- (c) In lieu of the written ballot described above, a member may vote by a secure electronic ballot which meets all the requirements for integrity as determined by the Elections Committee. Should any member submit both a paper ballot and an electronic ballot, only the electronic ballot shall be counted.

Section 8. Method of Voting.

For written ballots, the member shall mark the ballot according to its instructions and shall return the ballot or ballots in the envelope provided on or before the date specified by the Board of Governors. Only written ballots of an individual member, timely returned in the envelope provided with the ballot, shall be deemed valid. Electronic ballots shall be cast according to the instructions provided with the electronic ballot.

Section 9. Elections Committee.

The Elections Committee shall conduct the election, count or supervise the counting of the ballots, and report the results on the date determined according to Section 14 of this Article under procedures established by the Board of Governors. The Elections Committee may utilize State Bar and independent and impartial contract staff and facilities as the Committee deems appropriate. In computing the number of votes constituting a majority of those cast in each election of officers, the Committee shall exclude from the computation the votes cast for a properly declared "write-in" candidate receiving less than two percent of the total votes cast.

Section 11. Tie Vote.

(a) Officers and ABA delegates. If there is a tie vote between two or more candidates receiving the highest number of votes in any election for officers or ABA delegates, the incumbent shall continue to serve until the Board of Governors elects one of the tying candidates as the successor. If more than one election results in a tie vote, the Board of Governors shall first determine who shall be elected in this order: Treasurer, Secretary, President-Elect and, when appropriate, President.

(b) Circuit Posts. If there is a tie vote between two or more candidates receiving the highest number of votes in any election for a circuit post, a run-off election shall be held pursuant to Article VII, Section 12 of these Bylaws.

Section 12. Runoff.

If no candidate for office receives a majority of the votes cast or if there is a tie vote for a circuit post, within ten days from the date of the report of the Elections Committee, the Board of Governors shall make provisions for a runoff election between the two candidates receiving the highest number of votes or all tied candidates. The runoff election shall be held no later than thirty days from the date of the report of the Elections Committee and shall be conducted as provided for regular elections. The incumbent shall continue to serve until the successor is determined. In runoff elections, members of the Board shall be elected by plurality vote.

Section 13. Recount.

Any candidate dissatisfied with the result of the count may file a written recount request with the Executive Director, within two business days after the winners are declared. The Executive Director shall notify the President of the request for a recount and the President shall direct the Elections Committee to review the request(s). If deemed appropriate, the Elections Committee will direct an independent elections vendor to conduct a recount. Once the certified recount totals are received, the Elections Committee will announce its findings to all candidates in the disputed election and any other concerned parties. The results of the recount shall be final.

Section 14. Date of Elections.

(a) The Elections Committee shall timely meet and publish a proposed schedule for the upcoming elections which shall set out the specific dates for the following events: the date the Official Election Notice is to be published in the *Georgia Bar Journal*; the date the Nominating Petition package shall be mailed to Board of Governors Incumbents; the date the Board of Governors shall nominate candidates for officers of the State Bar; the deadline for the receipt of nominating petitions for incumbent Board Members; the deadline for the receipt of nominating petitions for new Board Members; the deadline for receipt of nominations of nonresident members of the Board; the date on which the ballots are to be mailed; the deadline for ballots to be cast in order to be valid; and the date the election results shall be reported and made available.

(b) The Executive Committee shall review and approve, or modify and approve such schedule as submitted by the Elections Committee. The schedule, as approved by the Executive Committee, shall then be submitted to the Board of Governors no later than the Annual or Summer Meeting preceding the election for approval.

(c) For good cause, the Executive Committee may modify this approval schedule.

YLD President Jack Long discussed the YLD Secretary election runoff that took place this year when no candidate received a majority vote, and whether or not the Bar should consider moving to a plurality vote to prevent future runoffs. The cost to conduct the runoff was in excess of \$10,000. The Executive Committee agreed to send the issue to the Elections Committee for consideration. Thomas Burnside, a former Elections Committee chair, stated that the Elections Committee has considered this issue in the past.

Proposed Rules Amendments

Following a report by Bill NeSmith, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed amendments to Rule 1-501 License Fees, as revised (Exhibit A), and to Rule 102-4 Good Standing as shown below:

Rule 102-4. Good Standing

No lawyer shall be deemed a member in good standing:

- a. while delinquent after September 1 of any year for nonpayment of the annual license fee and any costs of fees of any type as prescribed in Chapter 5, Rule 105-1 (a) (c) hereof;
- b. while suspended for disciplinary reasons;
- c. while disbarred;
- d. while suspended for failure to comply with continuing legal education requirements;
- e. while in violation of Bar Rule 1-209 for failure to pay child support obligations.

Authorization for Parking Garage Upgrades

Following a report by Jeff Davis, the Executive Committee, by unanimous voice vote, approved proposed improvements to the Bar's parking deck in the amount of \$192,583. Upgrades include curb improvements to the Spring Street and Marietta Street entrances and technology upgrades to increase efficiency in moving cars in and out of the deck.

Appointments to the Georgia Legal Services Program (GLSP) Board of Trustees

The Executive Committee, by unanimous voice vote, approved the appointments of D. Tennell Lockett and Deangelo Norris to the GLSP Board of Trustees for two-year terms. Phyllis Holmen provided an overview of composition of the Board.

Appointment of Robert Pannell to the Working Group on Legal Opinions (WGLO)

The Executive Committee, by unanimous voice vote, approved the appointment of Robert D. Pannell to the WGLO as the State Bar of Georgia representative.

President's Report

President Bob Kauffman reported on three initiatives being undertaken this year: 1) strategic planning, 2) a review of the discipline system, and 3) the creation of a Wellness Task Force. The Executive Committee held the first of several strategic planning sessions preceding the Executive Committee meeting. President Kauffman reported that the Disciplinary Rules and Procedures Committee met last week to begin its task of reviewing the entire disciplinary process from start to finish. At that meeting, Tee Barnes, Clerk of the Supreme Court, provided insight on how the Court handles discipline cases. Immediate Past President Patrise Perkins-Hooker asked if there are any lay members on the Disciplinary Rules and Procedures Committee to provide input into the process. Currently there are none, which led to a discussion of perhaps appointing some of the lay members serving on the State Disciplinary Board to the committee. President Kauffman reported that Ken Hodges is chairing the Attorney Wellness Task Force. He and Ken are putting together a core group of lawyers to set the agenda and lay out what needs to be accomplished. He announced that Michael Ethridge, chair of South Carolina's Attorney Wellness Committee, will be at the Fall Board of Governors meeting to discuss South Carolina's *Living Above the Bar* program.

Treasurer's Report

Steve Laine provided a report on the Bar's finance and distributed a preliminary Consolidated Revenues and Expenditures as of June 30 that reflects an operating loss of \$777,468.

The Executive Committee received copies of the Operations and Bar Center Consolidated and Individual Revenue and Expenditures Reports and Income Statement YTD for the seven months ended May 31, 2015, the Balance Sheet as of May 31, 2015, and the Summary of Dues and Voluntary Contributions for May-April 2013-2015.

YLD Report

YLD President Jack Long reported on the activities of the Young Lawyers Division. He congratulated YLD Immediate Past President Sharri Edenfield for her successful year as YLD president and announced that the Georgia YLD was recognized in all five ABA award categories in Division 1A. Specifically, it received 1) the 2014-15 Outstanding Service to the Public Award, one of two awards presented to YLDs from states of all sizes, for its Military Support Initiative, 2) four first place awards within its division for Service to the Bar for its Succession Planning Pilot Program, for Service to the Public for the Military Support Initiative, for Best Newsletter and as Overall Comprehensive Best YLD, and 3) Special Recognition in the Diversity Project category for its *Plessy v. Ferguson* Continuing Legal Education (CLE) session at its Spring Meeting in New Orleans. He stated that his goals this year include strengthening current programs of the YLD, increasing meeting attendance, and opening up the meetings to all YLD members by offering the Business Meetings and CLE seminars live through online streaming. He reported that the Estate and Elder Law Committee will begin rewriting the Senior

Citizens Handbook and that there will be a joint project with the Texas YLD to create a handbook for divorcing military spouses. He announced that there will be a regional summit of bordering states' YLD's to share ideas and talk about how to make programming better. He reported that the Succession Planning program, which seeks to connect Georgia attorneys who want to transition out of full-time practice with new attorneys who may be interested in succeeding the attorney, needs help. There has been an overwhelming response from young lawyers, but not from transitioning lawyers.

Executive Director's Report

Jeff Davis reported that yesterday he signed new leases with the Criminal Justice Coordinating Council (CJCC) and the Georgia Public Defender Standards Council totaling 22,000 sq. ft. He recently attended the NABE conference that was dominated with topics on challenges facing mandatory bar associations. He stated that we all recognize the value of a mandatory bar, but that we need to be mindful of what we do and how we do it, and to think about these things as we approach our strategic planning process.

President Bob Kauffman reported that the vacant 5th floor is suitable for a data center due to the fiber optic lines running to the building and the floor having a separate chiller and generator. He recently met with a representative from Cushman Wakefield and a data center representative about that possibility. A technology storage space consultant is putting together a list of the size of services the Bar could house on the 5th floor and may have a lead on a prospective tenant. There has been a tremendous increase in demand for data centers, and those tenants typically don't require a lot of parking and pay higher square footage rental rates.

Office of General Counsel's Report

The Executive Committee, by unanimous voice vote, approved a motion to go into Executive Session to discuss litigation and other matters. Thereafter, the Executive Committee, upon a motion and second, moved out of Executive Session.

Paula Frederick reminded the Executive Committee that the annual reunion of the State Disciplinary Board will take place on September 17 at Bill Smith's cabin on Lake Rabun.

Legislative Program Report

Thomas Worthy provided a report on the upcoming legislative session. He announced that the Advisory Committee on Legislation (ACL) will meet on September 15 at 10:00 a.m., and again on December 8 at 10:00 a.m. He reported that there are still a lot of legislative issues left over from last year's agenda that the Bar will be dealing with in addition to any new items recommended by the ACL and approved by the Board of Governors for the upcoming 2016 legislative session.

Board of Governors Minutes

The Executive Committee received copies of the June 19 and June 20, 2015 (draft) Board of Governors Minutes. A revision was made to the June 20 Board minutes to reflect that the Cornerstones of Freedom funding was to be set aside as a reserve fund, but not as a Board Designated Reserve.

International Bar Association Annual Conference (Atlanta)

The Executive Committee received a copy of a letter to David Rivkin, President of the International Bar Association (IBA), from President Bob Kauffman extending an invitation for the IBA to hold its 2020 Annual Conference in Atlanta.

Members Rating of the 2015 Election Process

The Executive Committee received a copy of members' ratings of the State Bar's 2015 Official Election from DirectVotePlus.

Foundation for Practice

The Executive Committee received information on the Foundations for Practice survey.

Donation Acknowledgment from the Center for Civil and Human Rights

The Executive Committee received a copy of the \$25,000 donation acknowledgement from the Center for Civil and Human Rights.

Daily Report Article on the JQC

The Executive Committee received two *Daily Report* articles about the JQC.

National Law Journal Article on Antitrust Liability for State Bars

The Executive Committee received a copy of a *National Law Journal* article on a U.S. Supreme Court decision, *North Carolina Board of Dental Examiners v. Federal Trade Commission* that could force state bars to re-examine their operations to avoid potentially antitrust liability.

ABA Journal Article on House of Delegates Meeting

The Executive Committee received a copy of an *ABA Journal* article on the Avvo founder telling lawyers to get rid of UPL if they want innovation and access to justice and other speakers that addressed the ABA House of Delegates.

Bar Leaders Articles on Recent Challenges to Unified Bars and Bar Association Governance for Changing Times

The Executive Committee received *Bar Leader* articles on recent challenges, including "teeth whitening" and Legal Zoom cases and Bar association governance for changing times.

February 2015 Georgia Bar Examination Results

The Executive Committee received a copy of the February 2015 Georgia Bar Examination Pass List.

Old Business

YLD President Jack Long reported that until some malpractice coverage is in place for volunteers, the YLD Wills Clinic initiative is indefinitely suspended. He reached out to the Chicago Bar that operates a similar program, and which does have lawyers' professional liability coverage. He asked the Executive Committee for permission to apply for the same coverage to see if he can get a policy in place to cover the Wills Clinic program. President-elect Rita Sheffey reported that Bar Counsel is also aware of the issue and is checking into coverage. The consensus of the Executive Committee was that the YLD should move forward with applying for coverage if such coverage was appropriate for the YLD program, subject to review by the Office of General Counsel.

New Business

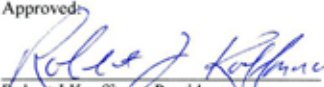
There was no new business.

Adjournment

There being no further business the Executive Committee meeting was adjourned by unanimous voice vote.



Brian D. (Buck) Rogers, Secretary

Approved:


Robert J. Kauffman, President



GENERAL COUNSEL
Paula J. Frederick

ATTORNEYS
William P. Smith III
Jenny K. Mittelman
John J. Shiptenko
Jonathan Hewett
Rebecca A. Hall
A.M. Christina Petrig
William J. Cobb
Wolanda Shelton
William D. Nesmith III

Memorandum to: Members, Board of Governors
From: Paula Frederick, General Counsel
Date: September 30, 2015
Re: Report of the Office of the General Counsel

I am pleased to report on recent activity of the Office of the General Counsel.

Discipline: During August 2015 the OGC sent 227 Grievance forms to members of the public and received 183 filed Grievances. The Supreme Court of Georgia did not enter orders in any disciplinary cases during the month. The Year-to-Date Report on Lawyer Regulation (covering the period May 1, 2015 through August 31, 2015) appears at page 4 of this memorandum.

Rules Changes: The Board agenda will include proposed rules changes from the Elections Committee and the Membership Department. In addition, the following rules changes are pending or recently approved:

- By order of July 9, 2015 the Court approved several changes that this Board considered at the 2015 Midyear meeting. They include housekeeping amendments to Rules 4-110, 4-204.1, 4-111, 12-107, 4-104, 4-204, 4-221(g), and 4-227; revisions to standardize the time requirements for the Review Panel's consideration of a disciplinary matter (Rules 4-217 and 4-219); provisions that clarify the meaning of Rules 1.6, 8.4, 4-106(f)(2) and 4-208.3; and three substantive changes:
 - A revision to Rule 4-213 requires the Bar to pay for the hearing transcript in a disciplinary matter and clarifies when the Bar must purchase a copy of the transcript for a respondent who is unable to pay;
 - A revision to Rule 3.5 adds a new Section (c) and Comment 7 to prohibit communication with a juror or prospective juror;
 - Changes to Rule 4-403(c) and (d) would allow the Formal Advisory Opinion Board to publish proposed opinions on the Bar's website as an alternative to the *Georgia Bar Journal*.
 - **Note that the Court has not yet approved the proposed revision to Rule 5.4, which would allow a Georgia lawyer to share fees with a lawyer who is lawfully practicing under an alternative business structure.**

- The proposed revisions to the Rules of the Lawyer Assistance Program approved by the Board at the Annual meeting (Rules 7-303 and 7-305) will be published for comment in the October 2015 issue of the *Bar Journal*.
- Proposed revisions to Rules 1-205 and 1-204 (related to elections) approved by the Board at the Annual meeting will be published for comment in the December issue of the *Bar Journal*.
- The proposed amendment to the Rule 10-103 of the rules governing the Clients' Security Fund (increasing the aggregate yearly amount available to be paid from the Fund) will be published in the October 2015 issue of the *Bar Journal* for comment.
- In April the Supreme Court entered an order amending Uniform Superior Court Rule 4.4 to authorize payment of a \$200 annual fee to maintain *pro hac vice* admission. The Office of the General Counsel asked that the rule be further amended to add \$75 for administrative costs related to billing, collecting and accounting to the Bar Foundation for the money collected. The proposal will appear in the October 2015 *Bar Journal* for comment and then will be considered for second reading by the Council of Superior Court Judges in January 2016.

Formal Advisory Opinion Board:

- FAO Request No. 15-R1 -- At its August 25 meeting the Board agreed to draft an opinion to decide whether use of the word "group" in a firm name is misleading or violates any of the Georgia Rules of Professional Conduct if there is only one attorney in the firm.
- FAO Request No. 14-R3 -- The Board received a request to draft an opinion dealing with the ethical propriety of an attorney employed as a part-time prosecutor serving as counsel in other criminal and/or civil matters. It has referred the question to the Disciplinary Rules and Procedures Committee and suspended work on drafting a proposed opinion in the meantime.

Pro Hac Vice Admission: Between January 1 and August 31, 2015 the Bar processed 465 *pro hac vice* applications and collected a total amount of \$217,775.00. Of the total collected the Bar paid \$184,250 to the Georgia Bar Foundation and retained \$33,525 to cover its costs.

Lawsuits: There are four lawsuits pending against the State Bar of Georgia, its staff, and/or officers. Please contact me directly if you would like additional information about any of these matters.

- The Bar was sued in late March by a woman who is unhappy with the Bar's dismissal of several lawyer grievances and fee arbitration petitions that she has filed. The Federal Court is conducting a frivolity determination and has ordered that service of process not issue until that determination is resolved.
- A complainant who filed grievances and fee arbitration petitions against 11 lawyers has sued for the Bar's failure to discipline the lawyers or to accept jurisdiction of the fee arbitration cases. The case is pending on the Bar's Motion to Dismiss.
- A lawyer who was disbarred by a superior court judge upon the lawyer's conviction for two felonies filed a Petition for Extraordinary Writ of Habeas Corpus in the U.S. Supreme Court, which denied the request. The lawyer has now filed a motion asking SCOTUS to transfer the case to the district court for a hearing. The district court has previously denied the lawyer's plea for relief.
- A pro se litigant who was dissatisfied with the outcome of his custody case sued several lawyers and judges, and the president of the Bar. He appealed the dismissal of the case to the 11th Circuit Court of Appeals, which upheld the dismissal. We expect him to file a Motion for Reconsideration or a Petition for Cert to the U.S. Supreme Court.

Bar Committees:

The **Discovery of Electronically Secured Information Task Force** is meeting regularly. They are preparing draft legislation on e-discovery in the state and superior courts, and hope to have a proposal ready for consideration by the Advisory Committee on Legislation during the upcoming legislative session. Their next meeting is scheduled for October 12, 2015.

The **Disciplinary Rules & Procedures Committee** has begun its review of the disciplinary process. It will meet in conjunction with the Savannah Board of Governors meeting and plans to meet monthly throughout the year. We welcome your thoughts about needed revisions to the procedural rules for disciplinary cases.

The **Insurance Committee** has recommended the Bar conduct an evaluation of the services provided by our insurance broker every five years. They plan to circulate an RFP and select a broker later this Fall.

**Year-to-Date Report on Lawyer Regulation
 May 1, 2015 through August 31, 2015**

Grievance forms requested and sent to public	1,082
Grievance forms sent back to Office of General Counsel for screening	997
Grievances pending as of 4/30/2015	<u>349</u>
TOTAL	1,346
Grievances referred to State Disciplinary Board members	77
Grievances being screened by Grievance Counsel (GC)	343
Grievances closed by Grievance Counsel	915
Grievances moved to moot status by GC after attorney was disbarred	<u>11</u>
TOTAL	1,346

Regulatory Action May 1, 2015 through August 31, 2015

	<u>Attorneys</u>	<u>Cases</u>
Letters of Admonition Accepted	8	8
Investigative Panel Reprimands Administered	4	5
Review Panel Reprimands	2	2
Public Reprimands	1	1
Suspensions	9	10
Disbarments/Voluntary Surrenders	<u>8</u>	<u>12</u>
TOTAL	32	38
Reinstatements Granted	2	
Reinstatements Denied	0	

**LAWYERS HELPING LAWYERS*
POLICIES AND GUIDELINES**

I. OVERVIEW-THE LAP PROGRAM IN GENERAL

The Lawyer Assistance Program (LAP) is a confidential service provided by the State Bar to help its members with problems which negatively impact their quality of life and their ability to function effectively as members of the Bar through education, intervention, peer support and professional clinical treatment. In order to help meet the needs of its members and ensure confidentiality, the Bar contracts the services of CorpCare Associates, Inc., Employee Assistance Program, a Georgia-headquartered national counseling agency. Oversight of the LAP is provided by the Lawyer Assistance Committee (LAC) which consists of members of the Bar as well as up to four members of the public who have experience in providing behavioral health services either in the field of addiction or mental health.

The LAP provides a broad range of helping services to members seeking assistance with depression, stress, alcohol/drug abuse, family problems, workplace conflicts, psychological and other issues. You can contact the LAP by calling 800-327-9631, or by emailing Lisa Hardy, vice president, CorpCare Associates, Inc., at lisa@corpcareap.com.

Services Available Through LAP

All services are accessible through the confidential LAP Hotline: 800-327-9631

Telephone Hotline: Staffed by trained counselors 24 hours a day, 7 days a week. If you are a member of the State Bar and have a personal problem that is causing you significant concern, the Lawyer Assistance Program can help. Please feel free to call LAP's confidential hotline at 800-327-9631.

Up to 6 prepaid In-Person counseling sessions with a licensed counselor per year.

Work/Life Program for unlimited, prepaid assistance with such issues as Childcare, Elder Care and Finances. Members of the State Bar of Georgia have unlimited use of the LAP Work/Life program, a time saving resource that helps them stay productive on the job. Callers receive advice, referrals and materials customized to take into account their individual concerns, financial and geographic needs. These referrals are reached through calling the LAP Hotline: 800-327-9631.

Some of the information Work/Life counselors provide includes:

Child Care—Centers, Family Day Care Providers, In-Home Care, Summer Day & Resident Camps, Before/After School Care, Preschool Programs, Special Needs Programs, Back

Up Care, Private and Public Schools, Boarding Schools as well as Educational Materials on provider selection and parenting tips;

Elder Care—Senior Centers, Adult Day Care, Home Health Care, Nursing Homes, Retirement Communities, Transportation Services, Support Groups as well as Financial Options including Medicare and Medicaid Information;

Adoption Information—Public and Private Adoption Agencies, Adoption Counselors, Support Groups, Adoption Attorneys and Educational Material;

College Assistance—College Planning Guide with Resources for Financial Aid and Educational Consultants, Sample SAT Booklets, Computer Software Programs and College online Services.

Financial Advice—Certified Financial Counselors help move callers toward fiscal fitness during telephonic sessions that include such topics as: General Money Management, Creating a Budget, Saving for College, Credit and Credit Reports, Purchasing or Refinancing a Home or Automobile, as well as Debt Management, Preventing Bankruptcy and Foreclosure. Callers learn how to prevent identity theft. If victimized, they are guided through a structured plan of action to recover and they get ongoing counseling support during the identity theft trauma.

II. THE PEER VOLUNTEER PROGRAM INITIATIVE

The LAC seeks to extend the outreach of the LAP in an effort to facilitate greater utilization by Bar members of the resources provided by the LAP as well as provide additional opportunities for members of the Bar to participate in assisting their peers. The LAC determined that developing a volunteer peer support program was an effective method of achieving both goals. This program may sometimes be referred to as the “Peer Program” or “Lawyers Helping Lawyers.”

A. What Is Peer Support?

Ongoing practical, social, and emotional support has been shown to be a critical and effective strategy for facilitating sustained behavior change for people with chronic diseases/risks and other conditions. While access to and use of the services such as those provided by or accessible through the LAP is extremely important, those services can be supplemented by peers who can share the kinds of everyday experiences that have enabled them to live happy and healthy lives while facing difficult circumstances.

Peer support generally involves people sharing similar experiences with an illness or condition. People with a common condition are able to share knowledge and experiences, including some that many healthcare workers do not have. Peer support refers to the practical, social, and emotional support from a person sharing similar experiences with a disease or condition. The Committee believes the shared experience of practicing law provides an additional benefit above and beyond what would be available through traditional peer support

networks. Based on this common experience, the role of peer volunteer is open to all members of State Bar of Georgia without regard to whether they have experience with any particular condition.

Peer support can take many forms – phone calls, text messaging, group meetings, individual meetings over a cup of coffee or a meal, going for walks together, or other common activities. There is no “one size fits all” approach or uniform strategy for peer support. Overall, Peer support complements and enhances other health care services by creating emotional, social and practical assistance.

The LAC hopes to provide volunteer peer support to Bar members who are addressing issues with depression, bipolar disorder, other mood disorders, anxiety, stress, addiction to substances or process addictions, grief, physical illness, and work/life balance. Additionally the LAC hopes to provide volunteer peer support to Bar members who are not facing those kinds of issues personally, but have a family member who is.

B. What Peer Support Is Not.

The volunteer peer support person is not a therapist and does not provide therapy or counseling services. Volunteers are instructed to notify either CorpCare, which is the clinical contractor for the LAP at either 770-200-8085 or 877-843-6036 or the Confidential LAP Hotline at 800-327-9631 in the event that they believe the attorney they are assisting requires clinical services.

The role of the volunteer peer support person similarly does not involve assisting the attorney they are working with in the active practice of law. The volunteer is not providing legal advice or direction concerning matters which the attorney may be handling. Similarly, the role of the volunteer is not to provide legal advice or counsel to the attorney concerning legal problems or issues which are personal to the attorney.

C. Selection and Training of LAP Peer Volunteers

A member of the State Bar is eligible to volunteer to serve as a peer. A member of the LAC will conduct a brief screening interview with the prospective volunteer. The prospective volunteer will also complete a written information form (see Attachment 1), which will be securely held by CorpCare as described in Section F. below. Following this process, the prospective volunteer will be provided training at no cost. The LAC is also working to obtain CLE credit for participating in the training program. The volunteer will be required to go through the training program again every two (2) years.

The training program will address the following:

1. LAP program protocols and guidelines.
2. Basic knowledge regarding the philosophy and theoretical concepts which form the basis for peer assistance;

3. Developing the capability for providing peer assistance to legal colleagues.
4. Recognition of the symptoms of mental illness and maladaptive responses to stress;
5. Recognition of the key symptoms of addiction and its effects on individuals, families and co-workers; and
6. Understanding the role of peer assistance and be able to provide support to LAP Participants impacted by mental illness, addiction and other troubles.

D. Attorneys Seeking Services from the Peer Program

Any member of the State Bar of Georgia is eligible to seek volunteer peer support services from the LAP. An individual who is interested in seeking services will (i) contact CorpCare at either 770-200-8085 or 877-843-6036, (ii) contact a member of the LAC at the contact information on the LAP page of the Bar's website or (iii) select a volunteer from the searchable forum on the LAP page of the Bar's website, as described in Section E. below. Because of the voluntary, no cost nature of the services provided, individuals seeking services from the Peer Program will be required to sign a release of liability in advance of their participation in the program. (See Attachment 2).

E. Matching of Volunteers and Program Participants

When a Participant initiates the Peer selection process, he/she will be directed to the LAP page of the Bar's website, which will provide a searchable forum from which to select a volunteer. In the forum, he/she will not be provided with names of Volunteers, only generic information from the data contained in each Volunteer's written information form with a code number attached. The data are contained in an online encrypted database. The Participant will be provided with an access code to enable them to view online the biographical and experiential information of the individuals who may be available to serve as their Peer Volunteer. The Participants will use code numbers to select individuals they would like to serve as their Peer Volunteers. The coded information will be electronically transmitted to CorpCare and the prospective Peer Volunteer will then be contacted with a request to serve as a Peer by code number. If the prospective Peer Volunteer accepts, he/she will be given the Participant's contact information and will be responsible for the initial outreach and contact. Only personnel at CorpCare will have the code that links Peer Volunteer's code number to their name.

Volunteers are limited to serving two Participants at one time, in the interests of providing robust support in all cases.

F. Confidentiality

Existing Rules governing the LAP provide for the confidentiality of certain communications made by lawyers seeking LAP services. The LAC has proposed amendments to clarify and strengthen that protection in the context of the new peer program (and has agreed to be bound by the new Rules in the interim until they are formally adopted). Except for threats of death or substantial bodily harm, statutory requirements of disclosure (e.g., terrorist plots) and defending oneself against allegations concerning misfeasance in the assistance he or she has

provided, Volunteers are and will be required to keep information they learn confidential; however, because of the voluntary nature of the program, the LAP does not and cannot be responsible for any failure of any individual volunteer or participant to maintain program guidelines.

On the flip side, disclosures by Volunteers as part of the sign up and matching process will be held in an encrypted, database maintained by the Bar's clinical contractor for the LAP and will be presented anonymously on the Peer Program website, with identities made known to the parties only when a "match" has been made as described above.

G. Ongoing Responsibilities of Peer Volunteers

By participating in the Program, Volunteers agree to do the following:

1. Attend the training sessions outlined above;
2. Have regularly scheduled meetings with Participant in public places or by phone;
3. Consistently follow through with the Participant until support is no longer needed or parties agree to disengage;
4. Self-recuse in case of relapse or current disciplinary proceeding;
5. Respect the confidentiality of the Participant per LAP program guidelines;
6. Follow LAP program guidelines; and
7. Notify the LAC at the time of termination of the relationship with the Participant

H. Liability and Insurance Coverage for Volunteers

The LAC has been informed that the volunteer activities performed by the Peer Volunteers as outlined in the Volunteer Program materials and training programs are generally covered under a commercial general liability insurance policy but not under any professional error & omissions policy or other liability policies. There is an important caveat to the commercial general liability policy. This policy will not cover volunteers in the event the activity in question is deemed to be clinical in nature or the rendition of professional or legal services. Additionally, this policy will not cover volunteers if a claim is brought against them by the State Bar or a State Bar employee, or if the claim arises from their operation of a motor vehicle. It is therefore important for this reason as well that Peer Volunteers respect the boundaries that their role as peer supporters entails.

I. Termination of Volunteer-Participant relationship

Because participation in the program is voluntary on the part of both the Peer Volunteer and the Participant, either is free to terminate the relationship at any time. The topic of termination of the relationship will be covered in greater detail in the Volunteer training, but a brief mention of the subject is appropriate here. Termination of the relationship may be consensual or in some cases it may be unilateral or forced. Examples where the relationship is subject to unilateral or forced termination might include where the volunteer has sustained a relapse or potentially in a situation where the Participant requires a higher level of services than

can be provided by the Peer Volunteer. As a general rule, the Volunteer should plan for an orderly termination of the relationship and the transition of the Participant to another Peer Volunteer should the Participant so desire.

In case of relapse or if a current disciplinary proceeding, other than a complaint, is filed against him or her, Volunteers commit to recuse themselves and to notify CorpCare that the Volunteer is terminating the relationship with Participant at that time.

J. Peer Assistance Process and Tips

The LAP Volunteer receives inquiries from the LAP Committee, CorpCare as the Bar's external counseling resource, and/or a direct request from a member. Basic information provided to the LAP Volunteer from one of these sources helps to determine the best follow-up approach.

The LAP volunteer telephones the Participant. When leaving a voicemail, volunteers identify themselves by name with a message they are returning a call. Volunteers do not state on voicemail that they are a LAP Volunteer without the Participant's permission.

LAP Volunteers may communicate via the phone or meet face to face with Participants to offer support, guidance and resources. The program recommends that volunteers meet in a safe environment such as their office or a public restaurant. Volunteers are discouraged from going to the Participant's home or an isolated area where safety cannot be insured. Volunteer safety is given equal weight within the program to Participant safety.

Inform the Participant why you are contacting them and remind them of the privileged confidentiality of all LAP communications. Do not disclose the source of the referral unless you have their permission. Create a safe environment.

Emphasize that your only purpose is to be of assistance to them.

Focus on what the Participant sees as the problem and what they would like to change.

Use active listening skills.

Share your own experience, strength and hope.

Do not discuss diagnoses or psychoanalysis.

Do not establish a treatment plan.

Do not assist the Participant in the active practice of law or provide legal advice or direction concerning matters which the Participant may be handling.

Offer a specific solution such as getting an assessment, attending a meeting, seeing a primary care physician or changing a behavior. If needed refer the attorney to the LAP counseling resources.

Be consistent. Always follow through with resources you offer or meetings you agree to have.

LAP Volunteers do not engage in romantic, sexual or business relationships with Participants.

If you believe your objectivity is lost or the experience is too draining, contact CorpCare for a consult.

K. Notification Process

CorpCare will contact volunteers monthly via email about the status of your contacts. Please respond promptly and also make sure that CorpCare is apprised of the final outcome of your contacts. CorpCare will also contact you annually to obtain an update of your status as a volunteer. If you do not respond within a reasonable time, you will be removed from active status as a volunteer.

The LAP volunteer always notifies and consults with CorpCare and/or the LAP Committee Coordinator for, but not limited to, the following situations:

- (a) The Participant is a danger to self or others – suicidal, homicidal (**in this case, the first call is to police or emergency responders**);
- (b) The Participant exhibits difficult or problematic behaviors;
- (c) The volunteer believes the Participant’s problems are outside the scope of their training or comfort level; or
- (d) They discover they have a conflict of interest with the Participant.

Direct Calls to LAP Volunteers: All calls to LAP Volunteers which come directly from attorneys or family members seeking help are to be reported to CorpCare. Volunteers may handle these calls themselves, as appropriate, providing peer assistance, or the LAP Coordinator will assign these matters to other volunteers.

**ATTACHMENT 1
LAWYERS HELPING LAWYERS***

VOLUNTEER INFORMATION FORM

This form is for the purpose of gathering accurate information in an effort to match you with colleagues in need who are struggling with issues similar to those that you have experienced. You hereby authorize the release of the below information to the Program's clinical consultant, CorpCare, provided that, all identifying disclosures shall be held in CorpCare's confidential and secure encrypted database in accordance with all privacy and security requirements under applicable law, including without limitation HIPAA and HITECH, and in accordance with this document.

Name of Volunteer: _____ Tel (o): _____
Address: _____ Tel (cell): _____
_____ Tel (home): _____
_____ Email: _____

Days of Availability
 All Mon Tues Wed Th Fri Sat Sun

Messages may be left on phone (o) phone (c) phone (h) email none
Preferred? _____

Sex M F

Age Range
 20-25 41-45 61-65
 26-30 46-50 66-70
 31-35 51-55 Over 70
 36-40 56-60

If you have personally experienced mental health issues and/or addiction, please check all that apply:

Mental Health:	Substance Abuse/Addiction:
<input type="checkbox"/> Depression	<input type="checkbox"/> Alcohol
<input type="checkbox"/> Anxiety	<input type="checkbox"/> Drugs (_____)
<input type="checkbox"/> Bipolar	<input type="checkbox"/> Gambling
<input type="checkbox"/> Obsessive Compulsive Disorder	<input type="checkbox"/> Sex Addiction
<input type="checkbox"/> Attention Deficit Disorder	<input type="checkbox"/> Work
<input type="checkbox"/> Schizophrenia	<input type="checkbox"/> Pornography
<input type="checkbox"/> Eating Disorder/Body image	<input type="checkbox"/> Food
<input type="checkbox"/> PTSD	<input type="checkbox"/> Internet

If not listed, please describe: _____

If you have not personally experienced mental health issues and/or addiction, please check all that apply for which you would like to serve as a Peer:

- Disability that affects me in my law practice (_____)
- Work/life balance
- Job related insecurities
- Financial insecurity
- Child care issues
- Aging parents
- Am family support for family member with
- mental health issues
- substance abuse/addiction

If not listed, please describe: _____

_____.

Years in recovery _____

Previous experience as a Peer: _____.

What do you wish to gain and/or what do you expect to contribute as a Peer?
_____.

CONFIDENTIALITY: When a Participant initiates the Peer selection process, he/she will not be provided with names, only raw data with a code number attached. If he/she selects your code number, you will be contacted with a request to serve as a Peer. If you accept, you will be given the Participant's contact information and you will be responsible for the initial outreach and contact. **[Only CorpCare will have the code that links your code number to your name].**

By **[signing below][clicking on the below link]**, you acknowledge that (i) you are an active member in good standing of the State Bar of Georgia, (ii) you have read and understand the above information, (iii) you have signed the Lawyers Helping Lawyers Peer/Participant Consent, Release and Acknowledgment and (iv) you commit to recuse yourself and to notify CorpCare at 800-327-9631 or lisa@corpcarecap.com that you are terminating the relationship with Participant in case of personal relapse or if a current disciplinary proceeding, other than a complaint, is filed against you.

Signature of Volunteer

Name of Volunteer

Date

OR if submitting electronically, please click here _____

ATTACHMENT 2

LAWYERS HELPING LAWYERS*

PEER/PARTICIPANT CONSENT, RELEASE AND ACKNOWLEDGMENT

LAWYERS HELPING LAWYERS (the “Program”) provides a confidential process designed to assist participants (each a “Participant”) who identify a problem and request to meet with a colleague who has successfully managed a similar problem and/or can offer support and guidance (each a “Peer”). Participants include Georgia attorneys and judges. Peers are designees of the Lawyer Assistance Committee of the State Bar of Georgia. Working with a Peer involves sharing sensitive, personal and private information that may at times be distressing. During the course of the relationship, both parties will work together to address Participant’s difficulty. Peers assist with a wide variety of problems including but not limited to: depression, anxiety, stress due to work or family issues and addictions such as alcohol, drugs, food addiction, gambling, sex or other compulsive behaviors. The outcome is often positive; however, the level of satisfaction for any individual is not predictable. The foregoing shall be referred to herein as “Peer Services.”

CONFIDENTIALITY:

All interactions between Participant and Peer are proceedings of the Lawyer Assistance Committee of the State Bar of Georgia and as such, except as set forth below, are confidential. The failure of either the Participant or Peer to keep confidential any information which either may have received is a violation of the Program Guidelines; however, a Participant may request in writing that a Peer release specific information about Participant to designated persons.

EXCEPTIONS TO CONFIDENTIALITY:

- Peer may reveal to police or emergency responders, or any person in imminent danger, information needed to avoid or prevent death or substantial bodily harm.
- Peer may reveal information
 - a. which is mandated by statute to be reported;
 - b. to respond in any proceeding to allegations of misfeasance concerning the assistance he or she has provided to Participant as part of the Program; and
 - c. to secure legal advice about Peer’s compliance with the Bar Rules.

SCOPE OF PEER SERVICES:

The below-signed Participant acknowledges and agrees that: Peers are not therapists or professional counselors. They are Georgia attorneys and judges who are willing to share their personal recovery experience from addiction, mental health treatment or other difficulties and provide support for their colleagues. Peers are also attorneys and judges who simply want to help their colleagues in whatever way they can in order to make a positive contribution to the community and their profession. ***Peers do not provide clinical services, including without limitation conducting physical or psychological examinations, performing therapeutic counseling or establishing treatment plans. In addition, Peers do not (i) give assistance or support with respect to Participant’s management of his/her practice or client matters or (ii) provide legal services or legal advice.***

MUTUAL COMMITMENTS OF PEER AND PARTICIPANT:

The Peer’s commitment is to support the Participant through his or her process. Participant’s commitment is to attend all scheduled interactions with Peer and work positively towards mutually defined goals. Peers may communicate via the phone or meet face to face with Participants to offer support, guidance and resources. Peer and Participant will determine the length of time and frequency to meet. The Program recommends that Peers and Participants meet in a safe environment such as an office or a public restaurant. Peers are discouraged from going to the Participant’s home or an isolated area where safety cannot be ensured. Peer and Participant safety are given equal weight within the Program.

RELEASE AND INDEMNIFICATION:

The below-signed Participant and Peer, for himself or herself and his/her heirs, executors, administrators and assigns, hereby (i) releases and discharges the State Bar of Georgia, the Lawyer Assistance Program of the State Bar of Georgia and the Lawyer Assistance Committee of the State Bar of Georgia and their respective officers, directors, members, employees, representatives, contractors, agents, designees and volunteers, including without limitation as to the Participant, the below-signed Peer (collectively, “Indemnified Parties”), of and from any and all claims which he/she or they ever may have against any of them, on account of, by reason of or arising in connection with the provision of Peer Services, including, without limitation, the failure of the Participant or Peer to follow Program Guidelines, and hereby waives all such claims, demands and causes of action including the right to have the enforceability of this provision interpreted by any court or tribunal and (ii) indemnifies, defends and holds harmless the Indemnified Parties of and from any liability associated with the provision of Peer Services to Participant.

By signing below, Participant acknowledges that he/she has read and discussed the above information with others as needed, understands the risks and benefits of accepting Peer Services, the nature and limits of confidentiality and what is expected of him/her as a Participant.

By signing below, Peer acknowledges that he/she has read and understands the above information and the contents of the Lawyers Helping Lawyers Policies and Guidelines and agrees to abide by the policies, guidelines, and standards set forth therein.

This Consent/Release/Acknowledgment shall remain in effect until revoked in writing by Participant and/or Peer and delivered to the Lawyers Assistance Committee by hand or by certified mail, return receipt requested; provided that the above release and indemnification shall survive any such revocation.

Signature of Participant

Signature of Peer

Name of Participant

Name of Peer

Date

Date

MEMORANDUM FOR: Board of Governors of the State Bar of Georgia

FROM: Norman E. Zoller, attorney coordinating the Military Legal Assistance Program

DATE: September 18, 2015

SUBJECT Status of the Military Legal Assistance Program

Background and Overview of Work: Since its inception in 2009, the Military Legal Assistance Program (MLAP) of the State Bar of Georgia has now made **1,484** connections between a Georgia lawyer and a service member or veteran as summarized by category in Item 4 below.

In addition to processing requests for legal assistance which is the principal mission of this office, 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) Legal Clinics at the law schools at Emory University and Georgia State University.** Working in collaboration with the Military and Veterans Law Section and the Colleges of Law at Emory and at GSU, the MLAP has continued to assist with military legal assistance operations at both these institutions. One illustrative case processed by the Emory Clinic on which a decision by the U.S. Department of Veterans Affairs was rendered last week involved a veteran whose Traumatic Brain Injury (TBI) award had been reduced from 40% to 10% and his overall rating reduced to 30%. In a rating decision dated August 14, 2015, the VA granted his claim for migraines at 30% and continued several orthopedic claims. This decision returns his overall disability rating to 60% with the TBI claim still pending before the Appeals team. Consequently, the veteran could end up with a higher disability rating than he had before the VA reduced his TBI rating.

Interest remains as well to create similar legal clinic programs at Mercer University and at the University of Georgia. These inquiries are being pursued and hopefully may be established in 2016. I am scheduled to meet again with law school officials at UGA in Athens on October 2, 2015.

- 2) VA Accreditation.** A CLE program concerned with Georgia Military Law and VA Accreditation is scheduled for November 5, 2015. This full-day program qualifies lawyers to become accredited initially or to renew accreditation to practice before the U.S. Department of Veterans Affairs. The keynote speaker at this CLE program is scheduled to be William K. Suter, former Clerk of the United States Supreme Court and former Acting Judge Advocate of the Army.

3) Legal Assistance Clinics at VA Medical Facilities. In addition to the MLAP, legal assistance clinics are operating at the following VA medical facilities: VA Medical Centers (VAMC) at Augusta and Decatur, VA medical facilities at Carrollton, Fort McPherson, and now Rome, which began operations August 24, 2015. Other legal clinics remain under consideration for the Dublin VAMC and at the VA medical facility in Athens.

4) Cases Processed. Below is a summary of the number and types of legal assistance cases 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 1,484 cases have been processed.** Further, a total of 53 additional cases are in process (i.e., in the pipeline), awaiting agreement authorizations from potential clients (41) or agreements from attorneys (12) to accept a case. Further, although the program does not handle criminal cases directly, about 280 inquiries have been received from veterans or service members seeking help on a criminal law matter (which are referred to the applicable county public defender or to a local bar association).

Family Law	749 (with 59 previous by GA Legal Services)
Contested Divorce	289
Uncontested Divorce	17
Divorce Enforcement	14
Child Support	100
Guardianship/Adoption	73
Visitation	31
Child Custody	166
Consumer Law	100
Housing/Property	90
Foreclosure	23
Veterans Benefits/Disability	201
Wills/Estates/Probate	78
Employment/USERRA/SCRA	41
Bankruptcy	22
	2

Insurance	19
Personal Injury	37
Property Damage	3
Worker's Compensation	2
Contract	4
Medical Malpractice	5
Toxic Substances	5
Other	<u>105</u>
	1,484

- 5) **Admission to Practice by Military Spouse Attorneys.** In response to a request from the Board of Governors concerning the admission to practice law by military spouse attorneys, the issue is being studied by the Military Legal Assistance Program Committee and by the Military and Veterans Law Section. A report will be forwarded once completed and authorized.
- 6) **Publication.** Responded to an extensive set of questions about Georgia's MLAP program from Major Tricia LeRoux Birdsell for an article that has now appeared in the June 2015 edition of *The Army Lawyer* (**Attachment A**).
- 7) **Publication.** In connection with the national symposium on military legal assistance programs held in Atlanta on May 29, 2015, I wrote an article that appeared in the August issue the *Georgia Bar Journal* (**Attachment B**).

Attachments:

- A- Article about the MLAP appearing in the June 2015 issue of *The Army Lawyer*.
- B- Article about the Symposium on Military Legal Assistance Programs appearing in the August 2015 issue of the *Georgia Bar Journal*.

**A Few Minutes of Your Time Can Save Your Client's Dime:
Obtaining Pro Bono Assistance for Legal Assistance Clients**

Major Tricia LeRoux Birdsell*

If the motto "and justice for all" becomes "and justice for those who can afford it," we threaten the very underpinnings of our social contract.¹

I. Introduction

Any attorney who works in a military legal assistance office experiences the moment when she realizes she can no longer help her client and another attorney needs to step in. Whether the case involves going to court, filing court documents, or is more complex than what regulations allow legal assistance attorneys to support, the end result is the same: the client rolls his eyes and asks a question such as, "So I need to go and get a 'real' attorney now?" The legal assistance attorney grits her teeth, glances at the bar license hanging on the wall, spends a moment remembering how brutal the bar exam was, and then regrettably states, "Yes, you need to get *another* attorney to help you with this case."

Unfortunately, the average legal assistance client is an active duty servicemember or family member who simply cannot afford private attorneys' fees. As a result, when a client's needs exceed the support a legal assistance attorney can provide, the legal assistance attorney often finds herself handing off the local bar referral number² and wishing the client luck. However, given the various resources available to many service and family members, this practice should become a thing of the past.

In recent years, numerous programs to assist eligible servicemembers and eligible family members with legal matters on a no-fee or reduced-fee basis have sprung up

across the nation. These programs range from attorney-to-attorney based assistance to the American Immigration Lawyers Association (AILA) Military Assistance Program. This article discusses the variety of attorney-to-attorney-based assistance programs and pro bono services available for military legal assistance clients. Further, this article discusses the eligibility requirements for these services and explains how legal assistance attorneys can properly refer clients to these programs.

II. Background

A. Origins of Pro Bono Assistance

Pro bono publico literally means "for the public good."³ The American Bar Association (ABA) believes that "[p]ro [b]ono [p]ublico is fundamental to the practice of law and has been viewed as an ethical responsibility of lawyers—both informally and formally—since the beginning of the profession."⁴ In the last several decades, pro bono has transformed from informal action to a more complex professional institution.⁵

In 1983, in an effort to promote pro bono service, the ABA House of Delegates adopted Model Rule 6.1 of the ABA Model Rules of Professional Conduct, encouraging lawyers to provide public interest legal service.⁶ The rule was then amended in 1993 to put further emphasis on free legal services to low income individuals.⁷ Since the rule's adoption, many state bar associations have adopted the exact

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¹ *Supporting Justice: A Report on the Pro Bono Work of America's Lawyers*, 2005 ABA STANDING COMM. ON PRO BONO & PUB. SERV. 4 (quoting Chief Justice Ronald George, California Supreme Court), <http://apps.americanbar.org/legalservices/probono/report.pdf> [hereinafter *Supporting Justice*].

² Most state bar associations have a dedicated number to assist individuals with finding an attorney within the state to handle their case. It is commonly referred to as the "referral line."

³ Scott L. Cummings & Rebecca L. Sandefur, *Beyond the Numbers: What We Know—and Should Know—About American Pro Bono*, 7 HARV. L. & POL'Y REV. 83, 87 (2013).

⁴ *Supporting Justice*, *supra* note 1, at 5.

⁵ Scott L. Cummings, *The Politics of Pro Bono*, 52 UCLA L. REV. 1, 6 (2004).

⁶ *Supporting Justice*, *supra* note 1, at 6. Rule 6.1 states,

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities to improve the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.

Id. at 22 n.1.

⁷ *Id.* at 6.

language of the rule or implemented similar pro bono language into their model rules.⁸ Additionally, the scope of free services for civil legal issues has grown with the expansion of pro bono programs in state bar associations, law schools, and private law firms.⁹

B. Pro Bono as it Relates to the Army

Pro bono services are essential to servicemembers and family members because Army legal assistance attorneys are limited in the services they can provide to their clients. Army Regulation (AR) 27-3 regulates the Army's Legal Assistance Program and defines a legal assistance attorney's scope of representation. The regulation states that legal assistance attorneys "will not assist clients on matters outside the scope of the legal assistance program."¹⁰ Further, the regulation limits the scope of representation in both the types of cases and types of services legal assistance attorneys may provide to clients.¹¹

Although AR 27-3 limits the scope of representation, the regulation gives legal assistance attorneys a useful framework to determine who is eligible for legal assistance services and how far the representation may go. The regulation requires legal assistance attorneys to handle cases without referral to an outside attorney whenever possible to avoid delaying a solution to the client's legal issue.¹² However, if the client's needs exceed the expertise of the legal assistance attorney, the regulation allows for referral of the client to another attorney.¹³ When referring the client to an attorney outside the legal assistance office, AR 27-3 encourages legal assistance attorneys to find no-fee or reduced-fee assistance for their clients.¹⁴

III. Forms of Pro Bono Assistance

⁸ *Id.* These states include Alaska, Arizona, Colorado, Florida, Georgia, Hawaii, Kentucky, Louisiana, Massachusetts, Maryland, Minnesota, Mississippi, Montana, New Mexico, Nevada, Virginia and Utah. *Id.* at 22 n.2.

⁹ *Id.*

¹⁰ U.S. DEP'T OF ARMY, REG. 27-3, THE ARMY LEGAL ASSISTANCE PROGRAM para. 3-5a (13 Sept. 2011) [hereinafter AR 27-3].

¹¹ *Id.* The types of cases within the scope of the legal assistance program are family law, estates, real property, personal property, economic, civilian and military administrative, torts, taxes, and civilian criminal matters. *Id.* at para. 3-6. The types of services within the scope of the legal assistance program include ministerial services, legal counseling, legal correspondence, legal negotiation, and legal document preparation and filing, among others. *Id.* at para. 3-7.

¹² *Id.* at para. 3-7h(2).

¹³ *Id.* at para. 4-7b.

¹⁴ *Id.* at para. 3-7h(7).

Fortunately, there are various forms of no-fee and reduced-fee assistance available to eligible legal assistance clients who are in need of a referral outside of a legal assistance office. These programs include attorney-to-attorney based assistance, such as Operation Stand-By, and pro bono and reduced-fee programs, including the ABA Military Pro Bono Project, state bar programs, law school clinics, the Military Spouse Juris Doctor (JD) Network, and the AILA Military Assistance Program.

A. Attorney-to-Attorney Resources

Many legal issues can be resolved by a legal assistance attorney without referring the client to a private attorney. While a legal issue may fall outside of expertise of the legal assistance attorney, a quick phone call to another attorney or an information paper from a local bar association on a particular issue may lead to a quick resolution for the client. As such, the first valuable resource available to legal assistance attorneys to assist clients is attorney-to-attorney assistance. Attorney-to-attorney assistance connects civilian attorneys with legal assistance attorneys through one-on-one phone calls or e-mails answering case-specific questions. Attorney-to-attorney assistance is available both through the ABA and local bar associations.¹⁵

1. Operation Stand-By

Operation Stand-By, a program sponsored by the ABA Military Pro Bono Project, is the most comprehensive and extensive network of attorney-to-attorney based resources available to legal assistance attorneys.¹⁶ This program consists of a state-by-state directory of civilian attorneys who have volunteered to answer e-mails and phone call inquiries from legal assistance attorneys concerning various practice areas.¹⁷

Through Operation Stand-By, legal assistance attorneys can reach out to civilian attorneys to ask case-specific legal questions, determine the proper jurisdiction to resolve the legal issue, and discuss legal remedies.¹⁸ Additionally, the attorneys can discuss ways to resolve the case at the legal assistance attorney's level and the possibility of referral to

¹⁵ See generally *Operation Stand-By: Seek Attorney-to-Attorney Advice from a Civilian Attorney*, ABA MILITARY PRO BONO PROJECT, http://www.militaryprobono.org/about/item.2727-Operation_StandBy_Information_for_Military_Attorneys (last visited May 27, 2015) [hereinafter *Operation StandBy*]; *Military Personnel Legal Assistance*, NORTH CAROLINA LEGAL ASSISTANCE FOR MILITARY PERSONNEL, <http://www.nclamp.gov/> (last visited May 27, 2015) [hereinafter *NC LAMP*].

¹⁶ *Operation Stand-By*, *supra* note 15.

¹⁷ *Id.*

¹⁸ *Id.*

the ABA Military Pro Bono Project.¹⁹ Operation Stand-By attorneys can provide assistance in various areas of law to include bankruptcy, criminal, consumer, disability, domestic relations, education, employment, guardianship, health care, housing, immigration, personal injury, public benefits, tax, and trusts and estates.²⁰

2. Local Bar Associations

A second, often untapped, resource for legal assistance attorneys is consultation with local attorneys near the military installation or within the state. Many state bar associations have active Legal Assistance for Military Personnel (LAMP) committees that are willing to offer attorney-to-attorney advice on case-specific issues. Additionally, some LAMP committees offer extensive online resources to assist legal assistance attorneys with a variety of civil law issues.

The North Carolina LAMP (NC LAMP) committee is a prime example of the type of attorney-to-attorney assistance LAMP committees can offer. The NC LAMP committee's mission is to offer legal assistance attorneys assigned within North Carolina increased access to North Carolina law as it relates to a specific area of law and allow legal assistance attorneys to obtain advice from experienced North Carolina practitioners.²¹ One of the methods provided to accomplish this mission is the NC LAMP committee's robust preventative law program.²² The preventative law program provides extensive online information papers targeted towards legal assistance clients, attorney-to-attorney assistance called "Co-Counsel Bulletins" and "Silent Partners," and an annual Continuing Legal Education (CLE) course on North Carolina law for legal assistance attorneys.²³ The NC LAMP's website, available to the public, provides a wealth of knowledge both on North Carolina law and general legal assistance issues that can benefit any legal assistance attorney.²⁴

B. ABA Military Pro Bono Project

If attorney-to-attorney assistance cannot resolve a client's legal issue, legal assistance attorneys should consider the wide range of reduced-fee and pro bono

¹⁹ *Id.* Legal assistance attorneys may not seek out pro bono representation for their clients through Operation Stand-By. *Id.*

²⁰ *Id.* A legal assistance attorney can utilize Operation Stand-By by visiting its website. To access the directory, a legal assistance attorney must register with the ABA Military Pro Bono Project and login to the site. The directory organizes the attorneys by state and by practice areas.

²¹ NC LAMP, *supra* note 15.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

assistance available. One of the most comprehensive pro bono assistance networks is the ABA's Military Pro Bono Project. After 9/11, the ABA's Standing Committee on LAMP began to see an increased need for legal assistance for servicemembers, particularly for legal assistance to servicemembers who were deployed and unable to represent themselves in civil court cases.²⁵

In response to this need, the ABA Standing Committee on LAMP formally established the ABA Military Pro Bono Project (ABA Project) in September 2008.²⁶ The mission of the program is to take "case referrals from military legal assistance attorneys (JAGs) anywhere in the world on behalf of junior-enlisted servicemembers with civil legal issues requiring services beyond what JAGs can provide."²⁷ The legal assistance attorney completes the referral process online.²⁸ The ABA Project then places eligible cases with civilian attorneys across the country to assist legal assistance clients on a pro bono basis.²⁹

1. Eligibility Requirements for the ABA Project

The ABA Project has specific criteria to determine the individual's eligibility for the program and the cases the ABA Project will handle.³⁰ In terms of personal eligibility, the targeted clientele for the ABA Project are

²⁵ Telephone Interview with Mary Meixner, ABA Military Pro Bono Project Director (Oct. 22, 2014).

²⁶ E-mail from Mary Meixner, ABA Military Pro Bono Project Director, to author (Oct. 15, 2014) (on file with author); *see also* Telephone Interview with Mary Meixner, *supra* note 25.

²⁷ ABA MILITARY PRO BONO PROJECT, PROVIDING MILITARY FAMILIES WITH ACCESS TO JUSTICE 1. This document was obtained from Mary Meixner, ABA Military Pro Bono Project Director and is on file with the author. The document is handed out at events by the ABA Military Pro Bono Project.

²⁸ *Id.*

²⁹ *Id.* As of 1 October 2014, 2,202 cases have been submitted to the ABA Project and, of that number, the ABA Project successfully secured placement for 1,077 cases in 49 states. Of the cases not successfully placed, 46% of those were rejected and closed during the screening process because "they did not meet the ABA Project's guidelines or lacked merit." The additional 54% not successfully placed was because the ABA Project was "unable to locate volunteer attorneys or the referring military attorneys informed the ABA Project that the pro bono assistance was no longer needed." Of the cases referred to the ABA Project so far, over 70% are family law related, approximately 10% are consumer law and creditor based cases, and the remaining 20% involve other legal issues such as guardianship, landlord-tenant disputes, and trusts and estate matters. *See* E-mail from Mary Meixner, *supra* note 26.

³⁰ AMERICAN BAR ASSOCIATION, ABA MILITARY PRO BONO PROJECT GUIDELINES FOR MILITARY LEGAL ASSISTANCE ATTORNEYS I, available at http://www.militaryprobono.org/about/item.3216/Project_Guidelines_and_Information [hereinafter PROJECT GUIDELINES]. To access the document you must register with the ABA Military Pro Bono Project and login to the website. *See infra* note 44 and accompanying text (listing website link and explaining referral procedures).

servicemembers who cannot afford private attorney fees.³¹ Servicemembers in the rank of E6 or below are presumed eligible.³² Servicemembers above the rank of E6 are presumed ineligible for referral unless special circumstances warrant acceptance into the program.³³ Overall, the referring legal assistance attorney is responsible for verifying the pay grade of the servicemember and attesting to the servicemember's eligibility when making a referral.³⁴

Active-duty servicemembers, to include National Guard and Reserve members on federal active-duty status under Title 10 of the United States Code, are generally eligible for referral to the ABA Project.³⁵ A National Guard or Reserve member serving under Title 32 of the United States Code, even those not currently on active-duty orders, are eligible if referral is for a legal matter connecting to or arising from mobilization, de-mobilization, or the servicemember's military status.³⁶

A non-servicemember spouse is eligible for referral to the ABA Project if the servicemember meets the financial eligibility requirements discussed previously and if the following three criteria are met:³⁷

1. The legal issue must directly affect the well-being of the servicemember, his or her family as a whole, or his or her military readiness.
2. The legal interests of the spouse and servicemember must be aligned in the matter—in other words, a non-

servicemember spouse will not receive a referral through the ABA Project for representation adverse to the servicemember.

3. The legal issue must be such that the servicemember would have pursued the matter were he or she present to do so. That is, the spouse is acting as a surrogate to protect the non-present servicemember's interests. For example, a referral may be made for a deployed servicemember's spouse involved in a dispute with a landlord or creditor where the servicemember is a party to the agreement or contract, but not for a case where the servicemember's spouse is involved in a family law dispute with his or her former spouse.³⁸

An unmarried servicemember's parents may also be referred to the program using the same analysis used for a non-servicemember spouse.³⁹ Such referrals are appropriate if the issue involves payment of survivor benefits or guardianship establishment for an incapacitated servicemember.⁴⁰ In cases involving the referral of a non-servicemember spouse or the parent of an unmarried servicemember, the referring attorney must detail the reasons for referring the family member rather than the servicemember to the ABA Project.⁴¹

In addition to client specific eligibility requirements, the ABA Project has case specific requirements. Specifically, the ABA Project will only accept cases within the specific defined categories of consumer law (to include certain bankruptcy cases), employment law, expungements, family law, guardianship,⁴² landlord-tenant, probate, tax law, and trusts and estates.⁴²

2. Referral Procedures

³¹ *Id.*

³² *Id.*

³³ *Id.* at 1–2. To refer a client above the rank of E6, a referring attorney must “thoroughly document compelling circumstances justifying the referral and should make it clear to the client that acceptance of the referral by the ABA Project will be discretionary.” *Id.* at 2.

³⁴ *Id.* at 1. The legal assistance attorney should ask to see the client's Leave and Earning Statement and tax return paperwork to determine a client's financial assets. *Id.*

³⁵ *Id.* at 2. Title 10 status refers to federal mobilization to active-duty under Title 10 of the United States Code. Mobilized servicemembers are serving full-time, are federally funded, and are under federal command and control while on Title 10 orders. See NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, NGAUS FACT SHEET: UNDERSTANDING THE GUARD'S DUTY STATUS, available at <http://www.ngaus.org/sites/default/files/Guard%20Status.pdf> (last visited May 28, 2015) [hereinafter NGAUS FACT SHEET].

³⁶ PROJECT GUIDELINES, *supra* note 30, at 2. Title 32 is the section of the United States Code under which National Guard servicemembers operate when they are conducting missions that are funded with federal dollars but are under the command and control of the State. Servicemembers are on full-time state active duty while on Title 32 orders. See NGAUS FACT SHEET, *supra* note 35; see also T. Scott Randall, *Application of Article 2(c) of the UCMJ to Title 32 Soldiers*, ARMY LAW., Nov. 2013, at 29.

³⁷ PROJECT GUIDELINES, *supra* note 30, at 2.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at 3–4. One of five elements must be met for the ABA Project to accept a family law case. These elements are (1) servicemember is deployed outside of the country and needs a lawyer in the United States to handle his legal matter; (2) opposing party is represented by counsel; (3) Servicemembers Civil Relief Act is implicated; (4) servicemember's physical custody of his children is at issue; and/or (5) servicemember has established, to the satisfaction of the referring military attorney, that he has experienced domestic violence perpetrated by the adverse party and is seeking legal assistance for a divorce, order of protection, child custody and/or visitation. If none of these elements exist, there is a presumption against acceptance of the referral. However, a referral is possible if the case is uniquely urgent or compelling. *Id.* at 3.

Referral to the ABA Project is an online process.⁴³ The referring legal assistance attorney must first register with the ABA Project and submit all case and client information through the ABA Project's web portal.⁴⁴ At a minimum, the referring attorney must provide enough information for the pro bono attorney to conduct a conflict check and understand the legal issues at hand.⁴⁵ A referring attorney must also keep in mind that the civilian attorneys may be unfamiliar with issues such as the Servicemembers Civil Relief Act (SCRA) or Uniformed Services Employment and Reemployment Rights Act (USERRA), so the referral should include a detailed explanation of these areas of the law.⁴⁶ Additionally, the referring attorney is required to affirm that the referral is being made for "good cause."⁴⁷ Most importantly, keep in mind when referring a case to the ABA Project, "If I were a civilian attorney, would I want to offer pro bono assistance to this client, and what information would I need to decide whether or not I want to offer my assistance for the case?"⁴⁸

Once the referral is submitted by a legal assistance attorney, the referral is sent via e-mail to a military attorney designated to review all referrals.⁴⁹ Approved referrals then go to the ABA Project Director who makes every available effort to find a volunteering pro bono attorney to take the case.⁵⁰ The referring attorney should be confident that the case is in good hands and the referring attorney is notified when the case is successfully placed with a civilian attorney or if the case is rejected.⁵¹

C. State Bar Pro Bono Programs

In addition to the ABA Project, many state bar associations have likewise seen a great need to assist servicemembers with legal issues and have created programs to provide pro bono and reduced-fee assistance for legal assistance clients. State programs vary widely state-to-state and some even vary county-to-county within a state as to who is eligible for services and what type of pro bono services are offered.⁵² There are several ways to find state resources and determine which programs meet a legal assistance client's needs.

1. State Directory of Programs

State bar-run pro bono programs are constantly growing and are a valuable resource to consider when advising legal assistant clients on the benefits of these programs versus hiring a civilian attorney on a for-fee basis. Given the constantly changing landscape of state-run services, the most accurate list of state-by-state resources can be found through ABA's Home Front website.⁵³ The website features a variety of publications and resources on various legal issues military families may encounter, as well as a directory of resources available by state.⁵⁴

2. The State Bar of Georgia Military Legal Assistance Program

The State Bar of Georgia Military Legal Assistance Program (MLAP) is a front-runner in providing quality pro bono assistance to servicemembers and family members.⁵⁵ The goal of MLAP is to link servicemembers and veterans to state bar members who are willing to provide no-fee or reduced-fee legal services.⁵⁶ The program was created after a Georgia attorney, and Navy veteran, Jay Elmore, attended a Department of Defense (DoD) trip to speak with servicemembers deployed across the Middle East and the Horn of Africa in 2007 to determine what issues the servicemembers faced while away from home.⁵⁷

⁴³ *Id.* at 1.

⁴⁴ *Id.* MILITARY PRO BONO PROJECT, <http://www.militaryprobono.org> (last visited May 28, 2015) (look for "register" link).

⁴⁵ PROJECT GUIDELINES, *supra* note 30, at 2.

⁴⁶ *Id.* at 4.

⁴⁷ *Id.* at 1. The "good cause" affirmation will require the attorney to answer a list of questions including: "(i) What are the operative facts regarding the legal issue?; (ii) What is the client's desired outcome?; (iii) What is the specific legal theory under which the client may achieve his or her objective?; and (iv) How has the client attempted to resolve this issue?" *Id.* at 4-5.

⁴⁸ E-mail from Mary Meixner, *supra* note 26.

⁴⁹ PROJECT GUIDELINES, *supra* note 30, at 1. For the Army, the approval authority varies. Check with The Office of the Judge Advocate General Legal Assistance Policy Division to see who the reviewing official is for your office. E-mail from Jason Vail, ABA Chief Counsel for Legal Services, to author (Dec. 3, 2014) (on file with author).

⁵⁰ PROJECT GUIDELINES, *supra* note 30, at 1.

⁵¹ *Id.* Generally, cases are placed within sixty days of approval of the referral. Once sixty days have passed, the referral may be returned as "unplaced" based on the discretion of the Project Director. *Id.* at 6.

⁵² Telephone Interview with Mary Meixner, *supra* note 25; Telephone Interview with Norman E. Zoller, Military Legal Assistance Program of the State Bar of Georgia (Nov. 13, 2014). A comprehensive internet search of various state-run programs also revealed a wide range of eligibility requirements.

⁵³ *ABA Homefront*, AMERICAN BAR ASSOCIATION, http://www.americanbar.org/portals/public_resources/aba_home_front.html (last visited May 29, 2015).

⁵⁴ *Id.*

⁵⁵ Extensive research concerning state-run programs revealed that the Georgia Military Legal Assistance Program (MLAP) is one of the best pro bono programs in the nation.

⁵⁶ *The State Bar of Georgia Military and Veterans Legal Assistance Program*, STATE BAR OF GEORGIA, <http://www.gabar.org/publicservice/militarylegalassistance.cfm> (last visited May 6, 2015).

⁵⁷ Norman E. Zoller, *Military Legal Assistance Aid Tops 500 in Two Years*, GEO. BAR J. 32 (Feb. 2012).

The trip inspired Mr. Elmore, and he shared his experience with his law partner and soon-to-be president of the State Bar of Georgia, Jeff Bramlett.⁵⁸ A committee convened to explore the need for legal services for servicemembers and veterans in Georgia and found that not only was there a great need for legal services, but that “enthusiasm for the concept among Georgia lawyers was infectious.”⁵⁹ As a result, the State Bar Board of Governors formally created the MLAP in June 2009.⁶⁰ Since its creation, 850 attorneys have volunteered their services, and the MLAP has assisted over 1,300 servicemembers and veterans with legal issues.⁶¹

a. Eligibility Requirements

The MLAP has specific client and case eligibility requirements. Active-duty servicemembers, Reservists, National Guardsmen, retirees, or veterans with a service-connected disability in the pay grade of E5 or below are presumptively eligible for the MLAP on a pro bono basis.⁶²

The MLAP also assists those in the grade above E5, but such assistance may be on a reduced-fee basis.⁶³ Servicemember spouses may also be eligible for the MLAP if the interests of the servicemember are in alignment with the spouse and there is no contention between the two, but such assistance may likewise be on a reduced-fee basis.⁶⁴ For clients who are above the pay grade of E5 or are a servicemember’s spouse, the attorney assigned to the case will talk with the client and determine whether the representation will be on a no-fee or for-fee basis.⁶⁵

In addition to client eligibility requirements, the MLAP also has case eligibility requirements. Specifically, the MLAP will only assist in civil legal matters.⁶⁶ Such cases include family law matters, consumer law, employment issues, bankruptcy, insurance claims, Veterans Administration claims, foreclosures, and estate planning.⁶⁷

⁵⁸ *Id.* at 33.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Telephone Interview with Norman E. Zoller, *supra* note 52.

⁶² State Bar of Georgia, *State Bar of Georgia Military Legal Assistance Program 1*, <http://www.gabar.org/publicservice/upload/MLAP-Application-for-Assistance.pdf> (last visited May 6, 2015).

⁶³ Telephone Interview with Norman E. Zoller, *supra* note 52.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Norman E. Zoller, *A Thousand Military Cases for Georgia Lawyers*, GEO. BAR J. 24 (June 2013).

⁶⁷ Telephone Interview with Norman E. Zoller, *supra* note 52.

b. Referral Procedures

To apply for the program, the client must complete an agreement form, have it notarized, and submit it to the address listed on the form.⁶⁸ Once received, the director of the program completes a summary of the legal issue and forwards the information to Georgia Legal Services, Inc.⁶⁹ In turn, Georgia Legal Services, Inc. provides the MLAP with the names of two attorneys who have volunteered for the program and specialize in the area of law requested.⁷⁰ The MLAP then notifies the first attorney on the referral list to confirm availability, and the MLAP asks the selected attorney for permission to give the client the attorney’s contact information.⁷¹ Once the attorney confirms availability, the client is given the attorney’s information and the attorney and client contact begins.⁷²

Again, the MLAP is just one of the many valuable state programs available to assist eligible legal assistance clients. Legal assistance attorneys should regularly check the ABA’s Home Front directory of available state programs for the most accurate list of resources available.

D. Law School Clinics

Another valuable pro bono resource available to legal assistance clients is law school clinics.⁷³ Law schools across the country have seen a need to assist servicemembers with legal issues and have taken action to offer pro bono legal services. As a result, numerous law schools have created military-specific clinics to address servicemembers’ growing need for legal services. Much like the state bar programs, the law school clinics vary in services offered and eligibility requirements.

1. Directory of Law School Clinics

Like state bar programs, the number of law school clinics providing pro bono legal assistance to servicemembers is on the rise. The most comprehensive list of the current law school clinics offering pro bono services to servicemembers

⁶⁸ *State Bar of Georgia Military Legal Assistance Program*, *supra* note 62, at 2.

⁶⁹ Telephone Interview with Norman E. Zoller, *supra* note 52.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ Law school clinics consist of law students assisting eligible clients with various legal issues. The law students are supervised by licensed attorneys and the clinics are run through law schools. Client eligibility is determined by the law school.

can be found on the ABA Home Front website.⁷⁴ One example of an extremely successful clinic that offers a variety of legal services to servicemembers is the Mason Veterans and Servicemembers Legal Clinic (MVETS) sponsored by George Mason University School of Law (GMUSL).⁷⁵

2. Mason Veterans and Servicemembers Legal Clinic

In the aftermath of 9/11, George Mason University and the GMUSL saw numerous legal issues arise with students in the military reserve component who had been mobilized to active duty service.⁷⁶ Most of the legal issues concerned landlord-tenant and consumer issues.⁷⁷ Seeing a need for services, the GMUSL stepped in and began assisting students with their legal problems.⁷⁸ Given the volume of assistance given, the GMUSL created the MVETS.⁷⁹ The MVETS now provides a wide range of assistance in civil cases to servicemembers and veterans.⁸⁰

a. Eligibility Requirements

The MVETS has case and client specific eligibility requirements. The MVETS provides assistance to all ranks and demographics.⁸¹ The key factor in determining eligibility is whether the potential client is facing an injustice or cannot afford private attorney legal fees.⁸² Additionally, the MVETS will look at the clinic's ability to effectively handle the case, which includes the availability of clinic resources, the costs involved, and the complexity of the issue

presented.⁸³ The MVETS will not take on cases consisting of contested family law cases (where the parties cannot come to mutual agreement on a division of property or child custody/visitation), criminal cases (other than traffic offenses), bankruptcy, or immigration cases.⁸⁴

b. Referral Procedure

There are two ways to apply for services with the MVETS. First, a potential client can apply for the MVETS services directly on the clinic's website.⁸⁵ The application is web-based and takes the potential client through a series of questions about his legal issue.⁸⁶ The case is given a full factual and legal review by the clinic staff and the staff contacts the client to further discuss the case before determining if the case will be accepted by the clinic.⁸⁷

In addition to a client directly applying for the MVETS services, a military legal assistance attorney may contact the clinic directly.⁸⁸ The MVETS prefers referrals directly through a military legal assistance attorney because the legal assistance attorney can assist the clinic in background information on the case and in gathering further information as the case progresses.⁸⁹ Furthermore, having the legal assistance attorney contact the clinic, versus the client applying alone, can assist the clinic in making a faster determination on the validity of the claim.⁹⁰

As with the state bar-run programs, the MVETS is just one example of the numerous law school-run programs available to assist legal assistance clients. Legal assistance attorneys should regularly check the ABA's Home Front website for the most recent listing of law school clinics.

E. Justice for Military Families

An additional avenue for pro bono services is the newly founded Justice for Military Families (JMF) program. The JMF is a national program run by the Military Spouses JD

⁷⁴ *Pro Bono Resources for Veterans*, AMERICAN BAR ASSOCIATION, http://www.americanbar.org/groups/committees/veterans_benefits/pro_bono_resources_for_veterans.html (last visited May 28, 2015).

⁷⁵ George Mason University School of Law is located in Arlington, Virginia. GEORGE MASON UNIVERSITY SCHOOL OF LAW, <http://www.law.gmu.edu> (last visited May 25, 2015).

⁷⁶ E-mail from Laurie Neff, Mason Veterans and Servicemembers Legal Clinic Director and Managing Attorney to author (Nov. 12, 2014, 1055 EST) (on file with author).

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Mason Veterans and Servicemembers Legal Clinic*, GEORGE MASON UNIVERSITY SCHOOL OF LAW, <http://mvets.law.gmu.edu/> (last visited May 6, 2015). Cases taken on by the MVETS consist of 50% family law issues, 25% Veterans Administration (VA) benefits, 20% military administrative matters (to include discharge upgrades, Physical Evaluation Boards, and military pay issues), 10% consumer law issues, and 5% other (minor traffic offenses, name changes, FTCA). See E-mail from Laurie Neff, *supra* note 76.

⁸¹ E-mail from Laurie Neff, *supra* note 76.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Clinic for Legal Assistance to Servicemembers and Veterans Applicant Intake Form*, GEORGE MASON UNIVERSITY SCHOOL OF LAW, <http://mvets.law.gmu.edu/apply/> (last visited May 6, 2015).

⁸⁶ *Id.*

⁸⁷ *Id.*; see also E-mail from Laurie Neff, *supra* note 76.

⁸⁸ E-mail from Laurie Neff, *supra* note 76.

⁸⁹ *Id.*

⁹⁰ *Id.*

Network (MSJDN).⁹¹ The MSJDN is an international network made up of military spouses who are legal professionals.⁹²

When looking for resources to assist military families, the MSJDN found that most free legal services only focused on the servicemember and not the family member.⁹³ Wanting to fill the gap, the MSJDN formed the JMF in partnership with the Tragedy Assistance Program for Survivors (TAPS).⁹⁴ The TAPS is an organization that provides compassionate care for individuals grieving the death of a loved one who died serving in the Armed Forces.⁹⁵ Currently, the JMF is funded by a grant from Newman's Own Foundation.⁹⁶ Newman's Own Foundation is a private, independent organization created by Paul Newman in 2005, which donates profits from Newman's Own products to nonprofit organizations around the world.⁹⁷ The JMF connects family members in need of pro bono legal services with military spouse attorneys to help resolve the family member's legal issue.⁹⁸ The Director of the JMF, Josie Beets, describes the JMF as "a pro bono program for military families by military families."⁹⁹

1. Eligibility Requirements

The JMF currently assists clients referred to their program through the TAPS.¹⁰⁰ The TAPS refers surviving spouses, parents, and children of deceased servicemembers who have civil legal issues to the JMF.¹⁰¹ Clients are considered eligible for services by virtue of the TAPS referral and are not further screened for income level.¹⁰²

⁹¹ *Justice for Military Families*, MILITARY SPOUSE JD NETWORK, <http://www.msjdn.org/about/jmf/> (last visited June 3, 2014). The Military Spouse JD Network was founded in 2011. *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *About Taps*, TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS, <http://www.taps.org/about/> (last visited May 6, 2015).

⁹⁶ *Justice for Military Families*, *supra* note 91.

⁹⁷ *About Us*, NEWMAN'S OWN FOUNDATION, <http://newmansownfoundation.org/about-us/> (last visited May 6, 2015).

⁹⁸ *Justice for Military Families*, *supra* note 91.

⁹⁹ *Id.*

¹⁰⁰ Telephone Interview with Josie Beets, Pro Bono Director, Justice for Military Families (Dec. 8, 2014).

¹⁰¹ *Id.*

¹⁰² *Id.*

2. Referral Procedures

Currently, referrals to the JMF come directly through TAPS.¹⁰³ However, if a legal assistance attorney has a case involving a surviving spouse, parent, or child they believe could be eligible for the JMF, the legal assistance attorney can contact the JMF directly to inquire as to whether the client is eligible for pro bono services.¹⁰⁴ Additionally, legal assistance attorneys can visit the MSJDN website for more information on the services the JMF provides.¹⁰⁵ The JMF is a valuable resource servicing a specific type of legal assistance client that may not be eligible for other pro bono programs. Legal assistance attorneys should be aware of the important assistance the JMF can provide and regularly check the JMF website for updates.¹⁰⁶

F. American Immigration Lawyers Association (AILA) Military Assistance Program

There are also pro bono programs available targeting specific legal issues such as immigration. The AILA's Military Assistance Program (MAP) addresses this specific need through its pro bono program. The MAP is a joint effort between the AILA and legal assistance attorneys across the military services to provide assistance on immigration cases when the client's needs exceed what a legal assistance attorney can handle.¹⁰⁷ The MAP was created in 2008 with the priorities of providing immigration specific resources to legal assistance attorneys and pro bono counsel to eligible clients.¹⁰⁸

1. Eligibility Requirements

The MAP will provide pro bono services on immigration cases to active duty servicemembers and their immediate family members.¹⁰⁹ Given the high demand for pro bono services through this program, clients may only use the MAP one time to resolve their legal issue through pro bono

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*; MILITARY SPOUSE J.D. NETWORK, <http://www.msjdn.org/about/jmf/> (last visited May 28, 2015).

¹⁰⁶ *See supra* note 91 (website link).

¹⁰⁷ *AILA Military Assistance Program (MAP)*, AMERICAN IMMIGRATION LAWYERS ASSOCIATION, <http://www.aila.org/content/default.aspx?bc=11836157671867624108> (Dec. 19, 2007) [hereinafter AILA MAP].

¹⁰⁸ *Id.* Client intake has more than doubled in the last two years and in 2014 MAP will have provided pro bono assistance for close to 300 cases. Telephone Interview with Michelle Singleton, AILA MAP Coordinator (Dec. 4, 2014).

¹⁰⁹ Telephone Interview with Michelle Singleton, *supra* note 108. Active duty servicemembers include Reserve and National Guard members. Immediate family members include spouses, children, and parents. *Id.*

representation.¹¹⁰ Clients seeking additional assistance on another immigration case will only be placed with a pro bono attorney if resources are available.¹¹¹

issue through these programs without the burden of private attorneys fees.

2. Referral Procedures

Clients can either self-refer to the MAP or a legal assistance attorney may refer the client.¹¹² Self-referral is accomplished by completing an online application on the MAP website.¹¹³ Legal assistance attorneys can assist clients with the self-referral application form available on the MAP website.¹¹⁴ The client can submit the form themselves, or the legal assistance attorney can provide the application form directly to the MAP.¹¹⁵ Cases are generally matched with a volunteer attorney within thirty to forty-five days of the application submission.¹¹⁶ The MAP is an excellent resource for legal assistance attorneys to consider when faced with a client needing immigration assistance.

IV. Conclusion

The resources discussed in this article present just a few of the many valuable pro bono programs available to servicemembers and their families. By understanding the legal issue at hand, the financial resources of their client, and by researching the relevant pro bono programs, legal assistance attorneys can save their client's time and money by properly referring them to pro bono services or by resolving the issue through attorney-to-attorney consultations. Legal assistance attorneys need to take the time to know these resources and properly use them to help their clients take advantage of the generous gifts these volunteer attorneys and law students offer.

Once a legal assistance attorney understands how to properly use these resources and can help clients utilize them, the legal assistance attorney can feel less helpless when realizing they cannot completely resolve their client's legal issue. Thus, instead of sending the client away with the local state bar referral number, a legal assistance attorney can take the client one step closer to resolution of his legal

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Application for Assistance*, AILA MILITARY ASSISTANCE PROGRAM, <https://adobeformscentral.com/?f=CcQhW8EnaUAdWfo-LTeQkw#> (last visited May 6, 2015).

¹¹⁴ Telephone Interview with Michelle Singleton, *supra* note 108.

¹¹⁵ *Id.*

¹¹⁶ *Id.* The timelines may vary depending on the complexity of the case and volunteer availability. *Id.*

Georgia Hosts National Symposium on Military Legal Assistance Programs

by Norman E. Zoller

On May 29, representatives from 13 states met in Atlanta to share information about what legal assistance and other support programs their states offer to military service members and veterans. In addition to representatives from Georgia, attendees came from Florida, Idaho, Indiana, Kentucky, Mississippi, Missouri, Montana, North Carolina, Ohio, South Carolina, Texas and West Virginia. Also participating were three representatives from the American Bar Association: Linda Klein, then president-elect nominee; Mary Meixner, staff attorney and director of the ABA's Military Pro Bono Project; and Ken Goldsmith, legislative counsel and director of state legislation.

Reflecting on the symposium, 2014-15 State Bar President Patrise M. Perkins-Hooker said, "It was a timely and splendid idea to convene a meeting like this. And to our knowledge, it was the first time this has ever been done. We brought together representatives from



Linda A. Klein, ABA president-elect, Atlanta.

Edward Tate, deputy chief of staff and general counsel to Sen. Johnny Isakson, Atlanta.

Photos by Jennifer R. Mason

more than a quarter of the nation to talk about how each of us help this most deserving group of our citizens who have defended democracy and our freedom. I learned much and I know that others did as well."

The idea for a symposium emerged in January during a meeting of the State Bar's Military Legal



(Left to right) Cpt. Stephen A. Stokes, Idaho; Catheriney Pully, Indiana; and John Meyers, Kentucky.



(Left to right) Drew Early, Atlanta and Jeffery Arnold, Hinesville.

Assistance Program Committee and the Military/Veterans Law Section. Participants thought it would be valuable to bring together representatives from the states that have current programs to help vets and service members. With that goal in mind, Perkins-Hooker wrote to her fellow bar presidents and executives, suggesting that a meeting be convened to swap ideas and information. Moreover, the meeting could provide an opportunity for states that did not have such programs to hear what other states were doing and to consider what they also might want to do.

The meeting was configured as a roundtable so that everyone could see and hear each other: it was give-and-take discussion, not a lecture. Each state first spoke about its various programs, and in some cases, programs they did not yet have but were curious about.

Representatives came not only from states with smaller populations, such as Idaho, with 1,567,582 citizens¹ and 132,395 veterans,² and Montana, with 989,415 citizens and 99,646 veterans, but also from Ohio, with 11,536,504 citizens and 866,481 veterans. Nearly all states, as underscored by Klein, have significant veterans' populations

which, when coupled with active duty, National Guard and reservists, typically constitute about 10 percent of any state's total population. That's a significant demographic reality.

Reports from the States and Remarks from the ABA and Sen. Isakson

Cpt. Steve Stokes, on behalf of the Idaho Military Legal Alliance (IMLA), reported their programs began at a tactical level and have since moved to the strategic. He described four: coordinating services of the member partners and other community organizations; promoting or providing CLE classes to attorneys and volunteers on military law and military issues; establishing and supporting veteran/military legal clinics throughout the state; and identifying, tracking and supporting pro bono or reduced-fee volunteer attorneys willing to help veterans, service members and military families. A steering committee has been appointed and is designing overall future strategy setting IMLA policy, determining a strategic vision, and assisting with tactical implementation.

Idaho also has created four veterans' courts. Once the veteran has successfully completed court rehabilitation requirements, criminal charges may be expunged.

Kentucky Bar Association Executive Director John Meyers said his state was developing a firmer strategy of what it wants to do, which was one of the reasons he attended the symposium. Although some programs are already in place, their MLAP committee is studying how better to address the needs of more than 330,600 veterans who call Kentucky home. He reported his state has sponsored education programs termed, "calling to duty," and established veterans' treatment courts in Jefferson and Hardin counties with a special grant, with comparable programs in Northern Kentucky, Fayette County and in the Christian Circuit.

On behalf of North Carolina, Kirk Warner and Charlotte Stewart reported on programs principally under its Military and Veterans Affairs Committee. This committee provides oversight and support regarding family law matters, VA disability appeals, veterans courts, veterans employment initiatives, CLE training, collabo-



(Left to right) Larry Houchins and Lt. Col. Mark Majors, Mississippi; Kirk Warner and Charlotte Stewart, North Carolina.



(Facing, left to right) Michael Renner, Ohio; Kenny Dojaquez and Bennett Gore Jr., South Carolina; Anita Casey, West Virginia; and Mary Meixner, ABA, Chicago.

ration with ad hoc groups and “reconnaissance” (listening and watching for relevant information that may be useful in the future). The Veterans Pro Bono Network has a coordinator, who takes actions personally or maintains contact with legal clinics at VA medical centers, statewide stand-down events, “Serving Those Who Served” (the North Carolina Bar Association’s family law pro bono project) and special court sessions (for “amnesty days”).

Two symposium highlights were presented by Edward Tate, deputy

chief of staff and general counsel to U.S. Sen. Johnny Isakson (GA), and by Linda Klein. In a video message, Isakson, chair of the Senate Veterans’ Affairs Committee, thanked participants for taking part in the symposium and paid special tribute to Klein on her candidacy as president-elect of the American Bar Association. On behalf of Isakson, Tate reviewed the Senate Committee’s five major priorities, including oversight and implementation of the Choice Act;³ the transition process of service members from active duty

service to veteran status; military sexual trauma and need for more resources; veterans’ homelessness; and mental health concerns and suicide prevention.

Speaking about leadership and initiative, Klein said, “Programs like we have been hearing about don’t just happen. There needs to be recognition of need, and then the will to do something about it.” She continued, “Every state could do something to assist this meritorious group of our citizens. And this need is not going to go away. With the ongoing return of service members from deployments abroad, every state could put in place some form of program, however modest, to help them. But that takes leadership.” She concluded, saying, “I intend to speak with the leaders of our state bars and the bar executives of those states to consider what (more) might be done.”

Mary Meixner reported the ABA’s Military Pro Bono Project began in 2008 and has connected more than 1,200 service members and veterans with lawyers across the United States. Clients in grade E6 and below are presumed financially eligible. Lawyers are encouraged to provide legal assistance services and may register through its website, www.militaryprobono.org.

Along with Meixner, Ken Goldsmith reported on the Veterans’ Claims Assistance Network (VCAN), the Home Front online resource and the ABA’s Standing Committee for Legal Assistance for Military Personnel (LAMP).

VCAN is a pilot program begun in 2014 which selected about 3,300 eligible veterans who were in, or at risk of falling into the VA backlog in St. Petersburg, Fla.; Chicago, Ill.; and Roanoke, Va. With VA support the program provided attorneys the opportunity to help veterans receive disability benefits they had earned. Lawyers volunteering to participate receive training and information about veterans’ claims preparation. Although the pilot is being wrapped up, the ABA and

the VA have begun discussions about its possible continuance. Details about it and a services' directory is at www.abavcan.org or by contacting Meixner at mary.meixner@americanbar.org.

Home Front is an online resource to help guide military members, veterans and their families to find information, referrals, and representation on civil legal matters. Details about it may be found at www.abahomefront.org.

LAMP maintains liaison with the Department of Defense and the Department of Homeland Security about the military services. The committee also maintains contact with bar associations and certain ABA committees to enhance the scope, quality and delivery of free or affordable legal services to eligible legal assistance clients. The LAMP contact is Jason Vail, jason.vail@americanbar.org.

Goldsmith also reported that the ABA will continue its long-standing efforts to initiate, sponsor and bring into being legislation at national and local levels in support of service members and veterans.

Kay Sims, executive director of the Houston Bar Association, joined the symposium via phone and reported on the many diverse programs taking place in Houston, the fourth most populous city in the country. The Houston Bar established its Veterans Legal Initiative (VLI) in 2008 to provide legal assistance in most civil law categories. It also has partnered with the Texas Veterans Commission and county Veterans Service Officers so that veterans attending the (Houston) clinic can get information and advice on VA benefits and claims. Though not part of the VLI, Harris County has two veterans' courts operated by separate criminal district courts. Further, the VLI works with two residential facilities for homeless veterans.

In addition to these services, the State Bar of Texas in 2010 established the Texas Lawyers for Veterans, modeled after the Houston Bar Association's programs.

CONCLUDING PERCEPTIONS

Following the in-person exchanges during the symposium, participants provided summary observations:

Steve Garrison, Montana

"Now we know who already does what and what we need to do. We have POCs (points of contact).

We know now how other states are handling legal clinics. We can mimic. We have a better target to create/expand our veterans' courts. We can try.

We know what groups other states have used to do the work. We can involve them. The conference has given us a better chance of giving veterans a better chance."

Steve Stokes, Idaho

"It is clear that the success of the various states' military legal assistance programs is dependent on the passion of the personalities in leadership positions. Folks who just dip their toes into a project like this or those who want to start a program as a pet project without the buy-in of community partners are doomed to fail.

These programs must be for the long term, and they won't be successful unless there are people committed to the long game. Everyone who came to beautiful Atlanta for this symposium are clearly those with a passion for these projects and who can provide long-term leadership back in their states. (The) conference simply served to re-energize and refocus that passion.

Second, . . . it was so rewarding and beneficial to come and hear from other states with much more developed programs because I was able to see that we are on the right track. We may have been shooting from the hip, but at least we were shooting in the right direction."

Finally, no program is perfect. Each can stand to improve or change at least one thing it does. I learned so much from the other states. As was mentioned, if we can all do at least one thing to improve our programs, then the conference was a success."

Patricia Hooks, regional counsel for VA's Fifth Region (Georgia and South Carolina)

. . . "There is a collaboration that can exist between a VA Regional Office and various organizations (e.g., the State Bar and its committees, sections, and other local bar and community organizations) that are also in the mutual business of providing help to veterans in many ways and on numerous levels." She said this works well in her region and can work as well elsewhere.

Catheryne Pully, Indiana

"Stand-Up was the best conference I've been to in years. The simple plan of giving everyone time to discuss their states' programs was genius. I came away with some very practical tools that will help move our program forward—that in itself was worth the trip. Combining those tools with the contacts I made, and the earnest discussion of bigger picture concepts, made this conference an incredibly valuable and worthwhile endeavor. I hope we continue these discussions and consider another conference in a time frame that makes the most sense for most participants. Thank you . . . State Bar of Georgia and ICLE for making this program possible."

In one of the most powerful admonishments made during the symposium, Sims cautioned: "Do not start something for veterans unless you plan to keep it going. . . ."

Ohio was represented by Mike Renner, executive director of a nonprofit corporation providing support first begun in Columbus and now extends statewide. Ohio also has 17 veterans' courts in 14



(Left to right) Eric Ballinger, Canton; Jeff Davis, executive director and Patrise M. Perkins-Hooker, 2014-15 president, State Bar, Atlanta.

of its 88 counties, about half of which are in its general jurisdiction courts and the other half in municipal courts. They have also experimented with retaining two law firms specializing in family law, whose attorneys are paid \$50/hour, funded by a special grant.

From South Carolina, Kenny Dojaquez and Bennett Gore Jr. reported a major challenge has been coordinating its variety of programs. They seek to establish a legal clinic in one of its law schools and were interested in those states that had such programs (several of which do, including Georgia).

Who is a Veteran?

During the South Carolina discussion, the very definition of “veteran” was considered. In that state, veterans must have combat experience in order to qualify for some programs. This is in contrast to enabling authority in Georgia (under Senate Bill 320),⁴ stating “veteran means a person who is a former member of the armed force of the United States or a state’s National Guard.”

Catherlyne Pully of Indiana noted her state follows the Title 38 definition (Section 101) of the U.S. Code:⁵ “a person who served in the active military, naval or air

service, and who was discharged or released therefrom under conditions other than dishonorable.” She also noted that read together with Title 32, this definition covers any member of the Indiana National Guard who has been ordered to active federal duty. It does not, however, include full-time National Guard duty.

Pully noted, as did others, that the Indiana Bar’s Military and Veterans’ Affairs Committee was building a program and was interested in learning about what others had done. They have planned a CLE on their Patriot’s Day, have provided assistance at deployment events, and are working to partner with law schools and VA medical facilities to establish legal clinics.

Robert Stoeckl of Missouri and Anita Casey of West Virginia expressed similar views: they likewise had the basis of programs, some more active than others (e.g., legal clinics in VA facilities and veterans’ courts in St. Louis and Columbia; some lawyers are willing to reduce fees for veterans), and wanted to hear what was being done elsewhere. Some programs in these two states have already been created and are continuing.

The genesis of Georgia’s program was explained by Jay Elmore

who, along with other community leaders, traveled in 2007 to the Middle East on a Department of Defense fact-finding mission. These private citizens returned asking: “What can be done in our states to support those serving in harm’s way?” For him and his partner, Jeff Bramlett, then-president-elect of the State Bar, this ultimately led to approval by the State Bar’s Board of Governors of Georgia’s Military Legal Assistance Program (MLAP). Elmore underscored the importance of leadership by bar officials, lay and professional, if programs like these are to succeed.

Drew Early and Cary King, both committed participants in Georgia’s MLAP, highlighted program components. Thus far, a cadre of 850 lawyers statewide has volunteered and several hundred of these have provided assistance to more than 1,400 service members and veterans. Legal assistance is provided to active duty, National Guard members, active reservists; military retirees on most civil cases; veterans (not retired, for VA benefit award matters); spouses where interests of the family are aligned; and where jurisdiction lies in a state or federal court in Georgia.

Further, legal clinics currently exist at four VA medical facilities with three others pending. Additionally, legal clinics exist at two law schools: Emory with services on VA cases only (some research and development of public policy matters); and Georgia State University for the more than 800 veterans enrolled there. Two others are pending: John Marshall in Atlanta and at Mercer in Macon.

Veterans’ courts are located in nine judicial courts representing 19 counties; eligibility criteria are for felonies only, excluding violent crimes. Involvement of mentors with the veterans for those involved in the veterans’ courts is the key to that program’s success.

Two other programs include a palliative care project at the VA Medical Center in Decatur, and CLE programs are offered annually on

military law, family law, elder law, topics, et al. On VA accreditation, the number of lawyers accredited to practice before the VA has increased from 160 in 2010 to more than 730 in 2015.

Issues and Trends


Early spoke about current issues and what topics might be considered in the future. One concerned the possibility of creating a corps of attorneys to assist veterans with their legal problems. In this respect it was acknowledged that our nation currently maintains seven uniformed services (i.e., the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service and Transportation Security Administration). In reflecting about the ongoing need for legal assistance to veterans, however, an argument could be advanced for such a separate uniformed legal assistance service to support directly the VA and its statutory obligation to help veterans obtain benefits for themselves and eligible family members.

A second issue raised concerned the need for enabling authority to provide due process rights for veterans. Under *Boumediene v. Bush* (2008) and *Hamdan v. Rumsfeld* (2006), the Supreme Court provided certain due process protections for prisoners held at Guantanamo Bay, Cuba. Comparable due process rights, however, for veterans during the VA claims process were not provided until *Cushman v. Shinseki* (2009) and those rights of procedural due process have yet to be enumerated by the Executive Branch, by statute or by the courts. It was suggested this issue might be one that the ABA and the several states through their legislative advocates may wish to consider.

In characterizing the symposium's overarching conclusions, they might be summarized as:

- it was important for a group like this to convene so as to exchange information, and many participants thought it should be done again.

- There does not appear to be a difference concerning whether a state first develops an overall strategy and then implements that strategy with supporting tactical programs. It can likewise be effective to create individual programs first and then bring those together later by establishing an agreed-upon common strategy. Both work.
- As underscored by Klein and in comparable ways by Sims and Stokes: "if a program is begun, it should done so with the view that it be continued indefinitely." As also did Steve Garrison, they said, "We should be in this for the long haul. Not doing so creates false expectations in the minds of this group of our nation's most praiseworthy citizens: those who have battled for our continued freedom and liberty."

Finally, most of the states attending the symposium provided written materials, copies of which may be found on the ICLE website at www.iclega.org/standup. 



Norman E. Zoller has devoted the majority of his legal career to public service. He served as the first clerk of court for the U.S. Court of Appeals for the 11th Judicial Circuit from 1981 to 1983, when he was named circuit executive, a post he held until his retirement in 2008. Previously, he managed the Hamilton County, Ohio, courts for nearly a decade. He is admitted to practice in Georgia and Ohio. An Army veteran, Zoller served almost seven years on active duty as a field artillery officer and served 15 years in the National Guard and Army Reserves as a judge advocate officer. Since 2009 he has coordinated the State Bar of Georgia's military legal assistance program supporting veterans and service members, having

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connected, thus far, more than 1,400 service members or veterans with a lawyer.

Endnotes

1. United States Census Bureau, 2010.
2. VA National Center for Veterans Analysis and Statistics [www.va.gov/vetdata/Veteran_Population.asp].
3. The Choice and Accountability Act (P.L. 113-146, August 7, 2014), requires the VA to offer an authorization to receive non-VA care to any veteran who is enrolled in the VA health care system as of Aug. 1, 2014, or who is a newly discharged combat veteran if such veteran is unable to secure an appointment at a VA medical facility within 30 days (or a future published goal established by VA) or resides more than 40 miles from the nearest VA medical facility, with certain exceptions. Further, and among other provisions, the Act requires an independent assessment of VA medical care and establishes a Congressional Commission on Care to evaluate access to care throughout the VA health care system.
5. Senate Bill 320, GA General Assembly, March 25, 2014.
6. 38 U.S.C. Section 101.

**CONSUMER ASSISTANCE PROGRAM
STATE BAR OF GEORGIA**

October 1, 2015

The Consumer Assistance Program (CAP) continues to serve both the public and members of the Bar, as it has since 1995. Since October 1, 2014, CAP has handled around 10,851 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 79.91% of these contacts. The remaining 20.09% have been referred to the Office of General Counsel (OGC) for investigation by way of grievances sent to persons with such complaints. 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 often 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 assert 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 period.

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 time period there have been no JDPP cases.

CAP remains within its annual budget of \$551,242, and it is anticipated that it will continue to do so.

Law Practice Management Program

(Abbreviated report for the 2015-2016 Bar Year)

This is a summary of program events scheduled and completed during the period July 1, 2015-September 18, 2015.

Consultation Report

# of Consultations by City			
Athens	1	Marietta	2
Atlanta	3	P'tree Corners	1

# of Consultations by Firm Size	
1 Attorney	4
2-4 Attorney	3
5-8 Attorney	0
9-15 Attorney	0
16+ Attorneys	0

# of Consultations by Consultation Type	
General	4
Technical	3
Grand Total	7

Office Visits

LPM distributed **154** *Starting Your Georgia Law Practice* booklets as requested by attorneys. There were **15** startup discussions conducted by the Program via office visits.

Resource Library

Our lending library has a grand total of **1,401** 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 **85** checkouts by **32** 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, there was **1** office visit made to look at software programs in the Software Library.

Speaking Engagements

There are a total of **13** completed and scheduled programs during this period. The Program's staff has given **3** continuing legal education and special presentations to Georgia lawyers and other related groups. These presentations have been held in various local and national venues. **10** programs are scheduled for future dates.

- | | |
|------------------|---|
| July 17-18, 2015 | Georgia's 2015 Solo and Small Firm Institute and Technology Showcase (sponsored), <i>Disaster Planning: What to Do in a Small Law Office</i> (Natalie Kelly); <i>Plenary: 60 Tips, Sites, and Apps in 60 Minutes</i> (Natalie Kelly, Patricia Yevics, Reid Trautz, and Charity Anastasio); <i>Time Management and Productivity</i> (Natalie Kelly); and <i>Fastcase</i> (Sheila Baldwin), Georgia Bar Conference Center, Atlanta, Georgia, 168 attendees . |
| August 18, 2015 | TILPP Group Mentoring CLE, <i>Strategies for Increasing Productivity-Model Mentoring Plan A & C</i> (Natalie Kelly), Georgia Bar Conference Center, Atlanta, Georgia, 130 attendees . |

- August 20, 2015 Atlanta Bar Association Sole Practitioner & Small Firm Breakfast CLE, *Disaster Planning: What to Do in a Small Law Office* (Natalie Kelly), Buckhead Club, Atlanta, Georgia, **27 attendees**.
- Upcoming Speaking Engagements*
- September 23, 2015 Dougherty Circuit Bar Association, *Law Practice Management and Hot Topics* (Natalie Kelly), Albany, Georgia.
- September 25, 2015 GABWA Solo and Small Firm Symposium: Tools of the Business and Practice of Law, *Software for Firm Management* (Natalie Kelly), Georgia Bar Conference Center, Atlanta, Georgia.
- October 22, 2015 ABA Lead Law Conference (ABA Law Practice Fall Meeting), Ask the Experts Panel CLE, *Finance* (Natalie Kelly), Hyatt Regency Greenville, Greenville, South Carolina.
- October 29, 2015 Dublin Bar Association CLE, *Preventing Small Firm Mistakes and Moving Your Practice* (Natalie Kelly), Dublin, Georgia.
- October 29, 2015 Nuts & Bolts of E-Discovery CLE, *Legal Practice Technology for Small Firms* (Natalie Kelly and Michael R. Dunham), Georgia Bar Conference Center, Atlanta, Georgia.
- November 5, 2015 John Marshall Law School Solo Boot Camp, The Blackburn Center, Atlanta, Georgia.
- November 12, 2015 Atlanta Technical College Paralegal Studies Class, *Fastcase* (Sheila Baldwin), Atlanta Technical College Campus, Atlanta, Georgia.
- January 7, 2016 State Bar of Georgia's Midyear Meeting, *Law Practice Management CLE* (Natalie Kelly), Legacy Lodge Lake Lanier, Buford, Georgia.
- April 25, 2016 Virginia State Bar Association TECHSHOW, Richmond Convention Center, Fairfax, Virginia.
- July 15-16, 2016 [Georgia's 2016 Solo and Small Firm Institute and Technology Showcase \(sponsored\)](#), Georgia Bar Conference Center, Atlanta, Georgia.

Fastcase Report

During this period, a grand total of **18** members and **3** staff have attended Fastcase CLE seminars.

Since the decision was made to transition to Fastcase, **1,398** attorneys and **65** staff members have attended Fastcase live training. Others have taken advantage of webinar training.

**Fastcase Partner Usage Report for State Bar of Georgia from
July 1, 2015-August 31, 2015**

	July	Aug	Total
First Time Logins	168	104	272
Total Logins	18,441	19,561	38,002
Total Users Who Logged In	4,068	4,054	8,122
Searches Conducted	102,641	108,582	211,223
Documents Viewed	149,344	157,466	306,810
Documents Printed	14,718	16,384	31,102
Total Transactions	289,380	306,151	595,531

Fastcase Reported Problems	
Member Reported Issue(s)	Fastcase Response / Resolutions
7/30/15 Member Reported: 18 members called to notify us that FC was not working.	7/30/15 FC Response: FC programmers were working on the system and got it back up within an hour.
9/8/15 and 9/9/15 Member Reported: Member called to notify us about the continued malfunction in the Ga Code browse mode.	8/6/14 FC Response: Fastcase discovered the problem and corrected it and reached out to the member.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

MEMORANDUM

TO: President Robert J. “Bob” Kauffman, Executive Committee, Members, Board of Governors

FROM: Avarita L. Hanson, Executive Director

DATE: September 17, 2015

SUBJECT: Fall Update

It is my pleasure to update you on the activities of the Chief Justice’s Commission on Professionalism (“CJCP”) at the beginning of the 2015-2016 bar year. The CJCP is under the third year of Chief Justice Hugh Thompson’s leadership. The CJCP’s representative to the Commission on Continuing Lawyer Competency (“CCLC”) is Damon E. Elmore who is in his first year of service. Its Executive Director, Avarita L. Hanson, remains an ex-officio member.

I. FALL UPDATE: OVERVIEW

For Georgia lawyers, as often articulated by former Georgia Supreme Court Chief Justice Robert Benham, professionalism encompasses competence, civility, pro bono, community and public service and ensuring access to justice. At the behest of Justice Benham, in 1996 the Chief Justice’s Commission on Professionalism crafted and unanimously approved its mission statement as a clear and understandable guide for then and into the future, brief enough to keep in mind, and having a primary focus on a single strategic thrust while broad enough to allow for flexibility in implementation. That statement of professionalism guiding Georgia lawyers today is as follows:

The mission of the Chief Justice's Commission on Professionalism is to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public and to fulfill their obligations to improve the law and the legal system and to ensure access to that system.

II. PRIORITIES. This 2015-2016 bar year, the Commission continues to focus on ensuring access to justice. Lawyers display their adherence to the tenets of professionalism in many ways in the course of their lives and practice environments, including our commitment to access to justice. Chief Justice Thompson said in his 2014 State of the Judiciary Address, “As Georgia continues to grow in population and diversity, access to justice is a challenge requiring the commitment and hard work of us all.” As our Chief Justice and head of the judicial branch of government, he reiterated his commitment to ensuring access to justice in his 2015 State of the Judiciary Address by quoting Dr. Martin Luther King, Jr.: “Injustice anywhere is a threat to justice everywhere.” He called for help in guaranteeing justice everywhere in Georgia.

The Honorable Hugh P. Thompson (Chair)
Chief Justice, Supreme Court of Georgia
Atlanta, Georgia

Professor Frank S. Alexander
Georgia State University School of Law
Atlanta, Georgia

Professor Nathan S. Chapman
University of Georgia School of Law
Athens, Georgia

Professor Clark D. Cunningham
Georgia State University College of Law
Atlanta, Georgia

The Honorable David P. Darden
State Court of Cobb County
Marietta, Georgia

Jennifer M. Davis
Georgia Defense Lawyers Association
Atlanta, Georgia

J. Antonio DelCarmo
DeCarmo Weber & Grayson, LLC
Atlanta, Georgia

Gerald M. Edenfield
Edenfield, Cox, Bruce & Classens, PC
Statesboro, Georgia

Associate Dean A. James Elliott
Emory University School of Law
Atlanta, Georgia

The Honorable Steve C. Jones
U.S. District Court, Northern District
Atlanta, Georgia

Robert J. Kauffman
Hartley, Rowe & Fowler
Douglasville, Georgia

C. Joy Lamplcy-Fortson
U.S. Department of Homeland Security
Atlanta, Georgia

John R. B. Long
John R. B. Long, PC
Augusta, Georgia

Professor Patrick E. Longan
Mercer University School of Law
Macon, Georgia

The Honorable Kellie K. Melatyre
Office of the Solicitor General
Augusta, Georgia

The Honorable Carla W. McMillan
Court of Appeals of Georgia
Atlanta, Georgia

Dean Makolm L. Morris
Atlanta’s John Marshall Law School
Atlanta, Georgia

Wanda M. Marris
The Home Depot
Atlanta, Georgia

The Honorable Kathy S. Palmer
Middle Judicial District Superior Court
Swainsboro, Georgia

Claudia S. Saari
DeKalb County Public Defender’s Office
Decatur, Georgia

Lynne E. Scroggins
Atlanta, Georgia

R. Kyle Williams
Williams Teusink, LLC
Decatur, Georgia

Avarita L. Hanson
Executive Director

Terie Latala
Assistant Director

Nacka Harris-Daniel
Administrative Assistant

Several CJCP programs, activities and CLEs reflect Chief Justice Thompson's priority to improve access to justice.

III. MEETINGS. The CJCP holds three (3) meetings each year. It met on September 11, 2015 and it will meet on February 5, 2016 and May 13, 2016.

IV. MEMBERS. The CJCP has twenty-two (22) members including Chief Justice Thompson and welcomed new members: Professor Nathan S. Chapman (Dean's Designee, University of Georgia, Athens); John R. B. "Jack" Long (YLD President, Augusta); Hon. Carla Wong McMillian (Georgia Court of Appeals, Atlanta); and Robert "Bob" Kauffman (President, State Bar of Georgia, Douglasville). Returning members include: The Hon. David P. Darden (State Court of Cobb County, Marietta, Council of State Court Judges) and Dean Malcolm Morris (Atlanta's John Marshall Law School). The Honorable Kellie K. McIntyre, Office of the Solicitor General, Augusta, was recently appointed by the Supreme Court to fill the prosecutor position.

V. PROFESSIONALISM CLES - REVIEW, APPROVAL AND SUPPORT

A. GENERAL. The CJCP continues to review and approve up to 800 CLE professionalism courses. Staff provides content suggestions and materials as requested.

B. PROFESSIONALISM CLES – AVARITA HANSON, EXECUTIVE DIRECTOR

Executive Director, Avarita Hanson, presents, conceives, convenes, advises, facilitates and moderates CLE programs every year. During this year (July 1, 2015 - June 30, 2016), scheduled CLEs include:

1. November 6, 2015, Presentation, ICLE, Advanced Urgent Legal Matters at Sea, *Professionalism Opportunities: Making Professionalism an Every Day Pursuit*
2. February 1, 2016, Presentation, National Association of Continuing Legal Education Administrators, *Aging in the Law: It's More Than a Senior Moment!*, Savannah, GA

VI. SIGNATURE PROGRAMS

A. LAW SCHOOL ORIENTATION PROGRAMS

In partnership with the State Bar's Committee on Professionalism and Georgia law schools, for the twenty-third year the CJCP conducted law school orientations on Professionalism in August of 2015 at all 6 Georgia law schools

(Atlanta's John Marshall, Emory, Georgia State, Mercer, UGA, Savannah). More than 200 judges, attorneys and legal educators served as group leaders in discussions with groups of incoming (entering, transfer and visiting) students to address professionalism and ethical challenges affecting law students and professionals. Students were engaged in discussions of professionalism issues from hypothetical situations written, reviewed and updated by the Committee. The timely and relevant situations encourage students learning appropriate responses to ethical challenges in law school and in practice. Students heard keynote addresses from prominent professionals. In addition to the Fall orientations, the Commission and the State Bar's Committee on Professionalism support two January orientations at Emory and Atlanta's John Marshall Law School. Plans are underway for 2016 law school orientations. BOG members are invited to participate in the orientations.

B. 17TH ANNUAL CHIEF JUSTICE BENHAM COMMUNITY SERVICE AWARDS

The CJCP, along with the State Bar of Georgia, for the seventeenth year will present awards for community service at an evening ceremony **at the Georgia Bar Center on Tuesday, February 23, 2016**. This event usually draws a crowd nearing 300 persons. The Awards Committee reviews and selects honorees for Lifetime Achievement and Community Service Awards. Honorees will have served a wide range of community organizations, government-sponsored activities, and humanitarian efforts outside of their professional practices and judicial duties. Solicitation for nominees for the 17th annual awards to be presented in 2016 is underway and a Nomination Form is attached to this report.

VII. SPECIAL PROJECT: AGING LAWYERS

Over the last few years, the CJCP has worked with State Bar leadership and staff, ICLE, the American Bar Association and other individuals and organizations to develop a professionalism approach to the issues of lawyers aging in the practice of law. A Commission Task Force with representatives from several segments of the Bar was constituted in May of 2014 to address aging lawyers' issues. The CJCP staff and the Task Force planned and presented the Convocation on Professionalism on November 12, 2014 on the topic: Aging in the Practice of Law: It's More Than a Senior Moment! This program was designed to address what is happening every day: lawyers who were once as sharp as a tack and never missed a step begin to stumble through simple thoughts, can't find the right words and begin to mentally wander. It asked and answered the questions: What do you do when a lawyer begins to exhibit signs of cognitive impairment? What are your responsibilities to the firm, law office, clients, the lawyer and the public? What resources are available to guide your decision-making and help? This program drew on the expertise and experiences of local and out of state bar leaders, physicians and mental health professionals, lawyer assistance programs, lawyer discipline and professional liability professionals to analyze the impact of cognitive impairment from multiple perspectives and give practical direction to lawyers and judges faced with a colleague

showing signs of age-related impairment. It also recognized the importance of planning for transition out of active law practice or a second season.

The Aging Lawyers Project is now underway. Over the summer of 2015, Commission Executive Director Avarita Hanson met with bar leaders, the general counsel, the executive director, the lawyers assistance program leaders and others, and shared the issues addressed in the Convocation. The Project will have four (4) components: 1) information; 2) education; 3) discipline; and 4) intervention and assistance. First, she proposes placement of information on the State Bar's website, similar to that information which the ABA Center for Professional Responsibility, State Bar of California and other state bar associations have provided. Second, she is working on CLEs to educate bar members on the topics addressed at the 2014 Convocation on Professionalism relative to aging lawyers. Third, since some Georgia disciplinary rules may require changes to address issues relative to aging lawyers and State Bar President Bob Kauffman has constituted a committee to handle this as one of his administration priorities, she has asked Bar Counsel Paula Frederick to consider appropriate changes. Fourth, an intervention program is proposed to assist attorneys, family members and staff to intervene and assist a colleague who is experiencing some debilitating mental or physical incapacity that affects competence to practice. It is contemplated that this would ultimately be a bar program with dedicated resources. All of these initiatives regarding aging in the law fit under Bar President Kauffman's priorities: wellness, long-term planning and a review of the disciplinary rules. It is contemplated that the Aging Lawyers Task Force will be reconvened. New Commission member Gerald Edenfield, along with Georgia State Professor Nicole Iannarone, will help lead this effort. The Commission will work with all appropriate State Bar departments and other entities on its proposed initiatives. Chief Justice Thompson is pleased that the Commission has kept ahead of the curve by the fine work that Ms. Hanson and its members are doing.

VIII. CJCP-SPONSORED INITIATIVES TO PROMOTE ACCESS TO JUSTICE. The CJCP financially and technically supports initiatives to promote access to justice.

A. LAWYERS FOR EQUAL JUSTICE FKA INCUBATOR PROJECT

At the Commission's September 11, 2015 meeting, Mr. Bucky Askew reported on the Incubator Project, now known as Lawyers for Equal Justice. There is now a job description, the entity is a Georgia non-profit, and an article from the *Daily Report* fairly depicts the status of the project. In June, the State Bar of Georgia's Board of Governors voted to approve a contribution of \$85,000 for three (3) years for rent of suitable space in Atlanta for the project for which they are negotiating a lease. The law schools contributed \$25,000 each for the first year. The Lawyers for Equal Justice Board includes representatives of all the stakeholders, including the Chief Justice's Commission on Professionalism (Ms. Hanson is an ex-officio member) and has met twice. The foremost issue is to hire an executive director, for

which the board has approved a job description and is working on announcing through the YLD, Georgia Legal Services and the State Bar, among other entities. It is contemplated that the project will start January 1, 2016. The Commission provided the seed funding to plan this project.

B. LANGUAGE ACCESS

Chief Justice Thompson has stated that the Supreme Court has found the increased need for interpreters and others to improve access to justice for Georgia's diverse population. The Commission unanimously approved funding of \$1,000 to Georgia Legal Services Program to support the 2015 CLE Program: *Eliminating Barriers to Justice II: Why and How to Ensure Language Access for Limited English Proficient Litigants*. This program also addresses the needs of deaf and hard of hearing persons.

IX. OTHER PROGRAMS AND ACTIVITIES.

A. ATLANTA LAW DAY

For the past three years, the Commission has supported and been a member of the Atlanta Dream Team to provide Law Day programming in Atlanta. The Atlanta Dream Teams includes the Atlanta Bar Association and its Family Law Section, Litigation Section and Women in the Profession Section, the Chief Justice's Commission on Professionalism, The Fulton County Superior Court, the Georgia Association of Black Women Attorneys, the Georgia Association of Women Lawyers, the Georgia Asian Pacific American Bar Association, the Georgia Hispanic Bar Association, the Multi-Bar Leadership Counsel, the South Asian Bar Association of Georgia, the State Bar of Georgia, and the Stonewall Bar Association. The Atlanta Law Day Dream Team has garnered two top awards from the American Bar Association for its 2013 and 2014 Law Day programs. The collaborative approach has strengthened the quality of its programs, activities and outreach to students around the State. The 2016 ABA Law Day Theme is: *Miranda: More Than Words*. This theme may pose interesting opportunities to engage children and the larger community.

B. OTHER ACTIVITIES

The CJCP continues to work closely with the State Bar's Transition Into Law Practice Program (Mentoring Program) and its Director, Michelle West, as well as the Law Practice Management Program and its Director Natalie Kelly. Last year, the Commission collaborated extensively with the YLD on programs and two CLEs, one of which won an ABA national award.

C. INFORMATION AND COMMUNICATIONS

The CJCP's Professionalism Page, its regular column in the *Georgia Bar Journal*, is published six (6) times a year. Recent articles this year include:

1. June 2015, Wanda Morris, *Professionalism and In-House Counsel: Giving Back and Gaining More*
2. August 2015, Avarita L. Hanson, *Eliminating Barriers to Justice: How and Why to Ensure Language Access for Limited English Proficient and Deaf/Hard of Hearing Litigants*
3. August 2015, Avarita L. Hanson, *Pro Bono, Eureka Moments*
4. October 2015, Avarita L. Hanson, *Orienting Incoming Students to Professionalism at Georgia Law Schools*

Ms. Hanson has also authored an article, *A Lawyer's Reputation Always Matters*, to be published in a forthcoming issue of the American Bar Association's Young Lawyers Division publication, *TYL*.

Commission information is readily available on the State Bar's webpage and e-news to bar members, and on the Commission's Facebook and YouTube pages. The CJCP regularly reports to the Commission on Continuing Lawyer Competency at its Fall and Spring meetings, through its designee to the CCLC and Executive Director. Regular reports are made to the State Bar's Executive Committee and Board of Governors and to other bar groups with which we interact. Information is spread nationally and internationally through our membership with the ABA Center for Professional Responsibility and Consortium on Professionalism Initiatives.

X. STAFF AND RESOURCES

The CJCP continues to operate with three (3) full-time staff members: Avarita L. Hanson, Esq. (Executive Director), Terie Latala (Assistant Director), and Nneka Harris-Daniel (Administrative Assistant). From time to time, the CJCP employs interns and others. The CJCP also reaches out to the legal community for volunteers; several attorneys and Georgia Bar staff volunteer to assist with the Benham Awards program.

The Commission performs its duties with a budget supported mainly by the \$15 surcharge per credit hour of Professionalism. With a stable fee and steady number of attorneys in compliance with their CLE requirements, the revenue has not experienced growth, despite inflation of expenses and increased activities including law school orientations and CLE programs. With oversight from the Commission's Finance and Personnel Committee, the Commission anticipates a future CLE fee adjustment, budget adjustments and will remain fiscally sound.

XI. CLOSING

The Georgia Supreme Court's lead started an international professionalism movement among the judiciary, organized bar and law schools to support and encourage conduct that strengthens the dignity, honor and integrity of the legal profession. Our reputation for collaboration and civility for more than twenty-six years is widely known and highly regarded. Today, our Commission remains a nationally and internationally esteemed leader of legal professionalism and continues to receive accolades for its thoughtful, excellent innovative programs.

We are thankful for the support the Commission receives from the President, Executive Committee and members of the State Bar of Georgia Board of Governors, members and staff. Your support enables the Commission to fulfill its mission to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public and to fulfill their obligations to improve the law and the legal system and to ensure access to that system.

With your help, the CJCP will continue to contribute to uplift legal professionalism in Georgia and elsewhere. Please do not hesitate to call upon me or our very dedicated and capable staff members, whenever we can assist you in advancing this important professional cause. Thank you.

ALH/nhd



**The State Bar of Georgia and The Chief Justice's
Commission on Professionalism**



is seeking nominations for the
**17th Annual Justice Robert Benham Awards for
Community Service**

The State Bar of Georgia and the Chief Justice's Commission on Professionalism invite nominations for the 17th Annual Justice Robert Benham Awards for Community Service. Awards will be presented at a special ceremony on **Tuesday, February 23, 2016** at the Georgia Bar Center.

Judges and lawyers meet the criteria for these awards if they have combined a professional career with outstanding service and dedication to their communities through voluntary participation in community organizations, government-sponsored activities, or humanitarian work outside of their professional practice. Contributions may be made in any field, including but not limited to: social service, education, faith-based efforts, sports, youth and mentoring, recreation, the arts, or politics.

Eligibility: Nominees must: **1)** be a member in good standing of the State Bar of Georgia; **2)** have a record of outstanding community service and continuous service over a period of time to one or more cause, organization or activity; **3)** not be a member of the Selection Committee, staff of the State Bar of Georgia or Chief Justice's Commission on Professionalism; and **4)** not be in a judicial or political race for 2015 and 2016 .

17th Annual Justice Robert Benham Awards for Community Service Nomination Form
(You may submit more than one nomination)

Nominee:

Name: _____
Address:* _____

(* Please use either the nominee's work or home address that corresponds with the location of their most significant community service.)

Phone: _____ Email: _____

Nominator:

Name:** _____
(* For organizations, identify a contact person in addition to the name of the organization.)
Address: _____

Phone: _____ Email: _____

In addition to this form, nominations must also be accompanied by:

- A Nomination Narrative:** Explain how the nominee meets the award criteria described above. Specify the nature of the contributions and identify those who have benefitted from the nominee's involvement. Specify when and how long the nominee participated in each identified activity.
- Biographical Information:** Attach a copy of the nominee's resume or curriculum vitae.
- Letters of Support:** Include 2 letters of support from individuals and/or organizations in the community that describe the nominee's work and the contributions made.

Submission of Materials: Send nominations to Nneka Harris-Daniel, Chief Justice's Commission on Professionalism, Suite 620, 104 Marietta Street, N.W., Atlanta, GA 30303 • Phone: (404) 225-5040 • Fax: (404) 225-5041 • Email: Nneka@cjcpga.org. **All Nominations must be postmarked by November 20, 2015**

**JUSTICE ROBERT BENHAM AWARDS FOR
COMMUNITY SERVICE**

Past Recipients

Lifetime Achievement Award Recipients

Henry Troutman, *Atlanta*
James C. Brim, Jr., *Camilla*
Hon. Arthur M. Kaplan, *Dunwoody*
Hon. Robert Benham, *Atlanta*
John B. Miller, *Savannah*
Upshaw C. Bentley, Jr., *Athens*
Miles J. Alexander, *Atlanta*
Willis A. DuVall, *Edison*
C. Thompson Harley, *Augusta*
Frank B. Strickland, *Atlanta*
Hon. Griffin B. Bell, *Atlanta*
George T. Brown, *Jonesboro*
John F. Sweet, *Atlanta*
David H. Gambrell, *Atlanta*
Joseph R. Bankoff, *Atlanta*
John S. Lewis, *Cartersville*
Rep. Mary Margaret Oliver, *Decatur*
Alan Tanenbaum, *Atlanta*

District 1 Award Recipients

Frederick D. Lee, *Ellabell*
Albert Mazo, *Savannah*
Lisa L. White, *Savannah*
Elsie R. Chisholm, *Savannah*
Hon. Louisa Abbot, *Savannah*
Carlton A. DeVoight, *Brunswick*
Michael L. Edwards, *Savannah*
Hon. James F. Bass, Jr., *Savannah*
Rebecca Crowley, *Waycross*
Howard E. Spiva, *Savannah*
Wanda Andrews, *Savannah*
Lovett Bennett, Jr., *Statesboro*
Christopher K. Middleton, *Savannah*

District 2 Award Recipients

Robert M. Ciyatt, *Valdosta*
Cheryle Thompson Bryan, *Ashburn*
Suzanne P. Mathis, *Lakeland*
Kenneth B. Hodges, II, *Albany*
Roy W. Copeland, *Valdosta*
Michael S. Bennett, Sr., *Valdosta*
Joseph K. Mulholland, *Bainbridge*
Laverne L. Gaskins, *Valdosta*
Hon. James E. Hardy, *Thomasville*
Charles W. Lamb, Jr., *Albany*
D. Bradley Folsom, *Valdosta*
Michael S. Meyer von Bremen, *Albany*
Hon. Joe C. Bishop, *Albany*
John Randall Hicks, *Valdosta*

District 3 Award Recipients

George M. Peagler, Jr., *Americus*
William C. Rumer, *Columbus*
Ira L. Foster, *Macon*
Rebecca C. Moody, *Warner Robins*
Hon. William P. Adams, *Macon*
Hon. Maureen C. Gottfried, *Columbus*
Charles P. Taylor, *Warner Robins*
William Lee Robinson, *Macon*
Michael L. Chidester, *Byron*
Tomiela R. Daniel, *Byron*
Jonathan A. Alderman, *Macon*
Sarah L. Gervig-Moore, *Macon*

Clarence Williams, III, *Warner Robins*
Ruth A. Knox, *Macon*
J. Michael Cranford, *Macon*
Nancy Terrill, *Macon*

District 4 Award Recipients

Hon. Alvin T. Wong, *Decatur*
Gloria L. Johnson, *Decatur*
Gwendolyn R. Keyes, *Decatur*
Hon. Robin S. Nash, *Decatur*
Hon. Gregory A. Adams, *Decatur*
Nisha K. Karnani, *Dunwoody*
Hon. Mark A. Scott, *Decatur*
Hon. Johnny N. Panos, *Decatur*
Hon. Nancy Nash Bills, *Conyers*
Vivica M. Brown, *Stone Mountain*
Hon. Asha F. Jackson, *Decatur*
C. Talley Wells, *Decatur*
Nora L. Polk, *Decatur*

District 5 Award Recipients

Hon. Marvin S. Arrington, Sr., *Atlanta*
W. Terence Walsh, *Atlanta*
Peter K. Daniel, *Atlanta*
Don C. Keenan, *Atlanta*
Donald P. Edwards, *Atlanta*
Jesus A. Nerio, *Atlanta*
Jeff D. Woodard, *Atlanta*
Gregory N. Studdard, *Atlanta*
Hon. T. Jackson Bedford, *Atlanta*
Hon. Thelma Wyatt Cummings Moore, *Atlanta*
Albert J. Bolet, III, *Atlanta*
John A. Pickens, *Atlanta*
F. Sheffield Hale, *Atlanta*
Cynthia Hinrichs Clanton, *Atlanta*
Jacquelyn H. Saylor, *Atlanta*
David M. Zacks, *Atlanta*
Christian F. Torgirson, *Atlanta*
Antavius M. Weems, *Atlanta*
Hon. Herbert E. Phipps, *Atlanta*
Luis A. Aguilar, *Atlanta*
Douglas M. Towns, *Atlanta*
Linda T. Muir, *Atlanta*
Christopher Glenn Sawyer, *Atlanta*
Julie M. T. Walker, *Atlanta*
Denise Cleveland-Leggett, *Atlanta*
Judith A. O'Brien, *Atlanta*
William Barwick, *Atlanta*
Michael Hobbs, Jr., *Atlanta*
Amy J. Kolczak, *Atlanta*
Nancy Whaley, *Atlanta*
Anne W. Lewis, *Atlanta*
William B. Hill, Jr., *Atlanta*
Noni Southall Ellis, *Atlanta*
Michael W. Tyler, *Atlanta*
Hon. Kimberly Esmond Adams, *Atlanta*
Peter J. Anderson, *Atlanta*
Audra A. Dial, *Atlanta*
Marquetta J. Bryan, *Atlanta*
Charles T. Huddleston, *Atlanta*
Hon. Patricia M. Killingsworth, *Atlanta*
Mr. Ernest Lamont Greer, *Atlanta*
Ms. Vanessa I. Hickey-Gales, *Atlanta*
Mr. Philip E. Holladay, Jr., *Atlanta*

District 6 Award Recipients

Denise F. Hemmann, *Jackson*
Hon. Eugene E. Lawson, *Jonesboro*
Hon. William H. Ison, *Jonesboro*
J. Byrd Garland, *Jackson*

Hon. Stephen E. Boswell, *Jonesboro*
James J. Dalton, II, *Jonesboro*
Avery T. Salter, *Jonesboro*
Hon. William Hal Craig, *McDonough*
Hon. Christopher C. Edwards, *Fayetteville*
Rudjard M. Hayes, *Tyrene*
Angela M. Hinton, *Fayetteville*
Hon. Robert M. Crawford, *Thomasston*
Cindy S. Manning, *Peachtree City*

District 7 Award Recipients

J. Anderson Davis, *Rome*
Richard J. Lundy, *Cedartown*
Constance McManus, *Marietta*
Hon. Adele L. Grubbs, *Marietta*
W. Allen Separk, *Marietta*
Cindi A. Cowan, *Dalton*
Robert L. Yeager, *Marietta*
Nathan J. Wade, *Marietta*
J. Kevin Moore, *Marietta*
Justin B. O'Dell, *Marietta*
William L. Lundy, Sr., *Cedartown*
Maziar Mazloom, *Marietta*
Hon. J. Lane Bearden, *Calhoun*
John T. Longino, *Waleska*
Rep. Christian A. Coomer, *Cartersville*

District 8 Award Recipients

E. Roy Lambert, *Madison*
Samantha F. Jacobs, *Metter*
Jehan Y. El-Jourbagy, *Monticello*
Dexter M. Wimbish, *Madison*

District 9 Award Recipients

Leon Boling, *Cumming*
Hon. Frank C. Mills, *Canton*
Wendy J. Glasbrenner, *Gainesville*
Hon. James E. Drane, *Canton*
Hon. Kathlene F. Gosselin, *Gainesville*
Hon. Cliff L. Joliff, *Gainesville*
Therese G. Franzén, *Norcross*
John Acklin Gram, *Gainesville*
David L. Cannon, Jr., *Canton*
Mark O. Shriver, IV, *Woodstock*
Hon. M. Anthony Baker, *Canton*
Eric A. Ballinger, *Canton*
Hon. Chung Hun Lee, *Duluth*
Peter A. Gleichman, *Woodstock*
Ms. Nicki Noel Vaughan, *Gainesville*

District 10 Award Recipients

Hon. Steve C. Jones, *Athens*
John M. Clark, *Elberton*
Edward D. Tolley, *Athens*
Dennis C. Sanders, *Thomson*
Hon. Duncan D. Wheale, *Augusta*
David B. Bell, *Augusta*
Walter James Gordon, Sr., *Hartwell*
David E. Hudson, *Augusta*
Hon. Samuel D. Ozburn, *Covington*
Victor V. Johnson, *Danielsville*
Laura C. Nefh, *Athens*
J. Edward Allen, Jr., *Athens*
Hon. Lawton Stephens, *Athens*

LegalZoom, Avvo, other companies: Friends or Foes? NCBP Panel Suggests a New View

By Marilyn Cavicchia

In recent years, it's not uncommon for the names LegalZoom and Avvo to come up at meetings of the National Conference of Bar Presidents.

After all, those two companies, along with others, are at the forefront of changes in the legal profession that some find threatening, others find promising, and still others find simply inevitable. Chiefly, these changes involve technology-driven corporations and nonlawyers performing law-related functions that, in the past (and in some jurisdictions, today), would have been considered unauthorized practice of law.

At its 2015 Annual Meeting, however, NCBP went a step further, inviting executives from both LegalZoom and Avvo, as well as Neota Logic, to be plenary panelists.

LegalZoom was represented by Chief Executive Officer John Suh; Avvo by Director of Industry Relations Dan Lear; and Neota Logic by Co-Founder and Chief Strategy Officer Michael Mills. Completing the panel were Renee Newman Knake and Thomas Rombach. Knake is professor of law and Foster Swift Professor of Legal Ethics at Michigan State University College of Law and co-director of the Frank J. Kelley Institute of Ethics and the Legal Profession. Rombach is president of the State Bar of Michigan and a member of the NCBP Executive Council.

The panel discussion, which was lively and, at times, uncomfortable, was moderated by Frederic S. Ury, a member of the ABA Commission on the Future of Legal Services and past president of both NCBP and the Connecticut Bar Association.

'The Time is *now*'

"This is a tsunami," Rombach, said, adding, "This is one time where the legal profession is not going to be able to regulate our way out of this." Because of inefficiencies in the traditional legal delivery model and resulting gaps in service, he explained, current restrictions regarding what constitutes legal practice and who is allowed to practice no longer sit well with the public – or with the courts.

Not only are lawsuits against Legal Zoom and other technology-driven firms no longer working, Rombach said, but now the tables have turned: Legal Zoom is winning lawsuits for restraint of trade rather than losing them for unauthorized practice of law.

Many restrictions and regulations around legal practice are not constraining Legal Zoom, Avvo, and others, but are constraining lawyers, Rombach believes. "We're doing it to ourselves," he said. "We're trying to run a 100-yard dash with shackles on." The time to take a hard look at such regulations is "now," Rombach stressed, "not 10 years from now."

Agreed Lear, “I think we really need to be thoughtful about some of our regulatory restrictions.” In some jurisdictions, he noted, strict adherence to the current rules would require that a lawyer or firm that is active on Twitter file every tweet so it can be reviewed as an advertisement.

Whether a lawyer likes or dislikes the fact that there are now corporate players on a field that used to be only for lawyers, Rombach said it’s critical to acknowledge that the course of legal history has changed and there’s no going back. Otherwise, he said, “we’re destined to be in the dustbin of history, along with the dinosaurs.”

Gaps in service

Rombach compared the gap in legal services with a historical example from his own state: Ford Motor Company. One thing that made Ford so successful, Rombach said, is that those working on the assembly line could afford to buy the product they were making.

A family of four with a household income of \$94,000 or less would be unable to afford service for legal needs that recur two or three times a year, Rombach said; in Michigan, the median income for lawyers is below \$94,000—which, he noted, means that many lawyers would be unable to afford their own services.

Suh made no bones about the fact that the purpose of LegalZoom is not to help consumers who are under or near the poverty line, but what he said were the 84 percent of individuals and 99 percent of businesses that would not qualify for free legal aid but can’t easily afford legal representation.

Similarly, Lear was frank about his company’s profitability aims, but also passionately defended the idea that profit and public good are not necessarily mutually exclusive.

“We will never, ever, ever solve the gap in legal services if we decide that every single, little thing requires the individual judgment of a lawyer,” he said.

But is an automated service for, say, filling out LLC forms or performing discovery as good as what can be done by a lawyer? “We will make mistakes,” Suh admitted, adding that LegalZoom tracks such errors and has the data to prove that it makes fewer of them than the typical solo lawyer would.

As for large firms, Mills said that they have resisted electronic discovery review “time and time again,” saying that their lawyers are smart and know whether something is privileged. But technology has been proven to perform discovery review better than humans working alone, he said, adding that it’s important to remember that even with software, there’s still a person involved.

What’s in it for lawyers?

It’s only natural that the corporations that have fairly recently entered the legal arena would assert their right to be there. What lawyers might not realize, the panelists said, is that this changed landscape offers some real advantages for them, too.

Recalling when she was a young lawyer and performed many tedious processes over and over, Knake said, “I don’t think it’s a problem that machines can do a lot of the document prep that I was doing.”

Later, as a law professor, what she was teaching “started to feel a bit hollow for me” because she felt she was doing nothing either to help close the gap in legal services or to prepare students for the new legal landscape. Her school then began to use its “institutional capital” and credibility to bring people together who wouldn’t otherwise collaborate. An executive from LegalZoom now teaches at the law school, she noted.

Working together “rather than operating in isolation and in parallel” with the technology-focused companies helps both the public and lawyers, Knake believes.

Said Lear, “Technology gives us an opportunity to focus on those things we really love to do.” For lawyers, he added, that means solving complicated problems rather than filling out simple forms.

Mills tied lawyers’ technology use not just to their efficiency but also to their earning potential. “Too many lawyers earn too little because they practice law as if the Industrial Revolution never happened,” he believes.

The model for delivery of legal services doesn’t have to be all one way or the other, he noted; many legal aid organizations use Neota Logic and its online, interactive guidance to “leverage their limited resources” by more efficiently assessing the client’s needs.

Neota Logic is currently working in New Mexico to create a statewide site to provide pro se information and referral to the right services if needed. Technology does the first step of “filtering, finding, targeting, and routing,” Mills said. Many consumers’ first impulse would be to Google their legal need, he added, but a site that uses Neota Logic would do a much better job of getting the consumer to the best resources.

What about lawyer referral services? If LRS is to be a vital part of closing the gap, Ury said, affordability must be considered. For many consumers, being matched with a lawyer who charges \$300 an hour is not helpful, he added.

“You have to take a fundamentally different approach,” Suh said. “You have to learn to triage.” That is, lawyers need to discern which matters and which processes require their individual attention and which ones could be handled by LegalZoom or another such service.

Lear believes the legal field is one where “there’s so much room to grow” not just for his company and others, but also for lawyers and firms who can persuade consumers to buy more legal services by making sure their price point and delivery method are as attractive as possible. The small business sector and the middle class are a \$100 billion market, Suh said, agreeing that there’s room for anyone with a good, consumer-focused model.

Collaborate or compete?

Suh knows LegalZoom is being discussed often within the legal profession and at law schools, in fact, one law professor recently told him, "I teach a class on you." Suh's response: "Then why don't you call me?"

Similarly, he would like to hear from lawyers and law firms who know that technology is key in closing the service gap and focusing on the most interesting and lucrative aspects of their practice, and who don't want to "go it alone" and create their own systems to perhaps compete with LegalZoom.

His company already has the capital and a team in place, in ways that would be challenging for a lawyer to replicate, he said. For example, LegalZoom recently recruited a chief technology officer who had been with Experian. Currently, there are structural reasons why a law firm wouldn't be allowed to hire a CTO unless he or she also had a JD, Suh noted.

Suh said he was uncertain exactly what a collaboration between lawyers and LegalZoom would look like but that this would emerge through open discussions. "Let's have that 'first date,'" he said.

Lear said he spends a lot of time traveling to meet with state and local bar leaders and would like to bring a similar panel, or a discussion on lawyer advertising rules, to any state. Mills said Neota Logic will provide its software to any bar association that wants it.

Whether the goal is to collaborate or to compete, Rombach said, it's essential that lawyers and bar leaders figure out the bar association model and legal service delivery model in order to focus on what lawyers do best. To his mind, he added, that's offering customized services that meet more complex needs.

It's in lawyers' best interests, Rombach believes, to focus on that rather than on trying to reclaim the entire legal profession as it once was.

"The vote's already been taken," he said, "and the customer is walking."

2015-16 Media Report

PUBLISHED ARTICLES			Headline	Circulation
Date	Newspaper			
6/13/2015	Waycross Journal-Herald		Kay Carter Wins Praise	7,244
6/14/2015	Henry Daily Herald, McDonough		Kudos to Henry County Bar Association	2,352
6/17/2015	Charlton County Herald, Folkston		Congratulates Carter	1,970
6/17/2015	North Fulton Neighbor, Alpharetta		Congratulations to Northview mock trial team for placing second in the nation	17,739
6/17/2015	Rockdale Citizen, Conyers		Meyers' appointment a benefit to all of Rockdale County	3,091
6/17/2015	Newton Citizen, Covington		Meyers' appointment a benefit to all of Rockdale County	2,353
6/18/2015	Macon Telegraph		Lifetime of Service	29,220
6/24/2015	Gwinnett Daily Post, Lawrenceville		David Lipscomb Re-Elected to Executive Committee of State Bar of Georgia	67,746
6/24/2015	Savannah Morning News		Savannah attorney named treasurer of Ga. State Bar	37,597
6/24/2015	Augusta Chronicle		Augusta attorney installed as president of young lawyers' group	47,177
6/25/2015	Madison County Journal, Danielsville		Georgia legal community mourns loss of Judge Lindsay Tise	2,983
6/25/2015	Hartwell Sun		Judge Tise mourned	5,271
6/27/2015	Houston Home Journal, Perry		Houston Co. Bar Association honored by State Bar	7,744
6/27/2015	Gwinnett Daily Post, Lawrenceville		Yari Lawson reinstalled as State Bar Young Lawyers Division newsletter co-editor	67,746
6/28/2015	Albany Herald		Appeals Court Chief Judge Herbert Phipps given Marshall and Thrower awards	11,524
6/30/2015	Statesboro Herald		Cobb County Bar Association honored	13,393
6/30/2015	Brunswick News		Mock, Edenfield lead Georgia Young Lawyers	7,200
7/1/2015	Commerce News		District Court judge receives award	13,929
7/1/2015	Jackson Herald, Jefferson		Piedmont Circuit Bar Association honored	1,415
7/1/2015	Rockdale Citizen, Conyers		Piedmont Circuit Bar Association honored by State Bar of Georgia	4,514
7/1/2015	Rockdale Citizen, Conyers		Covington attorney elected to State Bar's Board of Governors	3,091
7/1/2015	Savannah Herald		Brian Rogers named secretary of State Bar	3,091
7/2/2015	Courier-Herald, Dublin		Atty. Lester Johnson Receives State Bar of Georgia Professionalism Award	8,000
7/2/2015	Augusta Chronicle		Dublin attorney appointed to Board of Governors of State Bar of Georgia	9,460
7/2/2015	Newton Citizen, Covington		Elected to serve in State Bar post	47,177
7/2/2015	Newton Citizen, Covington		Gregory Pope elected to policy-making position with State Bar	2,353
7/2/2015	Douglas County Sentinel, Douglasville		Covington resident named to officer position on State Bar of Georgia	2,353
7/3/2015	Atlanta Business Chronicle		Kaufman installed as organization's president	2,516
7/3/2015	Atlanta Business Chronicle		Achievements: Mary McAfee	37,000
7/4/2015	Albany Herald		Honors & Awards: Linda Klein	37,000
7/4/2015	Gwinnett Daily Post, Lawrenceville		Business Portfolio: Joe Dent	11,524
7/5/2015	Savannah Morning News		Gwinnett County Bar Association honored by State Bar	67,746
7/6/2015	Macon Telegraph		Johnson receives professionalism award	37,597
7/6/2015	Daily Report		Macon attorneys honored by State Bar of Georgia	29,220
			Congratulations to New Chief Judge of Court of Appeals	3,247

2015-16 Media Report

7/7/2015	Daily Report	Georgia Legal Community Mourns Loss of Rawson Foreman	3,247
7/8/2015	Houston Home Journal, Perry	Congratulations to Judge Turner	7,744
7/8/2015	Early County News, Blakely	Congratulations to Judge Bishop	2,438
7/8/2015	Barrow Journal, Winder	Piedmont Circuit Bar Association honored by State Bar of Georgia	2,154
7/9/2015	Columbus Ledger-Enquirer	Well done	24,932
7/9/2015	Southern Tribune, Cuthbert	Congratulations to Judge Bishop on state appointment	1,200
7/12/2015	Covington News	Covington attorney elected to Board of Governors of State Bar of Georgia	5,500
7/24/2015	Atlanta Business Chronicle	Facing the challenge of lawyer wellness	37,000
7/26/2015	Albany Herald	Albany attorneys, judges chosen for State Bar positions	11,524
7/26/2015	Athens Banner-Herald	ACC attorneys, judges named to State Bar of Georgia committees	12,129
7/27/2015	Islander, St. Simons Island	Local attorneys named to State Bar Committees	3,435
7/28/2015	Herald-Gazette, Barnesville	Georgia legal community mourns loss of Judge Thomas	4,956
7/29/2015	Northeast Georgian, Cornelia	Cornelia attorney named to State Bar Advisory Committee on Legislation	7,370
7/29/2015	Baxley News Banner	Johnson named to State Bar's Children and the Courts Committee	4,600
7/29/2015	Monroe County Reporter, Forsyth	Jenkins appointed to State Bar Committee	4,199
7/29/2015	Calhoun Times	State Bar names Calhoun attorney to UPL Committee for District 7	4,359
7/29/2015	Dodge County News, Eastman	Eastman attorney is named to two State Bar of Georgia committees	4,693
7/29/2015	Dade County Sentinel, Trenton	Congratulations to Judge Ellis	5,700
7/29/2015	Pelham Journal	Congratulations to new Pelham Municipal Court judge	2,500
7/29/2015	Douglas Enterprise	Douglas Attorney Named to State Bar of Georgia Member Benefits Committee	7,432
7/30/2015	Dallas New Era	Dallas Attorney Named to State Bar of Georgia Committees	3,084
8/1/2015	Gwinnett Daily Post, Lawrenceville	Twenty-seven Gwinnett attorneys, judges named to state bar committees	67,746
8/1/2015	Atlanta Inquirer	R. Gary Spencer Elected to Board of Governors of State Bar of Georgia	61,082
8/1/2015	Atlanta Inquirer	Johnson Receives State Bar of Georgia Leadership Award	61,082
8/1/2015	Times, Gainesville	5 Gainesville attorneys join State Bar committees	5,000
8/4/2015	Johnson Journal, Wrightsville	Sumner appointed to serve on Board of Governors of State Bar of Georgia	1,181
8/4/2015	Clayton Neighbor	Clayton County attorneys named to Georgia Bar Association committee	38,400
8/4/2015	Henry Daily Herald, McDonough	Henry County attorneys named to Bar committee	2,352
8/5/2015	Northside Neighbor, Atlanta	Congratulations to attorney on national office	16,619
8/5/2015	Towns County Herald, Hiwassee	Dehler ready for new challenge	3,846
8/5/2015	Milton Herald, Alpharetta	North Fulton attorneys appointed to Georgia Bar committees	8,500
8/5/2015	Daily Report	Congratulations to New JQC Director and Former Bar President	3,247
8/6/2015	Pickens County Progress, Jasper	Jasper Attorneys, Judge Named to State Bar of Georgia Committees	6,040
8/6/2015	Revue & News, Alpharetta/Roswell	NF attorneys appointed to Georgia Bar committees	28,000
8/7/2015	Daily Report	Young Georgia Lawyers Win Top ABA Honors	3,247
8/12/2015	Forsyth Herald, Cumming	North Fulton attorneys named to Georgia Bar committees	17,000

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8/12/2015	Newton Citizen, Covington	Covington Attorney Named to State Bar of Georgia Committees	2,353
8/12/2015	Milton Herald, Alpharetta	North Fulton attorneys named to Georgia Bar committees	8,500
8/12/2015	Fayette Citizen, Fayetteville	Attorneys named to bar committees	5,000
8/12/2015	Rockdale Citizen, Conyers	Covington Attorney Named to State Bar of Georgia Committees	3,091
8/12/2015	Fayette County News, Fayetteville	Fayette attorneys named to State Bar committees	2,473
8/12/2015	Camilla Enterprise	Judge Bell Named to State Bar of Georgia Advisory Committee on Legislation	1,418
8/12/2015	Pelham Journal	Judge Bell Named to State Bar of Georgia Advisory Committee on Legislation	2,500
8/13/2015	Revue & News, Alpharetta/Roswell	North Fulton attorneys named to Georgia Bar committees	28,000
8/13/2015	Revue & News, Alpharetta/Roswell	Roswell attorney appointed to board of governors of State Bar of Georgia	28,000
8/13/2015	Daily Report	3 Young Georgia Lawyers Chosen for ABA Mentoring	3,247
8/13/2015	Donalsonville News	Judge Bell named to Advisory Committee	3,925
8/13/2015	Daily Report	Georgia Legal Community Mourns Loss of Judge Harris Adams	3,247
8/14/2015	Columbus Ledger-Enquirer	Loss for state, legal profession (Morton Harris)	24,932
8/14/2015	Atlanta Business Chronicle	State Bar of Georgia's Young Lawyers Division Earns Top Awards	37,000
8/14/2015	Daily Report	Congratulations to New ABA President-Elect Linda Klein	3,247
8/17/2015	Macon Telegraph	Macon attorneys named to State Bar committees	29,220
8/18/2015	Statesboro Herald	Six Statesboro attorneys named to State Bar posts	7,200
8/19/2015	Metter Advertiser	Gross named to State Bar committee	2,033
8/26/2015	Gwinnett Daily Post, Lawrenceville	Ga. State Bar remembers Gene Reeves	67,746
9/1/2015	Ft. Lauderdale (FL) Sun Sentinel	People on the Move: Enjolie Aytch (committees)	163,728
9/3/2015	Macon Telegraph	Congratulations (Tormeika Daniel)	29,220
9/10/2015	Daily Report	Congratulations to Legal Aid Director Steven Gottlieb on National Award	3,247
9/14/2015	Savannah Morning News	We are grateful for Sage Brown's lifetime of service	37,597
9/18/2015	Daily Report	Georgia Legal Community Mourns Loss of Chuck Rice	3,247
9/23/2015	Marietta Daily Journal	7 to serve in YLD Leadership	13,393
9/26/2015	Gwinnett Daily Post, Lawrenceville	Liburn attorney named to serve in YLD Leadership	67,746
9/27/2015	Albany Herald	Business Portfolio: JeNita Lane	11,524
9/27/2015	Athens Banner-Herald	Local attorneys named to State Bar Committees	12,129
9/28/2015	Macon Telegraph	Five Macon attorneys named to YLD leadership	29,220
9/30/2015	Clinch County News, Homerville	Georgia legal community mourns loss of Chuck Rice	1,448
9/30/2015	Cherokee Ledger News, Woodstock	Congratulations on appointment	40,000
		TOTAL CIRCULATION	1,873,834