



State Bar  
of Georgia

# BOG BOARD BOOK

**2018 Fall Meeting  
Pine Mountain, Ga.**

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*This book serves as the agenda and materials for the State Bar of Georgia's 2018 Fall Board of Governors Meeting.*



# State Bar of Georgia

275<sup>th</sup> BOARD OF GOVERNORS MEETING

Friday, November 2, 2018

2:00 p.m.–5:00 p.m.

The Lodge & Spa at Callaway Gardens

Pine Mountain, Georgia

*Dress: Business Casual*

## AGENDA

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
<b>1) ADMINISTRATION</b>		
a) Welcome and Call to Order.....	Ken Hodges, President .....	1-4
b) Invocation and Pledge of Allegiance .....	Donna Coleman Stribling	
c) Recognition of Former Presidents, Judges .....	Ken Hodges and Special Guests	
d) Roll Call (by signature) .....	Elizabeth Fite, Secretary....	5-11
e) Future Meetings Schedule .....	Ken Hodges .....	12-13
<b>2) ACTION</b>		
a) Minutes of the 273 <sup>rd</sup> & 274 <sup>th</sup> Meeting.....	Elizabeth Fite .....	14-28 of the Board of Governors on June 8-9, 2018
b) Resolution for Justice Carol W. Hunstein .....	Ken Hodges	
c) TILPP Mentor of the Year Award .....	Michelle West Honoree John T. Marshall	

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
d) Appointments to Commission on Continuing Lawyer Competency (CCLC)	Ken Hodges	
(1) Appointment of Jeff Ward, 2019-2021		
(2) Appointment of Donna Hix, 2019-2021		
e) Appointments to Formal Advisory Opinion Board		
(1) Appointment of William Hickerson Thomas State Disciplinary Board, 2019-2020		
(2) Appointment of C. Brad Marsh State Disciplinary Review Board, 2019-2020		
(3) Appointment of J. Antonio DelCampo Executive Committee Liaison, 2019-2021		
f) Appointments to Georgia Legal Services Board		
(1) Re-Appointment of Marquetta Bryan of Atlanta, 2019-2021		
(2) Appointment of Laverne Gaskins of Augusta, 2019-2021		
(3) Appointment of Trey Underwood of Albany, 2019-2021		
g) Terminating Judicial District .....	Bill NeSmith	
Professionalism Program		
h) Approval of New Sections .....	Bill NeSmith	29
(1) Class Action Law Section .....		30-34
(2) Construction Law Section .....		35-39
i) Disclosure of Professional Liability Insurance .....	Paula Frederick	40-53

### 3) LEGISLATION

a) Advisory Committee on Legislation.....	Thomas Worthy, Chair ...	54-67
New Legislative Proposals (action)		
(1) Judicial Council Budget Request		
• Support of \$750,000 to fund Civil Legal Services Grants for Kinship Care Families		

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
b) Legislative Update .....	Christine Butcher Hayes Rusty Sewell	

#### **4) INFORMATIONAL REPORTS**

a) President’s Report .....	Ken Hodges	
b) Treasurer’s Report .....	Dawn Jones, Treasurer	
(1) State Bar of Georgia .....		68-74
(2) ICLE .....		75-77
c) Young Lawyers Division.....	Rizza O’Connor..... YLD President	78-85

#### **5) WRITTEN REPORTS**

j) Executive Committee Minutes .....		86-105
(1) April 13, 2018		
(2) June 19, 2018		
(3) August 16, 2018		
k) Military Legal Assistance Program .....		106-109
l) Consumer Assistance Program.....		110-111
m) Law Practice Management Program .....		112-115
n) Communications Update .....		116-118
o) Chief Justice’s Commission on Professionalism.....		119-134
p) Georgia Legal Services Program.....		135

**Topics**

**Presenter**

**Page No.**

**6) CLOSING**

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



# State Bar of Georgia

## 2018 Fall Board of Governors Meeting

The Lodge and Spa at Callaway Gardens  
Pine Mountain, Ga. | Nov. 2-4

Hotel cut-off date | Friday, Sept. 28  
Registration cut-off date | Friday, Oct. 26



State Bar  
of Georgia

## Schedule of Events

Friday, Nov. 2

- 9 a.m. – 1 p.m. | State Disciplinary Board
- 10 a.m. – 12 p.m. | Clients' Security Fund
- 10 a.m. – 12 p.m. | ICLE Board Meeting
- 10 a.m. – 12 p.m. | Senior Lawyers Committee
- 11 a.m. – 1 p.m. | State Disciplinary Review Board
- 12 – 2 p.m. | Member Benefits Committee
- 12 – 3 p.m. | ICJE Quarterly Board of Trustees
- 1 – 2 p.m. | SOLACE Committee
- 2 – 5 p.m. | Board of Governors Meeting
- 6 – 9:30 p.m. | Board of Governors Dinner

Saturday, Nov. 3

- 8:30 – 9:30 a.m. | Continental Breakfast
- 9:30 a.m. | Load buses for Steeplechase
- 10 a.m. – 5 p.m. | Steeplechase
- TBD | Optional trip to Auburn for the Auburn vs. Texas A&M game\*\*
- Afternoon | On your own at the Gardens

## Attire

Casual dress for all meetings.



## Recreation and Social Events

Board of Governors Dinner

Friday, Nov. 2 | 6 p.m.

Please join us Friday evening for a dazzling alfresco dinner on Snowflake Lane inside Callaway Gardens. A treasured part of the Gardens' famed holiday "Fantasy in Lights" display, Board members and their guests will enjoy a rare opportunity to dine under thousands of twinkling lights, surrounded by 6,500 acres of pristine forest preserve. Sweaters and/or light jackets are suggested.

The Steeplechase at Callaway Resort & Gardens  
Saturday, Nov. 3 | 9:30 a.m.

Revel in the tradition and pageantry of one of the most spectacular competitive horse races in the Southeast! Buses will depart the hotel Saturday at 9:30 a.m. for the 34th annual running. A festive hunt club atmosphere, champion thoroughbred horses will charge over high hurdles and deftly maneuver across stunning grounds, competing in National Steeplechase Association sanctioned races.

Activities for the day include shopping from regional artisans, a silent auction benefiting the Columbus arts scene, a foxhound parade, a Jack Russell Terrier race and entertainment for all ages, including a kids' corral, pony rides and stick pony races. And, if you are feeling sporty, *Southern Living Magazine* will be hosting a hat contest; creativity is encouraged! Board members and guests will enjoy the festivities from a private tent, stocked with a full bar and delicious food. Space is limited, so be sure to register early.

Optional Trip to Auburn for the  
Auburn vs. Texas A&M Game

Saturday, Nov. 3 | TBD\*\*

For those interested in attending the Auburn vs. Texas A&M game, we will travel by bus on a short 40-minute drive to Jordan-Hare Stadium. Tickets to the game are included.

\*\*Departure time for the Auburn game will depend on start time of game, which will be announced about seven days prior to the event.

And if sports just aren't your thing, enjoy the afternoon and explore Callaway Gardens on your own. For information on the activities the resort has to offer, please visit [www.callawaygardens.com](http://www.callawaygardens.com).

## Hotel Accomodations

The Lodge and Spa at Callaway Gardens  
4500 Southern Pine Drive  
Pine Mountain, GA 31822  
706-489-3300

**Cut-off date | Friday, Sept. 28**

The Lodge and Spa at Callaway Gardens will be our host hotel offering discounted room rates. A block of rooms has been reserved for the meeting. Our room rate is \$180, standard room, plus applicable 13 percent tax and \$5 transportation government fee.

To make reservations, please call the hotel at 866-206-9929 or 706-663-2281 and indicate that you are with the State Bar of Georgia Board of Governors Fall Meeting. Reservations must be made by Friday, Sept. 28, as rooms will be on a space and rate availability basis after this date.

**Check-in | 4 p.m.**

**Check-out | 12 p.m.**

## Callaway Gardens Attractions

From the expansive Callaway Discovery Center to the humble Pioneer Log Cabin, you will find a world of fascinating exhibits to explore and programs to enjoy. Whether you are a first-time visitor or a frequent guest, we invite you to take advantage of this opportunity to experience Callaway Gardens. For more information about the activities below, please visit [www.callawaygardens.com/the-gardens/places-to-explore](http://www.callawaygardens.com/the-gardens/places-to-explore).




**CALLAWAY DISCOVERY CENTER** | This lakeside facility is the ideal starting point for a tour of Callaway Gardens.

**CALLAWAY BROTHERS AZALEA BOWL** | This 40-acre hillside garden is home to more than 3,000 hybrid azaleas. Additional plantings include 2,000 trees and shrubs that provide an array of foliage and blooms throughout the year. With wide walking paths that criss-cross the hillside gardens, the Callaway Brothers Azalea Bowl is a delightful spot for a leisurely stroll in any season.

**IDA CASON CALLAWAY MEMORIAL CHAPEL** | Built as a tribute to Cason Callaway's mother, the chapel was inspired by 16th-century Gothic chapels and is highlighted by a variety of materials native to its region, including fieldstone quartz.


**PIONEER LOG CABIN** | The Pioneer Log Cabin offers a glimpse back to a time when life was, in many ways, much simpler—but also more difficult. In 1959, the structure was relocated from neighboring Troup County to Callaway Gardens, where it serves as a reminder of the challenges our forefathers faced on a daily basis.


**MEADOWLARK GARDEN** | For those looking for a peaceful stroll through nature, Meadowlark Garden—which also houses the Holly Trail—is sure to please.


Look for the  for opportunities to include wellness in your meeting experience.


**THORNHILL HYDRANGEA GARDEN** | See some of the South's favorite flowers almost year-round.

**DAY BUTTERFLY CENTER** | Visit the Cecil B. Day Butterfly Center, where typically 1,000 or more butterflies flutter freely about in one of North America's largest tropical butterfly conservatories.

 **GOLF** | One of Georgia's top golf resorts, Callaway Gardens features two 18-hole golf courses.

 **CALLAWAY GARDENS TENNIS CENTER** | The tennis center features 10 lighted courts (eight hard surface, two soft) tucked into a secluded, forested cove, plus a pro shop.

 **FISHING AND BOATING** | Rent a canoe, kayak or jonboat to explore the 175-acre Mountain Creek Lake. And if you're an angler, you'll find some of the best fishing in the Southeast here and among the 12 other managed lakes. *No fishing license required.*

 **BICYCLING AND NATURE TRAILS** | Whether on two wheels or two feet, you can explore an incredible diversity of environments on the 10-mile Discovery Bicycle Trail and seven miles of nature trails.

**SPA PRUNIFOLIA** | This luxurious spa retreat infuses elements of both spa and nature in a healthy, harmonious way to provide relaxation, restoration and inspiration.



# Registration Form

Please complete and remit the enclosed registration form by Friday, Oct. 26, 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 qualify for assistance under the Americans with Disabilities Act, please call 404-526-8627 for assistance.

## Refund/Cancellation Policy

Meeting registration cancellation is Friday, Oct. 26, for refunds. Cancellations will receive a full refund, less a \$25 administrative charge. Absolutely no refunds will be made after Friday, Oct. 26. Requests should be emailed to [michelleg@gabar.org](mailto:michelleg@gabar.org); faxed to 404-527-8717; or mailed to The State Bar of Georgia, Attn. Michelle Garner, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303.

## Thank You Corporate Sponsor

5-GAVEL  MemberBenefits

## Registration Options

BOG Functions		Qty.
<input type="radio"/> BOG Meeting – Friday	N/C	_____
<input type="radio"/> BOG Dinner – Friday	\$65	_____

## Committee Functions

<input type="radio"/> ICLE	N/C	_____
<input type="radio"/> Member Benefits Committee	N/C	_____
<input type="radio"/> Senior Lawyers Committee	N/C	_____
<input type="radio"/> SOLACE	N/C	_____

## Related Organization Functions

<input type="radio"/> ICJE Quarterly Board Meeting	N/C	_____
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## Recreational

<input type="radio"/> Breakfast and Steeplechase – Saturday	\$125	_____
<input type="radio"/> Auburn Party and Game – Saturday*	\$125	_____

*(\*Includes: transportation to and from Auburn and a ticket to Auburn vs. Texas A&M.)*

Total Fees Enclosed: \$\_\_\_\_\_

## Payment Information

Registrations will be processed on a first-come, first-served basis. Visa, MasterCard and American Express are 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 \_\_\_\_\_

Online registration is available at [www.gabar.org](http://www.gabar.org).



## Board of Governors Attendance Record

	6-16	6-16	10-16	1-17	4-17	6-17	10-17	1-18	3-18	6-18	6-18
	Fri.	Sat.	Callaway	ATL	Oconee	Jekyll	Jekyll	ATL	Greensboro	Fri.	Sat.
	Amelia	Amelia	Amelia	ATL	Oconee	Jekyll	Jekyll	ATL	Greensboro	Amelia	Amelia
Sarah Brown Akins	•	•	e	e	e	•	•	•	•	•	•
Mark W. Alexander	e	e	•	•	•	•	•	•	•	•	•
Kent Edward Altom	•	•	•	•	•	•	e	•	•	•	•
Anthony B. Askew	•	•	•	e	•	•	•	•	•	•	•
Nina M. Baker	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Eric A. Ballinger	•	•	e	•	•	•	•	•	•	•	•
Donna G. Barwick	•	•	•	•	•	•	•	•	u	•	•
Joshua C. Bell	•	•	•	e	u	u	•	•	u	e	•
Tracee R. Benzo	n/a	•	•	•	•	•	•	•	•	•	•
Diane E. Bessen	•	•	•	e	•	•	e	•	•	•	•
James D. Blicht IV	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•
Sherry Boston	•	•	•	•	•	•	•	•	•	•	•
Thomas R. Burnside	•	•	•	•	•	•	e	•	•	u	u
Stephanie D. Burton	•	•	•	•	•	•	u	•	•	•	•
JaDawnya C. Butler	•	•	•	•	•	•	•	u	•	•	e
Ivy Neal Cadle	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	e	e
Richard D. Campbell	n/a	•	•	•	•	•	u	•	•	•	•
David L. Cannon	•	•	•	u	u	•	u	•	u	u	u
Carl S. Cansino	n/a	•	•	•	•	•	•	•	•	•	•
Chris M. Carr	n/a	n/a	n/a	n/a	•	•	u	•	•	•	u
Shiriki L. Cavitt	n/a	n/a	n/a	n/a	n/a	n/a	n	•	•	•	•
Carol V. Clark	•	•	•	•	•	•	•	•	•	•	•
Edward R. Collier	u	u	•	•	•	e	•	•	e	u	u
Christopher S. Connelly	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•

To request an excused absence, please email Secretary Elizabeth Fite (elfite@gmail.com)

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	Fri.	Sat.		ATL	Oconee	Fri.	Sat.		ATL	Greensboro	Fri.	Sat.
	Amelia	Amelia	Callaway	ATL	Oconee	Jekyll	Jekyll	Jekyll	ATL	Greensboro	Amelia	Amelia
Stephanie Kirijan Cooper	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	e	e
Martin L. Cowen III	u	u	•	u	•	•	•	•	•	•	•	•
Susan W. Cox	•	•	•	•	•	•	e	u	•	•	•	•
Terrence Lee Croft	e	e	•	•	•	e	e	e	•	•	e	e
David P. Darden	•	•	•	e	•	•	•	•	•	•	e	e
Gerald Davidson Jr.	•	•	•	e	•	•	•	u	•	•	•	•
J. Anderson Davis	e	e	•	•	•	e	e	•	•	•	•	•
Randall H. Davis	•	•	•	•	•	•	•	•	e	•	•	•
J. Antonio Delcampo	•	•	•	•	•	•	•	•	•	e	•	•
Scott Dewitt Delius	•	•	•	e	•	•	•	•	•	•	•	•
Joseph W. Dent	e	e	•	•	•	•	•	•	•	•	•	•
Foy R. Devine	•	•	u	u	•	•	•	•	u	•	•	•
Daniel S. Digby	n/a	n/a	n/a	n/a	n/a	n/a	n	n/a	n/a	n/a	n/a	•
Susan E. Edlein	n/a	•	•	e	•	•	•	•	•	•	•	•
Gregory W. Edwards	n/a	n/a	n/a	n/a	n/a	•	•	•	e	•	•	•
Archibald A. Farrar	•	•	u	•	•	•	•	e	•	•	e	e
D. Kirk Farrar	•	•	u	•	•	e	e	•	u	•	u	u
Elizabeth L. Fite	•	•	•	•	•	•	•	•	•	•	•	•
Gregory A. Futch	u	u	•	•	e	e	e	u	•	•	•	•
Keigh E. Gammage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
William C. Gentry	•	•	•	•	•	•	•	•	•	•	•	•
Michael G. Geoffroy	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	u	u
H. Emily George	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	u	•	e	e
Walter J. Gordon Sr.	e	e	•	e	•	u	u	u	•	u	•	•

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	Fri.	Sat.			Oconee	Fri.	Sat.				Fri.	Sat.
	Amelia	Amelia	Callaway	ATL		Jekyll	Jekyll	Jekyll	ATL	Greensboro	Amelia	Amelia
Patricia A. Gorham	•	•	•	•	•	e	e	•	•	•	e	e
Thomas F. Gristina	•	•	•	e	•	•	•	•	•	u	•	•
John Haubenreich	•	•	•	•	•	•	•	•	•	•	•	•
Patrick H. Head	e	e	e	•	•	•	•	•	•	•	•	•
Lawton C. Heard, Jr.	•	•	•	e	•	•	•	•	u	•	•	•
Render M. Heard Jr.	•	•	•	•	u	•	•	•	•	e	•	•
Thomas W. Herman	u	•	u	u	•	u	u	•	u	•	•	•
R. Javoyne Hicks	•	•	•	•	e	•	•	•	•	•	•	•
Donna S. Hix	•	•	•	e	•	•	•	e	•	•	e	e
Michael D. Hobbs	u	•	e	•	•	u	u	e	u	u	u	•
Kenneth B. Hodges	•	•	•	•	•	•	•	•	•	•	•	•
Phyllis J. Holmen	•	•	•	e	e	•	•	•	•	•	•	•
J. Marcus E. Howard	•	•	•	•	•	•	•	e	•	e	•	•
Amy V. Howell	•	•	•	•	•	•	•	•	•	•	•	•
Roy B. Huff Jr.	e	e	•	•	•	e	e	e	•	•	e	e
James W. Hurt	•	•	u	e	u	•	u	•	u	•	•	•
Christopher Huskins	u	u	u	•	•	u	•	u	•	•	u	u
Stacey K. Hydrick	n/a	•	•	e	•	•	•	e	•	•	•	•
James T. Irvin	•	•	•	e	e	•	•	•	•	•	•	•
William Dixon James	•	•	•	•	•	u	u	•	•	e	•	•
Curtis S. Jenkins	•	•	u	•	•	•	•	•	•	•	u	•
Larry Michael Johnson	n/a	n/a	n/a	n/a	n/a	n/a	•	•	u	•	u	u
Lester B. Johnson, III	•	•	•	e	e	•	•	e	•	•	u	•
Dawn M. Jones	•	•	•	•	•	•	•	•	•	•	•	•

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	Amelia	Amelia	Callaway								Amelia	Amelia
Michael R. Jones, Sr.	u	u	•	e	u	u	u	e	u	•	u	u
Jennifer A. Jordan	n/a	•	•	e	•	•	•	u	•	e	•	•
Zahra S. Karinshak	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
John F. Kennedy	•	•	•	•	•	•	•	u	•	•	•	•
William J. Keogh, III	•	•	•	e	e	•	•	•	u	u	•	•
Barry E. King	•	•	•	e	•	•	•	•	•	•	•	•
Judy C. King	•	•	•	•	•	•	•	e	•	•	•	•
Seth Kirschenbaum	•	•	•	•	•	•	•	•	•	e	•	•
Catherine Koura	•	•	e	•	•	e	e	e	•	•	•	•
Edward B. Krugman	•	•	•	•	•	e	e	e	•	•	e	e
Jeffrey R. Kuester	•	•	•	•	•	•	•	•	•	e	•	•
Allegra Lawrence-Hardy	•	•	•	•	e	•	•	•	•	•	•	•
Nicole C. Leet	n/a	•	•	•	•	•	•	•	•	•	•	•
Katie K. Leonard	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Ryan R. Leonard	n/a	•	•	•	e	e	•	•	•	•	•	•
Dawn Renee Levine	•	•	u	u	•	•	•	u	•	•	•	•
Joyce Gist Lewis	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
David S. Lipscomb	•	•	•	•	•	•	•	•	•	•	•	•
John R. B. Long	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Dax Eric Lopez	•	•	•	u	•	•	•	e	•	•	•	e
Ronald A. Lowry	•	•	•	•	•	e	•	e	u	•	u	u
John Bell Manly	•	•	•	•	e	•	•	•	u	•	•	•
Ana Maria Martinez	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	u	•	u	•	e	•	e	u	•

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	Amelia	Amelia	Callaway	ATL	Oconee	Jekyll	Jekyll	Jekyll	ATL	Greensboro	Amelia	Amelia
Letitia A. McDonald	•	•	•	•	•	•	•	u	•	e	•	•
Brad J. McFall	u	u	e	•	•	u	u	u	•	•	u	u
Ashley W. McLaughlin	u	u	•	•	u	•	u	u	u	•	u	u
Michael D. McRae	u	u	u	u	•	u	e	e	u	•	u	•
Terry L. Miller	•	•	•	•	•	•	•	•	•	•	•	•
W. Benjamin Mitcham	•	•	•	e	•	u	•	•	u	•	•	•
William J. Monahan	n/a	•	•	e	•	•	•	•	e	•	•	•
Shondeana Morris	•	•	•	•	•	•	•	•	•	•	•	•
John T. Mroczko	n/a	n/a	n/a	n/a	n/a	•	u	u	•	u	u	u
Laura J. Murphree	•	•	•	e	•	•	e	e	•	•	•	•
Sam G. Nicholson	•	•	•	•	•	•	•	•	u	•	e	•
Rizza O'Connor	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•
Kathy Stephens Palmer	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Jonathan B. Pannell	•	•	•	•	e	•	•	•	e	•	u	•
Joy Renea Parks	•	•	•	e	•	•	•	•	•	•	•	•
Thomas A. Peterson, IV	n/a	n/a	n/a	n/a	n/a	n/a	•	•	e	•	•	•
Will H. Pickett, Jr.	u	u	u	u	u	u	u	•	u	u	u	u
Robert Allen Plumb Jr.	n/a	n/a	n/a	n/a	n/a	n/a	•	•	u	•	•	•
Jill Pryor	e	e	•	•	•	e	e	e	•	•	e	e
William M. Ragland	•	•	e	u	•	•	•	e	•	e	•	•
James L. Roberts, IV	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•
Robert V. Rodatus	•	•	e	e	e	e	e	•	•	•	e	e
Tina S. Roddenbery	•	•	•	•	•	•	•	e	•	•	•	•
Buck Rogers	•	•	•	•	•	•	•	•	•	•	•	•

To request an excused absence, please email Secretary Elizabeth Fite (efite@gmail.com)

### Board of Governors Attendance Record

	6-16	6-16	10-16	1-17	4-17	6-17	6-17	10-17	1-18	3-18	6-18	6-18
	Fri.	Sat.			Oconee	Fri.	Sat.				Fri.	Sat.
	Amelia	Amelia	Callaway	ATL		Jekyll	Jekyll	Jekyll	ATL	Greensboro	Amelia	Amelia
Joseph Roseborough	•	•	u	•	•	u	u	•	•	u	•	•
William C. Rumer	•	•	e	u	•	e	e	e	u	•	u	u
Claudia S. Saari	•	•	•	•	•	•	•	•	•	•	•	•
Dennis C. Sanders	•	•	e	u	•	•	•	e	•	•	•	•
H. Burke Sherwood	•	•	•	e	•	•	•	•	u	u	•	•
Robert H. Smalley, III	•	•	•	•	•	•	•	•	•	e	•	•
Philip C. Smith	•	•	u	•	•	•	e	•	•	•	•	•
R. Rucker Smith	•	•	•	•	•	•	•	•	•	•	•	u
Daniel B. Snipes	e	e	•	•	•	•	•	e	•	•	e	e
R. Gary Spencer	•	•	e	•	e	•	•	•	•	e	•	•
H. Craig Stafford	•	•	e	u	•	•	•	•	e	•	•	•
Lawton E. Stephens	•	•	•	e	•	e	e	e	e	•	•	•
Donna Coleman Stribling	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
C. Deen Strickland	•	•	e	u	•	•	•	•	u	•	•	•
Frank B. Strickland	•	•	e	•	•	•	•	•	•	•	e	e
Joseph C. Sumner, Jr.	•	•	•	u	•	•	•	•	•	•	•	•
Darrell L. Sutton	•	•	•	•	•	•	•	•	•	•	•	•
Jason W. Swindle	n/a	n/a	n/a	n/a	n/a	•	•	•	u	•	•	•
Michael B. Terry	•	•	e	•	•	•	•	•	•	•	•	•
Anita W. Thomas	•	•	e	u	•	u	u	•	•	e	u	•
Edward D. Tolley	•	•	•	•	•	u	•	•	u	•	•	u
Clayton Tomlinson	•	•	•	e	•	•	•	•	u	•	•	•
Chris P. Twyman	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	e
William Underwood III	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	u	•	•

To request an excused absence, please email Secretary Elizabeth Fite (elfite@gmail.com)

### Board of Governors Attendance Record

	6-16	6-16	10-16	1-17	4-17	6-17	6-17	10-17	1-18	3-18	6-18	6-18
	Fri.	Sat.			Oconee	Fri.	Sat.		1-18	3-18	6-18	6-18
	Amelia	Amelia	Callaway	ATL		Jekyll	Jekyll	Jekyll	ATL	Greensboro	Amelia	Sat.
											Amelia	Amelia
Martin E. Valbuena	•	•	•	•	u	•	•	•	•	•	•	•
Carl R. Varmedoe	•	•	u	•	•	•	•	•	u	•	•	•
Nicki N. Vaughan	•	•	•	•	•	•	•	•	•	•	•	•
Carl A. Veline, Jr.	•	•	•	•	•	e	e	•	•	•	u	•
J. Henry Walker	•	•	•	•	•	•	•	e	•	•	•	•
Janice M. Wallace	•	•	•	•	•	•	•	•	•	•	e	e
Amy Carol Walters	n/a	•	•	e	•	e	•	e	e	•	•	•
Jeffrey S. Ward	•	•	•	•	e	•	•	•	•	•	•	•
Harold B. Watts	•	•	•	•	•	•	•	e	•	•	•	•
John P. Webb	•	•	•	•	•	•	e	•	•	u	•	•
Christopher F. West	n/a	•	u	u	•	•	•	u	•	u	•	•
Nancy J. Whaley	•	•	•	•	•	•	•	•	•	•	•	•
Paige R. Whitaker	n/a	•	•	•	•	•	•	•	•	•	•	•
Kathleen Womack	•	•	•	•	•	•	•	e	•	•	•	•
Douglas Woodruff	•	•	•	e	•	e	e	e	u	•	•	•
• - attended meeting				e - excused absence						u - unexcused absence		

To request an excused absence, please email Secretary Elizabeth Fite (elfite@gmail.com)



# Future Meetings Schedule

(10/9/18)



## Executive Committee

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November 7, 2018	Executive Committee Meeting Albany, GA
February 20, 2019	Executive Committee Dinner with Court of Appeals
March 15-17, 2019	Supreme Court/Executive Committee Joint Meeting, Callaway Gardens, Pine Mountain, GA
May 3, 2019	Executive Committee Meeting Tifton, GA
Sept. 6-8, 2019	Executive Committee Extended Meeting Omni Grove Park Inn, Asheville, NC

## Board of Governors

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Fall 2018	Nov. 2-4, 2018	Callaway Gardens, Pine Mountain, GA
Midyear 2019	January 10-12, 2019	Macon Marriott, Macon, GA
Spring 2019	March 28-31, 2019	The Ritz-Carlton Reynolds, Lake Oconee Greensboro, GA
Annual 2019	June 6-9, 2019	The Ritz-Carlton Orlando, Grande Lakes Orlando, FL
Fall 2019	October 18-20, 2019	DeSoto Hotel, Savannah, GA
Spring 2020	March 27-29, 2020	Château Élan Winery & Resort, Braselton, GA
Annual 2020	June 11-14, 2020	Sandestin Golf & Beach Resort, Miramar Beach, FL

## Young Lawyers Division

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Fall 2018	Nov. 9-11, 2018	The Ritz-Carlton Reynolds, Lake Oconee Greensboro, GA
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Midyear 2019	January 10-12, 2019	Macon Marriott, Macon, GA
Spring 2019	April 25-29, 2019	Hamilton Hotel, Washington, DC
Annual 2019	June 6-9, 2019	The Ritz-Carlton Orlando, Grande Lakes Orlando, FL
Summer 2019	August 22-25, 2019	King & Prince Beach & Golf Resort, St. Simons Island, GA (contract pending)
Annual 2020	June 11-14, 2020	Sandestin Golf & Beach Resort, Miramar Beach, FL

### **American Bar Association Meetings**

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Midyear 2019	Jan. 23-29, 2019	Las Vegas, NV
Annual 2019	Aug. 8-13, 2019	San Francisco, CA
Midyear 2020	Feb. 12-18, 2020	Austin, TX
Annual 2020	Aug. 6-11, 2020	Toronto, Ontario, Canada
Midyear 2021	Feb. 10-16, 2021	Orlando, FL
Annual 2021	Aug. 5-10, 2021	Chicago, IL

### **Savannah Boat Ride**

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2019	April 5, 2019	Savannah, GA
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### **Southern Conference Meetings**

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2018	October 4-7	Ritz-Carlton Hotel, New Orleans, LA
2019	October 9-13	Ritz-Carlton Atlanta, Atlanta, GA
2020	October 15-18	Moody Gardens Hotel Spa & Convention Center, Galveston Island, TX
2021	Oct.	Florida
2022	Oct.	Mississippi
2023	Oct.	West Virginia
2024	Oct.	South Carolina

### **2019 High School Mock Trial Championship (Athens, GA)**

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2019	May 17-18	Nationals Weekend (Bar leadership encouraged to serve on Judging Panels on Fri., be on hand for Judging Panel Reception Fri. night, serve on Judging Panels for Sat. and the championship round, and be on hand for Awards Gala)
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**D-R-A-F-T**  
**STATE BAR OF GEORGIA**  
**BOARD OF GOVERNORS**  
**MEETING MINUTES**  
**Friday, June 8, 2018/9:00 a.m.**  
**Omni Amelia Island Resort/Amelia Island, FL**

The 273<sup>rd</sup> meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Buck Rogers, President, presided.

Special Recognition

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

Recognition of Retiring Executive Committee Members and Retiring Board Members

President Buck Rogers recognized the following retiring Executive Committee members: Immediate Past President Patrick T. O'Connor, YLD Immediate Past President Jennifer Mock.

President Buck Rogers recognized the following retiring Board of Governors Members: Dwight L. Thomas, Atlanta Circuit Post 6; Damon Elmore, Atlanta Circuit Post 9; Elena Kaplan, Atlanta Circuit Post 12; William R. McCracken, Augusta Circuit Post 4; Dennis C. O'Brien, Cobb Circuit Post 1; Gerald P. Word, Coweta Circuit Post 1; Lawrence Alan Stagg, Lookout Mountain Circuit Post 3; John Kendall Gross, Middle Circuit Post 1; William Gilmore Gainer, Rockdale Circuit; and Gary Stuart Freed, Stone Mountain Circuit Post 4.

Roll Call

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

Minutes of the 272<sup>nd</sup> Board of Governors Meeting

The minutes of the Board of Governors meeting held March 20, 2018 at the Ritz-Carlton Reynolds at Lake Oconee, in Greensboro, Georgia were approved by unanimous voice vote.

Future Meetings Schedule

President-elect Ken Hodges reviewed the Future Meetings Schedule.

Awards and Presentations

The following State Bar awards, resolutions, and presentations were made:

#### Distinguished Service Award

President Buck Rogers presented the Distinguished Service Award (Exhibit B) to Phyllis Holmen for her many years of service on the Executive Committee, the Board of Governors, and to the Georgia Legal Services Program. Her contributions to upholding the American ideal of equal justice for all during more than four decades epitomizes the award's criteria of conspicuous service to the cause of jurisprudence and to the advancement of the legal profession in the state of Georgia.

#### Resolution for Emory Schwall

President Buck Rogers and Supreme Court Justice Carol Hunstein presented a resolution (Exhibit C) to Bar member Emory Schwall honoring his exceptional 68-year legal career.

#### Resolution for Roy Sobelson

President Buck Rogers presented a resolution (Exhibit D) to Roy Sobelson, Professor of Law and Director of LL.M. Programs at Georgia State University College of Law, for a career of devoted service to legal education and the justice system in the State of Georgia.

#### Judge Willie Lovett Award for Advancing the Field of Juvenile Law

Nicki Vaughan, Chair of the Child Protection and Advocacy Section, Supreme Court Justice David Nahmias, Seletha Lovett, and Ira Foster, GLSP Interim Director, presented the award to the Honorable C. Gregory Price, Juvenile Court of Floyd County.

#### Chief Justice Harris Hines Award for Outstanding Advocacy for Children in Dependency Proceedings

Supreme Court Justice David Nahmias and Chief Justice P. Harris Hines presented the award to Attorney Christopher Hampfling, Rockdale County Special Assistant Attorney General, and case manager Demetria Campbell, Colquitt County.

#### Georgia Legal Services Program

President Buck Rogers presented Interim Executive Director Ira Foster a replica check in the amount of \$571,925, which represents contributions from attorneys and law firms received during the 2017-18 Justice For All Campaign.

#### Corporate Sponsors

President Buck Rogers acknowledged the State Bar's two corporate sponsors: Member Benefits, Inc. (5 Gavel Sponsor) and LawPay (3 Gavel Sponsor).

President Buck Rogers presented the following awards:

Bench and Bar Committee Thomas O. Marshall Professionalism Award

Judge Recipient: Honorable Steven C. Jones

Lawyer Recipient: Past President J. Douglas Stewart

Local and Voluntary Bar Awards

Thomas R. Burnside, Jr. Excellence in Bar Leadership Award: Honorable Christopher C. Edwards

Award of Merit: Oconee Judicial Circuit Bar Association (under 50 members), Walton County Bar Association (51-100 members), Fayette County Bar Association (101-250 members), Georgia Association of Black Women Attorneys (251-500 members), Atlanta Bar Association (501 or more members)

Law Day Award of Achievement: Gwinnett County Bar Association (101-250 members), Cobb County Bar Association (501 or more members)

Best New Entry: Fayette County Bar Association

Best Newsletter: Gwinnett County Bar Association (101-250 members), Savannah Bar Association (501 or more members)

Best Website: Paulding County Bar Association (under 50 members), Gwinnett County Bar Association (101-250 members), Georgia Association of Black Women Attorneys (251-500 members), Georgia Association for Women Lawyers (501 or more members)

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

Sections

Section of the Year: Family Law Section

Section Awards of Achievement: Child Protection and Advocacy Section, Health Law Section, Intellectual Property Law Section, and Technology Law Section.

Military Legal Assistance Program Marshall-Tuttle Award

This year's recipient is Immediate Past President of the ABA Linda Klein, who is currently traveling internationally. The award will be presented at the Fall Board of Governors meeting.

Resolution for Chief Justice P. Harris Hines

President Buck Rogers presented a resolution (Exhibit E) to Chief Justice P. Harris Hines for 50 years of devoted service to the community, the legal profession, and the justice system of Georgia. Chief Justice Hines will have served on the Supreme Court for 23 years, including the past two-and-a-half years as Chief Justice, at the time of his announced retirement in August.

State of the Court of Appeals of Georgia

The Honorable Stephen Dillard, Chief Judge of the Court of Appeals of Georgia, delivered the State of the Court of Appeals of Georgia address.

State of the Supreme Court of Georgia

The Honorable P. Harris Hines, Chief Justice of the Supreme Court of Georgia, delivered the State of the Supreme Court of Georgia address.

State of the Georgia Law Department

Attorney General Chris Carr delivered the State of the Georgia Law Department address. Thereafter, Attorney General Carr, YLD President Nicole Leet, President Buck Rogers, and Danah Craft, Executive Director of the Georgia Food Bank Association, presented the following Legal Food Frenzy awards:

Sole Proprietor: Attorney Justin Oliverio, LLC

Small Firm: Jenkins & Roberts, LLC

Medium Firm: Whelchel, Dunlap, Jarrard & Walker, LLP

Large Firm: Moore Ingram Johnson & Steele LLP  
King & Spalding

Corporate, In-House Counsel: Serta Simmons Bedding, LLC

Legal Organizations: Georgia Institute of Technology Office of Legal Affairs

Judicial: Augusta Judges

Attorney General's Cup - Law School Division: Mercer University Walter F. George School of Law

Attorney General's Cup: Attorney Joe S. Habachy

## Bar President's Award: Coleman Talley LLP

### State of the Georgia House Judiciary Committee

Representative Wendell Willard, Chair of the House Judiciary Committee, reported on the activities of the House Judiciary Committee.

### State of the Georgia Senate Judiciary Committee

Senator Jesse Stone, Chair of the Senate Judiciary Committee, reported on the activities of the Senate Judiciary Committee.

### Memorials

President Buck Rogers presented the Memorials report.

### Young Lawyers Division

YLD President Nicole Leet reported about the activities of the Young Lawyers Division. This year's major focus was on pro bono service. Through the Signature Service Project's Pro Bono Challenge, she announced that over 10,000 hours of pro bono service were pledged. In continuing the work of service, she reported that the Community Service Project Committee conducted a statewide day of service in conjunction with Habitat to Humanity and participated in building three homes, and the YLD hopes to make this an annual event. While President Leet referred the Board members to the YLD Report in the Board book to learn more about the work of the YLD, she reported that in addition to annual projects, there are over 20 YLD committees working on projects every year. The Law School Outreach Committee conducted outreach early in the year at all of Georgia's law schools and hopes to include feeder law schools in Tennessee and Alabama next year. The YLD participated in an ABA program, *What Do Lawyers Do*, that educates undergraduate students about legal careers and how to become a lawyer. Other continuing programs include the Public Interest Internship Program, the Leadership Academy, and the Legal Food Frenzy. She announced that the YLD was recognized by the ABA as an Affiliate Star of the Quarter for the Pro Bono Challenge, and that YLD member Jana Edmondson-Cooper was honored with the ABA YLD William Reece Smith Jr. National Outstanding Young Lawyer Award. Continuing her efforts of pro bono service, she announced that there is a Help-a-thon at this meeting where lawyers can sign up to provide free legal answers. Lastly, she announced that sponsorship money was raised to help subsidize young lawyers attending tomorrow night's swearing-in ceremony. She thanked the YLD Officers and Board members, the Bar's Officers, Executive Committee, and the Board of Governors for their support.

### Investigative Panel

Panel Chair Sherry Boston reported on the activities of the Investigative Panel and recognized the current and retiring Panel members.

Review Panel

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

Formal Advisory Opinion Board

Board chair Jeff Schneider reported on the activities of the Formal Advisory Opinion Board.

Clients' Security Fund

Deputy General Counsel Bill NeSmith reported on the activities of the Clients' Security Fund.

Receiverships

Deputy General Counsel Bill NeSmith reported on receiverships and the importance of succession planning.

President's Address

Following an introduction by Immediate Past President Patrick T. O'Connor, President Buck Rogers delivered the President's Address (Exhibit F).

Adjournment

There being no further business, the meeting was adjourned at 12:21 a.m.

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Dawn M. Jones, Secretary

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Buck Rogers, President



**D-R-A-F-T**  
**STATE BAR OF GEORGIA**  
**BOARD OF GOVERNORS**  
**MEETING MINUTES**  
**Saturday, June 9, 2018/9:00 a.m.**  
**Omni Amelia Island Resort/Amelia Island, FL**

The 274<sup>th</sup> meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Ken Hodges, President, presided.

Call to Order and President's Remarks

Following a call to order and an introduction by Immediate Past President Buck Rogers, President Ken Hodges delivered the President's Address (Exhibit A).

Special Recognition

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

Welcome to New Officers and Board Members

President Ken Hodges recognized the new Officers and Board of Governors members.

Roll Call

Secretary Elizabeth Fite circulated the roll for signature. The list of those in attendance is attached as Exhibit B.

Future Meetings Schedule

President Ken Hodges reviewed the Future Meetings Schedule.

Approval of President's Appointments to the State Disciplinary Boards

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

Investigative Panel:

Maggie Puccini, Savannah (2021)

Jeffrey R. Harris, Savannah (2021)

Formal Advisory Opinion Board:

Georgia Association of Criminal Defense Lawyers: Amanda Clark Palmer, Atlanta (2020)

Young Lawyers Division: Nicole Christine Leet, Atlanta (2019)

Emory University: Melissa D. Carter, Atlanta (2020)

Georgia State University: Megan Elizabeth Boyd, Atlanta (2020)

At Large: Letitia A. McDonald, Atlanta (2020)

Mary Anita Prebula, Atlanta (2020)  
Jeffrey Hobart Schneider, Atlanta (2020)

#### Approval of President's Appointments to the ICLE Board

The Board of Governors approved the following presidential appointments to the ICLE Board, for three-year terms, by unanimous voice vote: Buddy M. Mears, Laverne Lewis Gaskins, and C. James Callar, Jr.

#### Approval of 2018-2019 Standing and Special Committees, Program Committees and Boards

The Board of Governors approved the proposed 2018-2019 Standing, Special Committees, Program Committees and Boards by unanimous voice vote.

#### Treasurer's Report

Treasurer Dawn Jones reported on the Bar's finances and investments. She reported that the State Bar's share of the proceeds from the sale of the Athens ICLE property totaled \$528,219.75; membership growth is now at 49,927 total members; the Bar Center remains profitable; there are adequate reserves in place; and the surplus continues to decline by design and as per our plan. She reported that membership is comprised of 60.7% men and 39.3% women. She stated that there has been a slight decline in legislative contributions that totaled \$550,000 for the 2017-18 Bar year, but that contributions to the GLSP are steadily increasing. She also reported that the State Bar restricted reserves are \$5.65 million and the surplus is \$5.2 million. The State Bar continues to have minimal dues increases. Lastly, she reported that the "grey wave" of 55 and older members is increasing, which impacts wellness and receiverships so it is important for attorneys to have succession plans and to appoint a designated attorney on their dues notice.

Finance Committee Chair Nancy Whaley reported that at the last Board of Governors meeting there was a discussion on the Bar Facility assessment. She announced that the Finance Committee will be meeting sometime in the August/September timeframe to look at the impact that assessment has on new lawyers. Thereafter, she asked the Finance Committee members in the audience to stand and be recognized.

The Board of Governors received copies of the combined Operations and Bar Center Consolidated Revenues and Expenditures Report as of March 31, 2018; Income Statement YTD for the Nine Months Ended March 31, 2018; Bar Center Revenues and Expenditures Summary for the Nine Months Ended March 31, 2018; State Bar Balance Sheet for March 31, 2018; and the Summary of Dues and Voluntary Contributions at March 31, 2018, Legislative Fund and Cornerstones of Freedom Fund Activity Reports through March 31, 2018.

### 2018-2019 State Bar Budget

Treasurer Dawn Jones presented the consolidated 2018-2019 (3<sup>rd</sup> Draft) Proposed State Bar Operating and Bar Center Budgets (Exhibit C), which were approved by the Board of Governors by unanimous voice vote, and reflect the following:

- 1) Dues at \$252 for active members and \$126 for inactive members, which represents a \$2 increase in actives dues and a \$1 increase in inactive dues;
- 2) Section dues to be reflected on the dues statement ranging from \$10-\$40;
- 3) Continuation of assessments required by Bar Rules regarding the Clients' Security Fund (\$100 @ \$25/year) and Bar Center Facility (\$200 @ \$50/year);
- 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 (\$100 for young lawyers) for the Georgia Legal Services Program.

### Financial Resolutions

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

- 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 2018

That Mauldin & Jenkins be designated as the independent auditing firm to audit the financial records of the State Bar of Georgia for the fiscal year 2017-2018.

Executive Director Election

The Board of Governors elected Jeff Davis as Executive Director for the 2018-2019 Bar year by unanimous voice vote.

Election Schedule 2018-2019

The Board of Governors approved the proposed 2018-19 Election Schedule (Exhibit D) by unanimous voice vote.

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:

One-Year Term 2018-2019

Nominations:

Candidate: Amy V. Howell  
term

Nominator: Judge Lawton E. Stephens

Seconded: Anita Wallace Thomas

Results:

Elected by majority ballot vote for a one-year

Candidate: Eric A. Ballinger

Nominator: Judge Philip C. Smith

Seconded: Martin E. Valbuena

Two-Year Term 2018-2020

Nominations:

Candidate: J. Antonio DelCampo Elected for a two-year term

Nominator: Judge Diane E. Bessen

Seconded: Patrick T. O'Connor

Candidate: Sarah B. (Sally) Akins Elected for a two-year term

Nominator: Judge Susan E. Edlein  
Seconded: Lester B. Johnson, III

Candidate: Nicki N. Vaughan                      Elected for a two-year term  
Nominator: Seth D. Kirschenbaum  
Seconded: Susan Warren Cox

#### Georgia Legal Services Appointments

The Board of Governors approved the appointments of Marquetta Bryan, Patrick J. Flinn, and Keishan J. Davis to the Georgia Legal Services Board of Trustees, for two-year terms, by unanimous voice vote.

#### Chief Justice's Commission on Professionalism Appointment

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

#### Young Lawyers Division

YLD President Rizza O'Connor reported that she is excited to serve as the 72<sup>nd</sup> President of YLD. As a first generation Asian-American, this position is extremely meaningful to her. She pursued the position of YLD President for the opportunity to give back on a greater scale. Her motivation this year is to live out the YLD's motto of working for the profession and the public. She stated that she comes from an interesting perspective and background. She is a Chief Magistrate Judge in rural South Georgia, specifically in Toombs County, and her projects will reflect that perspective. As lawyers, she stated that we never know who we will influence, who we will change, and whose lives we are going to make better. As a Magistrate Judge, she finds that in 90% of the cases one of the parties is a pro se litigant so her signature service project this year is a remote representation program. She can attest for the need for affordable legal services, especially in rural Georgia, so the YLD is partnering with the Lawyers for Equal Justice program and its Director Sarah Babcock. The idea is to use technology to bridge the access to justice gap. In Toombs County, which will be the test case, litigants will have the opportunity to hire lawyers from the Lawyers for Equal Justice Program. Those are typically young lawyers who want to set up their own practices, but need some training. So if there is lawyer-client relationship that is formed, the lawyers can file their pleadings electronically. If there is a hearing, it will be done in Toombs County and lawyers in Atlanta or other places in the state will be able to remotely represent that client wherever they are. This will accomplish two things. It will give the young lawyer who is filing the pleading more courtroom experience and provide the litigants with an opportunity to have a lawyer. No matter how big or small a case, that matter is the person's crisis and everyone can benefit from the advice of an attorney. She also reported that the heart of

the YLD is in its committees and she looks forward to presenting the Board of Governors with the highlights the YLD will accomplish this year. She announced the YLD remaining meetings at which she will be bringing CLEs that focus on strong professional development. The Summer meeting in Savannah will feature a CLE on the iconic case of the Jim William trials. The Fall meeting will take place in Greensboro at Lake Oconee. The Spring meeting is in Washington, D.C. where the YLD has a reservation for the group to be sworn into the Supreme Court of the United States and a commitment from Justice Clarence Thomas. To close, she highlighted a program that was important to her as a working mom. With the help of Executive Director Jeff Davis and Communications Director Sarah Coole, the State Bar has a lactation room on the Conference Center Floor at the State Bar. Lastly, she reported that she has designed the internal structure of the YLD to work with and support other organization like GABWA, GAPABA, GAWL, Gate City, and Stonewall, so she extends that invitation today for the YLD to partner with those organizations on programs and events in the future, and knows that so much more can be accomplished by working together.

#### Lawyers for Equal Justice Program

Executive Director Sarah Babcock reported on the activities of the Lawyers for Equal Justice Program (L4EJ). The L4EJ is helping close the justice gap by providing a springboard for new lawyers to launch sustainable practices that provide affordable representation for all Georgians. In the past two years, 40 attorneys have participated in the program, representing all five Georgia law schools, helped launch 33 solo or small law firms, and graduated 10 participants. The practices of the participating attorneys span more than 15 practice areas, covering almost every area affecting low and moderate-income consumers. L4EJ offers over 300 hours of training, coaching, and mentoring. It has served over 500 clients on a pro bono basis, amounting to approximately 4500 hours. At present, there are 19 participating attorneys, 9 alumni participants, and 17 practice areas. Sarah also reported that 85% of requests to L4EJ come from outside metro Atlanta. She announced that future projects include the remote representation project in Toombs County Magistrate Court, a remote consultation project with the Dougherty County Law Library, offering relevant CLEs to all Bar members, and community education sessions and “well-checks.” Lastly, she thanked all of the L4EJ supporters for their generous contributions.

#### Georgia Bar Foundation Report

Len Horton, Executive Director, reported on the activities of the Georgia Bar Foundation, IOLTA, and the Fellows Program. He also reported on the Foundation’s philanthropic endeavors.

### Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported on the Bar's successful legislative session and the five bills that the Bar was able to get passed this year. Both the Victims of Domestic Violence and Appellate Practice Center funding requests were approved. She reported that there will be two new judiciary committee chairs next year. She announced that the Advisory Committee on Legislation will be chaired by Thomas Worthy. She thanked Immediate Past President Buck Rogers for his leadership and work this year, and the lobbying team of Rusty Sewell, Mark Middleton and Roy Robinson. Lastly, she reported that the submission deadlines for this year's legislative proposals will be early September and early December.

Legislative Consultant Rusty Sewell urged the Board of Governors members to call their legislative representative, thank them for their help and for their service, and get to know them.

### Business Court

Executive Counsel Carey Miller, Office of the Governor, reported on the Business Courts constitutional amendment, House Resolution 993. HR 993 establishes a constitutional authority for business courts divisions and provides for the creation of a new statewide business court that is a limited jurisdiction court. President Hodges reported that the State Bar's Business Court Committee will help work on the enabling legislation.

### Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on February 8, February 14, and March 5, 2018.

### Office of the General Counsel

The Board of Governors received a written memorandum from the Office of the General Counsel with a link to access the Annual Report of the General Counsel.

### Insurance Committee

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

### Consumer Assistance Program

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

Fee Arbitration Program

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

Transition into Law Practice Program

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

Unlicensed Practice of Law

The Board of Governors received a written report on the formal Investigations undertaken by the Unlicensed Practice of Law Program.

Media Report

The Board of Governors received a copy of the 2017-18 Media Report.

Georgia Legal Services Program Report

The Board of Governors received a written report on the activities of the Georgia Legal Services Program.

Sections' Annual Reports

The Board of Governors received written reports on the activities of the following State Bar Sections: Child Protection and Advocacy, Creditor's Rights, Eminent Domain, Family Law, Fiduciary Law, Franchise and Distribution Law, General Practice and Trial, Health Law, Intellectual Property Law, Local Government Law, Nonprofit Law, Privacy and Technology Law, School and College Law, and Workers' Compensation Law.

Old Business

There was no old business.

New Business

There was no new business.



Remarks/Q&A/Comments/Suggestions

There were no remarks, questions, comments or suggestions.

Adjournment

There being no further business, the meeting was adjourned at 11:27 a.m.

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Elizabeth L. Fite, Secretary

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Kenneth B Hodges, III, President



**MEMORANDUM**

To: Board of Governors

From: William D. NeSmith, III

Date: October 12, 2018

Re: Proposed Construction Law Section and Bylaws.  
Proposed Class Action Law Section and Bylaws.

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The Sections Department of the State Bar of Georgia has proposed the addition of two new sections, Construction Law Section and Class Action Law Section. Included in your Board Book are proposed bylaws for both sections. The proposed bylaws generally follow our approved template bylaws with the only differences being aesthetic and stylistic changes.

Please review the included bylaws as these two sections will be presented for a vote at the Fall Board of Governors Meeting.

Bill NeSmith  
Deputy General Counsel

# BYLAWS

## CLASS ACTION SECTION

### STATE BAR OF GEORGIA

#### ARTICLE I

**Section 1:** The name of this Section shall be the “**Class Action Section.**”

**Section 2:** The purpose of this Section shall be to promote the objectives of the State Bar of Georgia within the field of class action law (state and federal); to actively sponsor the continuing education of the members of the State Bar of Georgia in the class action field; to make appropriate recommendations in this field to the State Bar of Georgia; and to further the purposes of a Section of the State Bar of Georgia as contemplated under the Bylaws of the State Bar of Georgia. This Section will serve this purpose by:

- (a) Providing a forum for practitioners (both plaintiff and defense attorneys), corporate counsel, members of the judiciary, and academics interested in class actions to develop relationships and exchange practice experiences;
- (b) Establishing committees to promote research and discussion on relevant issues affecting class actions and keeping the Section members abreast of current developments in class action law;
- (c) Developing continuing legal education programs on topics relevant to the class action field; and
- (d) Providing networking opportunities for its members.

#### ARTICLE II

##### Membership and Dues

**Section 1:** Each member of this Section shall be a member in good standing of the State Bar. Any member of the State Bar, upon request and payment of annual Section dues of \$25 (subject to change) for the current year, shall be enrolled as a member of this Section. Thereafter, such dues shall be paid in advance each year at the time of the payment of dues to the State Bar. Members so enrolled and whose dues are so paid shall constitute the membership of this Section. Any member whose annual dues shall be more than six (6) months past due thereupon shall cease to be a member and shall be dropped from the rolls of the Section, subject to reinstatement at any time upon the payment of dues on the current year.

## ARTICLE III

### Officers

**Section 1:** The Officers of the Section shall be a Chairperson, a Vice Chairperson and a Secretary, all of whom shall be members in good standing of the Section.

**Section 2:** Each Officer shall hold office for a term beginning at the close of the annual meeting of the Section at which he is elected and ending at the close of the next succeeding annual meeting of the Section and until his successor shall have been elected and qualified. If a vacancy shall arise in the office of Chairperson, the Vice Chairperson shall become Chairperson for the unexpired term. If a vacancy shall arise in the office of the Chairperson and there then also shall exist a vacancy in the office of Vice Chairperson, the President of the State Bar of Georgia shall appoint a successor Chairperson for the unexpired term.

**Section 3:** The Chairperson shall preside at all meetings of the Section, appoint appropriate committees of the Section to serve during his or her term as Chairperson, plan and supervise the program of the Section at its annual meeting, and perform all executive and administrative duties necessary or proper to the organization and functioning of the Section; including any duty as from time to time may be prescribed by the Section or by the State Bar

**Section 4:** The Vice Chairperson shall assist the Chairperson and in the absence or disability of the Chairperson, shall perform the duties of the Chairperson.

**Section 5:** The Secretary shall keep minutes of all meetings of the Section, maintain the permanent records, give notices of meetings and perform such other duties as may be prescribed by the Chairperson.

**Section 6:** Upon the organization of the Section, the President of the State Bar shall appoint a Chairperson, a Vice Chairperson and a Secretary to serve until the close of the next annual meeting of the State Bar.

## ARTICLE IV

### Meetings of the Section

**Section 1:** An annual meeting of the Section shall be held each year at or about the time and place of the Annual Meeting of the State Bar; the date, time and meeting room to be fixed by the Chairperson.

**Section 2:** A Special Meeting of the Section may be called by the Chairperson to be convened at such time and place and with such program and order of business as may be fixed by

the Chairperson.

**Section 3:** Ten (10) members of the Section present at any meeting shall constitute a quorum for the transaction of business.

**Section 4:** All action of the Section shall be by a majority vote of the members of the Section present at any properly called meeting at which a quorum is present.

**Section 5:** At least ten (10) days written notice of the time and place of each meeting of the Section shall be given by mailing same to each member of the Section on the rolls of the Section in the Office of the State Bar at the member's address as the same appears in said office. However, it shall not be required that any such notice be by a specifically separate mailing; the same may be included in other written or printed material which is being distributed by mail to all members of the State Bar or to any part thereof which is inclusive of all of the members of the Section.

## ARTICLE V

### Executive Committee

**Section 1:** Between meetings of the Section the Executive Committee of the Section shall consist of the three Officers of the Section and two other members of the Section appointed by the Chairperson, whose term shall be co-existent with that of the Chairperson.

**Section 2:** The Executive Committee shall have full authority to act for the Section in any way in which the Section itself would be authorized to act and any such action taken by the Executive Committee pursuant to this provision shall be reported to the members of the Section at the next Annual Meeting of the Section.

## ARTICLE VI

### Elections

**Section 1:** Prior to each annual meeting of the Section, the Chairperson shall appoint not less than three (3) members of the Section to be a nominating committee which shall nominate one or more members of the Section as qualified to hold each of the offices of the Section for the ensuing terms of office. The report of the nominating committee shall be made to the annual meeting; thereafter, and prior to the election of Officers, any member of the Section present at the annual meeting may nominate any other member of the Section for election to any of the offices.

**Section 2:** The names of all members of the Section nominated for each office either by nominating committee or from the floor shall be submitted to the annual meeting and ballots shall be cast until there shall be a majority of the members of the Section present favoring the election of a designated member to an office. Voting shall be viva-voce and the nominee for an office with the lowest number of votes in any ballot shall be dropped from consideration on the next succeeding ballot, provided that any annual meeting, by majority vote of the members of the Section present, may require written secret ballots or otherwise modify the procedure governing any election.

## ARTICLE VII

### Finances

**Section 1:** Funds of the Section shall be deposited in the treasury of the State Bar of Georgia and shall be disbursed by the treasurer of the State Bar of Georgia to pay bills of the Section which have been approved for payment by any Officer of the Section.

**Section 2:** Funds of the Section shall be expended for such purposes related to the activities of the Section as from time to time shall be authorized by the Section's Executive Committee.

**Section 3:** Officers and members of the Section shall not be compensated for services thereto.

**Section 4:** A financial report of the funds of the Section shall be rendered at each annual meeting thereof. This Section shall have the same fiscal year as the State Bar.

## ARTICLE VIII

**Miscellaneous**

**Section 1:** The Section shall from time to time conduct programs for the continuing education in the world and field of this Section, but shall coordinate its efforts in this regard with the other Sections of the State Bar of Georgia.

**Section 2:** The Section may from time to time, subject to the Rules, Bylaws and Standing Board Policies of the State Bar, sponsor, promote, study or review proposed legislation. The Section may from time to time report on its legislative activities to the State Bar.

**ARTICLE IX**

**Effective Date and Amendment**

**Section 1:** These Bylaws shall become effective upon approval by the Board of Governors of the State Bar.

**Section 2:** These Bylaws may be amended by a majority vote of the members of the Section present at any properly called meeting at which a quorum is present and subsequent approval thereof by the Board of Governors of the State Bar.

Signed, sealed and subscribed before  
the undersigned this the \_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**CHAIRPERSON**

Approved by the Board of Governors  
the \_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_.

\_\_\_\_\_  
**PRESIDENT**

\_\_\_\_\_  
**SECRETARY**

# CONSTRUCTION LAW SECTION

## STATE BAR OF GEORGIA

### ARTICLE I

**Section 1:** The name of this Section shall be the "**Construction Law Section**".

**Section 2:** The purpose of this Section shall be to promote the goals and objectives of the State Bar of Georgia in the field of construction law through continuing education forums and networking events.

### ARTICLE II

#### Membership and Dues

**Section 1:** Each member of this Section shall be a member in good standing of the State Bar. Any member of the State Bar, upon request and payment of annual Section dues of twenty-five dollars US (\$25.00) for the current year, shall be enrolled as a member of this Section. Thereafter, such dues shall be paid in advance each year at the time of the payment of dues to the State Bar. Members so enrolled and whose dues are so paid shall constitute the membership of this Section. Any member whose annual dues shall be more than six (6) months past due thereupon shall cease to be a member and shall be dropped from the rolls of the Section, subject to reinstatement at any time upon the payment of dues on the current year.

### ARTICLE III

#### Officers

**Section 1:** The Officers of the Section shall be a Chairperson, a Vice Chairperson and a Secretary, all of whom shall be members in good standing of the Section.

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**Section 3:** The Chairperson shall preside at all meetings of the Section, appoint appropriate committees of the Section to serve during his or her term as Chairperson, plan and supervise the program of the Section at its annual meeting, and perform all executive and administrative duties necessary or proper to the organization and functioning of the Section; including any duty as from time to time may be prescribed by the Section or by the State Bar

**Section 4:** The Vice Chairperson shall assist the Chairperson and in the absence or disability of the Chairperson, shall perform the duties of the Chairperson.

**Section 5:** The Secretary shall keep minutes of all meetings of the Section, maintain the permanent records, give notices of meetings and perform such other duties as may be prescribed by the Chairperson.

**Section 6:** Upon the organization of the Section, the President of the State Bar shall appoint a Chairperson, a Vice Chairperson and a Secretary to serve until the close of the next annual meeting of the State Bar.

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**Section 2:** The names of all members of the Section nominated for each office either by nominating committee or from the floor shall be submitted to the annual meeting and ballots shall be cast until there shall be a majority of the members of the Section present favoring the election of a designated member to an office. Voting shall be viva-voce and the nominee for an office with the lowest number of votes in any ballot shall be dropped from consideration on the next succeeding ballot, provided that any annual meeting, by majority vote of the members of the Section present, may require written secret ballots or otherwise modify the procedure governing any election.

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## ARTICLE VIII

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## ARTICLE IX

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**Section 2:** These Bylaws may be amended by a majority vote of the members of the Section present at any properly called meeting at which a quorum is present and subsequent approval thereof by the Board of Governors of the State Bar.

Signed, sealed and subscribed before  
the undersigned this the \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
CHAIRPERSON

Approved by the Board of Governors  
the \_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_.

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**PRESIDENT**

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**SECRETARY**



MEMORANDUM


To: Members, Board of Governors

From: Paula Frederick

Date: October 11, 2018

Re: Disclosure of Professional Liability Insurance

At its September retreat the Executive Committee discussed the idea of mandatory malpractice insurance disclosure for Georgia lawyers. The Executive Committee voted to explore the concept and asked that I provide the Board of Governors with information for discussion at the November Board meeting. Twenty-three jurisdictions currently require lawyers to disclose whether they have malpractice insurance. Most gather the information through the annual dues or registration statement with a checkoff similar to this one (used in Nevada):

SCR 79 PROFESSIONAL LIABILITY INSURANCE DISCLOSURE		
<b>All members, active or inactive, MUST complete this section. Please select ONE option.</b>		
<input type="checkbox"/>	I am not currently representing clients; or I am engaged as a full-time government lawyer or judge; or I am employed by an organizational client and do not represent clients outside that capacity. <i>If you check this box, you are done, please sign and date at the bottom of this page.</i>	
<input type="checkbox"/>	I am engaged in the private practice of law and do not maintain professional liability insurance. <i>If you check this box, you are done, please sign and date at the bottom of this page.</i>	
<input type="checkbox"/>	I am engaged in the private practice of law and, I or my firm, maintain professional liability insurance with the carrier listed below. This includes insurance from ANY state. If you check this box, you MUST disclose the following:	
Firm Name (if you are reporting insurance):		
Names of Insurance Carrier (not broker):		
Insurance Carrier Address:		
City:	State:	Zip:
I certify all of the above disclosures required by NRS 7.034, NRS 425.520 and SCR 79 are true and complete.		
Signature		Date
Please return to: State Bar of Nevada 3100 W. Charleston Blvd., Suite 100 Las Vegas, NV 89102		
		

The information is most often provided to the public for the benefit of potential clients; in fact, seven jurisdictions require the lawyer to disclose the information directly to the potential client. Many clients are not aware that lawyers are not required to have insurance. A chart indicating which jurisdictions have a malpractice disclosure rule is attached to this memo.

Our Executive Committee was in favor of gathering data through a voluntary pilot program and reviewing the results before making any recommendation about possible uses of the information. The information would be gathered by the Administrative part of the Bar and not by the Office of the General Counsel. The one-year voluntary pilot project would give the Bar's leadership some idea of how many lawyers are covered by malpractice insurance, and would allow the Bar to explore how it can help more lawyers find affordable coverage.

As conceived by the Executive Committee, there would not be any consequence if a lawyer failed to report during the pilot project. If the Board approves the concept as a rules change, it could consider whether failure to report should result in an administrative suspension of license, similar to failure to pay dues, to complete CLE requirements, or to pay court-ordered child support.

You may have read that the State Bar of California is currently debating whether to require all California lawyers to carry malpractice insurance coverage. Our proposal would not require coverage but would require disclosure by all lawyers of whether they have insurance.

Attached to this memo is a draft rule for the Board's discussion. I have also attached a chart indicating which jurisdictions require disclosure of malpractice insurance, and a brief chart outlining average costs for professional liability insurance in Georgia provided by Jacob Healy of Gallagher Affinity, one of the Bar's recommended brokers.

Thank you, and please let me know if I can provide<sup>4</sup> you with other information.

pjf

## *DRAFT RULE ON INSURANCE DISCLOSURE:*

### Disclosure of Professional Liability Insurance

- 1) On or before July 1 of each year, every member of the State Bar of Georgia shall certify:
  - a) Whether the member is engaged in the private practice of law, and
  - b) Whether the member is currently covered by a policy of professional liability insurance.
- 2) Each member who has previously reported being covered by professional liability insurance as set forth in paragraph 1(b) of this Rule shall notify the State Bar of Georgia in writing in such form and manner as the Board may designate within 30 days if the insurance policy providing coverage lapses, terminates, or is no longer in effect for any reason.
- 3) The information obtained pursuant to this Rule may be disclosed under such circumstances and by such means as the Board may designate.
- 4) The following members are exempt from the disclosure provisions of this Rule:
  - a) Members who are employed by a governmental entity and who do not represent clients outside of that capacity; and
  - b) Members who are employed by an organizational client and who do not represent clients outside of that capacity; and
  - c) Members who are not actively engaged in the practice of law.

# Average Lawyers Professional Liability Insurance

Atlanta Metro  
Area

Rest of State

Criminal Law with \$100,000/\$300,000 Limits	Approximately \$500 for the year	Approximately \$300 for the year
Criminal Law with \$1,000,000/\$1,000,000 Limits	Approximately \$900 for the year	Approximately \$600 for the year
Real Estate Law with \$100,000/\$300,000 Limits	Approximately \$1,800 for the year	Approximately \$1,300 for the year
Real Estate Law with \$1,000,000/\$1,000,000 Limits	Approximately \$3,200 for the year	Approximately \$2,300 for the year

## Premiums for the Georgia Bar

Please note that the above rates are for illustration purposes for new, solo practitioners. Each attorney and law firm is individually underwritten based on their risk profile.



AMERICAN BAR ASSOCIATION  
 STANDING COMMITTEE ON CLIENT PROTECTION

STATE IMPLEMENTATION OF  
 ABA MODEL COURT RULE ON INSURANCE DISCLOSURE

	Requires Disclosure Directly to Client  (7) (AK, CA, NH, NM, OH, PA and SD)	Requires Disclosure On Annual Registration Statement <sup>1</sup>  (16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	Considering Adoption  (6) (NJ, NY, SC, UT and VT)	Information Made Available to Public	Other Info <i>(See also, Oregon and Idaho:</i> Professional liability insurance mandated)  (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
<b>AL</b>					
<b>AK</b>	Alaska Rules of Professional Conduct, Rule 1.4			N/A	
<b>AZ</b> Effective 1/1/07		Supreme Court Rule 32(c)(12), effective January 1, 2007.		Yes. State Bar of Arizona website.	
<b>AR</b>					On January 21, 2006, the House of Delegates of the Arkansas Bar Association voted not to adopt a disclosure rule.
<b>CA</b> Effective 1/1/2010	Rule 3-410. Disclosure of Professional Liability Insurance. California Rules of Professional Conduct.			N/A	

	<b>Requires Disclosure Directly to Client</b>  (7) (AK, CA, NH, NM, OH, PA and SD)	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b>  (16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	<b>Considering Adoption</b>  (6) (NJ, NY, SC, UT and VT)	<b>Information Made Available to Public</b>	<b>Other Info</b> <i>(See also, Oregon and Idaho:</i> Professional liability insurance mandated)  (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
<b>CO</b> Effective 1/1/09		Colorado Rules of Civil procedure, Rule 227		C.R.C.P. 227: <b>(c) Availability of Information.</b> The information provided by the lawyer regarding professional liability insurance shall be available to the public through the Supreme Court Office of Attorney Registration and on the Supreme Court Office of Attorney Registration website.	
<b>CT</b>					At its February 23, 2009 meeting, the Connecticut Superior Court Rules Committee voted unanimously to deny a proposal to adopt an insurance disclosure rule.
<b>DE</b> Beginning with 2007 Annual Registration Form.		Annual Registration Form			
<b>DC</b>					

	<b>Requires Disclosure Directly to Client</b>  (7) (AK, CA, NH, NM, OH, PA and SD)	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b>  (16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	<b>Considering Adoption</b>  (6) (NJ, NY, SC, UT and VT)	<b>Information Made Available to Public</b>	<b>Other Info (See also, Oregon and Idaho: Professional liability insurance mandated)</b>  (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
<b>FL</b>					Declined to adopt. <i>See, In Re: Amendments to The Rules Regulating The Florida Bar (Biannual Report) Florida Supreme Court No. SC10-1967 dated April 12, 2012.</i>
<b>GA</b>					
<b>HI</b> Effective 12/1/07		<b>RSCH 2.17(d)</b>		N/A	
<b>ID</b>				Available to the public upon request.	Effective January 1, 2018, al Idaho licensed lawyers representing private clients must show proof of malpractice insurance. Idaho Bar Commission Rule 302(a)(5)
<b>IL</b> Effective 10/1/04		Amended Illinois Supreme Court Rule 756		Yes	
<b>KS</b> Effective 9/6/05		Supreme Court Rule 208A		Yes, by means designated by the Court.	
<b>KY</b>					On or about November 14, 2006 the KY Sup. Ct. declined to adopt a disclosure rule.
<b>LA</b>					

	<b>Requires Disclosure Directly to Client</b>  (7) (AK, CA, NH, NM, OH, PA and SD)	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b>  (16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	<b>Considering Adoption</b>  (6) (NJ, NY, SC, UT and VT)	<b>Information Made Available to Public</b>	<b>Other Info</b> <i>(See also, Oregon and Idaho: Professional liability insurance mandated)</i>  (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
<b>ME</b>		Maine Board of Bar Overseers Rule 4			
<b>MD</b>					
<b>MA</b> Effective 9/1/06		Supreme Judicial Court Rule 4:02		Yes.	
<b>MI</b> Beginning with the notice issued for fiscal year 2003-2004		Administrative Order No. 2003-5, dated August 6, 2003		<b>No.</b>	
<b>MN</b> Effective 10/1/06		Rule 6 of the Rules of the Supreme Court on Lawyer Registration. Annual Reporting of Professional Liability Insurance Coverage (Effective October 1, 2006)		Yes.  Rule 7. Access to Lawyer Registration Records	
<b>MO</b>					Not currently being considered.
<b>NE</b>		Supreme Court Rules - CHAPTER 3: ATTORNEYS AND THE PRACTICE OF		Shall be made available to the public.	

	<b>Requires Disclosure Directly to Client</b>  (7) (AK, CA, NH, NM, OH, PA and SD)	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b>  (16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	<b>Considering Adoption</b>  (6) (NJ, NY, SC, UT and VT)	<b>Information Made Available to Public</b>	<b>Other Info</b> <i>(See also, Oregon and Idaho: Professional liability insurance mandated)</i>  (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
		LAW · Article 8: State Bar Association; Creation; Control; and Regulation. § 3-803. Membership.			
<b>NV</b> Adopted 9/13/05 and effective 11/13/05		Amended Supreme Court Rule 79 (Adopted September 13, 2005 and effective November 13, 2005)		Yes. It will be part of the lawyer's public record available by phone or email inquiry.	
<b>NH</b> Effective 3/1/03	New Hampshire Rules of Professional Conduct, Rule 1.19. (Disclosure of Information to the Client)			N/A	
<b>NJ</b>			X		Supreme Court Committee studying. Chair: Robert Fall
<b>NM</b> Effective 11/2/09	Rule 16-104 Rules of Professional Conduct (Current Rule not available online)				
<b>NY</b>			Under consideration.		
<b>NC</b>					Effective January 1, 2010, North Carolina lawyers are no longer required to

	<b>Requires Disclosure Directly to Client</b>	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b>	<b>Considering Adoption</b>	<b>Information Made Available to Public</b>	<b>Other Info (See also, Oregon and Idaho: Professional liability insurance mandated)</b>
	(7) (AK, CA, NH, NM, OH, PA and SD)	(16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	(6) (NJ, NY, SC, UT and VT)		(AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
					inform the State Bar as to whether they maintain legal malpractice insurance.
<b>ND</b> Effective 8/1/09		Amended Rule 1.15 of the North Dakota Rules of Professional Conduct		Yes	
<b>OH</b> Effective 7/1/01	Ohio Rules of Professional Conduct, Rule 1.4(c)			N/A	Lawyers who hire themselves out to do research and writing for other lawyers need not comply. (Ohio Supreme Court Bd. of Commissioners on Grievances and Discipline, Op. 2005-1, 2/4/05).
<b>OK</b>					No action taken to adopt a rule.
<b>OR</b>					All lawyers required to maintain professional liability insurance. For information on Oregon Professional Liability Fund
<b>PA</b> Effective 7/1/06	Pennsylvania adopted RPC 1.4(c), effective 7/1/2006.			N/A	As part of attorney registration, Pennsylvania attorneys must state whether they have malpractice insurance. Whether they do or not is public information that appears on the Disciplinary Board's website.

	<b>Requires Disclosure Directly to Client</b>  (7) (AK, CA, NH, NM, OH, PA and SD)	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b>  (16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	<b>Considering Adoption</b>  (6) (NJ, NY, SC, UT and VT)	<b>Information Made Available to Public</b>	<b>Other Info</b> <i>(See also, Oregon and Idaho:</i> Professional liability insurance mandated)  (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
<b>RI</b> Effective 4/15/07		Rule 1(b) of Article IV "Periodic Registration of Attorneys". (Effective April 15, 2007)			
<b>SC</b>			X		<p>1) Beginning in 2012, each lawyer seeking license renewal or a new license will be asked to disclose voluntarily whether the lawyer maintained legal malpractice insurance coverage with a minimum amount of \$100,000, and then:</p> <p>2) Based on the information gathered in 2012 showing the percentage of uninsured lawyers, either</p> <p>a) Presenting to the South Carolina Supreme Court a potential proposed Rule of Professional Conduct possibly modeled, in part, on the ABA Model Court Rule;</p> <p>b) Adopting an internal South Carolina Bar rule that authorizes disclosure to the public of each lawyer's insurance information through the</p>

	<b>Requires Disclosure Directly to Client</b>  (7) (AK, CA, NH, NM, OH, PA and SD)	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b>  (16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	<b>Considering Adoption</b>  (6) (NJ, NY, SC, UT and VT)	<b>Information Made Available to Public</b>	<b>Other Info</b> <i>(See also, Oregon and Idaho:</i> Professional liability insurance mandated)  (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
					Bar and on the Bar's website, or  c) Taking no action.
<b>SD</b> Effective 1/1/99	South Dakota Model Rules of Professional Conduct, Rule 1.4 (Communication)  (SDBAR links currently unavailable)	(SD also requires lawyers to disclose on their annual registration statements.)		N/A	SD has 7 years of certification to the Supreme Court - 97% have at least \$100,000 in coverage, together with name and policy number of the policy. Over the past 7 years, the percentage has never dropped below 96% nor been higher than 97.5% in any given year.  RPC 7.5 concerning letterhead requires the RPC 1.4(c) disclosure to be in black ink with type no smaller than the type used for the lawyer's names.



	<b>Requires Disclosure Directly to Client</b>  (7) (AK, CA, NH, NM, OH, PA and SD)	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b>  (16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	<b>Considering Adoption</b>  (6) (NJ, NY, SC, UT and VT)	<b>Information Made Available to Public</b>	<b>Other Info</b> <i>(See also, Oregon and Idaho:</i> Professional liability insurance mandated)  (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
<b>TX</b>					By letter dated April 14, 2010 to the President of the State Bar of Texas, the Supreme Court of Texas declined to adopt an insurance disclosure rule.
<b>UT</b>			Rule 1.4 Proposed Amendment - Disclosure of Malpractice Insurance Rule 1.4. Communication.		Required to disclose on registration statement but no Rule enacted. Bar will collect date on coverage for a 2-year period (2009-2011).
<b>VT</b>			On December 28, 2006 the Civil Rules Committee proposed that the Vermont Supreme Court consider adoption of a rule requiring insurance disclosure, not in the Vermont Rules of Professional Conduct, but as part of the Rules for Licensing of Attorneys. In adopting the rule, consideration should be given to requiring disclosure of the liability limits and deductibles of the coverage.		
<b>VA</b> Amended effective 7/1/89; 1/1/90; 4/1/90.		Rules of the Virginia Supreme Court, Part 6 § 4 Paragraph 18. Financial Responsibility /		Yes, on Bar's website: (See, <a href="http://www.vsb.org">www.vsb.org</a> , under the headings Public Information, Attorney Records Search, Attorneys without	

	<b>Requires Disclosure Directly to Client</b>	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b>	<b>Considering Adoption</b>	<b>Information Made Available to Public</b>	<b>Other Info (See also, Oregon and Idaho: Professional liability insurance mandated)</b>
	(7) (AK, CA, NH, NM, OH, PA and SD)	(16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV)	(6) (NJ, NY, SC, UT and VT)		(AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.)
				Malpractice Insurance).	
<b>WA</b> Effective 7/1/07		Admission to Practice Rule 26 - Insurance Disclosure. (Effective July 1, 2007)		Yes.	
<b>WV</b> Effective 5/6/05		State Bar By-Laws – Article III (A) - Financial Responsibility Disclosure Form		Yes.  ... shall be made available to the public by such means as may be designated by the West Virginia State Bar.	
<b>WI</b>					
<b>WY</b>					

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**ADVISORY COMMITTEE ON LEGISLATION**

2018-2019

MINUTES OF MEETING 1

September 25, 2018

State Bar of Georgia Headquarters

Atlanta, GA

The first meeting of the 2018-2019 Advisory Committee on Legislation (“ACL”) was held on Tuesday, September 25, 2018 at the State Bar of Georgia headquarters in Atlanta, Georgia.

**ATTENDANCE**

The following members and liaisons were present: Thomas Worthy (Chair), Amy Howell (Vice Chair), Buck Rogers, Mark Alexander, Joshua Bosin, Michael Geoffroy, Patricia Gorham, Greg Hecht, Javoyne Hicks, Curtis Jenkins, Senator Jen Jordan, Joyce Gist Lewis, Jon Pannell, Darrell Sutton, Frank Strickland, Nancy Whaley, Judge Paige Whitaker, Judge Nancy Bills, Rep. Mary Margret Oliver, Cynthia Clanton, Bill Clark, and Kade Cullefer.

The following members and liaisons participated via conference call: Josh Bell, Tracee Benzo, Thomas Burnside, Ivy Cadle, Edward Collier, Andy Davis, Joe Dent, Elizabeth Fite, Thomas Mills Fleming, Donna Hicks, Allen Richardson, Dan Snipes, Lawton Stephens, Carl Varnedoe, Judge Steve Kelley, and Ken Hodges (State Bar President).

Others present included: Rusty Sewell, Wanda Segars, Mark Middleton, Roy Robinson, Christine Hayes, Jeff Davis, Paula Frederick, Bill NeSmith, Traci Austin, Kyle King, Hannibal Heredia, Shelbey Guilbert, Stacey Mitchener, Tracy Johnson, Cheryl Karounos, Jim Stokes, Tracy Mason, Tyler Mashburn, Steve Gotlieb, Vicky Kimbrell, Bob Bray, Shannon Weathers, Eric John, and Sharon Reiss.

**CALL TO ORDER**

ACL Chair Thomas Worthy called the meeting to order at 10:03 AM. Persons attending the meeting, including those participating by phone, introduced themselves.

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## **APPROVAL OF MINUTES**

The minutes of the November 28, 2017 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). She also discussed the *Fleck v. Wetch* case that is currently awaiting a grant or denial of certiorari before the United States Supreme Court.

## **LEGISLATIVE MATTERS**

The ACL reviewed the following proposals. The proposals approved by the ACL will be considered by the Board of Governors at its fall meeting at Callaway Gardens on November 2, 2018.

- 1. Support for FY 2020 Judicial Council Budget Request - \$750,000 to Fund Civil Legal Services Grants for Kinship Care Families**

Steve Gotlieb presented the proposal on behalf of the Access to Justice Committee. Georgia currently has thousands of displaced children, which is largely linked to the current opioid crisis. These grants would be used for civil legal services for kinship care, so that family members can get the legal support they need to care for displaced children, including power of attorney, custody arrangements, legal help for special education issues. The funding would be appropriated by the General Assembly and administered to civil legal service organizations by the Administrative Office of the Courts (AOC). The AOC would distribute the funds to each organization based on poverty population throughout the state.

The *Keller* vote was unanimous. The vote supporting this proposal was unanimous. The Board of Governors will consider this proposal on November 2, 2018.

- 2. Amendments to the Uniform Adult Guardianship and Conservatorship Proceeding Act**

Kyle King presented the proposal on behalf of the Fiduciary Section. The proposal intends to revise the 2016 Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act. The addition of Chapter 11 to Title 29 created incongruities and inconsistencies with Chapters 4 and 5 of the same title. The proposed amendments would integrate citations to

provisions in Title 29 Chapter 11 in order to provide clarity for attorneys practicing in this area and to prevent litigation based on ambiguities between these chapters.

This proposal passed the ACL and the Board of Governors in 2017. It was filed as HB 896 during the 2018 legislative session, but did not make it out of the House Rules Committee. The current proposal adds three new provisions that address bonding, costs, and registering guardianship letters from other states.

The *Keller* vote was unanimous. The vote supporting this proposal passed with four votes in opposition (Rogers, Geoffrey, Alexander, Benzo). Following the vote, after further discussion, the Chair moved to send the proposal back to the Fiduciary Section to work on revisions to the punitive damages provisions so that the proposal is unanimously supported by the committee. The committee approved the Chair's motion unanimously. The proposal will be reconsidered at the November 27, 2018 ACL meeting.

### **3. Adoption of the Uniform Mediation Act in Georgia**

Stacey Mitchener and Shelby Guilbert presented on behalf of the Dispute Resolution Section. The proposal seeks to adopt the Uniform Mediation Act in order to facilitate the resolution of international business disputes more effectively. The proposal provides that each mediation participant holds a privilege with respect to his or her communications and may prevent those communications from being disclosed or used in a subsequent formal proceeding. The proposal would also require voluntary private mediators to disclose conflicts of interest. The proposal has been adopted in eleven states and introduced in NY, MA, CT, and MN.

The *Keller* vote was unanimous. The Chair asked that the presenters take the proposal to the General Practice and Trial Section of the State Bar to seek comment. The committee also asked the presenters to address concerns about conflicts with non-lawyer mediators. The proposal will be reconsidered at the November 27, 2018 ACL meeting.

### **4. State and Local Ad Valorem Exemption for a Transfer of a Vehicle Title in Connection with a Divorce Decree**

This item was removed from the agenda.

## **Election and Political Law Update**

Christine Hayes updated the committee on legislation that passed during the 2018 session, including the business courts constitutional amendment and mandatory civil e-filing legislation.

Rusty Sewell briefly discussed the upcoming November 2018 election. With the retirements of Rep. Wendell Willard and Rep. Rich Golick, the House Judiciary and Judiciary Non-Civil committees will both have new chairmen in 2019.

## **Judiciary Update**

Tyler Mashburn gave a brief update from the Judicial Council/Administrative Office of the Courts. The Judicial Council approved legislative proposals and budget requests in August 2018. Justice Harold Melton was sworn-in as Chief Justice of the Georgia Supreme Court on September 4, along with the new Presiding Justice, David Nahmias.

## **Future Meetings**

The ACL will meet for its second meeting on November 27, 2018 at 10 AM at the Bar Center in Atlanta.

## **Adjournment**

With no further business before the committee, Chair Thomas Worthy adjourned the meeting at 11:32 AM.



MEMORANDUM

TO: Thomas Worthy, Chair, Advisory Committee on Legislation  
FROM: Laurie Rashidi-Yazd, Access to Justice Committee *LY*  
RE: Legislative Funding Proposal  
DATE: August 29, 2018

**Bar Legislative Support for the Judicial Council's Request for FY 2020  
Funding for Civil Legal Services to Kinship Care Families**

1. This Proposal seeks State Bar support to secure funding for legal services for vulnerable children in Georgia through a FY 2020 appropriation from the General Assembly to the Judicial Council. The proposal is attached as **Exhibit A**.
2. Given the needs faced by Georgia children and the budget limitations faced by the legal aid organizations that help Georgia's at-risk low-income children, the State Bar of Georgia Access to Justice committee requests State Bar support for a \$750,000 appropriation to the Judicial Council for grant funds to be used to provide civil legal services to low-income children with specific legal needs.
3. There are no known opponents of the proposed legislative budget request.
4. We have solicited comments from the other sections and committees of the State Bar, and no other section or committee is believed to have an interest in this proposed legislation. The notice of this proposal to relevant sections is attached as **Exhibit B**.
5. The Access to Justice Committee recommends by unanimous vote that this proposal be adopted by the State Bar of Georgia. See attached support letter, **Exhibit C**.

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**JUDICIAL COUNCIL OF GEORGIA  
 FY 2019 AMENDED REQUEST FORM  
 FY 2020 ENHANCEMENT REQUEST FORM**

**REQUEST SUMMARY:**

*For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.*

1. Which Program is requesting this Enhancement?  
 Judicial Council - Georgia Legal Services Program
2. Enhancement Name/Descriptor:  
 Civil Legal Services to Kinship Care Families

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2019	\$0	\$	\$
<input checked="" type="checkbox"/> FY 2020	\$0	\$ 750,000	\$ 750,000

3. What will the enhancement accomplish?
  - This funding will provide grant funds to organizations for attorneys to provide holistic legal services for kinship caregivers throughout Georgia. Attorneys will be able to secure legal custody for caregivers who step up to care for children at risk of being taken into care by the State.
  - Additionally, these attorneys can provide access to financial benefits, healthcare support, educational supports, and safe housing for at risk children by assuring they receive the legal representation they need.
  - It is expected over 1500 new cases would be opened each year with this funding.
4. What is unable to be accomplished without the enhancement?
  - Without the civil legal services that this funding would provide, children in kinship care would continue to face increased social, legal, and financial issues. Many kinship families are low-income households and face complex issues, such as access to care benefits, threat of evictions, and education access - issues that are only resolvable through the assistance of an attorney. Without this support, fewer children will be able to remain in kinship care and instead, will be placed in foster care at an increased cost to the state.
5. Does the enhancement include salaried staff and/or operations, which includes contractors? no
  - Salaried staff
  - Operating Funds (includes contractors)





**JUDICIAL COUNCIL OF GEORGIA  
 FY 2019 AMENDED REQUEST FORM  
 FY 2020 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 19 Amended Request	FY 20 Enhancement Request
<b>Personnel Services:</b>	\$	-
<b>Operating Costs:</b>		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		\$ 750,000
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 750,000
<b>TOTAL OVERALL BUDGET</b>	<b>\$</b>	<b>\$ 750,000</b>
State Funds		
Other Budgeted Funds		



**JUDICIAL COUNCIL OF GEORGIA  
FY 2019 AMENDED REQUEST FORM  
FY 2020 ENHANCEMENT REQUEST FORM**

Which Program is requesting this Enhancement?  
Judicial Council - Civil Legal Services to Kinship Care Families

**Part 1 – Detailed Explanation of Request**

**1. Proposal:**

This funding will support providers of civil legal services for kinship caregivers and at risk children. Kinship care refers to full-time, non-parental care of children by grandparents, relatives, and sometimes family friends, without the assistance of parents. Relatives and other caregivers often struggle to provide for these new members of the household, who often arrive in their care following trauma or crisis.

Kinship caregiver needs include legal custody. Attorneys can also provide access to financial benefits, educational access, government support, and safe housing for at risk children by assuring they receive the legal representation needed. This funding would provide these kinship caregivers with the much needed legal assistance to ensure the home remains safe, stable, and sustainable for the children in their care.

Certain services would be specifically excluded, including:

- Class action suits;
- Criminal defense;
- Deportation proceedings;
- Juvenile delinquency;
- Indirect legal services – such as training;
- Matters to be adjudicated in courts outside of Georgia; and
- Other proceedings not related to the safety, stability, or economic security of the at risk child or kinship care family.

**2. Geographic Impact: Where does the request impact the state?**

Statewide or list counties below:

**3. Current Status:**

- a. What is the budget unit currently doing to address this issue? NA
- b. Will those activities continue if this request is funded? NA

**4. Supporting Data:**

- a. Provide any supporting data, evaluations, and/or research for this request.  
As of May 2018, 15,505 children are in state sponsored foster care, with a recent spike of 877 children coming into care in the past 4 months. A much larger number are informally placed with relatives and other caregivers. In 2015, the Georgia House Study Committee on Grandparents Raising Grandchildren



## JUDICIAL COUNCIL OF GEORGIA FY 2019 AMENDED REQUEST FORM FY 2020 ENHANCEMENT REQUEST FORM

and Kinship Care issued a report identifying the special needs of children in kinship care relationships. Census data from the American Community Survey 2016 indicate 40,814 Georgia grandparents are raising grandchildren. An Administration for Children and Families (ACF) report indicates that almost ½ co-residing Georgia grandparents are primary caregivers, nearly ½ are 60 years of age or older, and about 1/3 live in poverty.

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

Atlanta Legal Aid has a Kinship Care Unit consisting of 2 attorneys and 1 paralegal. In 2017, Atlanta Legal Aid as a whole handled 1721 cases for kinship caregivers, impacting 3403 children. Of those cases, the Kinship Care Unit handled 224 of those cases, impacting 457 children.

- c. Other jurisdictions have similar legal aid providers who have been successful in meeting the needs of kinship caregivers, such as Mobilization Project in New York (<http://mobilizationforjustice.org/projects/kinship-caregiver-law-project/>).

### 5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?

Providers will measure the success of the project by reporting semi-annually to the Judicial Council on the numbers of children and at-risk families served, including the types of legal representation provided. They will also provide reports on the demographics of those served, including geographic location, gender and racial breakdown and the amount of financial benefits secured for the family.

- b. If an enhancement, what is the projected cost savings or return on investment?

Studies report that informal kinship caregivers save U.S. taxpayers an estimated \$4 billion annually by caring for kin that would otherwise fall into the custody of the state. Providing civil legal services to these households increases the stability and effectiveness of care for children in care, and thereby decreasing the need, and associated costs, for DFCS involvement, including placements in non-kinship foster care homes.

- c. What efficiencies will be realized?

This funding will reduce the need for intrusion by the state into the family, and reduce the high costs to the state and the devastating impact on children from intervention by: formalizing the relationship between the child and the caregiver, helping families access economic support, helping families access supports for children living with disabilities, and helping families with estate planning to protect the child's stability if the caregiver passes away.

### 6. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).



## JUDICIAL COUNCIL OF GEORGIA FY 2019 AMENDED REQUEST FORM FY 2020 ENHANCEMENT REQUEST FORM

Constituents and stakeholders include: Division of Families and Children Services, kinship caregivers, children in kinship care-homes, legislators, community leaders, the private bar, juvenile judges, and other child-focused agencies and coalitions in Georgia.

b. Which are likely to support this request?

All stakeholders are likely to support this request because they each see the need to secure more stable and sustainable kinship care homes through legal services.

c. Which are likely to oppose this request?

The Council is unaware of any opposition to this request.

d. Which have not voiced support or opposition? None

7. Legislation or Rule Change:

a. Is legislation or a rule change required if this request is implemented? If so, please explain. No.

b. Is this request a result of a legislation or rule change? If so, please explain. No.

8. Alternatives: What alternatives were considered and why are they not viable?

Because the cost of civil legal services is too high for most of the kinship caregivers in Georgia, these families, unfortunately, have no other alternative.

### **Part 2 - BUDGET**

9. Requested and Projected Resources:

a. For enhancements and certain base adjustments, describe the additional resources are you requesting. *\*Ensure descriptions and amounts align with the budget chart on page 2.*

- Positions:
- Operational needs:

b. What are your out-year projections?

10. Methodology/Assumptions:

a. Provide the methodology and assumptions behind the requested amount and out-year projections.

The \$750,000 will cover services approximately equivalent to 10 lawyers across the state to provide legal services for one year (twelve months).

b. How did you arrive at the amounts?

Based on Atlanta Legal Aid's current budget covering 2 attorneys and 1 paralegal.



**JUDICIAL COUNCIL OF GEORGIA  
FY 2019 AMENDED REQUEST FORM  
FY 2020 ENHANCEMENT REQUEST FORM**

- c. What time period does the request cover (i.e., the number of months)?  
Twelve months.

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc.). None.

**Part 3 - OTHER INFORMATION**

12. Discuss any historical or other relevant factors that should be considered.

Beginning in 1999, the Georgia General Assembly appropriated funds to the Judicial Council of Georgia for grants to provide civil legal services to victims of family violence. The Judicial Council adopted general guidelines to govern the granting of these funds which are filed with the Georgia Secretary of State. It has also delegated to its Judicial Council Standing Committee on Grants (Grants Committee) the duty of accepting and evaluating grant applications and awarding grants.

The Grants Committee will oversee any new appropriation for civil legal services to aid kinship care and at risk children. The Grants Committee will award these funds starting July 1. Seventy-five percent of the grant money will be awarded pursuant to the poverty population guidelines, which is based on the most current estimates from the U.S. Census, and twenty-five percent of the grant money will be awarded to special needs areas. Special needs categories (such as homelessness or rural counties with fewer than ten attorneys) may also be considered. Based on the poverty population's guidelines, the funding will be distributed outside of the five core metro Atlanta counties where sixty-eight percent of the states 1,187,586 residents are below the poverty level.

Grant proposals will be considered from non-profit providers of civil legal services for kinship caregivers and at risk children in Georgia. Providers may apply for funds from both categories.

Grants will be awarded for a one-year term. Each of Georgia's forty-nine circuits will be included. The amount of funds available for distribution to grantees may change each year based on the amount of funds appropriated to the Judicial Council/Administrative Office of the Courts and the cost of the administrative oversight of these funds.

In no event shall a grantee provide free legal services to a client whose income exceeds 200% of the federal poverty guidelines.




# State Bar of Georgia

*Lawyers Serving the Public and the Justice System*

TO: Nicki Noel Vaughan, Chair  
**Child Protection and Advocacy Section**  
[nvaughan@hallcounty.org](mailto:nvaughan@hallcounty.org)

Gary Patrick Graham, Chair  
**Family Law Section**  
[gary@stern-edlin.com](mailto:gary@stern-edlin.com)

Amy Viera Howell, Chair  
**Children and the Courts Committee**  
[amy.howell@dbhdd.ga.gov](mailto:amy.howell@dbhdd.ga.gov)

FROM: Laurie Rashidi-Yazd, Access to Justice Committee 

RE: Legislative Funding Proposal

DATE: August 29, 2018

The State Bar's Access to Justice Committee has voted to request the State Bar include in its 2020 legislative package support for the Judicial Council's request for funding for civil legal services for children.

We believe your section or committee may have an interest in this request.

I have attached the letter of support from the Access to Justice Committee to the Bar's Advisory Committee on Legislation and the Judicial Council budget request document.

If your committee or section wishes to comment, please contact the Bar's director of Government Affairs, Christine Butcher Hayes.

## Attachments

Judicial Council Budget request  
Access to Justice Committee letter

**HEADQUARTERS**  
104 Marietta St. NW, Suite 100  
Atlanta, GA 30303-2743  
404-527-8700 · 800-334-6865  
Fax 404-527-8717  
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**COASTAL GEORGIA OFFICE**  
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**SOUTH GEORGIA OFFICE**  
244 E. 2nd St. (31794)  
P.O. Box 1390  
Tifton, GA 31793-1390  
229-387-0446 · 800-330-0446  
Fax 229-382-7435



# State Bar of Georgia

*Lawyers Serving the Public and the Justice System*

August 29, 2018

Christine Butcher Hayes  
Director  
Governmental Affairs  
State Bar of Georgia  
104 Marietta Street, Suite 100  
Atlanta, GA 30303

**RE: Legislative Proposal – Civil Legal Services to Kinship Care Families**

Dear Christine:

I write on behalf of the Access to Justice Committee to request the State Bar of Georgia's endorsement of legislation that would provide an appropriation for the *Civil Legal Services to Kinship Care Families Project*. The Access to Justice Committee believes that funding this project will result in better access to education, medical care, placement, and support services for these children and will improve outcomes for both children and their families. Attached is the proposal for consideration by the Bar's Advisory Committee on Legislation which sets out the parameters of the proposal and the guidelines for the grant project that would be administered by the Administrative Office of the Courts. Accordingly, our Committee wishes to recommend full funding for the \$750,000 appropriation which has been requested by the Judicial Council.

The Committee recognizes the serious civil legal needs faced by families where children are cared for by grandparents, relatives, and other family. Recent data shows that Georgia has more than 300,000 children living with kin. The benefits of supporting these children in kinship care are well documented and show that kinship care homes provide safer, more stable and nurturing homes for children suffering from the trauma of separation. These children are less likely to experience behavioral problems, psychiatric disorders, and school disruptions. (*State of Georgia, House of Representatives Study Committee on Grandparents Raising Grandchildren and Kinship Care*, 2015, p.4). Additionally, kinship care not only serves the children and their families, but saves the state money in avoiding foster care placement and expediting educational, healthcare, and other support services for these children.

The Access to Justice Committee is not aware of any opposition to this proposal for the appropriation of \$750,000 for the project. Further, this proposal to provide civil legal services for children in kinship care satisfies the *Keller* criteria because it is within the scope and purposes of the State Bar of Georgia to advance the administration of justice.

#### HEADQUARTERS

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Fax 229-382-7435

Christine Butcher Hayes  
**Legislative Proposal**  
Page two  
August 23, 2018

It is also consistent with the State Bar's Strategic Plan on access to justice and past actions by the Board of Governors in support of access to legal services by the poor. If you have any questions regarding this matter, please feel free to contact me for additional information.

Thank you for your consideration of our request.

Yours truly,

A handwritten signature in black ink, appearing to read "Laurie Rashidi-Yazd", with a long horizontal flourish extending to the right.

Laurie Rashidi-Yazd  
Access to Justice Committee





# State Bar of Georgia

To: Bar Officers  
Finance Committee

From: Ron Turner

Date: September 14, 2018

Re: June 2018 Financial Statements-Bar Operations and Bar Center

Attached please find the June 2018 (fiscal year-end) financial statements. These financial statements are presented at a summary level for clarity and to convey overall trends. **As June 30 is the year-end of the Bar, full departmental detail is attached. The amounts provided in the attached financial statements are subject to final audit.**

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

**New and revised items are highlighted in bold.**

**Salaries – In certain cases salaries may have exceeded the budget minimally in certain departments due to a timing issue. Raises are given the first full pay period in the new fiscal year. Sometimes that may result in a slight shifting of the expense from one year versus another year.**

**Unless specifically noted in a comment related to each department, savings were realized in other line items within the department so that the department, in total, was not over budget.**

#### Administration (ADM)

ADM-Miscellaneous is over budget by **\$3,631** due to a contribution to the Middle Georgia Access to Justice Council in the amount of \$5,000. This amount was not originally budgeted for but was approved by the Executive Committee in February 2018.

ADM-Banking Fees were not budgeted due to past conditions. Banking fees of **\$1,560** have been incurred year-to-date.

**ADM-Credit Card Discounts and Fees exceeded the budget by \$17,486. This overage was primarily due to under-budgeting in this account. This account reflects the costs of credit card charges that the Bar incurs for all of its programs involving the receipt of monies including membership dues, meetings, communications and various other items.**

**ADM-Membership Software License was \$912 over budget primarily due to an increase in the cost for the membership software database. A new 5-year contract was entered into beginning in March 2018.**

**ADM-Contract Programming costs exceeded the budget by \$406 primarily due to a special project whereby the contract programmer gathered meeting data covering a number of years in the past in order to properly connect the database. This amount was not originally anticipated when the budget was prepared.**

Management Information Systems (MIS)

**MIS-Salaries and MIS-Pension – The budget overages of \$5,014 and \$190 were primarily due to a promotion and related raise provided to an employee who was originally budgeted at an amount that excluded the promotion.**

**MIS-Computer Software was \$3,321 over budget due to the need to acquire new email server software to replace the malfunctioning system. The cost the software associated with the email server was approximately \$13,000.**

**MIS-Computer Hardware is over budget by \$4,684 due to the unanticipated need for replacement email server. The cost of the hardware associated with the email server was approximately \$5,000.**

**MIS-Furniture and Equipment is over budget by \$196 due to purchase of a whiteboard. Zero was budgeted.**

**In total, the MIS department was over budget by \$3,403. However, the MIS Department was able to offset this overage due to renegotiations of shared office telephone costs that benefitted the entire Bar.**

Office of General Counsel (OGC)

**OGC-Overtime – Overtime was incurred primarily as a result of the annual meeting. This account exceeded budget by \$270.**

**OGC-Subscriptions and Books is over budget by \$1,326 due to the purchase of a hard copy book (Shepard's). This hard copy is purchased periodically and is published after the soft copies have been in existence for a period of time. The exact time that the book is published is not known on a year-to-year basis. It is dependent upon the number of soft copies that have been previously created.**

**OGC-Computer Hardware is over the budget by \$574 primarily due to the purchase of an additional scanners.**

Computer Assistance Program (CAP)

**CAP-Travel is over budget by \$1,025. This overage was caused by costs incurred for attendance at the annual meeting. An employee from this department won the Employee of the Year award that was presented at the annual meeting.**

Communications (COMM)

COMM-Subscriptions and Books is over budget by **\$303** due to additional clippings beyond the original anticipated amount.

COMM-Supplemental Directory was \$261 over budget since printer mailed the directory for the Bar.

Fee Arbitration (FA)

FA-Overtime was **\$293** over budget.

**FA-Taxes and Benefits are over budget by \$5,450. This is due to a change in the type of medical and dental insurance coverage for personnel employed in the department between what was originally budgeted and was actually selected.**

Law Practice Management (LPM)

LPM-Overtime was over budget \$2,026 mainly due to unbudgeted staffing needs for the Solo and Small Firm Seminar that the department produced in July. \$1,350 of this was a budgeting error on the part of the Finance Department. The remaining \$676 was due to under-budgeting by the LPM Department. The Seminar's income more than offset all related expenses plus the unbudgeted overtime.

LPM-Furniture and Equipment was over budget \$762 due to unanticipated purchase of a new projector.

Young Lawyers (YLD)

**YLD – Committees Expense was over budget by \$2,971. This overage was due a payment of \$10,000 to the National High School Mock Trial that was not originally budgeted.**

Unauthorized Practice of Law (UPL)

UPL-Furniture and Equipment is over budget by \$218 due to a small unbudgeted purchase.

Coastal Georgia Office (SAV)

SAV-Telephone was over budget by \$635 as of the end of April. However, due to a change in pricing we received a credit in May to offset all of this overage and, as such, this account is no longer over budget.

**SAV-Parking was over budget by \$227. This was primarily due to additional use of the parking facilities in Savannah coupled with the parking vendor getting caught up in their billings to the Bar.**

**SAV-Rent & Utilities exceeded the budget by \$2,984 primarily as a result of minor under-budgeting for these costs.**

**SAV-Facilities Maintenance was over the budget by \$756 due to unanticipated repair costs associated with alarms and doors coupled with additional costs related to the repair of various items due to dry rot.**

Coastal Georgia Office (SAV) - Continued

SAV-Furniture and Equipment was over budget \$1,066 due to purchase of projector to replace water-damaged unit.

**South Georgia Office (TIF)**

**TIF-Taxes and Benefits and TIF-Supplies were over budget by \$1,177 and \$164 respectively. These amounts were under-budgeted.**

High School Mock Trial (HSMT)

HSMT-Law Academy expense is over budget by \$458 and HSMT-District Competition is over budget by \$4,548. **However, the actual total program expenses, excluding revenue, but including all competitions was less than the budgeted amounts.**

Legislative Program (LEG/ADV)

**Salaries and pension are over budget by \$11,098 and \$956 respectively primarily due to an allocation of a percentage portion of the Executive Director's salary for legislative work. This allocation was not included in the original legislative budget.**

Taxes and Benefits are over budget by **\$7,208**. This is due to a change in the type of insurance coverage for the person employed in the department.

**Leg/Adv-Legislative guests and meetings are over budget by \$1,335 primarily due to the payment of costs at the annual meeting.**

Sections

Overtime is over budget by **\$313 as overtime was not budgeted for this department.**

Miscellaneous

**Board of Governors Meetings**

**The Board of Governors meetings were over budget by \$12,144 primarily due to the costs incurred at the annual meeting primarily for food and beverage. Savings were realized in other meetings accounts to offset this overage.**

Cubicles Project

Cubicles Project is over budget \$176,511. \$85,512 of the variance is due to timing—a large portion of the cubicles was expected to be delivered in June 2017 in the previous budget year and thus the 2017-18 fiscal budget was prorated. All were delivered in 2017-18. \$90,999 of the variance was due to unplanned wiring charges and additional cubicles needed to complete the project (including cubicles for ICLE that were not originally budgeted for). Savings **were** realized overall in the Bar's budget **to offset this overage.**

#### Officers' Expense Accounts

As previously reported in the April 2018 financial statements, one of the officers' expense accounts was originally over budget by \$709. However, as indicated in my emails in early July, I wanted to verify that the expenses were coded correctly to the officer's account. Upon further review, certain expenses were incorrectly coded and were subsequently corrected in May. With this correction, none of the officers are over budget as of May 31 or June 30. Should an officer's account exceed the budget, the Bar will "cover" this shortage only in the short run. In any Bar year if there initially is an overage, the Bar will settle up with the officer so that the officer covers all of the overage and in the final June 30 financial statement report there will not be an overage.

#### Elections

The Elections account is over budget by \$4,645. This is due to the cost of a run-off election for YLD in the amount of \$9,777. This run-off election was not anticipated. Even though there were only two candidates for the office, due to a small number of other write-ins, neither of the two received a majority of the total votes cast **and the election rules required a run-off**. Savings **were** realized in the Bar's total budget to offset this overage. The Elections Committee is reviewing rules changes to ensure that such an expense is not incurred in future elections.

#### Letters of Good Standing

Letters of Good Standing is over budget **\$1,293** due to higher demand than expected. Revenue is also higher, to offset the expense.

#### Bar Membership Cards

**Bar Membership cards were over budget by \$396. However, there is a charge for photo IDs as well. As such, the expense overage was made up by additional revenue earned.**

#### State Bar Committees

State Bar Committees is over budget by **\$16,779** due to \$20,000 in Georgia Diversity Program funds approved by the Executive Committee in October. This was unbudgeted.

#### Strategic Plan

This account is over budget by \$20,000 due to a payment to the Administrative Office of the Courts. This was a payment made to continue the work of the Georgia Justice For All Strategic Plan, an access to justice program supported by the Supreme Court. This payment was approved by the Executive Committee in April 2018.

#### Conference Center (CONF)

**CONF Copier Vending Software and CONF repairs and maintenance are over budget by \$295 and \$499 respectively due to under-budgeting in these two accounts.**

Conference Center Furniture/Equipment exceeded the budget by \$523 due to the purchase of chairs. This purchase was not budgeted for.

Bar Center (BC)

BC Sub-basement and BC Second Floor Build-out - The Bar Center incurred certain costs that were not budgeted for. These costs included \$1,900 associated with the sub-basement build-out and \$37,190 associated with the second floor build-out for ICLE. These costs were not budgeted.

BC Building Rehabilitation – Building rehab costs exceed the budget by **\$193,496**. This is due to **unbudgeted** costs incurred to date of approximately **\$263,000** associated with the fire alarm upgrade as required by code.

BC Tenant improvements – Tenant improvements exceed the budget by \$34,486. This was caused by \$44,472 of costs incurred for a long-time tenant for improvement to their rent space. These amounts were not originally budgeted for.

**Total costs for the Bar Center exceeded the budget primarily due to the costs noted above. This budget overage was made up in savings realized through the rental operations associated with the building.**

Cushman & Wakefield (C&W)

C&W - R&M Life Safety Contract – The actual costs incurred exceeded the budget by \$1,615. This expense was under-budgeted by the subcontractor.

C&W - R&M Locks and Keys – Actual costs incurred were \$5,892 while the budgeted amount was \$1,000. These costs were incurred as a result of a requirement to change the locks associated with the stairwells to be ADA compliant.

**C&W – Bad Debt – This expense is due to the write-off of a rent receivable that we were unable to collect and that the tenant has moved out of the occupied space. The space was thereafter rented to an existing tenant.**

C&W – Insurance – Actual costs incurred were **\$44,750**, however, the budget was \$40,000. This expense was under-budgeted.

Bar Center-Parking

**Lanier-Payroll Taxes – The actual costs incurred exceeded the budget by \$675 due to under-budgeting by the subcontractor.**

Lanier-Fire Safety expense was not budgeted. In October, \$119 was incurred.

Lanier-Repairs and Maintenance had a budget of \$15,344. However, costs incurred were \$18,107. This budget overage of \$2,763 was due to unanticipated repairs for the generator for the parking deck that were above the preventative maintenance costs.

Lanier-Equipment and Supplies was under-budgeted by the subcontractor and as a result is over budget \$520. Lanier-Office Expense was also under-budgeted and is over budget **\$6,636**.

Bar Center-Parking-Continued

In addition, Lanier-Cell Phone/Beeper, Lanier-Invoicing Expense, Lanier-Garage Insurance and Lanier-Business License were all also under-budgeted by the subcontractor and as a result they are over budget to date by **\$2,411, \$676, \$2,402** and \$428 respectively.

Shared Office Overhead

Shared office allocations exceed actual expense by **approximately \$54,200**. Shared Facilities, Telephone, Equipment, Kitchen, Accounting, and Receptionist expenses were lower than budget. This is a positive variance—good news. This number will fluctuate throughout the year.

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

cc: Jeff Davis  
Cassie Hallstrom  
Sharon Bryant  
Paula Frederick

Institute of Continuing Legal Education  
 Statements of Financial Position  
 As of June 20, 2017 and June 30, 2018

	June 30, 2017	June 30, 2018
<b>Assets</b>		
Current Assets:		
Cash-Money Market	\$ 1,216,700	\$ 1,228,927
Cash-Checking	657,200	989,732
Prepaid Deposits and Other	109,730	51,798
Investments at Synovus (Note 1)	2,163,936	2,150,249
Total Current Assets	4,147,566	4,420,706
Property and Equipment:		
Furniture and Equipment	287,808	200,456
Real Estate - Athens Property	528,422	
Accumulated Depreciation	(72,018)	(60,578)
Total Property and Equipment	744,212	139,878
Total Assets	\$ 4,891,778	\$ 4,560,584
<b>Liabilities and Net Assets</b>		
Current Liabilities:		
Accounts Payable	\$ 256,331	\$ 207,130
Accrued Payroll and Payroll Taxes	5,787	63,609
Deferred Revenue	148,440	161,631
Total Liabilities	410,558	432,370
Net Assets:		
Undesignated Fund Balance	3,231,107	2,880,749
Board Designated Fund Balance	225,000	222,352
Reserve - Building & Equipment	225,000	225,000
Land, Buildings & Equipment	800,113	800,113
Total Net Assets	4,481,220	4,128,214
Total Liabilities and Net Assets	\$ 4,891,778	\$ 4,560,584



Institute of Continuing Legal Education  
Statements of Operating Revenues and Expenditures

Fiscal Years Ended June 30, 2017 and 2018 with Budget Fiscal Year Ended June 30, 2019

	<u>Fiscal Year Ended June 30, 2017</u>	<u>Fiscal Year Ended June 30, 2018</u>	<u>Budget Fiscal Year Ended June 30, 2019</u>
Revenue	\$ 5,527,165	\$ 5,216,025	\$ 5,000,000
Program Expenditures	3,200,037	3,417,529	2,875,010
Margin	<u>2,327,128</u>	<u>1,798,496</u>	<u>2,124,990</u>
Recurring Expenses:			
Payroll, Payroll Taxes and Benefits	1,443,311	1,421,183	1,546,206
Software, Hardware and Communications	139,852	109,137	133,715
Credit Card and Bank Fees	240,890	156,034	160,000
Professional Fees	574,704	65,715	25,000
Office Supplies, Freight and General	64,718	13,092	17,000
Seminars, Training, and Meetings	87,204	28,331	38,700
Equipment and Furniture Maintenance	37,900	10,636	10,200
Business Insurance	7,883	15,760	25,000
Shared Office Expense		212,040	303,103
Total Recurring Expenses	<u>2,596,462</u>	<u>2,031,928</u>	<u>2,258,924</u>
Income (Loss) from Operations before Non- Recurring and Other Expenses	<u>(269,334)</u>	<u>(233,432)</u>	<u>(133,934)</u>
Non-Recurring and Other Expenses:			
Athens Property Expenses	83,466	26,617	
Depreciation (Note 2)	135,663	82,277	
Total Non Recurring Expenses	<u>219,129</u>	<u>108,894</u>	
Net Income (Loss) Before Investment Activity	<u>(488,463)</u>	<u>(342,326)</u>	
Investment Income (Loss)	(38,902)	(8,032)	
Net Income (Loss)	<u>\$ (527,365)</u>	<u>\$ (350,358)</u>	<u>\$ (133,934)</u>

## Institute of Continuing Legal Education Notes - Statements of Financial Position and Statements of Operating Revenues and Expenditures

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The Statements of Operating Revenues and Expenditures presented represent the fiscal years ended June 30, 2017 and 2018 with the budget for Fiscal Year ended June 30, 2019.

1. Investments at Synovus are as follows:

	June 30, 2017	June 30, 2018
Investments		
Investments held at Synovus:		
Cost	\$ 2,136,815	\$ 2,161,337
Mark to Market	27,121	(11,088)
Market Value	\$ 2,163,936	\$ 2,150,249

2. Property and equipment are depreciated using the straight line method over the respective useful lives. A provision for depreciation on property and equipment is not included in the budget for the fiscal year ended June 30, 2019 to be consistent with the budget reporting of the State Bar of Georgia which is on the basis of cash receipts and cash disbursements.



Board of Governors,

It is my privilege to report this 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 nearly 10,000.

As the service arm to the Bar, the YLD is focused on creating programming and events that fit our motto of “working for the profession and the public.” This report will bring insight on the YLD’s efforts in planning, creating, and sustaining a successful Bar year and show a preview of programs and activities that we hope to accomplish.

### **Signature Project**

My signature project this year is a Remote Representation Program. This program will use technology to close the access to justice gap. As a rural magistrate judge, I know what it is like to work in a forum where there are few lawyers. Of the 1700 cases that are filed in Toombs County Magistrate Court, 90% of those cases have at least one party that is pro se. There is a real need for affordable legal services, especially in rural Georgia.

For this project, the YLD will partner with the Lawyers for Equal Justice. Lawyers for Equal Justice (LEJ) is an incubator program where lawyers, who are typically young lawyers, receive practical legal training and mentoring so they can develop socially conscious and economically sustainable law practices. As part of LEJ, participating attorneys provide pro bono and “low bono” services to low and moderate-income Georgians.

The first test case will be in Toombs County Magistrate Court. Litigants, Plaintiff or Defendant, will have access to the attorneys in the LEJ program. If an attorney/client relationship is formed, all communication between the lawyer and client can be facilitated by phone and email. The LEJ lawyer will then be able to file all pleadings to the Court electronically. If a hearing is needed, the LEJ lawyer will be able to represent the litigant through videoconferencing at their office in Atlanta or elsewhere. All persons in the courtroom will be able to see and hear the LEJ lawyer, and the LEJ lawyer will also be able to see and hear everything occurring in the courtroom.

This program is intended to accomplish a dual purpose:

1) It should allow LEJ lawyers, who are typically young lawyers, to gain a variety of legal experience from the start of a case to a judgment. Young lawyers can gain real experience in the fundamental skill areas of interviewing, counseling, and supporting clients

through their legal issues. The program will give young lawyers the opportunity to draft pleadings and submit those documents to the Court. LEJ also allows young lawyers to get training on how to make presentations, objections, and arguments in a courtroom setting.

2) LEJ offers a real solution to closing the justice gap, especially in rural Georgia. It benefits the public because it gives opportunities to people to obtain legal counsel that otherwise could not afford a lawyer or find a lawyer in an area where lawyers are scarce. With the use of technology, lawyers through this program can deliver adequate representation in an effective and efficient matter at a lower cost. We hope to grow this program to other courts and other areas around Georgia.

### **New Structure for the YLD Board of Directors**

This year, we are committed to growing the YLD and making it better. Our internal structure this year reflects three important areas of growth: outreach, leadership and professional development, and health and wellness of lawyers. There are currently 28 Board of Directors. The Board of Directors, which is the main body of leadership in the YLD, is structured this year with specific titles for each director and specific responsibilities within the YLD. Each director will personally oversee and make sure that the particular area he or she is responsible for is functioning at an optimal level. The Board of Directors Orientation was held in conjunction with the Summer YLD Meeting in Savannah on Thursday, August 23, 2018.

### **YLD Committees**

The YLD has more than 25 committees working to support our motto of service. Some provide service to the community and others provide service to the profession. Each committee typically has two co-chairs. These co-chairs have been working with each other over the summer to brainstorm ideas on programming and events. We held an orientation for all committee chairs on Friday, July 27, 2018 at the Bar Center.

I expressed a few added expectations on committee chairs:

- 1) **Plan to Hold One Meeting or Event Outside of Atlanta.** As President-Elect, I travelled to most of our YLD Affiliates such as West Georgia, Houston County, Glynn County, and Albany. Speaking to young lawyers, it was evident that the YLD's reach needed to be expanded. We are a state-wide Bar and our activities should reflect our membership. In addition, all of our general session YLD meetings will be outside of Atlanta and the majority of all Leadership Academy sessions will be outside Atlanta.
- 2) **Make Initial Contact with Committee Members Immediately.** Joining a committee is one of the first ways that someone gets involved with the YLD. It is essential that a committee chair reach out in some way initially when members join the committee to introduce themselves and welcome that person to the committee. It is an added benefit if the committee chair can outline plans or meetings for the year. This communication can be done by phone or email.

The YLD has created a new committee: Government Law. This committee will focus on providing educational and networking opportunities for government lawyers such as prosecutors and public defenders. I became involved with the YLD as a prosecutor, and found my experience in the YLD to be valuable even then. My hope is that through this committee government lawyers,

such as prosecutors and public defenders, will see the benefits of the YLD and be encouraged to be more active in the Bar.

This year, the YLD will continue in its programs that have made an impact on the community throughout the years. Some of the committees' events and plans are highlighted below:

- **Advocates for Students with Disabilities:** On October 18, 2018, the committee held a program on the school tribunal process. The program covered educational rights and remedies for students with disabilities and included an introduction to the school tribunal process. The presenters for the program were Talley Wells, Executive Director of Georgia Appleseed and Eric Fisher of Taylor English Duma, LLP.
- **Community Service:** The committee will put on for the second year “Build a Better Georgia Day” where young lawyers across the state build a Habitat Humanity house on the same day across each Federal Judicial District. This day of service is tentatively planned in May 2019. In October, the committee partnered with the Judicial Law Clerk and Government Law committees to hold a Judicial Panel. The panelists were Chief Magistrate Judge Cassandra Kirk of Fulton County, Judge Paige Whitaker of Fulton County Superior Court, Judge Wenona Belton of Fulton County Juvenile Court and Judge Ann Harris of Cobb County Superior Court. On November 4, 2018, the committee cooked, and serve dinner to approximately 50 people who were staying at the Ronald McDonald House in Atlanta.
- **Corporate Counsel:** The committee held a meet and greet at the Painted Pin in Atlanta on October 11, 2018. The committee also presented a CLE on the subject of Bitcoin on November 28, 2018.
- **Criminal Law:** On October 20, 2018, the committee co-sponsored an event with the Black Law Students Association at John Marshall Law School on the key to success for law school and after graduation.
- **Disaster Legal Assistance:** The committee has set up a Disaster Law Helpline in preparation for hurricane season. People affected by the disaster and who have some kind of disaster legal need will be able to call the hotline and leave a message. A YLD lawyer will then return their call and provide advice or make a referral. This helpline stays open for several months.
- **Estate and Elder Law:** The committee plans to have four Wills Clinics before the Bar year is over. Wills Clinics provide estate document planning to first responders or emergency personnel. The Wills Clinics are tentatively planned to take place in Atlanta, Macon, Vidalia, and North Georgia.
- **Ethics and Professionalism:** A planning meeting was held for the committee at Fado Irish Pub in Atlanta on September 26, 2018. A CLE will be held in November on do's and don'ts for solo/small firm attorneys.

- **Inclusion in the Profession:** The committee held an introductory meeting at the State Bar on September 7, 2018. The committee will also host a civil rights and human rights panel on November 1, 2018. The committee also plans to have a diversity dinner celebrating the advancement of minorities in the legal profession in May 2019.
- **Intrastate Moot Court Competition:** The 2019 Intrastate Moot Court Competition fall planning session was held at the Atlanta office of Troutman Sanders LLP on Wednesday, October 17, 2018. The competition is set for March 22-23, 2018 at Emory School of Law.
- **Intellectual Property:** This committee held their first event of the Bar year on October 25, 2018 at Tin Lizzy's in Midtown. The event consisted of a meet and mingle with other IP practitioners in a casual atmosphere while also getting to learn about the committee's upcoming events.
- **Labor and Employment Law:** The Labor & Employment Committee hosted a Lunch and Learn CLE on "Taking Effective Depositions" on October 11, 2018 at the Bar Center. Participants heard from an experienced plaintiff's and defense attorney on best practices young lawyers can use in taking depositions. In November, the committee plans to have a panel composed of defense counsel, plaintiff's counsel, an in-house attorney, and a government attorney to provide insights to different career paths.
- **Leadership Academy:** Applications have been sent out seeking individuals to compose the 2019 class of the Leadership Academy. This year's leadership class will hold sessions in Atlanta, Macon, Vidalia, and Washington, D.C.
- **Legal Food Frenzy:** The committee is underway planning the 2019 event. The committee plans to hopefully put on a golf tournament to raise more funds and garner excitement about the cause.
- **Litigation Committee:**
  - The committee's first meeting was held on August 21, 2018. At this time, plans were made for monthly events to be held for the entire Bar year. The committee held a networking event at 5 Church Atlanta on September 13, 2018. Also in September, the committee held a lunch meeting at the State Bar on the 25<sup>th</sup> where YLD Secretary Elissa Haynes spoke about jury selection strategies, tips, and practices. Elissa is a Senior Associate at Goodman McGuffy, LLP.
  - Litigation Committee had a lunch on October 24<sup>th</sup> at 12pm at Greenberg Traurig. Richard Valladares spoke on business development and client relations. Mr. Valladares is the co-chair of the Atlanta Business Litigation Group and has experience in numerous areas of litigation, including complex commercial

litigation, personal injury defense, class action, construction litigation, products liability and insurance coverage litigation.

- **Public Interest Internship Program:** This committee volunteered for Atlanta Volunteer Lawyers Foundation's (AVLF) Saturday Lawyer Program on November 3, 2018. AVLF has provided low-income Atlantans with access to volunteer attorneys, and volunteer attorneys with a chance to do meaningful pro bono work. Volunteers interviewed potential clients in person, assessed their claims, and determined which cases, if any, AVLF will accept for full representation. Cases typically involve: (1) Securing unpaid wages; (2) Promoting habitable and safe housing and ensuring return of security deposits; or (3) Resolving other landlord-tenant disputes, such as illegal evictions or damage to tenants' property caused by landlords.
- **Signature Fundraiser:** The YLD looks forward to putting on what will be the YLD's 11<sup>th</sup> Signature Fundraiser. This event raises money and support for a non-profit organization. The proceeds from the event will benefit the Lawyers for Equal Justice Program to support the Remote Representation Program.
- **Women in the Profession:** The Women in the Profession Committee started off the year by planning a lunch with Savannah's Chapter of Georgia Association of Women Lawyers during the YLD Summer Meeting. In September, the committee held a lunch at the Bar Center on the 20<sup>th</sup> featuring Judy Farrington Aust of Aust ADR, LLC. Ms. Aust discussed strategies regarding pre-mediation negotiation, mediation, and keeping the conversation going with post-mediation settlement. On October 20, 2018, the committee got their work out on at Burn Studios Buckhead for a women's kickboxing class. A Beer & CLE Happy Hour was held on Thursday, November 8<sup>th</sup>. Panelists discussed the 2017 bill allowing breweries and distilleries to make direct sales to customers and its impact on Georgia businesses one year later.

The YLD is also working to participate and support college and law students. Our current efforts are:

- The YLD is partnering with Georgia State University's Center for the Advancement of Students and Alumni. Our partnership is aimed to help Georgia State undergraduate pre-law students understand what it means to be a lawyer through a mentorship program with a practicing attorney. The YLD has also developed a distinguished panel of speakers for a civil and human rights forum for students on Thursday, November 1 from 12:00 to 1:30 p.m. at Georgia State. The panel will consist of the following civil rights and human rights attorneys:
  - Christopher Bruce, American Civil Liberties Union
  - Azedeh Shahshahani, Project South
  - Alison Slagowitz, Georgia Legal Services

- Each semester, the YLD Law School Outreach Committee will be visiting ever law school. The visits are designed to educate the students on the YLD and provide support to them while they are in law school. We have a variety of events planned in the fall such as sponsoring a tailgate at UGA law on November 17, 2018. We will be providing coffee and donuts during study time for exams at Emory, Georgia State, and John Marshall. We will be doing a lunch and informational program at Savannah Law School in November. At Mercer, we are working to sponsor one of their home football tailgates.
- The YLD participated in the Mercer Law Professional Career Fair on August 28, 2018.
- The YLD was part of the University of Georgia School of Law’s Career day on October 5, 2018.

#### YLD Affiliates

- Augusta YLD: The Augusta YLD held networking events in June at Savannah River Brewing Co. and in August at Stars and Strikes Bowling Alley. The September networking event was held at the CSRA Food Truck Fest. The October networking was held on October 13, 2018 at Southbound Smokehouse.
- Glynn County YLD: The Glynn YLD’s Annual Meeting was held on August 2, 2018. During that time, new officers and committee chairs were elected. A September networking event was held at the King and Prince Beach & Golf Resort and sponsored by Collision Specialists. The October networking event was held at Sea Island Beach Club and sponsored by Roden Law.
- Houston County YLD: The annual Houston County Bar Barbecue was held on Saturday, October 20, 2018 at the Walker’s Barn in Perry, GA.
- Savannah YLD: The YLD continues to hold monthly Executive Committee meetings where all young lawyers are invited to attend on the second Tuesday of every month. A YLD Alumni Networking event was held on July 26, 2018 at Churchill’s Restaurant. In August, the Savannah YLD members actively participated in the state YLD’s Summer Meeting in Savannah. The Annual Savannah YLD Kick-Off event was held in September at the Congress Street Social Club.
- Macon YLD: The Macon YLD held a kick-off event for the new Bar year on August 3, 2018 State Bank. Another networking event will be held on September 12 at Piedmont Brewery and Kitchen. On July 26<sup>th</sup>, 2018, the Macon YLD held the annual Mentor/Mentee/Law Clerk Social sponsored by State Bank at the State Bank branch on Walnut Street, Macon. Many thanks are extended to State Bank for their generous sponsorship of this excellent event.
- DeKalb YLD: The Dekalb YLD is in the works of reviving their YLD chapter. A Back to School Networking Event was held on August 16, 2018 at Victory Sandwich Bar. A



meeting was held with Dekalb YLD representatives and YLD Executive Committee members on October 12, 2018 on the process of bringing the Dekalb YLD back to an active affiliate.

### Quarterly Meetings

In addition to the work load of our many committees and YLD Affiliates, YLD members gather four times over the course of the Bar year during quarterly meetings to report on their committee work, socialize and network, and plan and organize division-wide projects.

The YLD met on August 24-26, 2018 in my hometown of Savannah, Georgia. There were a variety of professional programming over the weekend from the Board of Director Orientation, the Affiliate and Representative Council Orientation, and the General Session. The meeting's CLE featured Dep Kirkland, one of the prosecutors of the famous Savannah trial of Jim Williams which was later featured in the book and movie, "Midnight in the Garden of Good and Evil." The meeting also included a group dinner and community service project to collect money to go towards hygiene kits for the homeless.

The YLD's remaining meetings planned this Bar year are as follows:

- Fall Meeting: The Ritz Carlton on Lake Oconee on November 9-11, 2018. This will be the weekend of the traditional and historic football game between the University of Georgia and Auburn University. We will have a charter bus from Lake Oconee to Athens, GA along with a tailgate on the campus. Other events include a CLE titled, "'Leave Home Cooking in the Kitchen: Advice and Best Practices for Effective Advocacy in Rural Georgia No Matter Where You Live.'" A distinguished panel of lawyers and judges will share insights, advice, and tips on practicing in rural Georgia. The panel will consist of past YLD Presidents Joe Dent of Albany and Sharri Edenfield of Statesboro. The judges present will be Juvenile Judge Stephanie Burton of the Oconee Judicial Circuit and Superior Court Judge Alison Burseson of the Ocmulgee Judicial Circuit. The weekend will also include a group dinner, Leadership Academy alumni gathering at Oconee Brewing Company, and a wellness activity of a fun game of kickball.
- Midyear Meeting: Marriott City Center Hotel in Macon, GA on January 10-12, 2018. We will be in Macon for the Mid-Year meeting. This is typically the YLD's largest meeting and we are excited that it will be in Middle Georgia. The Leadership Academy will have their first meeting here. On Saturday, January 11, 2019, the YLD will partner with Mercer Law School for a Wills Clinic.
- Spring Meeting: Hamilton Hotel, Washington, D.C. held on April 26-29, 2019. We currently have a reservation for our group to be sworn in to the Supreme Court of the United States. Georgia native, Supreme Court Justice Clarence Thomas, has committed to visiting with our group while we are there.

I hope the Board of Governors share in my enthusiasm for the great work the YLD does. We always invite Board of Governors members to come to YLD events and engage with YLD

members. Please “like” the YLD Facebook page or follow us on social media to follow along with the activities and events the YLD is participating in. Please let me know if there are any ideas you have regarding potential programming or if I can be of service to you in any way.

Regards,

Rizza P. O’Connor  
2018-2019 YLD President

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Friday, April 13-14, 2018  
Barnsley Resort/Adairsville, Georgia**

Members Participating:

Brian D. (Buck) Rogers, President; Kenneth B. Hodges, III, President-elect (by phone); Dawn M. Jones, Secretary; Darrell L. Sutton, Treasurer; Patrick T. O'Connor, Immediate Past President; Nicole C. Leet, YLD President; Rizza O'Connor, YLD President-elect; Jennifer Campbell Mock, YLD Immediate Past President; Damon E. Elmore (by phone); Elizabeth Louise Fite; David S. Lipscomb; Frank Strickland; and Nicki Vaughan.

Members Absent:

Phyllis Holmen.

Guest Participating:

Jeff Fucito (by phone).

Staff Participating:

Sharon Bryant, Chief Operating Officer; Jeff Davis, Executive Director; Christine Butcher Hayes, Director of Governmental Affairs; Paula Frederick, General Counsel; and Bill NeSmith, Deputy General Counsel.

Call to Order

President Buck Rogers called the meeting to order at 1:00 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings

President Buck Rogers reviewed the Future Meetings Schedule.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee unanimously approved the following resignation requests by unanimous voice vote: Hunter Biederman-308939; Denise Seeley Reger-153086; Tara Kay Johnson -789142; David Edwin Duke -232325; Thomas Lowell West III-749025; Russell Calvin Ford-268177.

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee, by unanimous voice vote, approved one request for disabled status.

Approval of 2018-2019 Proposed State Bar Budget

Following a report by Treasurer Darrell Sutton, the Executive Committee, by unanimous voice vote, approved and recommended to the Board of Governors the 2018-2019

Proposed (2<sup>nd</sup> Draft) State Bar and Bar Center Budgets, as revised (Exhibit A). The budget also reflects:

- 1) Dues at \$252 for active members and \$126 for inactive members, which represents a \$2 increase in actives dues and a \$1 increase in inactive dues; and
- 2) Section dues to be reflected on the dues statement ranging from \$10-\$40; 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 (\$100 for young lawyers) for the Georgia Legal Services Program.

David Lipscomb asked Executive Director Jeff Davis to discuss with SunTrust the possibility of getting a higher interest on the \$4.2 million kept in SunTrust for the lockbox services.

#### YLD Secretary and Treasurer

Following a report by YLD President-elect Rizza O'Connor, the Executive Committee, by majority voice vote, failed to pass a motion to provide \$1,300 as an advanced reimbursement to the YLD Treasurer and YLD Secretary to help offset the costs they incur for their volunteer leadership efforts. A motion to increase the 2018-19 YLD budget by \$2600 so the YLD can cover the cost of the hotel only for the YLD Treasurer and YLD Secretary, and to amend the (2<sup>nd</sup> Draft) 2018-19 Budget to reflect the increase, was approved by unanimous voice vote.

#### Foundation Assets Re ICLE Transfer to Bar

Executive Director Jeff Davis reported that the original agreement with ICLE was to transfer all of ICLE's assets into the State Bar of Georgia Foundation (SBGF), and currently those assets total \$4.2 million. Jeff further reported that we have been running the ICLE program as all other Bar programs and paying its operating costs out of the Bar's budget. The Bar has incurred \$3.1 million in expenses on behalf of ICLE and needs to be reimbursed. He also reported that the SBGF was originally created as a pass-through for small donations and using it in that way only required the Bar to file a Form 990-EZ. Now that we have \$4.2 million in the account, the Bar is required to file a Form 990 (long form). The Bar's auditor, Mauldin & Jenkins, has suggested we transfer the ICLE assets out of the SBGF and move them into a separate Bar account used for ICLE's operational budget. Jeff Fucito of Mauldin & Jenkins then described the reporting differences between the two Form 990s.

Mr. Fucito reported that while it was wise to start out by placing the ICLE assets in the SBGF until the Bar could see what it was dealing with, the Bar would not have that concern now. He further reported that moving the assets would simplify the Form 990 preparation and cost. He stated that economically the Bar has supported the cash needs of ICLE and it does not make sense to hold the assets in a separate SBGF account. It was his professional opinion the Bar should transfer the ICLE assets into the Bar and account for ICLE separately as it does the Bar Center and CCLC.

Jeff Davis said the ultimate question that will be before the SBGF Board of Trustees is whether to transfer the SBGF assets and place them in a restricted account that would be accounted for separately as we do the Bar Center and CCLC. Deputy General Counsel Bill NeSmith reported that by transferring all of ICLE assets over to the Bar, the Bar would assume all the obligations and liabilities of ICLE's Board. Bill also reported that he will need to review the agreement between ICLE, the State Bar, and the SBGF before any transfer was made.

President Buck Rogers suggested we defer this matter to receive more information and, if needed, have an Executive Committee meeting in conjunction with the Annual Meeting.

#### Requests for Contributions/Sponsorships

Following a report by President Buck Rogers, the Executive Committee unanimously approved the following requests:

- 1) \$2,500 sponsorship for Georgia Appleseed for the Good Apple Awards that will be held on April 18, 2018;
- 2) \$3,500 sponsorship for GABWA for its 2018 Glitter Gala and Auction on July 21, 2018; and
- 3) \$2,000 request from GAWL for its Annual Dinner on May 15, 2018.

Thereafter, the Executive Committee, by majority voice vote, failed to pass a motion for an in-kind request from Derrick Pope to provide an office and two workstations in the State Bar's office space for the *Arc of Justice* Project.

#### Request to Terminate the Judicial District Professionalism Program (JDPP)

Following a report by Executive Director Jeff Davis on the underuse of and lack of effectiveness of the Judicial District Professionalism Program, the Executive Committee, by unanimous voice vote, approved terminating the program. Terminating the program will require approval by the Board and the Supreme Court, as with any other rule changes.

### GLSP Lease

Executive Director Jeff Davis reported that the real estate broker for the GLSP asked for a rent reduction from \$15.17 sq. ft. to \$12 sq. ft. when the GLSP lease renews after the current lease expires in September 2018. Instead, Jeff proposed that the Bar renew the GLSP lease for a two-year period, as opposed to the standard five-year period, at the current \$15.17 sq. ft. rate so as to allow time for GLSP to get a new Executive Director in place and determine future office space needs. A motion proposing a two-year lease at the current rate of \$15.17 sq. ft., with no payment of broker's fees, was approved by unanimous voice vote.

### Approve Member Benefits, Inc. Retirement Plan Offer

Following a report by Jeff Davis, the Executive Committee, by unanimous voice vote, approved Member Benefits, Inc., offering small 401(K) Retirements Plans and Cyber Security Insurance to members of the State Bar as part of its array of insurance options.

### Executive Committee Minutes

Secretary Dawn Jones presented the minutes of the Executive Committee meetings on February 8, February 14, and March 15, 2018. The Executive Committee, by unanimous voice vote, approved the February 8 minutes as revised, and the February 14 and March 15, 2018 minutes as presented.

### Executive Session

Following a motion and second, the Executive Committee, by unanimous voice vote, moved into Executive Session at 2:58 p.m. to discuss the Distinguished Service Award, Employee of the Year Award, litigation and other issues.

Thereafter, following a motion and second, at 3:52 p.m. the Executive Committee, by unanimous voice vote, moved out of Executive Session and back into the Executive Committee meeting.

### Treasurer's Report

Treasurer Darrell Sutton reported on the Bar's finances. He announced that ICLE Controller Rebecca Taylor has stepped into the role of controller while the Bar searches for a new CFO. He reported that the Bar's membership numbers are up from both last year's numbers and this year's budgeted amount. He also reported that emeritus members are up over the budgeted amount by 300, and up a little over 200 members from last year, due to the aging of the profession. On that topic, he reported that while dues notices have not yet been mailed, 300 members have already elected to designate a lawyer for succession planning. Lastly, he reported that consistent with current trends, contributions to the legislative and public education fund are flat, but up for the GLSP. He reported that a good deal of money has been spent from the Cornerstones budget to pay for the latest PSAs, and it will be replenished in next year's budget from surplus.

Following a report by Treasurer Sutton, the Executive Committee, by unanimous voice vote, approved the Programs Committee's recommendation that the State Bar provide \$20,000 this fiscal year to continue the work of the Georgia Justice For All Strategic Plan through the Administrative Office of the Court's Access, Fairness, Public Trust and Confidence Committee. The money will be used to compensate the committee's staff person to oversee the implementation of the Georgia Justice for All Strategic Plan developed by the Justice For All Working Group.

The Executive Committee received copies of the Consolidated (Operational and Bar Center) Preliminary Revenues and Expenditures Report as of January 31, 2018; Income Statement YTD for the Seven Months Ended January 31, 2018; Bar Center Revenues and Expenditures Report for the Seven Months Ended January 31, 2018; Summary of Dues and Voluntary Contributions at January 31, 2018; Legislative Fund and Cornerstones of Freedom Fund Activity Reports through January 31, 2018; and an Investment Performance Comparison 2005-2017.

#### YLD Report

YLD President Nicole Leet reported that the YLD had a most successful meeting in Nashville. Members of the Tennessee YLD and Vanderbilt law students participated in the weekend activities. She reported that the Legal Food Frenzy begins next week. Nicole announced that the Community Service Project Committee has coordinated a statewide day of service in conjunction with Habitat for Humanity to do a home build in Atlanta, Augusta and Columbus. She also announced that a few more Wills Clinics are being scheduled. Lastly, Nicole reported that the YLD continues to work with the Pro Bono Project and others on the Due Justice Do 50 challenge, and that the YLD is supporting a few of those legal organizations with small grants.

#### Executive Director's Report

Executive Director Jeff Davis reported that the Coastal Georgia Office (Savannah) lease expires at the end of October. There has been some discussion about moving the office to another location so as to offer more meeting space for ICLE events and parking, but we will need a committee to look into that if we want to seriously explore that option. Jeff reported that he plans to negotiate a two-year extension of the lease, as opposed to the five year option in the current lease. Immediate Past President Pat O'Connor abstained from the discussion due to a conflict.

#### ACL/Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported that the Legislature adjourned sine die on March 28 and the Bar successfully passed five bills in the session. She further reported that as of January 1, 2019, attorneys will be required to e-file pleadings and related documents in state and superior court. Litigants can file for free at public access terminals in the courthouse or remotely at a cost of \$30 per filer, per party for the first 10 filings and a \$5 per filing fee thereafter. Of the \$30 fee, \$5 will go to the counties to cover

the cost of kiosks in the courthouses for filing free or pro se filings. Christine also reported that our lawyer legislators and our Section members who volunteered their time to propose the bills were a tremendous help.

#### Office of General Counsel Report

General Counsel Paula Frederick reported that Senior Assistant General Counsel Jonathan Hewatt is retiring at the end of the month and his replacement, James (Jim) Lewis, has been hired.

The Executive Committee received a written Report of the Office of the General Counsel dated April 13, 2018.

#### Possible Subsidy for Public Interest Lawyers to Attend BOG Meetings

President-elect Ken Hodges reported that he wants to explore the possibility of subsidizing the cost for public interest lawyers to attend Board of Governors and other Bar meetings. A motion to allocate \$5,000 for a pilot program mirrored after the YLD scholarship program, with the mechanics still to be worked out, and to amend the (2<sup>nd</sup> Draft) 2018-19 Budget to reflect the increase, was approved by unanimous voice vote.

#### Clients' Security Fund (CSF) Balance and the Need to Make Additional Contributions

Treasurer Darrell Sutton reported that the CSF is being depleted and will need to be replenished in the next few years. General Counsel Paula Frederick reported that the CSF Board of Trustees also wants to advocate for some changes in its procedures. She stated that she will look at what other jurisdictions do in regards to their client protection programs and will meet with the rules committee to come back with a proposed solution on funding and procedures. If that occurs, the proposed solution can be presented to the BOG during the Fall Meeting.

#### ICLE Update/Athens Property Update

Deputy General Counsel Bill NeSmith reported that sale of the ICLE Athens property is near completion.

#### Adopting Rules for Mandatory Fee Arbitration

David Lipscomb reported that the Fee Arbitration Committee is asking the Executive Committee if it wants the committee to pursue proposing to the Board of Governors that the program be made mandatory and binding and consider administrative suspension for attorneys who fail to pay or work out a repayment plan. He stated that nine state bars currently have mandatory fee arbitration programs. Most disputes are client v. lawyer, but there are also some lawyer v. lawyer. Once a client files a fee arbitration petition a copy is sent to the lawyer for response. When a client files a petition they must agree to be bound by the results of the arbitration; however, the answer filed by the lawyer gives the lawyer the opportunity to be bound or not bound by the by the results of the arbitration. When the arbitrators enter an award and the lawyer who agreed to be bound fails to pay,



the Bar may provide a lawyer to represent the client in post-award proceedings. If the lawyer does not agree to be bound, the client is entitled to a de novo trial. The issue comes up periodically whether it is appropriate for the Bar to pay to litigate on behalf of the client. This would not be a problem if lawyers could not opt out and the program made mandatory. The first issue is whether the program should be binding, and the second issue is the lawyer not paying an award. The Executive Committee asked the Fee Arbitration Committee to look at amending the program's rules to make the program mandatory and binding.

The Executive Committee received copies of the rules of attorney fee disputes from other bar associations which have binding fee arbitration, and a copy of a 2008 ABA Fee Arbitration Survey that surveyed the states about their attorney-client fee arbitration program with a special focus on the customer-centric aspects of their program.

#### 5<sup>th</sup> Floor Buildout

This item was tabled to a future meeting.

#### Board of Governors Minutes

The Executive Committee received a copy of the March 10, 2018 Board of Governors meeting minutes.

#### Middle Georgia Access to Justice Council, Inc.

The Executive Committee received a copy of a letter from the president of the Middle Georgia Access to Justice Council expressing its gratitude to the Executive Committee for awarding it a grant to help start its lawyer incubator program.

#### 2019 Election Schedule

The Executive Committee received a copy of the State Bar of Georgia 2019 Elections Schedule.

#### Employee Appreciation

The Executive Committee received copies of emails from members expressing their appreciation to Crystal Richards, CLE Administrator, and Kindall Harville, Savannah Office Manager, for their assistance.

#### Old Business

There was no old business.

#### New Business

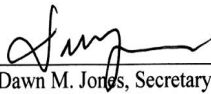
There was no new business.

#### Adjournment

There being no further business the meeting was adjourned at 4:49 pm.

Executive Committee/Supreme Court Joint Meeting

The Executive Committee and Justices of the Supreme Court of Georgia conducted a joint meeting on Saturday, April 14, 2018, at 9:00 am to discuss pending issues and developments affecting the administration of justice and the regulation of the legal profession. Those present for the meeting from the Supreme Court of Georgia were Chief Justice Harris Hines, Presiding Justice Harold Melton, Justice Robert Benham, Justice David Nahmias, Justice Keith Blackwell, Justice Michael Boggs, Justice Nels Peterson, Justice Britt Grant, and Tee Barnes, Clerk of Court. Executive Committee members present were President Buck Rogers, President-elect Ken Hodges, III, Secretary Dawn Jones, Treasurer Darrell Sutton, Immediate Past President Pat O'Connor, YLD President Nicole Leet, YLD President-elect Rizza O'Connor, YLD Immediate Past President Jennifer Mock, Elizabeth Fite; David Lipscomb; Frank Strickland; and Nicki Vaughan. Bar staff in attendance were Sharon Bryant, Jeff Davis, Christine Butcher Hayes, Paula Frederick, and Bill NeSmith.

  
Dawn M. Jones, Secretary

Approved:   
Buck Rogers, President

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Tuesday, June 19, 2018  
Conference Call**

Members Participating:

Kenneth B. Hodges, III, President; Darrell L. Sutton, President-elect; Elizabeth Louise Fite; Secretary; Dawn M. Jones, Treasurer; Rizza O'Connor, YLD President; William T. Davis, YLD President-elect; Nicole C. Leet, YLD Immediate Past President; Sally B. Akins; Tony DelCampo; Amy V. Howell; and David S. Lipscomb.

Members Absent:

Buck Rogers, Immediate Past President; Frank Strickland; and Nicki Vaughan.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Sarah Coole, Director of Communications; Jeff Davis, Executive Director; Christine Butcher Hayes, Director of Governmental Affairs; Paula Frederick, General Counsel; Bill NeSmith, Deputy General Counsel; and Ron Turner, Chief Financial Officer.

Call to Order

President Ken Hodges called the meeting to order at 12:00 p.m. Members of the Executive Committee in attendance are indicated above.

Officers' Allowances – 2017-18 Unused Funds

At President Ken Hodges' request, and following a motion and second, the Executive Committee discussed a one-time rollover (from the 2017-18 Bar year to the 2018-19 Bar year) of unused funds from the officers' allowances as the Bar transitions to a new Officers' Allowance Policy. Under the new Officers' Allowance Policy, officers will be given stipends as opposed to using reimbursable accounts. President Ken Hodges disclosed that any rollover would benefit him the most since he currently has the largest unspent balance in his account. He plans to take a number of planning visits this Bar year that he was unable to take during the past year. He wants to use the rollover funds solely for those purposes and will present the required receipts for reimbursement.

Thereafter, the motion to allow a one-time rollover for officer's allowances of unused funds from the 2017-18 Bar year to the 2018-19 Bar year in the amount of \$86,720, for which the affected officers will have to submit receipts in order to use the rollover funds, and which does not affect the new Officers' Allowance Policy, passed by a roll call vote of 9 in favor to 2 opposed. President-elect Darrell Sutton and Treasurer Dawn Jones for the two opposing votes.

### Corporate Credit Cards

Following a report by Executive Director Jeff Davis, the Executive Committee, by unanimous voice vote, approved providing corporate credit cards to the following staff positions and raising the limit for the State Disciplinary Clerk position from \$5,000 to \$10,000:

#### Staff Positions

ICLE Associate Director: \$10,000  
ICLE Assistant Director-Programs: \$10,000  
ICLE Assistant Director-Meetings: \$10,000  
ICLE Event Coordinator: \$10,000  
MIS Director: \$10,000  
Office Manager: \$2,500

### Renewal of Rusty Sewell/Capitol Partners 2018-19 Contract

Following a report by Director of Governmental Affairs Christine Butcher Hayes, the Executive Committee, by unanimous voice vote, approved renewing the contract for Legislative Consultant Rusty Sewell/Capitol Partners at a cost of \$195,000, which is the same amount as the previous year contract. The cost will be paid from the voluntary Legislative and Public Education Fund.

### CloudLawyers Promotional Emails

Following a report by Deputy General Counsel Bill NeSmith, the Executive Committee, by unanimous voice vote, approved CloudLawyers sending out 12 promotional emails, one per week for 12 weeks, to Bar members to educate them about the new enhanced member directory service. Bill further reported that Sarah Coole, Director of Communications, and he will approve the emails in advance. YLD Immediate Past President Nicole Leet asked whether a member who opts out of those emails would be opting out of all Bar emails. Sarah reported that she was creating an opt out list for just the CloudLawyers emails.

### Georgia Public Defender Council Request for Consolidated Space/5<sup>th</sup> Floor Renovation

Executive Director Jeff Davis reported that the Georgia Public Defender Council has asked to have its agency's functions together on a single floor. It currently occupies office space on the 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup> floors of the State Bar building. Having all of its lawyers and administrative staff on the same floor will improve its organizational efficiency and ability to serve clients. Jeff also reported that while we were hoping to place a data center on the 5<sup>th</sup> floor, most data center operations are looking for triple the space that is available on that floor and the build out would be costly. He asked the Executive Committee to authorize up to \$30,000 from the Bar Center reserves to do a feasibility study and some preliminary design work, working in conjunction with the Public Defender Council, to obtain build-out costs that he will bring back to the Executive Committee for approval. Lastly, Jeff reported that he believes the Criminal Justice Coordinating Council could eventually occupy the space vacated by the Public Defender Council as it continues to occupy empty space as it comes available.

The Executive Committee, by unanimous vote, authorized the State Bar to spend up to \$30,000 from Bar Center reserves to conduct a feasibility study and preliminary design work of the 5<sup>th</sup> floor space.

Old Business

There was no old business.

New Business

Treasurer Dawn Jones asked about future Executive Committee meeting dates. President Hodges asked the Executive Committee members to send dates they are not available to Sharon Bryant.

Adjournment

There being no further business the meeting was adjourned at 12:51 pm.

  
\_\_\_\_\_  
Elizabeth D. Fite, Secretary

Approved:  
  
\_\_\_\_\_  
Kenneth B. Hodges, III, President

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES**

**Thursday, August 16, 2018  
Mansour Conference Center/Marietta, Georgia**

Members Participating:

Kenneth B. Hodges, III, President; Darrell L. Sutton, President-elect; Elizabeth Louise Fite; Secretary; Dawn M. Jones, Treasurer; Rizza O'Connor, YLD President; William T. Davis, YLD President-elect; Nicole C. Leet, YLD Immediate Past President; Sally B. Akins (by phone); Amy V. Howell (by phone); David S. Lipscomb; Frank Strickland; and Nicki Vaughan (by phone).

Members Absent:

Buck Rogers, Immediate Past President; and Tony DelCampo.

Staff Participating:

Sarah Coole, Director of Communications; Jeff Davis, Executive Director; Christine Butcher Hayes, Director of Governmental Affairs; Paula Frederick, General Counsel; Bill NeSmith, Deputy General Counsel; and Ron Turner, Chief Financial Officer.

Call to Order

President Ken Hodges called the meeting to order at 1:00 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings

President Ken Hodges reviewed the Future Meetings Schedule. He outlined the activities that will take place at upcoming Executive Committee and Board of Governors meetings. He announced that the 2020 Spring Board meeting will take place at Chateau Elan and that the YLD Summer meeting is the weekend of August 23-26. Lastly, he announced that there will be an optional trip in January to an Arizona wellness spa that will offer 12 hours of CLE.

Executive Committee Minutes

By unanimous voice vote, the Executive Committee approved the meeting minutes of April 13-15, 2018 as submitted, and the meeting minutes of June 19, 2018, as revised to reflect the officers' rollover amount of unused funds from 2017-18 Bar year, and reflect that President-elect Darrell Sutton and Treasurer Dawn Jones were the two opposing votes.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: David J. Walker Sr-011692, Samuel Wallace Juster-622316, Robert Michael Orenstein-493979, Lissa L. Broome-086199, Robert Lay Martin-473948, Amy Aykut-557868, Benjamin Richard Kennard-337481,

Benner Charles Richardson-313779, Bernard E. Namie III-534150, Randall H. Stephens-679175, James Joseph Bushnell Jr-098967, Lori Llene Barkus-154892, Leslie M. Stamps-674237, Tamara Sue Pester-573535, Denise Gough -303205, Yury Jin Park-140276, Michael James Baker-539951, Steve D. Halton-319891, Doris Ellen Guidry-731760, Merlinus Monroe-516401, John Stover-142218, William Claiborne III-126360, William Castings Jr-116131, Robin Wilson-769010, Magan Siler Flynn-004760, Harvey R. Spiegel-672050, Robert G. Muehl-527884, Ronald Matamoros-476325, Leigh E. Adams Bengtson-050167, Jonathan Caleb Thomas-333320, Melissa Bruzzano-090955, Antje Kingma-595120, Robert Max Green-307325, Amber Stewart -153005, Shirley Norris-545877, Daniel Phelan-001510, Thomas Callahan-104584, Sally Cobb Cannon-199456, Wendy P. Solovay-666787, Suong Mai T Cavalli-117725, Ruth A. Hillis-355000, Martin L. Holton III-364520, Samuel Thomas Scott Kay-409340, Jay Zagoren-784150, Lois F. Downey-228290, Regina R. Russell-303215, Joanne T. Fryer-703131, Malane Toft Spears-670145, Ellen M. Baker-479742, Arthur Christopher Lee-444649, Bruce George Nesdaore-196958, Pruett Burge-095175, Jeffrey Scott Meredith-002444, John Staige Davis, V-211060, Richard Scott Wyde-224508, John Paul Kemp-414487, Roland S. Fung-280737, Pearl S. Schaikewitz-665328, Jeffrey Talmadge-696999, Donald Aronin-023713, Sharon Rooble-611752, Stephen Smith-442317, Peter Hurtado-380110, Steven Lee Atha-026283, Mario Cirignani-126158, Melanie B. Richards-470774, Denise Richards-233870, Marshall R. Jones-402519

#### Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee, by unanimous voice vote, approved eleven requests for disabled status.

#### Members Requesting Military Dues Waiver

President-elect Darrell Sutton pointed out the discrepancies in waiving these requests when there are Georgia public service lawyers making less money who do not get an opportunity for a waiver. David Lipscomb suggested that we draft an income level policy. Executive Director Jeff Davis reported that Pro Bono Director Mike Monahan and MLAP Director Christopher Pitts have military personnel income tables and he will work with them on a recommendation.

The Executive Committee, by unanimous voice vote, granted a Military Dues Waiver request for Andrew R. Fiddes-259319.

#### Cornerstones of Freedom Budget Request

Following a report by Sarah Coole, the Executive Committee, by unanimous voice vote, approved a request from Sonjui Kumar and Peter Canfield, co-chairs of the Communications/Cornerstones of Freedom Committee for additional funds in the amount of \$88,000 from the Cornerstones of Freedom budget for the third year of the *Who Needs Lawyers* PSA campaign. The funds will be used to show the prior years' PSAs while the new ones are being produced, extend the campaign from 6 to 9 months, utilize additional

types of media, create an additional PSA that incorporates the *Arc of Justice* Project, and better utilize CloudLawyers *Find a Lawyer* directory. Sarah also reported that the original plan was to extend the campaign over 5 years, but it could run longer depending on the what the Executive Committee wants. Sarah confirmed that the campaign's total budget this year is \$458,000 and last year we spent around \$370,000.

#### Proposed Rules Amendment to Part VII – Lawyer Assistance Program (LAP)

Deputy General Counsel Bill NeSmith presented amended rules to Part VII-Lawyers Assistance Program proposed by the LAP Committee. The Executive Committee directed the Office of General Counsel to work with the LAP Committee to create a set of rules consistent with other State Bar rules for its review.

#### Petitions and Bylaws for a Class Action Section and Construction Law Section

Following a report by Deputy General Counsel Bill NeSmith, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the creation of and bylaws for a 1) Class Action Section, and 2) Construction Law Section, subject to the addition of a CLE component being added to its proposed bylaws (Exhibit A).

#### Reduced Fees for Active Attorneys Over 70 Who Don't Want Emeritus Status

Executive Director Jeff Davis presented a Bar member's request for a rules change that would allow an attorney in good standing for at least 40 years and who has reached the age of 75, but continues to practice law for the purpose of helping the low income public, to apply for and receive a waiver of dues. Currently, Emeritus members can only provide pro bono work through a qualifying pro bono program. The Executive Committee asked Bar staff to work with the Senior Lawyers Committee to determine what to do with those practicing law at an advanced age, what the economic impact would be to the Bar, and present its recommendation to the Executive Committee. The Office of General Counsel is also looking at a retired category and a rule that reduces dues for senior lawyers in active practice.

#### Grievance Form on State Bar Website

General Counsel Paula Frederick reported that the Disciplinary Rules and Procedures Committee wants the grievance form to be placed on the Bar's website so everyone has access to it. David Lipscomb said he was concerned that in doing so there will be a huge increase in grievances filed and 90% of them will not be legitimate. The Executive Committee, by a vote of 10 in favor to 1 opposed, approved placing the grievance form on the website.

#### Corporate Credit Card Limit Increases

Following a report by Executive Director Jeff Davis, the Executive Committee, by unanimous voice vote, approved increasing the corporate credit card limit from \$10,000 to \$20,000 for the Section Director position, and temporarily for the ICLE Meetings-Assistant Director position. More and more venues now require deposits by credit card rather than



accepting checks, and oftentimes more than one deposit within the same credit card billing month is required.

#### State Bar Security Camera System

Following a report by Executive Director Jeff Davis about upgrading the Bar Center's security camera system at a cost of \$21,528, the item was tabled until September to allow Jeff to obtain more information from our building engineer.

#### Presidents Boardroom Chandelier Wiring Repair/Upgrade

Executive Director Jeff Davis reported that the switch for the chandelier in the Presidents Boardroom is broken and will not only require a new wall switch, but an upgrade of the wiring system at a cost of \$34,360. President-elect Darrell Sutton reported that over the past couple of years we have had to upgrade several building systems. As we continue to encounter more issues with these aging systems, we might want to ask the Bar Center Committee to conduct a comprehensive study for all of the building systems that need or soon will need to be upgraded so those upgrades can take place at one time instead of on a piecemeal basis. In the meantime, the wiring in the President's Boardroom will be looked at for any safety issues and Jeff will explore other alternatives for replacing the chandelier switch.

#### Executive Committee Travel Policy

Executive Director Jeff Davis reported that the Secretary and Treasurer only receive a \$2,000 travel allowance and have to pay their own hotel costs. He proposed that the Executive Committee Travel Policy be amended to include paying for the hotel rooms for the Secretary and Treasurer as it does for the non-officer Executive Committee members. The Executive Committee, by unanimous voice vote, with David Lipscomb, Treasurer Dawn Jones, Frank Strickland, Amy Howell, and Secretary Elizabeth Fite abstaining, approved amending the Executive Committee Travel Policy (Exhibit B) to include the Secretary and Treasurer positions.

#### Proposed Restructuring of ICLE

Deputy General Counsel Bill NeSmith discussed a restructuring of ICLE in Georgia wherein the State Bar of Georgia Foundation would transfer all of its ICLE assets (including cash and investments) and obligations to a new limited liability company called ICLE of Georgia, LLC. Currently the State Bar floats funds on behalf of the Foundation by paying third party invoices in connection with ICLE programs and then has to seek reimbursement from the Foundation. This practice of moving assets between the Bar and the Foundation would cease. The restructuring will preserve ICLE assets, and all of the ICLE money would be protected in the LLC. The proposed restructuring will reduce the Form 990 filing burden of the Foundation and save money on audit costs. Executive Director Jeff Davis reported that this has been discussed with outside counsel at two major law firms and this was their recommendations. Following that, the Executive Committee,

by unanimous voice vote, approved moving forward with the restructuring of ICLE and directed the appropriate Bar staff to create the LLC and move the assets.

### President's Report

President Ken Hodges reported that everything is great and running smoothly.

### Treasurer's Report

Treasurer Dawn Jones reported on the Bar's finances. She reported that in a couple of months we will be closing out the end of June financials. She announced that the Bar just broke the 50,000-member mark and provided a breakdown of members by age groups as of June 30. She reported that the officers' rollover amount from the 2017-18 Bar year was \$86,720. Thereafter, the Executive Committee approved recommending to the Board of Governors the Combined Financial Audit Reports dated June 30, 2017.

The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of May 31, 2018; Income Statement YTD for the Eleven Months Ended May 31, 2018; Bar Center Revenues and Expenditures Report for the Eleven Months Ended May 31, 2018; Summary of Dues and Voluntary Contributions at May 31, 2018; Legislative Fund and Cornerstones of Freedom Fund Activity Reports through May 31, 2018; and an Investment Performance Comparison 2005-2018.

### YLD Report

YLD President Rizza O'Connor reported on the activities of the YLD. She reported that there are 23 committees, including a new Government Law Committee, and that the Committee Orientation took place on July 27. Regarding the remote representation program, Rizza reported that the Lawyers for Equal Justice received a \$30,000 grant from the Georgia Bar Foundation to help grow the program. An analyst is being hired to solidify a program that other counties can emulate at a low cost, develop proper procedures on electronically filing, and find the proper equipment to share with others. She announced upcoming events, including the Summer meeting that has as its service project raising money for the Chatham Youth Commission to create hygiene kits for the homeless. She reported that the YLD Newsletter will include two new features this year, Adulting 101 and an Affiliate Showcase. The YLD is participating in a program at GSU that will help undergrads understand what it is to be a lawyer, and at UGA it will be assisting with a mock trial. Lastly, Rizza reported that the Signature Fundraiser that will take place in March will benefit the Lawyers for Equal Justice.

YLD Immediate Past President Nicole Leet reported that the YLD received the ABA/YLD Newsletter Award and the Service to the Bar Award at the recent ABA Annual Meeting. She then reported on possible changes to the YLD election rules that included 1) not allowing candidates to campaign prior to the Midyear meeting, 2) limiting emails to one barwide email, 3) eliminating endorsements by current officers, 4) not allowing public

endorsement by groups, 5) limiting mass mailings to groups, 6) having a budget cap for campaign materials, 7) not allowing the use of personal social media accounts to create a campaign account, and 8) not allowing comments, and if candidates do get comments, the candidate is responsible for them. President-elect Darrell Sutton expressed concern about some of the proposals because it has been common place for YLD candidates to start campaigning at the Summer meeting, and allowing only one barwide email could create problems rather than help eliminate campaign abuses. Treasurer Dawn Jones commented that it would be helpful to get feedback from past YLD presidents, and expressed her opinion that detailed rules are necessary to prevent campaign misconduct. YLD President-elect Will Davis also favored new rules to address the issues. Executive Director Jeff Davis reported that the Elections Committee is also looking at the Bar's elections rules so this discussion is timely. Deputy General Counsel Bill NeSmith will coordinate the Elections Committee's work with the YLD proposals.

#### Executive Director's Report

Executive Director Jeff Davis reported on a planned reorganization within the Communications Department. The Communications Coordinator, Stephanie Wilson, was recently promoted to YLD Director. Her replacement is an extremely well-qualified candidate from the Administrative Office of the Courts. In addition, the part-time social media position currently housed within ICLE will transition to the Communications Department full-time effective October 1, so that all messaging and brand identity for Bar entities will be housed in the Communications Department. Although these moves will create a budget overage for the Communications Department it will be offset by the \$50,000 in savings realized from eliminating the printed directory. The Executive Committee, by unanimous voice vote, approved the reorganization.

#### ACL/Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported that she and President Ken Hodges have been working with legislators and other stake holders in the off season. Following the Annual Meeting there was a meeting with the lawyer legislators to discuss how the Bar can support them and how we can get more lawyers in the Legislature. She said it was very well attended and we received a lot of good feedback. Christine also reported that there was a meeting with GTLA and the Georgia Chamber of Commerce to work on some common issues such as the business court constitutional amendment that has no enabling legislation and E-discovery. With Governor Deal leaving office, we want to work together on these issues. Lastly, she announced that the Advisory Committee on Legislation will meet on September 25 and November 27, 2018.

President Ken Hodges reported that he is sending a personal letter to the managing partners in law firms with lawyer legislators thanking them for their continued support to those legislators. He and Christine will also be encouraging local Bar members to meet with their lawyer legislator.

### Office of General Counsel Report

General Counsel Paula Frederick reported that her office is continuing to upgrade its systems to reflect the new disciplinary rules and procedures.

The Executive Committee received a written Report of the Office of the General Counsel dated August 8, 2018.

### Contracting Future Meetings

President-elect Darrell Sutton reported that a byproduct of the strong economy is that many hotel properties are booked through 2020 and beyond, and people in general are traveling more and willing to pay rack room rates. More importantly, hotels are not willing to give us large room blocks for our Annual Meeting based on our check-in/check-out patterns. Because it is more likely than not each Treasurer will move into the president-elect and president positions, he said that Treasurers should begin working on their meeting locations early on. He further reported his options for meeting locations were significantly diminished, and he was not able to select his preferred locations. It was the consensus of the Executive Committee that Treasurers should start working early to identify meeting locations and get them contracted earlier than usual. If there is a financial component to it regarding site visit costs, we will address that later.

### State Disciplinary Clerk IT/Email Upgrade

General Counsel Paula Frederick and David Lipscomb reported that emails with large attachments can get filtered in the Bar's email security system due to size limits, which results in delayed delivery. When filing a pleading in a document chain, the document has to be mailed or delivered to the clerk in order for the clerk to date stamp it. While the Bar's email capabilities can be increased, Paula would prefer looking at an e-filing system. She will explore all options and report back.

### Status Upgrade on Georgia Public Defender's Request for Consolidated Space/5<sup>th</sup> Floor Renovations

Executive Director Jeff Davis reported that the Georgia Public Defenders are still working with the State Properties Commission on its 5<sup>th</sup> floor space needs. He also reported that any space it vacates will more than likely be filled by the Criminal Justice Coordinating Council, which recently received a \$100 million grant allocation for victims' rights. In the meantime, we are not making any decisions until we get plans and a budget back from the State Properties Commission.

### ABA Model Rule on Insurance Disclosure

President Ken Hodges reported on the ABA Standing Committee on Client Protection's model court rule on mandatory malpractice insurance disclosure. He is proposing that just as we are doing on the Bar dues notice for succession planning, that we place on the dues notice a section where attorneys disclose whether or not they have malpractice insurance. We would disclose whether they had insurance or not on the attorney's member directory

information. Ken reported that it would require ratification by the Board of Governors and he would like the Executive Committee to support it. More discussion and information on this proposal will take place at the September Executive Committee meeting.

The Executive Committee received a copy of State Implementation ABA Court Rule on Insurance Disclosure, rules of the Virginia Supreme Court regarding financial responsibility, and Kentucky Bar Association rules regarding mandatory disclosure of professional liability insurance.

#### Employee Appreciation

The Executive Committee received a copy of an email from a public member expressing appreciation for Fee Arbitration Program Director Rita Payne's assistance in recovering their loss from a disbarred attorney, which was ultimately covered by the Clients' Security Fund due to the attorney's disbarment.

#### Board of Governors Minutes

The Executive Committee received copies of the June 8 and June 9, 2018 Board of Governors meeting minutes.

#### 2018 Georgia Bar Examination Pass List & General Statistical Report

The Executive Committee received a copy of the 2018 Georgia Bar Examination Pass List & General Statistical Report.

#### Executive Session

Following a motion and second, the Executive Committee met in Executive Session to receive a litigation report and discuss Standing Board Policy 600 re conflicts of interest. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

#### Old Business

There was no old business.

#### New Business

Treasurer Dawn Jones reported that as of September 1, her office is moving to Atlantic Station. YLD President-elect Will Davis reported that he is moving to a new law firm on the August 27.

The Executive Committee, by unanimous voice vote, approved a \$1,500 request from Javoyne Hicks, Chair of the Wellness Committee, to help the committee continue to promote its activities. The money will be paid from the committees' line item.

Executive Director Jeff Davis reported on Rule 41 dealing with post-conviction and pre-appellate delays. The Indigent Defense Committee has some practical issues it wants to

bring to the court's attention. It suggests placing the burden on the state for getting prisoners to court, and to consider the status hearings and a possible inability of the defense lawyers to ensure that it happens on a 120-day basis. It was suggested that the Indigent Defense Committee move forward with presenting its issues to the court before the public comment period expires.

Adjournment

There being no further business the meeting was adjourned at 4:49 pm.

  
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Elizabeth L. Fite, Secretary

Approved:  
  
\_\_\_\_\_  
Kenneth B. Hodges, III, President

# Memorandum

To: Board of Governors of the State Bar of Georgia

From: M. Christopher Pitts, Director of the Military Legal Assistance Program

Date: October 10, 2018

Subject: Report on the Military Legal Assistance Program

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(1) **Overview:** I am happy to submit this as my first report to the Board of Governors as Director of the Military Legal Assistance Program. I have had the opportunity to see first-hand how well regarded the State Bar of Georgia is among the military community in our state because of this program. During my first weeks working for the Program, Norman Zoller and I visited the Staff Judge Advocate offices at many of the bases across Georgia. At each office, JAG officers and attorneys at the Legal Assistance Offices thanked us for the program and in particular the attorneys who take on these cases to help servicemembers and veterans. More than once, the idea was suggested that the Staff Judge Advocate offices should hold events showing appreciation for these attorneys. As reported below, one such ceremony was held sponsored by the Office of the Staff Judge Advocate at Fort Gordon.

In considering the future of this program and how this program will move forward, I want to keep two points in mind. First, this program is chiefly designed to assist servicemembers and veterans who, because of deployment, military orders, or cost, need legal help. Second, this Program is and ought to remain a source of pro bono and educational opportunities for members of the State Bar of Georgia. To that end, members of the Committee and the Military/Veterans Law Section have support servicemembers and veterans in a variety of ways. These include:

- **Legal Assistance Clinics staffed by law students and attorney mentors** have been established at three colleges of law: Emory University in February 2013, Georgia State University in November 2014, and the University of Georgia in August 2018.
- **Legal Assistance Clinics at VA medical facilities** have been established at five locations: Augusta, Carrollton, Decatur, Fort McPherson, Rome, and soon-to-be Savannah. Volunteer lawyers staff those legal assistance clinics.
- **VA Accreditation CLE programs** have been conducted at least annually the past eight years for lawyers who desire to become accredited initially or to maintain their accreditation (required biennially) in order to handle VA benefit award cases. The most recent VA CLE program was held on October 11, 2018, in Atlanta.
- **CLE trips** abroad, with self-supporting funds from participating lawyers, were planned and carried out under sponsorship of the Mil/Vets Law Section and with coordinating help from the MLAP Committee: **one to Normandy, France**, in 2014, in part commemorating the **70<sup>th</sup> Anniversary of the D-Day Landings**, and **one to Belgium and France**, in 2017, commemorating the **100<sup>th</sup> Anniversary of The First World War**.

(2) **Augusta Attorney Recognition Reception:** On September 13, 2018, MLAP and the Military/Veterans Section of the State Bar of Georgia co-sponsored a recognition reception with Fort Gordon recognizing eight (8) local attorneys who have actively participated in MLAP by taking on cases. Awards were presented by Colonel John M. McCabe, Staff Judge Advocate for the U.S. Army Cyber Center of Excellence and Fort Gordon, M. Jerome Elmore on behalf of the MLAP Committee, and Patti Elrod-Hill on behalf of the Military/Veterans Law Section. The following were the attorneys who were recognized:

- Donna Lorraine Bartlett, a former Judge Advocate General, who has not only helped the Program find attorneys for cases, but has handled many herself.
- William “Bill” Emil Cassara, a former Judge Advocate General, an active member of the Military/Veterans Section of the State Bar of Georgia, and current Military Legal Assistance Program Committee member. Mr. Cassara has handled many discharge upgrade cases through MLAP.
- Bobby Lee Christine who has not only handled cases through program, but has also assisted in maintaining a group of attorneys who participate in the program in the Augusta area.
- J. Patrick Claiborne has handled many family law cases through MLAP and has even taken on a complex family law case pro bono that was originally being handled by Thomas F. Allgood.
- Shawn Patrick Hammond has handled numerous family law cases through MLAP and is himself a combat veteran of Afghanistan and Iraq and recipient of a Combat Infantryman Badge and Bronze Star.
- Chuck R. Pardue served as a Military Legal Assistance Program Committee member for several years and is also a former Judge Advocate General. Mr. Pardue has been vital to the program with assisting servicemembers who do not live in Georgia but have cases in the state. Recently, he assisted a young widow with a case shortly after the death of her husband who was a soldier.
- Shellana Joanna Welch has handled numerous VA benefits cases through MLAP and has further assisted MLAP by helping locate volunteer attorneys.
- Thomas F. Allgood Jr. was also posthumously recognized for his service with the Program. Mr. Allgood was the dean of the Family Law Legal Assistance for servicemembers and veterans. He was very active in taking MLAP cases, providing direct or indirect help on over 40 such cases, all of which he handled pro bono or on a reduced fee. Plaques and a challenge coin were received by his brother, Robert Lyn Allgood.

(3) **Updates to MLAP Eligibility Criteria:** The following are currently the new eligibility criteria for service members and veteran seeking assistance: (a) Active duty, active reservists, and National Guard members ranked e-5 and below; (b) All service members for issues related to deployment; (c) Military retirees and service-connected disabled (100%) veterans facing a financial hardship.



Financial hardship is presumed if their income is at or below 200% of the Federal Poverty Level; (d) All veterans with issues related to VA benefits.

Case exclusions: With the goal in mind that the Program is to help service members and veterans who cannot afford legal help, no referrals for cases where there is no barrier for initial legal help; i.e., contingency fee cases, personal injury, malpractice, social security, etc.

New Attorney Guidelines: In an effort to help increase the number of pro bono cases being handled, the Program will be requesting that attorneys in the program handle at least one pro bono case a year. A pro bono case is defined as a case filed in court or in an administrative forum, brief services (letter or communication to an adverse party resulting in a resolution), and/or documented advice based on a specific set of facts provided that assists the eligible person in resolving their legal problem.

(4) **Attorney Recruitment:** Efforts are underway to expand the current list of volunteer attorneys in the Program. So far, over 150 attorneys have recommitted or joined the program. The new attorneys will be added to the list of over 700 attorneys who responded to the initial recruitment drive. Geographic areas where growth is needed: Albany, Columbus, Kingsbay.

(5) **MLAP Cases Processed:** Below is a summary of the number and types of requests for legal assistance received and referred to lawyers under the State Bar's Military Legal Assistance Program. Under the program, **a total of 2,196 cases have been processed.** Currently 31 cases are being processed. A summary of cases processed by the MLAP by category follows:

Family Law		1,123 (including 59 previous)
Divorce	477	
Divorce Enforcement	27	
Child Support	145	
Guardianship/Adoption	121	
Child Custody/Visitation	292	
TPO	1	
Other	1	
Consumer Law		137
Housing/Property		146
Foreclosure		26
Veterans Benefits/Disability		301
Wills/Estates/Probate		120
Employment/USERRA/SCRA		59
Bankruptcy		29
Insurance		21
Personal Injury		48
Property Damage		3
Worker's Compensation		5
Contract		10
Medical Malpractice		8
Toxic Substances		5
Other		<u>155</u>
		2,196

(6) **Other Reporting Data:** MLAP will also begin to track two other statistics as the cases are being processed: (1) whether the case will be taken pro bono or reduced-fee; and (2) number of pro bono hours worked. The goal is to try and provide a baseline of how many cases are being handled pro bono versus reduced fee so that future years can measure any rises in pro bono case ratios. The American Bar Association's Military Pro Bono project has case management software to help automate follow up emails for cases that are distributed.

## **CONSUMER ASSISTANCE PROGRAM STATE BAR OF GEORGIA**

October 10, 2018

The Consumer Assistance Program (CAP) continues to serve both the public and members of the Bar, as it has since 1995. During this past year CAP has handled around 10,705 new or “unique” contacts (calls, letters, emails, and faxes), an average of approximately 892 per month. This does not include repeat calls, letters, emails, or follow- up contacts. CAP itself has handled 78.82% of these contacts. The remaining 21.18% have been referred via grievance to the Office of General Counsel (OGC) for investigation. It is beyond the scope of CAP’s responsibility to investigate allegations of serious ethical misconduct and violations of the Georgia Rules of Professional Conduct. However, due to rule changes during this year, CAP does now resolve certain grievances when they are referred by OGC.

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, email, or letter, at the request of clients, or if there is a referral to CAP by OGC regarding a grievance that has been filed. It is often helpful for attorneys to receive a confidential call, letting the attorneys know that their clients have contacted the Bar with various complaints or concerns. Additionally, in some instances CAP notifies attorneys about a grievance filed against them, and assists in closing out the grievance when the attorney complies with the Georgia Rules of Professional Conduct. 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 as true and correct.

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. suspension is lifted once certain requirements are met in accordance with the Cc Georgia Rules of Professional Conduct. There has been one such case during this

CAP continues to remain within its annual budget of \$584,716, and it is ar it will continue to do so.

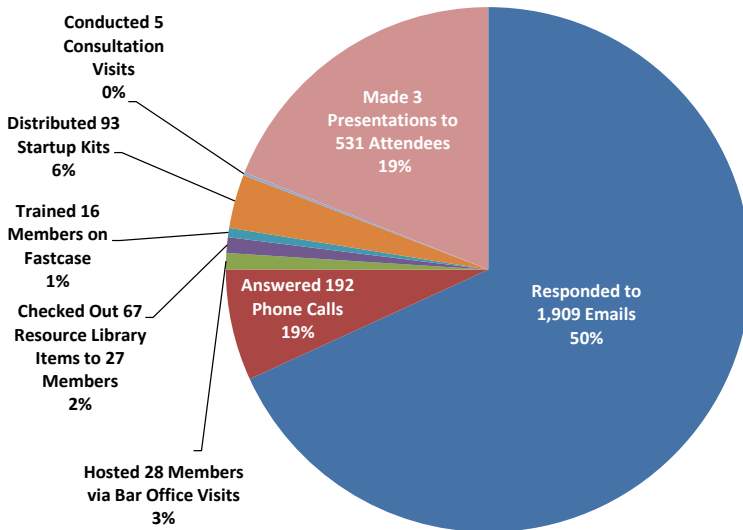
# Law Practice Management Program

(Abbreviated report for the 2018-2019 Bar Year)

## Members Served by LPMP

Total Number of Members Served – 2,801

July 1, 2018 – October 5, 2018



### Office Visits/Phone Calls/Emails

A total of **28** members visited LPMP. There were **8** startup discussions, **18** walk-in visits, and **2** visits to the software library conducted by the Program. In addition, LPM distributed **93** *Starting Your Georgia Law Practice* booklets as requested by attorneys, as well as, answered and responded to **192** phone calls and **1,909** emails to and from members.

### Consultations

There were **5** general consultation visits during this period in Atlanta, Covington, Duluth, Jackson, and Sandy Springs. Firms assisted were in solo practice (3 firms); 2-4 attorney firms (1 firm); and 5-9 attorney firms (1 firm).

### Resource Library

Our lending library has a grand total of **1,541** 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 **67** checkouts by **27** patrons.

### Speaking Engagements

There were a total of **10** 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; and have been made directly to at least **531** Georgia Bar members. **2** programs are scheduled at a future date.

**Fastcase Report**

During this period, a grand total of **16** members and **1** staff person have attended Fastcase CLE seminars.

Since the decision was made to transition to Fastcase, **1,811** attorneys and **99** staff members have attended Fastcase live training. Others have taken advantage of webinar training.

**Fastcase Usage Report**  
July 1, 2018 – September 30, 2018

	July	Aug	Sept	Total
<b>First Time Logins</b>	101	72	63	<b>236</b>
<b>Total Logins</b>	16,180	18,074	14,857	<b>49,111</b>
<b>Total Users Who Logged In</b>	3,683	3,806	3,566	<b>11,055</b>
<b>Searches Conducted</b>	80,669	98,040	82,343	<b>261,052</b>
<b>Documents Viewed</b>	124,152	145,798	125,174	<b>395,124</b>
<b>Documents Printed</b>	12,395	12,706	12,447	<b>37,548</b>
<b>Total Transactions</b>	<b>237,180</b>	<b>278,496</b>	<b>238,450</b>	<b>754,126</b>

<b>Fastcase Reported Problems</b>	
<b>Member Reported Issue(s)</b>	<b>Fastcase Response / Resolutions</b>
<b>08/01/17</b> <b>Member Inquired:</b> Fastcase was not working.	<b>08/01/17</b> <b>FC Response:</b> Fastcase rep confirmed that their system was down for a brief time. She will reach out to member with an explanation.
<b>08/14/17</b> <b>Member Inquired:</b> Member found at least one statute that took effect on July 1 that has not yet been added to the online Code.	<b>08/14/17</b> <b>FC Response:</b> The source was updated on July 14, 2017 but the catch lines will take some time. There are several hundred each year. Hopefully completed in under a month.
	<b>09/13/17</b> <b>FC Notification:</b> FC is applying the new Georgia Code tag lines to comply with copyright requirements. During this process the 2017 code will not have any descriptive language. (My most recent check shows that this is not yet accomplished.)

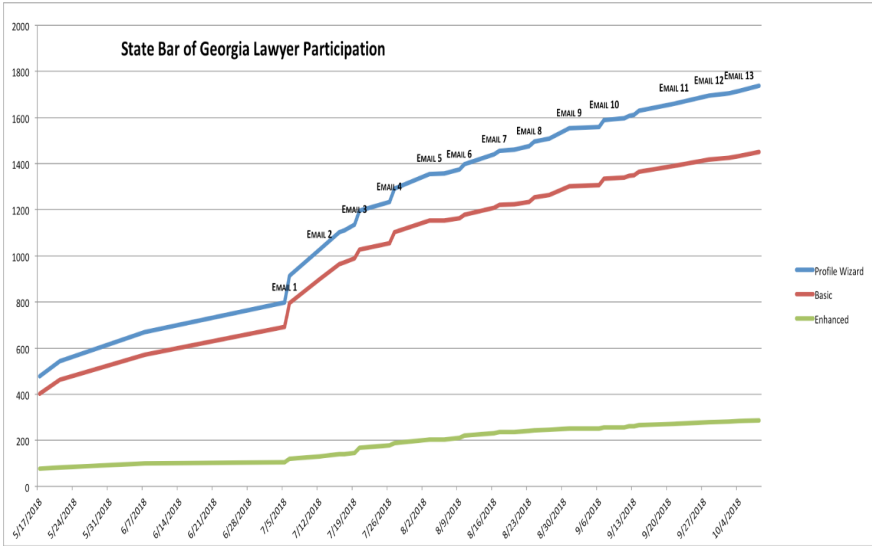
STATE BAR OF GEORGIA – PRIVATE EXCHANGE REPORT  
October 10, 2018

<b>INDIVIDUAL MARKETPLACE</b>		
<b>Individual Visits</b>	<b>20,763</b>	<b>Individuals that have visited the Individual Marketplace Registration page at least once</b>
<b>Individual Registrations</b>	<b>16,275</b>	<b>Individuals that have registered to begin shopping for benefits</b>
<b>Product Enrollments</b>	<b>3,188</b>	<b>Total Individual Product Enrollments</b>
<ul style="list-style-type: none"> <li>• Medical</li> </ul>	1,512	Total Individual Major Medical, Short-Term Medical and Limited Medical Enrollments
<ul style="list-style-type: none"> <li>• Medicare Supplement</li> </ul>	15	Total Individual Medicare Supplement Enrollments
<ul style="list-style-type: none"> <li>• Dental</li> </ul>	500	Total Individual Dental Enrollments
<ul style="list-style-type: none"> <li>• Vision</li> </ul>	255	Total Individual Vision Enrollments
<ul style="list-style-type: none"> <li>• Teladoc</li> </ul>	101	Total Individual Teladoc Enrollments
<ul style="list-style-type: none"> <li>• LifeLock</li> </ul>	32	Total Individual LifeLock Enrollments
<ul style="list-style-type: none"> <li>• Life/AD&amp;D</li> </ul>	525	Total Individual Life/AD&D Enrollments
<ul style="list-style-type: none"> <li>• Disability</li> </ul>	192	Total Individual Disability Enrollments
<ul style="list-style-type: none"> <li>• Long-Term Care</li> </ul>	56	Total Individual Long-Term Care Enrollments

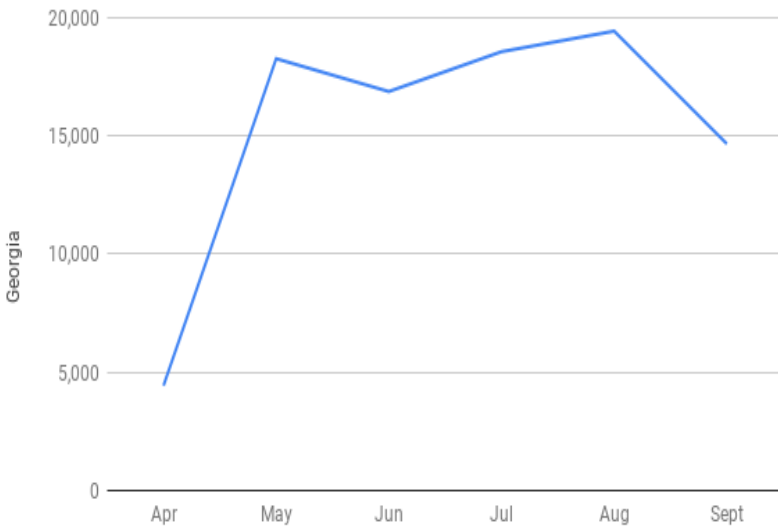
<b>EMPLOYER GROUP EXCHANGE</b>		
<b>Employer Visits</b>	<b>1695</b>	<b>Employers that have visited the Employer Registration page at least once</b>
<b>Employer Registrations</b>	<b>450</b>	<b>Employers that have submitted a quote request to initiate the sales process</b>
<b>Product Enrollments</b>	<b>616</b>	<b>Total Product Enrollments</b>
<ul style="list-style-type: none"> <li>• Medical</li> </ul>	342	Total Medical Enrollments
<ul style="list-style-type: none"> <li>• Ancillary</li> </ul>	225	Total Ancillary Enrollments
<ul style="list-style-type: none"> <li>• Workers' Comp</li> </ul>	14	Total Workers' Comp Enrollments
<ul style="list-style-type: none"> <li>• Professional Liability</li> </ul>	33	Total Professional Liability Enrollments
<ul style="list-style-type: none"> <li>• Cyber Security</li> </ul>	2	Total Cyber Security Enrollments

**CloudLawyers Report**

The State Bar of Georgia began its partnership with CloudLawyers.com to develop its new *Find a Lawyer* directory and provide members with an enhanced membership directory listing. Since inception, and as of September 28, **1,744** members went through the CloudLawyers profile wizard and **286** members have elected Enhanced Profiles.



**Georgia Searches**





**PUBLISHED ARTICLES 2018-2019**

<b>Date</b>	<b>Newspaper</b>	<b>Headline</b>	<b>Circulation</b>
5/24/2018	Wilkinson County Post, Irwinton	Congratulations to Judge Trenton Brown on appointment to Ga. Court of Appeals	1,250
6/3/2018	Islander, St. Simons Island	Congratulations to Glynn County Bar Association on successful Law Day event	3,479
6/19/2018	Statesboro Herald	Snipes re-elected to Board of Governors of State Bar of Georgia	8,000
6/20/2018	Elberton Star	Campbell re-elected to State Bar's board	3,002
6/21/2018	Times, Gainesville	Kudos to Gainesville-Northeastern Bar on successful Law Day event	5,000
6/23/2018	Douglas County Sentinel, Douglasville	Congratulations to newly appointed district attorney Bar Tenders (Sutton & Jones)	1,608
6/23/2018	Marietta Daily Journal	Bar Tenders (Sutton & Jones)	12,611
6/24/2018	Times, Gainesville	Hall public defender re-elected to executive committee of State Bar	5,000
6/24/2018	Savannah Morning News	Savannah lawyer named to State Bar Board	23,876
6/25/2018	Daily Report	Ga. Legal Community Mourns Mari	2,850
6/25/2018	Daily Report	Evans Congratulated on Confirmation as Ambassador to Luxembourg	2,850
6/25/2018	South Metro Neighbor	College Park legal eagles soar above competition (Dailey, BOG, LFF)	24,200
6/26/2018	Rome News-Tribune	Georgia legal community mourns loss of Judge Robert Walther	9,583
6/27/2018	Adel News-Tribune	Judge Tomlinson re-elected to Board of Governors of State Bar of Georgia	2,940
6/28/2018	Atlanta Daily World	Marian Cover Dockery Receives Randolph Thrower Lifetime Achievement Award	16,000
6/28/2018	Atlanta Daily World	State Bar of Georgia recognizes Commitment to Equality Award Recipients	16,000
6/28/2018	Forsyth County News, Cumming	Forsyth County judge re-elected to State Bar board	7,500
6/28/2018	Atkinson County Citizen, Pearson	Judge Tomlinson re-elected to Board of Governors of State Bar of Georgia	952
6/29/2018	The Champion, Decatur	Congratulations to DeKalb Bar Association on successful Law Day event	594
6/30/2018	Daily Tribune News, Cartersville	A Somber Celebration: Legal community remembers Mari (Dent re-elected to Board of Governors)	4,900
7/1/2018	Albany Herald	(Dent re-elected to Board of Governors)	10,530
7/1/2018	Albany Herald	Georgia Bar president praises attorney	10,530
7/2/2018	Brunswick News	Business Briefs: Brunswick-based attorney re-elected to state bar board	11,066
7/3/2018	Cherokee Tribune & Ledger-News, Canton	Blue Ridge Bar Association praised for Law Day 2018	3,963
7/4/2018	Dodge County News, Eastman	Receives Honor (Oconee Circuit Bar)	4,718
7/4/2018	Lanier County Advocate, Lakeland	Judge Tomlinson re-elected to Board of Governors of State Bar of Georgia	1,176
7/4/2018	Houston Home Journal, Perry	Congratulations to district attorney on appointment to state board	7,607
7/6/2018	Marietta Daily Journal	Marietta attorney honored by State Bar of Georgia's Young Lawyers Division	12,611
7/7/2018	Times, Gainesville	State Bar honors Child Protection section led by Gainesville attorney	5,000
7/7/2018	Griffin Daily News	Judge Edwards honored	3,947
7/8/2018	Rome News-Tribune	Garner reappointed to state council (letter to editor)	9,583
7/9/2018	Marietta Daily Journal	Cobb attorneys, judge elected to Board of Governors of State Bar of Georgia	12,611
7/9/2018	Union-Recorder, Milledgeville	Area attorneys re-elected to Board of Governors of State Bar of Georgia	4,235
7/11/2018	Wheeler County Eagle, Alamo	Oconee Judicial Circuit Bar Association honored by State Bar of Georgia	630
7/11/2018	White County News, Cleveland	Judge Joy Parks considered for Superior Court seat	4,592

7/11/2018	Covington News	Brian 'Buck' Rogers completes term as president of State Bar of Georgia	4,010
7/11/2018	Tifton Gazette	Letter to the Editor: Congratulations to Tifton Circuit Bar Association	9,144
7/12/2018	Augusta Chronicle	Judge Palmer elected to Board of Governors of State Bar of Georgia	26,284
7/12/2018	Forsyth County News, Cumming	Forsyth County lawyer honored by State Bar of Georgia	7,500
7/14/2018	Augusta Chronicle	Biz Bits (Bill Keogh, Jack Long)	26,284
7/14/2018	Coastal Courier, Hinesville	Stafford on Bar Board of Govs.	5,500
7/14/2018	Gwinnett Daily Post, Lawrenceville	Gwinnett County Bar Association honored at annual state meeting	65,722
7/15/2018	Times, Gainesville	Alexander re-elected to State Bar of Ga.'s Board of Governors	5,000
7/18/2018	Dodge County News, Eastman	McLaughlin re-elected to the State Bar of Georgia Board of Governors	4,718
7/19/2018	Star Press, Muncie (IN)	Friends and Neighbors (Damon Elmore)	13,500
7/21/2018	Valdosta Daily Times	Area attorneys re-elected to Board of Governors of State Bar of Georgia	7,894
7/25/2018	Dahlonega Nugget	Congratulations to new Enotah Circuit Superior Court judge	4,278
7/25/2018	The Citizen, Fayetteville	Bar association honored by state	14,500
7/26/2018	White County News, Cleveland	Congratulations to new Superior Court judge	4,592
7/26/2018	Eatonton Messenger	Congratulations to new Ocmulgee Circuit Superior Court judge	5,260
7/26/2018	Hartwell Sun	Congratulations (Judge Watson)	4,289
7/26/2018	Franklin County Citizen, Lavonia	State Bar congratulates Judge Watson	2,902
7/26/2018	Sylvania Telephone	Congrats new Ogeechee Circuit Superior Court judge	1,703
7/27/2018	Statesboro Herald	Congratulations to new Superior Court judge	8,000
7/28/2018	Union-Recorder, Milledgeville	Congratulations to new superior court judge	4,235
7/30/2018	Albany Herald	Judge Victoria Darrisaw lauded for judicial appointment	10,530
8/1/2018	North Georgia News, Blairsville	Congrats to Judge Parks	11,050
8/1/2018	Cobb Business Journal, Marietta	Attorney honored by State Bar of Georgia's Young Lawyers Division	5,000
8/1/2018	Millen News	Letter to the Editor: Congratulations to new Superior Court judge	3,000
8/2/2018	Courier Herald, Dublin	Congratulations to Judge Bobbitt on state board reappointment	9,086
8/2/2018	Savannah Morning News	Akins Elected to Executive Committee of State Bar of Georgia	23,876
8/3/2018	Times, Gainesville	Letter: Congratulations to Hall attorneys on appointments to commission	5,000
8/4/2018	Savannah Morning News	Judge worthy of state board reappointment	23,876
8/5/2018	Marietta Daily Journal	Kudos for district attorney on appointment by Gov. Deal	12,611
8/7/2018	Douglas County Sentinel, Douglasville	Georgians will benefit from Emerson's service on board	1,608
8/7/2018	Dunwoody Crier	Talk Back to the Crier (Dunwoody Bar Association)	23,000
8/9/2018	Savannah Morning News	Savannah Bar Association earns Best Newsletter Award	23,876
8/10/2018	The Champion, Decatur	Congratulations to DeKalb judge, attorney on state board appointments	594
8/15/2018	Business in Savannah	Savannah Bar Association earns newsletter award	5,000
8/22/2018	Marietta Daily Journal	Congrats to Philip Peacock on state board appointment	12,611
8/23/2018	Daily Report	Bar President Congratulates Comer Yates on State Board Appointment	2,850
8/23/2018	Douglas County Sentinel, Douglasville	Congratulations to Judge Walker on award from Supreme Court	1,608

8/23/2018	Franklin County Citizen, Lavonia	Legal community mourns loss of Dan Strickland	2,902
8/29/2018	Daily Report	State Bar Congratulates Georgia Supreme Court Appointee	2,850
9/7/2018	Brunswick News	Congratulations to Judge Baker on confirmation	11,066
9/7/2018	Savannah Morning News	Trump made right choice in Judge Baker	23,876
9/13/2018	Daily Report	State Bar Congratulates New Chief Justice Harold Melton	2,850
9/14/2018	Covington News	Congratulations to Frank Turner on state board reappointment	4,010
9/19/2018	Marietta Daily Journal	Congrats to local lawyer (Michael Wall)	12,611
9/20/2018	Daily Citizen, Dalton	Congratulations to Charlie Bethel, newly appointed state Supreme Court Justice	7,428
9/22/2018	Daily Report	State Bar Congratulates New Presiding Justice David Nahmias	2,850
9/26/2018	Moultrie Observer	Congratulations to Kirbo for state re-appointment	3,826
10/3/2018	Savannah Morning News	Congrats to attorney on appointment (Jim Pannell)	23,876
10/11/2018	Polk County Standard Journal, Cedartown	New Members Join Chief Justice's Commission on Professionalism	1,687
		<b>TOTAL CIRCULATION</b>	<b>755,317</b>

# CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

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

Karlise Y. Grier  
Executive Director



Terie Latala  
Assistant Director

Nneka Harris-Daniel  
Administrative Assistant

TO: State Bar of Georgia Board of Governors  
FROM: Karlise Y. Grier, Executive Director  
RE: Chief Justice's Commission on Professionalism  
DATE: November 2, 2018

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The Chief Justice's Commission on Professionalism ("Commission"), the first body of its kind in the nation, was created in 1989 by the Supreme Court of Georgia with the primary charge to enhance professionalism among Georgia's judges and lawyers. Chief Justice Harold D. Melton serves as the current chair of the Commission. Tallapoosa Judicial Circuit Superior Court Judge Meng H. Lim is the newly appointed representative of the Council of Superior Court Judges. Judge Lim will serve a two-year term on the Commission. Court of Appeals of Georgia Judge-Elect Kenneth B. Hodges III will serve on the Commission in his capacity as President of the State Bar of Georgia. Toombs County Chief Magistrate Judge Rizza P. O'Connor will serve on the Commission in her capacity as President of the Young Lawyers Divisions of the State Bar of Georgia. Mr. Hodges and Judge O'Connor will each serve a one-year term. To see a complete list of Commission members, visit the Commission's web site at [www.cjcpga.org](http://www.cjcpga.org).

As it prepares to celebrate its 30<sup>th</sup> Anniversary in 2019, the Commission looks forward to a robust year of engaging judges and lawyers on professionalism issues through a variety of programs and projects, a few of which are highlighted below.

## **Nominations and Entertainers for the 20<sup>th</sup> Anniversary of the Justice Robert Benham Awards**

Nominations for the 20<sup>th</sup> Anniversary of the Justice Robert Benham Awards for Community Service **will close on November 30, 2018**. This year, the Commission is only accepting nomination applications electronically, and only nomination applications that are **complete on or before November 30, 2018, will be considered**. No extensions of the deadline will be granted this year. Planning for the 20<sup>th</sup> Anniversary of the Justice Robert Benham Awards for Community Service is in its early stages, but the event is already scheduled for Saturday, March 9, 2019, at the Georgia State

University Student Center's State Ballroom. In keeping with Justice Benham's desire to foster camaraderie between lawyers, the State Bar's Creative Connections Sub-Committee of the Committee on Professionalism seeks lawyer volunteers to display their artistic talents during the awards ceremony. The Creative Connections sub-committee seeks singers, musicians, actors, dancers, directors, spoken word artists, painters, photographers, quilters, wood carvers, toy makers and other lawyer artists to participate. If you are interested in volunteering your artistic talents in honor of community service and professionalism, please express your interest at <http://cjcpga.org/csaentertainers/>. If your local Bar Association presents professionalism awards, consider whether one of those honorees meet the criteria for a Justice Robert Benham Award for Community Service or for a Lifetime Achievement Award. To nominate a judge or attorney for a community service award, please visit <http://cjcpga.org/csanominations/> for more information.

### **Professionalism at the State Bar 2019 Mid-Year Meeting**

The Bar's 2019 mid-year meeting in Macon, Georgia presents the perfect opportunity for the Commission to kick off its 30<sup>th</sup> Anniversary year. The Commission's activities at the mid-year meeting will include a CLE that will look at Professionalism "Then and Now," using Chief Justice Thomas O. Marshall's 1988 *Consultation on Professionalism and the Practice of Law* as the springboard for the CLE discussion. The Commission is in the process of reviewing and evaluating other ideas for the mid-year meeting, including possibly hosting a town hall meeting on professionalism. Please look for additional information in the near future.

### **2018 Convocation on Professionalism and the Global Community**

Commission staff, several Commission members, and other Convocation planning committee members have been organizing the Commission's 2018 Convocation: *Professionalism and the Global Community*, which will take place on November 30, 2018, at the Porsche Experience Center in Atlanta, Georgia. The Commission has confirmed several wonderful speakers for the event, including the Ambassador to Luxembourg, the Honorable J. Randolph Evans; the Director of the Department of Justice Executive Office of Immigration Review, Mr. James McHenry; and the former United States Ambassador-at-Large to Monitor and Combat Trafficking in Persons, the Honorable Susan Coppedge. The ICLE brochure for the event is attached for your reference as Exhibit A.

### **Professionalism CLE Guidelines**

Several members of the Commission have worked with Commission staff to review the Commission's professionalism CLE guidelines and to help staff ensure CLE providers comply more closely with the professionalism CLE guidelines. The purpose of professionalism CLE is to create a forum in which lawyers can explore the meaning and aspirations of professionalism in contemporary legal practice and reflect upon the fundamental premises of lawyer professionalism – competence,

civility, integrity, and commitment to the rule of law, with the *A Lawyer's Creed* and the *Aspirational Statement on Professionalism* serving as the beginning points for a good professionalism discussion. More detailed information about the Commission's Professionalism CLE guidelines are available at <http://cjcpga.org/professionalism-cle-guidelines/>. Examples of professionalism CLE presentations that CLE providers may use to assist them in understanding how to implement the Professionalism CLE guidelines are available at <http://cjcpga.org/cle-cje-papers-and-presentations/>

The Commission's Executive Director, several Commission members, and several members of the State Bar of Georgia Committee on Professionalism have participated in CLE presentations. For example, two programs, in partnership with the State Bar's Institute of Continuing Legal Education of Georgia were: *Social Media and Technology for Judges and Lawyers* on June 8, 2018, at the State Bar of Georgia Annual Meeting and *Professionalism for Solo and Small Firms* on September 29, 2018, as part of the Law Practice Management's 2018 Solo and Small Firm Institute, "Take Charge."

### **2018 Law School Orientations on Professionalism**

In August 2018, the Commission coordinated the professionalism Orientations at each of Georgia's five law schools in its role as the staff support for the State Bar of Georgia's Committee on Professionalism (SBCOP), which oversees the Law School Orientations. This year, SBCOP decided to review and revise the Law School hypotheticals used for the orientations with the assistance of several law school students. The hypotheticals raised a wide variety of issues, including substance abuse, plagiarism, unfair advantages in academia, communications on social media, harassment, and discrimination. In addition, for the first time this year, the Law School Orientations included a Group Leader training for all group leaders at each of the law schools. Student and Group Leader materials for the orientations were made available on the Commission's web site. Students and Group Leaders were also encouraged to complete evaluations of the professionalism orientations online via Survey Monkey. The Commission and SBCOP were thrilled to welcome several new group leaders as a result of a new online process for recruiting Group Leaders. Moreover, it was a genuine pleasure to welcome back many experienced Group Leaders (a few of whom have served for all 26 years) to the 2018 Law School orientations. The Law School Orientations could not succeed without the time and talents of Georgia's judges and lawyers, and the Commission and SBCOP are very grateful for the many individuals who volunteered. A summary of information about the Law School Orientations is attached as Exhibit B.

The SBCOP has recently also begun exploring with the Law Schools the idea of continuing professionalism orientations throughout all three years of law school. The University of Georgia has asked for more information from the State Bar's Access to Justice Committee about perhaps creating a second year professionalism orientation around access to justice issues. Atlanta's John Marshall Law School (AJMLS) held a 2L professionalism orientation on *Professionalism Pointers for Getting*

*the Job* on August 27, 2018, with the assistance of Commission Staff. AJMLS and the Commission also held a second upper class orientation on October 25, 2018, on *Professionalism Pointers for Keeping the Job*.

### **Professionalism Surcharge Update and Contributions to the Georgia Legal Services Program**

In February 2018, the Commission changed the Supreme Court mandated professionalism surcharge from \$15 per hour to \$15 per year, effective July 1, 2018. As a result of this change, beginning July 1, 2018, Bar members are able to take an unlimited number of professionalism hours during the CLE (i.e. calendar) year. The Board of Governors approved the inclusion of the professionalism surcharge on the Annual Dues statement at its March 10, 2018, meeting. In May 2018, the Commission, after receiving questions from three or four Active Bar members 70 years of age or over, decided not to require payment of the professionalism fee by lawyers who are 70 years of age or older. Because dues statements had already been mailed by the time the Commission made this decision, the Commission needed the help of the State Bar of Georgia's Membership Department to implement this change. **Ms. Brinda Lovvorn**, the Bar's Director of Membership, spent countless hours contacting Active Members who were 70 years of age or older to give those Bar members who had already paid their dues the option of receiving a refund or donating the money to the Georgia Legal Services Program (GLSP). As a result of Ms. Lovvorn's yeoman's effort to contact the attorneys who were 70 years of age or older, approximately 350 attorneys received refunds and over 770 Active Bar members 70 years of age or older donated approximately \$11,600 to GLSP.

The Commission is deeply grateful to all of the staff of the State Bar of Georgia, and especially to the staff of the Membership and Accounting departments for all of their hard work and efforts in helping the Commission to implement the new flat-fee structure. The Commission also appreciates the support of the Board of Governors for the inclusion of the fee on the Annual Dues statement.

### **Commission Strategic Planning**

In January 2018, the Commission began a strategic planning process using Leadership Strategies as its facilitator. After holding a strategic planning retreat in February 2018, the Commission decided to focus on four priority areas for the next three to five years: 1) ensuring high quality professionalism CLE programming that complies with Commission guidelines; 2) promoting the understanding and exercise of professionalism and emphasizing its importance to the legal system; 3) promoting meaningful access to the legal system and services; and 4) ensuring that the Commission's financial resources are used effectively, transparently and consistent with the mission.

During its strategic planning process, the Commission decided that it would concentrate, in part, on promoting access to justice, in keeping with the Commission's mission to ensure access to the legal

system. For the next three to five years, the Commission's Access to Justice goal is to promote meaningful access to the legal system and services by focusing on four objectives as follows:

1. Encouraging attorneys to become more involved in pro bono or low bono services in targeted areas;
2. Increasing the subject matter types (e.g., family law, landlord/tenant, wills) of tools and resources available to self-represented individuals;
3. Increasing the number of locations where tools and resources are available; and
4. Achieving measurable impact in targeted access to justice areas in which the Commission provides resources, pilot projects, or study.

### **Commission Grants and Sponsorships**

A committee of four Commission members is working to develop a more formal process by which the Commission will award grants and sponsorships. The committee is in the process of recommending to the full Commission proposed criteria and procedures for the award of Commission grants and sponsorships. The committee is also recommending to the Commission that the Commission not award any grants or sponsorships until the Commission has finalized its process and published the procedures and criteria on the Commission's web site, [www.cjcpga.org](http://www.cjcpga.org).

### **Technology**

Beginning in September 2017, the Commission's Executive Director began to review the Commission's use of technology and looked for ways to modernize some of the Commission's processes and procedures. For example, for the first time in its 26-year history, the Commission used an on-line tool to recruit group leaders for Law School Orientations. The Justice Robert Benham Awards for Community Service were live streamed for the first time in 2018. Judge Carla McMillian served as the Commission's guest tweeter during the Awards ceremony. The Commission is now also using [www.cjcpga.org](http://www.cjcpga.org) as its primary website. In addition, in collaboration with the Commission on Continuing Lawyer Competency (CCLC), the Commission is in the process of developing a web portal to accept online CLE applications, including applications for professionalism CLE credit. Once complete, the web portal will allow CLE providers to apply for all forms of CLE (general, ethics and professionalism) on one web site. More information about the CLE web portal will follow in the next several months.

### **Professionalism Page in the Georgia Bar Journal**

The Commission continues to coordinate the authorship of articles for the Professionalism Page in the Georgia Bar Journal. Two of the most recent articles that were published in the June 2018 Bar Journal regarding suicide in the legal profession and the August 2018 Bar Journal regarding sexual harassment in the legal profession are included for your reference as Exhibit C and Exhibit D.



### **Mission of the Chief Justice's Commission on Professionalism**

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. In carrying out its mission, the Commission provides ongoing attention and assistance to the task of assuring that the practice of law remains a high calling, enlisted in the service of the client and the public good. Commission staff members provide support for both the Commission and the State Bar of Georgia Committee on Professionalism.

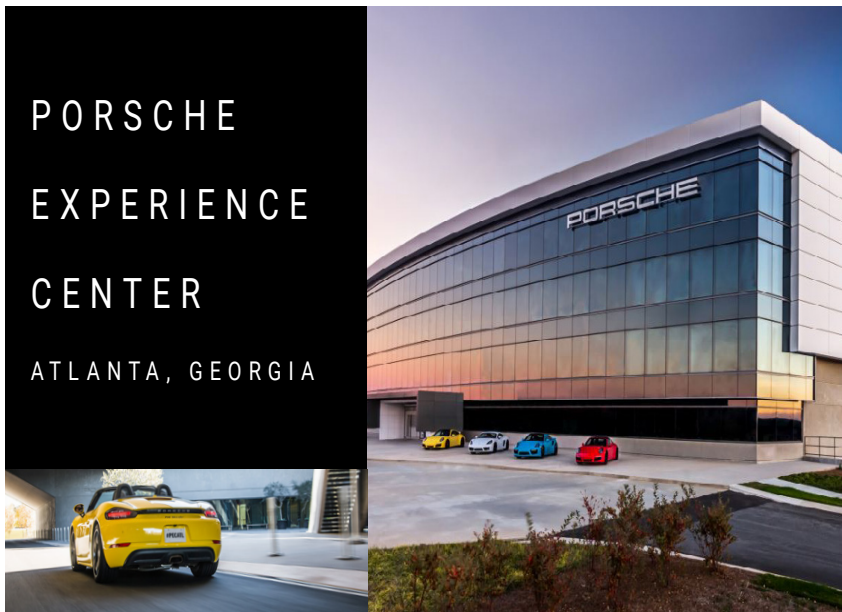
The Commission looks forward to engaging judges and lawyers on professionalism issues in 2019, during its 30<sup>th</sup> Anniversary year.

FRIDAY, NOVEMBER 30, 2018

CHIEF JUSTICE'S CONVOCATION ON PROFESSIONALISM

# PROFESSIONALISM AND THE GLOBAL COMMUNITY

Professionalism Values: Competence, Civility, Character,  
Commitment to the Rule of Law and the Public Good



PORSCHE  
EXPERIENCE  
CENTER  
ATLANTA, GEORGIA

PDF

ICLE will provide only digital class materials.  
Please download materials from:  
<https://www.gabar.org/membership/cle/ICLEmaterials.cfm>.

7 CLE Hours

1 Ethics Hour | 1 Professionalism Hour | 3 Trial Practice Hours

*Registration ends early on Friday, November 2, 2018.*

**ON-SITE REGISTRATION NOT POSSIBLE DUE TO VENUE SECURITY.**

 **State Bar  
of Georgia**  
INSTITUTE OF CONTINUING LEGAL EDUCATION

# AGENDA

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**PRESIDING:**

**Karlise Yvette Grier**, Program Chair;  
Executive Director, Chief Justice's  
Commission on Professionalism, Atlanta

7:30 **REGISTRATION AND CONTINENTAL BREAKFAST** (All attendees must check in upon arrival. A jacket or sweater is recommended.)

8:45 **WELCOME  
WHAT IS PROFESSIONALISM?**  
**Hon. Harold D. Melton**, Chief Justice,  
Supreme Court of Georgia, Atlanta

9:00 **OPENING REMARKS**  
**Speaker TBD**

9:20 **OVERVIEW OF GLOBAL COMMUNITY  
IN GEORGIA**  
**Panelists:**  
**Hon. Edward "Ted" Terry**, Mayor of  
Clarkston, Clarkston  
**Hon. Meng H. Lim**, Judge, Tallapoosa  
Circuit Superior Court, Tallapoosa  
**Hon. Dax E. Lopez**, Judge, DeKalb County  
State Court, Decatur

10:30 **BREAK**  
Porsche Heritage Gallery is open to  
visitors.

10:40 **A VIEW FROM GENERAL COUNSELS OF  
COMPANIES DOING INTERNATIONAL  
BUSINESS**

**Panelists:**

**Audrey Boone Tillman**, Executive Vice  
President and General Counsel, Aflac  
Incorporated, Columbus

**Joseph Samuel Folz, II**, Vice President,  
General Counsel and Secretary, Porsche  
Cars North America, Inc., Atlanta

**Angus M. Haig**, Senior Vice President and  
General Counsel, Cox Automotive, Inc.,  
Atlanta

**Ricardo Nuñez**, Senior Vice President,  
General Counsel and Corporate Secretary,  
Schweitzer-Mauduit International, Inc.,  
Atlanta

11:40 **BREAK**  
Porsche Heritage Gallery is open to  
visitors.

11:55 **THE BUSINESS PROS AND CONS  
OF DEVELOPING A FORMAL  
WORKING RELATIONSHIP WITH AN  
INTERNATIONAL LAWYER OR LAW  
FIRM**

**Panelists:**

**Tricia P. "CK" Hoffer**, Partner, Edmond  
Lindsay & Hoffer LLP, Atlanta

**Therese D. Pritchard**, Co-Chair, Bryan Cave  
Leighton Paisner LLP, Washington, D.C.

**Robert E. Tritt**, Partner, Dentons US LLP,  
Atlanta



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12:55 **LUNCHEON KEYNOTE SPEAKER**

**J. Randolph "Randy" Evans**, United States Ambassador to Luxembourg; Dentons US LLP, Atlanta  
(Lunch included in registration fee.)

2:00 **WHAT LAWYERS NEED TO KNOW ABOUT LABOR TRAFFICKING**

**Moderator: Hon. Richard W. Story**, Judge, U.S. District Court Northern District of Georgia, Gainesville

**Panelists:**

**Norman Michael "Norm" Brothers, Jr.**, Senior Vice President, General Counsel and Corporate Secretary, UPS, Atlanta

**Susan P. Coppedge**, (Ret.) Former United States Ambassador-at-Large to Monitor and Combat Trafficking in Persons and Senior Advisor to the Secretary of State (Ret.), Attorney at Law, Atlanta

**James R. "Jay" Doyle, II**, Partner, Lewis Brisbois Bisgaard & Smith LLP, Atlanta

2:45 **BREAK**

Porsche Heritage Gallery is open to visitors.

3:00 **AN OVERVIEW OF CURRENT FEDERAL IMMIGRATION POLICIES**

**James McHenry**, Director, Executive Office for Immigration Review, Department of Justice, Washington, D.C.

3:20 **EMERGING ISSUES AND PRO BONO OPPORTUNITIES FOR ATTORNEYS AS A RESULT OF CHANGES IN IMMIGRATION LAWS**

**Panelists:**

**Audra A. Dial**, Managing Partner, Kilpatrick Townsend & Stockton LLP, Atlanta

**Jorge Andres Gavilanes**, Associate Attorney, Kuck Baxter Immigration LLC, Atlanta

**Monica Modi Khant**, Executive Director, Georgia Asylum and Immigration Network, Atlanta

**Willis Linton Miller, IV**, Immigration Attorney, The Latin American Association, Atlanta

4:20 **BREAK**

4:30 **ETHICS, REGULATORY, AND PROCEDURAL ISSUES IN INTERNATIONAL PRACTICE**

**Panelists:**

**Paula J. Frederick**, General Counsel, State Bar of Georgia, Atlanta

**Bernard L. "Ben" Greer, Jr.**, Vice President, Lex Mundi Pro Bono Foundation, Atlanta

5:30 **ADJOURN**

5:30 **RECEPTION**

The Atlanta Consular Corp are the special invited guests for the reception.

SEMINAR LOCATION

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**CANCELLATION POLICY**

Cancellations reaching ICLE by 5:00 p.m. the day before the seminar date will receive a registration fee refund less a \$25.00 administrative fee. Otherwise, the registrant will be considered a "no show" and will not receive a registration fee refund. Program materials will be shipped after the program to every "no show." Designated substitutes may take the place of registrants unable to attend.

**SEMINAR REGISTRATION POLICY**

ICLE must receive registrations before midday on Friday, November 2, 2018. All attendees must check in upon arrival and are requested to wear name tags at all times during the seminar. ICLE will provide program materials in digital format only. *Registration ends early in the day on Friday, November 2, 2018.*  
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**PROFESSIONALISM AND THE GLOBAL COMMUNITY | NOVEMBER 30, 2018 | 9939**

**CONVOCATION**

**REGISTRATION FEE:**

**\$295**

If you would like to attend the reception, there is an additional charge.

**Individual Ticket: \$75**

**Supporter Ticket: \$125**

**(Supporters' names will be listed in program materials.)**

*Registration ends early in the day on Friday, November 2, 2018.*

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**2018 ORIENTATION ON PROFESSIONALISM SPEAKERS AND NUMBERS**

<b>School</b>	<b>Number of Students</b>	<b>Number of Group Leaders</b>	<b>Date</b>	<b>Speaker</b>	<b>Administration of Honor Code Oath</b>
Atlanta's John Marshall	103	<b>24</b>	8/11/18	Speaker: W. Scott Henwood followed by Professionalism Panel: Karlise Grier, Dr. Peter Ash, Judge Eric Richardson, W. Scott Henwood, Bill NeSmith	The Honorable Eric Richardson Judge, Fulton County State Court, Atlanta, Georgia
Emory	425	<b>68</b>	8/16/18	Aloke Chakravarty, Partner, Snell & Wilmer (Emory JD'97)	The Honorable Harold D. Melton Justice, Georgia Supreme Court
GSU	233	<b>51</b>	8/7/18	No Speaker	The Honorable Jill Pryor, Judge, U.S. Court of Appeals for the Eleventh Circuit
Mercer	159	<b>34</b>	8/10/18	The Honorable M. Yvette Miller, Presiding Judge, Court of Appeals of Georgia	The Honorable M. Yvette Miller, Presiding Judge, Court of Appeals of Georgia
UGA	227	<b>36</b>	8/10/18	The Honorable Leigh Martin May, Judge, United States District Court for the Northern District of Georgia	The Honorable Leigh Martin May Judge, United States District Court for the Northern District of Georgia
<b>TOTALS</b>	<b>1,147</b>	<b>213</b>			

# The Importance of Lawyers Abandoning the Shame and Stigma of Mental Illness

One tenet of the Chief Justice's Commission on Professionalism's "A Lawyer's Creed" is "To my colleagues in the practice of law, I offer concern for your welfare." If you are aware of a colleague that may be experiencing difficulties, ask questions and offer to help them contact the Lawyer Assistance Program for help.

BY MICHELLE BARCLAY

January is the month when Robin Nash, my dear friend and lawyer colleague, godfather to my child, officiate for my brother's marriage and former director of the Barton Center at Emory University, left the world. Positive reminders of him are all around, including a child law and policy fellowship in his name, but January is a tough month.

Robin's suicide, 12 years ago, was a shock to me. As time passed and I heard stories about Robin from others who knew him and I learned more about suicide, I can see in hindsight the risk looming for him. Today, I think his death was possibly preventable.

In 2006, Robin wrote this essay about himself for Emory's website

"Robin Nash, age 53, drew his first breath, attended college and law school and now works at Emory University. He loves to travel to places like Southeast Asia and the Middle East but he always returns home to Emory and his hometown of Decatur. Robin majored in Economics and Mathematics. He began his law practice in 1980 in Decatur surviving mostly on court appointed cases for mentally ill patients in commitment hearings.

His practice expanded to working with institutionalized developmentally delayed clients, special education cases, wills and estate litigation and representing banks in the hugely interesting area of commercial real estate closings.

In 1995, he was appointed as a juvenile court judge in DeKalb County. He resigned from the bench effective December 2005. He sold most of his personal belongings, paid off his remaining debts and moved overseas to think and travel. After thinking and traveling for three months, he returned to the active world of Decatur. He was appointed director of the Barton Clinic effective April 15, 2006."

When Robin came back from traveling, he told his friends—"I can be more impactful here."—which was and is true. Robin's impact continues today through the work of young lawyers serving as Robin Nash Fellows and through the lives of the thousands of mothers, fathers, daughters and sons he touched, helping people traumatized by child abuse, neglect, addiction and crime.

He was impactful in part because he had so much empathy for others. He was



well regarded and well loved. He was a person you could count on who did extraordinary things for others—helping a student obtain a TPO in the middle of the night to stop a stalker; quietly helping a refugee family get stable and connected to services; and of course, his consistent care of his friend Vinny. Vinny was a severely disabled adult Robin befriended and with whom he had a deep connection. Because he was a lawyer, Robin was able to help Vinny obtain full access to available medical services without being institutionalized.

So why did Robin leave? He lost his battle with mental illness. He masked it well and as a private person, did not share his struggles. His friends had some insight into his struggles but it was always complicated. While a judge, Robin was known for saying things like, “I am a manager of misery” or “I manage the competition not to serve the most vulnerable families and children.” But he also said, “Talk like this is just dark humor which is a useful coping mechanism for an emotionally draining job.”

I know today that a low serotonin level in his body was dangerous for his depression and that the medications he took waxed and waned in effectiveness. I also now know that he had not slept well for days before he acted. We’d had a work meeting the day before he died where he made a long ‘to do’ list. Who makes a long ‘to do’ list when one is contemplating suicide? Plenty of people, I have learned. I saw that ‘to do’ list on his table when I was in his apartment after his death.

What could have helped? Abandoning the shame and stigma of mental illness is a good start. I have been heartened by the social movement campaign, *Time to Change*,<sup>1</sup> designed to help people speak up about mental illness. A safety plan shared with a reasonably wide network of people can also help. Antidepressant medications can help. Recent studies about anti-depression drugs “puts to bed the controversy on anti-depressants, clearly showing that these drugs do work in lifting mood and helping most people with depression.”<sup>2</sup> Science is advancing better treatments at a rapid pace. And some experts advise that directly asking whether a

person has considered killing themselves can open the door to intervention and saving a life.

Before becoming a lawyer, I worked as a nurse in a variety of settings at both Grady and Emory hospitals. I saw attempted suicides. I witnessed a number of those people who were grateful they were not successful. I saw safety plans work when enough people knew about the risks. Sometimes, medicines were changed, new treatments tried and I saw people get better.

I feel like with my background I could have and should have probed Robin more. But at the time, I thought I was respecting his privacy by not asking too many questions. Today I know that a person can be fine one day and then chemicals in their brain can wildly change within 24 hours, and they’re no longer ok. I learned that not sleeping can be deadly. I have also learned that just talking about it can help a person cope.

A book that has helped me is called “Stay: A History of Suicide and the Philosophies Against It,” by Jennifer Michael Hecht.<sup>3</sup> If I had a second chance, I would try to use some of the arguments in that book, such as:

None of us can truly know what we mean to other people, and none of us can know what our future self will experience. History and philosophy ask us to remember these mysteries, to look around at friends, family, humanity, at the surprises life brings—the endless possibilities that living offers—and to persevere.

Of course, first I would have just asked about his mental health with love and listened. I still wish for that chance to try. □

Afterword by Chief Justice Commission on Professionalism Executive Director Karlise Yvette Grier: One tenet of the Chief Justice Commission on Professionalism’s “A Lawyer’s Creed”<sup>4</sup> is “To my colleagues in the practice of law, I am committed to being aware of a colleague that may be experiencing a crisis and to help them contact the Lawyer Assistance Program for help.

## Counseling for Attorneys

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Michelle and Andy Barclay are so grateful to the Emory University community for the grace and care that surrounded everyone especially the students, when Robin died.

Michelle Barclay, JD., has more than 20 years experience working in Georgia’s judicial branch. She is currently the division director of Communications, Children, Families, and the Courts within the Judicial Council of Georgia’s Administrative Office of the Courts. Before becoming a lawyer, she was a nurse for 10 years, specializing in ICU and trauma care. Her degrees include a Juris Doctor from Emory University School of Law, a Bachelor of Science in Nursing from Emory University and a Bachelor of Interdisciplinary Studies from Georgia State University. She is also co-founder along with her husband Andrew Barclay of the Barton Child Law and Policy Center at Emory University School of Law. She can be reached at 404-657-9219 or michelle.barclay@georgiacourts.gov.

## Endnotes

1. <https://twitter.com/TimeToChange>.
2. See <http://www.bbc.com/news/health-43143889> (last viewed April 2, 2018).
3. See eg, <https://www.amazon.com/Stay-History-Suicide-Philosophies-Against/dp/0300186088> (last viewed April 2, 2018).
4. <https://www.gabar.org/aboutthebar/lawyerledorganizations/cjcp/lawyers-creed.cfm>.
5. <https://www.gabar.org/committees/programsections/programs/lap/index.cfm>.



# Promoting a Professional Culture of Respect and Safety #MeToo

In keeping with our professionalism aspirations, I challenge you to take a proactive, preventative approach to sexual harassment and to start the discussions . . . about things we as lawyers can do to promote a professional culture of respect and safety to prevent #MeToo.

BY KARLISE Y. GRIER

*"There is no doubt that Marley was dead. This must be distinctly understood, or nothing wonderful can come of the story I am going to relate."*—Excerpt from: "A Christmas Carol" by Charles Dickens.

**To borrow an idea from an iconic writer:** There is no doubt that #MeToo testimonials are real. This must be distinctly understood, or nothing wonderful can come of the ideas I am going to share.

I start with this statement because when I co-presented on behalf of the Chief Justice's Commission on Professionalism at a two-hour seminar on Ethics, Professionalism and Sexual



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Harassment at the University of Georgia (UGA) in March 2018, it was clear to me that men and women, young and old, question some of the testimonials of sexual harassment that have recently come to light. For the purposes of starting a discussion about preventing future #MeToo incidents in the Georgia legal profession, I ask you to assume, *arguendo*, that sexual harassment does occur and to further assume, *arguendo*, that it occurs in Georgia among lawyers and judges.<sup>1</sup> Our attention and discussion must therefore turn to “How do we prevent it?” We won’t expend needless energy on “Is he telling the truth?” We won’t lament, “Why did she wait so long to come forward?”

First, I want to explain why I believe that sexual harassment in the legal profession is, in part, a professionalism issue. As Georgia lawyers, we have A Lawyer’s Creed and an Aspirational Statement on Professionalism that was approved by the Supreme Court of Georgia in 1990.<sup>2</sup> One tenet of A Lawyer’s Creed states: “To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship.”

Frankly, it is only a concern for the welfare of others that in many cases will prevent sexual harassment in the legal profession because of “gaps” in the law and in our ethics rules. For example, under federal law, sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees.<sup>3</sup> According to a 2016 article on lawyer demographics, three out of four lawyers are working in a law firm that has two to five lawyers working for it.<sup>4</sup> In Georgia, there are no state laws similar to Title VII’s statutory scheme.

There is currently nothing in Georgia’s Rules of Professional Conduct that explicitly prohibits sexual harassment of a lawyer by another lawyer.<sup>5</sup> Moreover, it is my understanding that generally the Office of the General Counsel will not

prosecute a lawyer for alleged lawyer-on-lawyer sexual harassment absent a misdemeanor or felony criminal conviction, involving rape, sexual assault, battery, moral turpitude and other similar criminal behavior.<sup>6</sup> Other circumstances in which laws or ethics rules may not apply include sexual harassment of lawyers by clients or sexual harassment that occurs during professional events, such as bar association meetings or continuing education seminars.<sup>7</sup>

Former Georgia Chief Justice Harold Clarke described the distinction between ethics and professionalism as . . . the idea that ethics is a minimum standard which is required of all lawyers while professionalism is a higher standard expected of all lawyers. Therefore, in the absence of laws and ethical rules to guide our behavior, professionalism aspirations call on Georgia lawyers to consider and implement a professional culture of respect and safety that ensures zero tolerance for behavior that gives rise to #MeToo testimonials.<sup>8</sup>

The American Bar Association Commission on Women in the Profession recently published a book titled “Zero Tolerance: Best Practices for Combating Sex-Based Harassment in the Legal Profession.” The book provides some

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Former Georgia Chief Justice Harold Clarke described the distinction between ethics and professionalism as . . . the idea that ethics is a minimum standard which is required of all lawyers while professionalism is a higher standard expected of all lawyers.

practical advice for legal employers to address or to prevent sexual harassment.<sup>9</sup> Some of the suggestions included: establishing easy and inexpensive ways to detect sexual harassment, such as asking about it in anonymous employee surveys and/or exit interviews; not waiting for formal complaints before responding to known misconduct; and discussing the existence of sexual harassment openly.<sup>10</sup> The federal judiciary's working group on sexual harassment has many reforms that are currently underway, such as conducting a session on sexual harassment during the ethics training for newly appointed judges; reviewing the confidentiality provisions in several employee/law clerk handbooks to clarify that nothing in the provisions prevents the filing of a complaint; and clarifying the data that the judiciary collects about judicial misconduct complaints to add a category for any complaints filed relating to sexual misconduct.<sup>11</sup> For those planning CLE or bar events, the American Bar Association Commission on Women in the Profession cautions lawyers to "be extremely careful about excessive use of alcohol in work/social settings."<sup>12</sup>

During our continuing legal education seminar at UGA, one of the presenters, Erica Mason, who serves as president of the Hispanic National Bar Association (HNBA), shared that HNBA has developed a "HNBA Conference Code of Conduct" that states in part: "The HNBA is committed to providing a friendly, safe, supportive and harassment-free environment for all conference attendees and participants . . . Anyone violating these rules may be sanctioned or expelled from the conference without a registration refund, at the discretion of HNBA Leadership."<sup>13</sup> Mason also shared that the HNBA has signs at all of its conferences that reiterate the policy and that provide clear instructions on how anyone who has been subjected to the harassment may report it. In short, you don't have to track down a procedure or figure out what do to if you feel you have been harassed.

Overall, some of the takeaways from our sexual harassment seminar at UGA provide a good starting point for discussion about how we as lawyers should aspire

to behave. Generally, our group agreed that women and men enjoy appropriate compliments on their new haircut or color, a nice dress or tie, or a general "You look nice today." Admittedly, however, an employment lawyer might say that even this is not considered best practice.

Many of the seminar participants agreed on some practical tips, however. Think twice about running your fingers through someone's hair or kissing a person on the cheek. Learn from others' past mistakes and do not intentionally pat or "flick" someone on the buttocks even if you mean it as a joke and don't intend for it to be offensive or inappropriate.<sup>14</sup>

In our professional friendships, we want to leave room for the true fairytale happily ever after endings, like that of Barack and Michelle, who met at work when she was an associate at a law firm and he was a summer associate at the same firm.<sup>15</sup> We also need to ensure that our attempts to prevent sexual harassment do not become excuses for failing to mentor attorneys of the opposite sex.

Finally, just because certain behaviors may have been tolerated when you were a young associate, law clerk, etc., does not mean the behavior is tolerated or accepted today. Professionalism demands that we constantly consider and re-evaluate the rules that should govern our behavior in the absence of legal or ethical mandates. Our small group at UGA did not always agree on what was inappropriate conduct or on the best way to handle a situation. We did all agree that the conversation on sexual harassment was valuable and necessary.

So in keeping with our professionalism aspirations, I challenge you to take a proactive, preventative approach to sexual harassment and to start the discussions in your law firm, corporate legal department, court system and/or bar association about things we as lawyers can do to promote a professional culture of respect and safety to prevent #MeToo. ●



**Karlise Y. Grier**  
Executive Director  
Chief Justice's Commission  
on Professionalism  
kygrier@cjcpga.org

## Endnotes

1. See, e.g., In the Matter of James L. Brooks, S94Y1159 (Ga. 1994) and The Washington Post, *Wet T-Shirt Lawyers* (December 23, 1983), The Washington Post, [https://www.washingtonpost.com/archive/politics/1983/12/23/wet-t-shirt-lawyers/c46ac2e6-2827-49a7-9041-f00ac5f21753/?utm\\_term=.bf1ec57a8b95](https://www.washingtonpost.com/archive/politics/1983/12/23/wet-t-shirt-lawyers/c46ac2e6-2827-49a7-9041-f00ac5f21753/?utm_term=.bf1ec57a8b95) (Last visited May 31, 2018). For a more recent articles on sexual harassment in the legal profession, see generally, Vanessa Romo, *Federal Judge Retires in the Walk of Sexual Harassment Allegations* (December 18, 2017), NPR, *The Two-Way Breaking News*, <https://www.npr.org/sections/twotwo-way/2017/12/18/571677955/federal-judge-retires-in-the-wake-of-sexual-harassment-allegations> (Last visited May 31, 2018) and The Young Lawyer Editorial Board of The American Lawyer, *YL Board: This is What Sexual Harassment in the Legal Industry Looks Like* (February 28, 2018), The American Lawyer, Commentary, <https://www.law.com/americanlawyer/2018/02/28/yl-board-this-is-what-sexual-harassment-in-the-legal-industry-looks-like/> (Last visited May 31, 2018).
2. See State Bar of Georgia, *Lawyer's Creed and Aspirational Statement on Professionalism*, <https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm> (Last visited May 31, 2018).
3. U.S. Equal Employment Opportunity Commission, *About EEOC, Publications, Facts About Sexual Harassment*, <https://www.eeoc.gov/eeoc/publications/fs-sex.cfm> (Last visited May 31, 2018).
4. Brandon Gaille, *30 Mind-Boggling Lawyer Demographics*, BrandonGaille.com, <https://brandongaille.com/30-mind-boggling-lawyer-demographics/>, February 8, 2016 (viewed on April 26, 2018). See also American Bar Association 2013 Lawyer Demographics Data, [https://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer\\_demographics\\_2013.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer_demographics_2013.authcheckdam.pdf) (viewed on April 26, 2018).
5. The Georgia Code of Judicial Conduct differs from the Georgia Rules of Professional Conduct in that Rule 2.3 (b) of the Code of Judicial Conduct specifically prohibits discrimination by a judge in the performance of his or her judicial duties. See <https://>

Georgia Legal Services Program  
State Bar of Georgia  
Board Book Report  
Fall State Bar of Georgia Meeting

### **Public Information Specialist**

Maura Fitzpatrick was hired as the new Public Information Specialist in July. Maura will handle day-to day public information issues including updating and maintaining the website. Maura will be working with our IT department to regularly update our website and to send out program-wide news information to the GLSP staff and media outlets.

### **Lease with State Bar of Georgia**

Our office lease with the State Bar of Georgia was renewed at the end of June. The lease was renewed for another two-year term and will expire in June 2020. GLSP looks forward to continuing the long-standing partnership that it has with the State Bar of Georgia.

### **GLSP Statewide Training Conference**

The GLSP Leadership team has planned a Statewide Training conference for all staff. The training dates are October 17 – 19, 2018, on St. Simmons Island, Georgia. The keynote speaker will be Don Saunders, Vice President, National Legal Aid and Defender’s Association. The conference Co-Chairs are Greg Copeland, Vicky Kimbrell and Mike Monahan. The focus of the conference will be on programmatic case work improvement and team building. In addition, all Civil and State Courts in Georgia will transition to a mandatory eFiling system in January 2019. There will be mandatory costs associated with the eFilings. A staff member for PeachCourt will attend the conference and will train staff on the new eFiling system.

### **Medical Legal Partnership**

GLSP formed a medical legal partnership in Macon, Georgia with the Macon GLSP office in September 2016. The salary for the GLSP Staff Attorney and all benefits are being paid by Navicent Medical Center. There are only three medical legal partnerships in Georgia. There are only 284 medical legal partnerships in the United States. GLSP is exploring the possibility of establishing additional medical legal partnerships in Georgia in our various service areas.

### **Federal District Court Education Injunction Case**

On September 18, 2018, one of Georgia Legal Services attorney’s successfully represented a parent in federal district court regarding an education school admission case. The client’s two sons were denied admission in school illegally. The children’s mother contacted Georgia Legal Services. A lawsuit was filed in federal district court on behalf of the children, and a preliminary injunction was issued by the federal district court that allowed the children to be admitted back in school.

### **New Executive Director Hired**

The Board of Directors of Georgia Legal Services Program (GLSP) is proud to announce the appointment of Richard “Rick” Rufolo as the new Executive Director, effective January 1, 2019. Rick recently announced his retirement from United Parcel Service (UPS) after 30 years of service, including the past 11 years as Vice President of the Labor, Employment and Litigation Practice Group.

