

*B*oard Book

State Bar of Georgia
Board of Governors
Agenda Book



2018 Midyear Meeting
Atlanta, Ga.



271st BOARD OF GOVERNORS MEETING

Saturday, January 6, 2018

9:00 a.m.–12:00 p.m.

Westin Atlanta Perimeter North

Atlanta, Georgia

Dress: Business

AGENDA

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

- | | | |
|--|-----------------------------|-------|
| a) Welcome and Call to Order | Buck Rogers, President..... | 1-8 |
| b) Invocation and Pledge of Allegiance | Judge Diane Bessen | |
| c) Recognition of Former Presidents, Judges | Buck Rogers | |
| And Special Guests | | |
| d) Recognition of the YLD Leadership Academy | Buck Rogers | |
| e) Roll Call (by signature) | Dawn Jones, Secretary | 9-15 |
| f) Future Meetings Schedule | Buck Rogers | 16-17 |

2) MIDYEAR MEMBERS' MEETING ACTION ITEMS - *All active State Bar of Georgia Members are invited to attend and vote in the Midyear Members' Meeting.*

- | | | |
|---|--------------------|-------|
| a) Summary of Proposed Bylaws Changes | Bill NeSmith | 18-24 |
| (1) Article I Members, Section 1. Registration of Members | | |
| (2) Article I Members, Section 6. Associates and Student Associates | | |
| (3) Article I Members, Section 7. Emeritus Members | | |

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

Topics**Presenter****Page No.****3) ACTION**

- a) Minutes of the 270th MeetingDawn Jones..... 25-29
of the Board of Governors on October 28, 2017
- b) Summary of Proposed Rules ChangesBill NeSmith 30-46
- (1) Rule 1-202. Classes of Members
 - (2) Rule 1-205. Bar of Judicial Circuit
 - (3) Rule 1-208. Resignation from Membership
 - (4) Rule 1-506. Clients' Security Fund Assessment
 - (5) Rule 1-507. Bar Facility Assessment
 - (6) Rule 1-602. Bylaws
 - (7) Rule 5-101. Amendment; Filing, Notice
- c) Nominations of State Bar Officers.....Buck Rogers
(nominations = 5 minutes, seconds = 2 minutes)
1 year terms 2018-2019
- Office of Treasurer
 - Office of Secretary
 - Office of President-elect
- d) Nominations of ABA DelegatesBuck Rogers
2 year terms September 2018 – August 2020
- Post 1 (currently held by Robert Rothman)
 - Post 3 (currently held by C. Elisia Frazier)
 - Post 7 (currently held by Gerald Edenfield)

4) LEGISLATION

- a) Advisory Committee on Legislation.....Michael Geoffroy, Chair . 47-54
New Legislative Proposals (action)
- (1) International Trade and Legal Services Committee
- Proposed Uniform Unsworn Foreign
Declarations Act
- b) Legislative UpdateChristine Butcher
Rusty Sewell

5) AWARDS PRESENTATION

- a) Distinguished Service Award to
Chief Justice Hugh Thompson..... Buck Rogers
- b) Thomas O. Marshall Professionalism Award Buck Rogers
Posthumously to Jeff Bramlett
- c) Resolution for Alvin Leaphart Buck Rogers
- d) Resolution for Marlene E. Melvin Buck Rogers

6) INFORMATIONAL REPORTS

- a) Attorney General's ReportAttorney General 55-94
Chris Carr
- b) President's ReportBuck Rogers
- c) Treasurer's ReportDarrell Sutton 95-101
Treasurer
- d) Young Lawyers Division.....Nicole Leet 102-105
YLD President
- e) Chief Justice Commission on ProfessionalismKarlise Grier
- f) SOLACE Committee.....Karlise Grier, Co-Chair
Justice Harold Melton, Co-Chair
- g) Lawyers Assistance Program.....Jeff Kuester, Chair
Lawyers Helping Lawyers Peer Program Lynn Garson
- h) 2019 National High SchoolMichael Nixon 106-107
Mock Trial Championship
- i) Strategic Plan Updates.....Buck Rogers

7) WRITTEN REPORTS

a) Executive Committee Minutes	108-126
(1) September 20, 2017	
(2) October 12, 2017	
(3) November 9, 2017	
(4) November 16, 2017	
b) Office of the General Counsel Report	127-129
c) Military Legal Assistance Program	130-144
d) Consumer Assistance Program.....	145-146
e) Law Practice Management Program	147-149
f) Communications Update and Media Report	150-153

8) CLOSING

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



2018 MIDYEAR MEETING

JANUARY 4-6, 2018
WESTIN ATLANTA PERIMETER NORTH
ATLANTA, GEORGIA

Early-bird registration ends Dec. 8, 2017

Final registration ends Dec. 15, 2017

Hotel Deadline is Dec. 15, 2017




State Bar
of Georgia

SCHEDULE OF EVENTS

THURSDAY, JAN. 4

8 a.m. – 7 p.m.	Registration and Table Top Displays
9 a.m. – 12 p.m.	CLE—Hot Topics in Immigration Law
9 a.m. – 12:20 p.m.	CLE—Keep Calm and Carry On: A Cybersecurity Protection Roundtable
12 – 2 p.m.	Appellate Practice Section Lunch
12 – 2 p.m.	Taxation Law Section Lunch
2 – 5 p.m.	Statewide Public Interest Immigration Work Group
3:30 – 4:30 p.m.	Family Law Section Executive Committee
4:30 – 5:30 p.m.	Family Law Section CLE
5:30 – 6:30 p.m.	Family Law Section Reception
6:30 – 9 p.m.	Past Presidents' Dinner (<i>by invitation only</i>)

FRIDAY, JAN. 5

7 a.m. – 7 p.m.	Registration and Table Top Displays
8 – 9 a.m.	Past Presidents' Breakfast
 9 a.m. – 12:20 p.m.	CLE—Mindfulness for Lawyers: A Path to Well-Being and Balance in a Busy and Distraction-Filled World
10 – 11 a.m.	Senior Lawyers Committee
10 a.m. – 12 p.m.	Clients' Security Fund
10 a.m. – 1 p.m.	Investigative Panel
10:30 a.m. – 12:30 p.m.	Joint Meeting of the Executive Committees of the Military Legal Assistance Program Committee and the Military/Veterans Law Section
12 – 2 p.m.	General Practice & Trial Law Section Lunch




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12 – 2 p.m.	ICLE Board
12 – 2 p.m.	Review Panel
12:30 – 3:30 p.m.	YLD Leadership Academy
2 – 3 p.m.	Law Practice Management Advisory Committee
2 – 3 p.m.	YLD Executive Committee
2 – 5 p.m.	Disciplinary Rules and Procedures Committee
3 – 3:30 p.m.	YLD Nominating Committee
3:30 – 5 p.m.	YLD General Session
3:30 – 5:30 p.m.	Member Benefits Committee
6:30 – 9:30 p.m.	Board of Governors Dinner

SATURDAY, JAN. 6

6:30 a.m. – 12 p.m.	Registration and Table Top Displays
 7 – 8 a.m.	Yoga
8 – 9 a.m.	SOLACE Committee
8 a.m. – 12 p.m.	YLD Leadership Academy
9 a.m. – 12 p.m.	Board of Governors Meeting



AWARDS PRESENTATION

During the Board of Governors Meeting on Saturday, Jan. 6, the following awards will be presented.

The **Distinguished Service Award** is the highest accolade bestowed on an individual lawyer by the State Bar of Georgia. The recipient is honored for conspicuous service to the cause of jurisprudence and to the advancement of the legal profession in the state of Georgia. The recipient of this award is **Justice Hugh P. Thompson**.

The 16th annual **Chief Justice Thomas O. Marshall Professionalism Awards**, presented by the Bench and Bar Committee of the State Bar of Georgia, honors one lawyer and one judge who have and continue to demonstrate the highest professional conduct and paramount reputation for professionalism. This year's lawyer recipient is **Jeffrey O. Bramlett** (1953-2016). His family will accept the award on his behalf. (The judge recipient, Hon. Alvin T. Wong, received the award at the 2017 Annual Meeting.)



CLE SEMINARS

HOT TOPICS IN IMMIGRATION LAW

Thursday, Jan. 4 | 9 a.m. - 12 p.m.

Program Overview

Due to the rapid expansion of immigration enforcement, there are more ways than ever that your non-citizen clients may be adversely affected by legal proceedings. Come learn about the overlap of criminal and immigration law, how to identify potential pitfalls and protect your clients' interests.

Moderators

Silas W. Allard, *Associate Director, Center for the Study of Law and Religion, Emory University*; Sarah Weston Hayes Owings, *Attorney at Law, Owings Immigration Law LLC, Board of Governors, American Immigration Lawyers Association, Atlanta*

Topics

Immigration Consequences of Criminal Convictions

Speakers: Eli Echols, *Partner, Socheat Chea P.C., First Vice-Chair American Immigration Lawyers Association, Georgia-Alabama Chapter, Atlanta*; Sarah Owings

- What happens when an immigrant comes into contact with law enforcement in Georgia
- How to recognize if a criminal charge will affect your client's immigration status

How Georgia Attorneys Can Protect Their Non-Citizen Clients' Rights

Speakers: Jessica Stern, *Principal, STERNLaw LLC, GACDL/AILA Crim-Imm Taskforce Committee Chair, Atlanta*; Azadeh Shahshahani, *Legal and Advocacy Director, Project South, Atlanta*; Peter Isbister, *Senior Lead Attorney, Southeast Immigrant Freedom Initiative, Southern Poverty Law Center*

- Right to counsel and access to counsel in the crimmigration world
- Building the framework for litigation in an enforcement-driven world
- Alternate methods of DHS investigation of non-citizens' status: real estate, credit reporting, Department of Driver Services

Post-Conviction Relief from Immigration Consequences of Criminal Convictions: The Current Landscape

Speakers: Jean Sperling, *Principal, Sperling Law Group, PC, Atlanta*; Douglas Rohan, *Principal, Rohan Law PC, Atlanta*; Anna Erwin, *Sonoda Law Firm, Atlanta*

- *Padilla* claims in Georgia
- Best practices for securing post-conviction relief
- Ineffective interventions to avoid

Credits

3 CLE hours

KEEP CALM AND CARRY ON: A CYBERSECURITY PROTECTION ROUNDTABLE

Thursday, Jan. 4 | 9 a.m. - 12:20 p.m.

Due to the highly sensitive nature of law firm data, hackers have targeted firms of all sizes using various hacking techniques. Come learn about the types of attacks

being launched, how to protect against the attacks before they happen and what to do if you become a victim. Join the State Bar's Law Practice Management Program, the Office of the General Counsel and the State Bar's recommended insurance broker, Member Benefits, Inc., as they walk you through cybersecurity best practices and ethical considerations for practicing online; insurance protection from cyber attacks; and State Bar resources to help protect against cybersecurity threat situations.

Roundtable Presenters

- Law Practice Management Program
- Member Benefits, Inc., *State Bar of Georgia's Recommended Insurance Broker*
- Ethics Counsel, *Office of the General Counsel*

Credits

3 CLE hours, including 1 professionalism hour



MINDFULNESS FOR LAWYERS: A PATH TO WELL-BEING AND BALANCE IN A BUSY AND DISTRACTION-FILLED WORLD

Friday, Jan. 5 | 9 a.m. – 12:20 p.m.

Presiding

Charity Scott, *JD, MSCM*; Catherine C. Henson, *Professor of Law, Georgia State University College of Law, Atlanta*; Helen Barnes Vantine, *PhD, Certified Instructor of Mindfulness-Based Stress Reduction, Founding Director, Atlanta Mindfulness Institute, Atlanta*

Welcome and Introduction

Nicki Noel Vaughan, *Attorney Wellness Committee, State Bar of Georgia, Chief Assistant Public Defender, Northeastern Judicial Circuit, Gainesville*; Joyce Gist Lewis, *State Bar's Attorney Wellness Committee, Shingler Lewis LLC, Atlanta*

Overview of Mindfulness

- What it is (and what it isn't)
- Variety of its benefits
- Science that supports it

Experiential Mindfulness Exercises

Attendees will engage directly in a variety of guided mindfulness meditations and exercises.

Audience Engagement

Attendees will be able to debrief their experiences, to ask questions and to discuss how the practices might be incorporated into their daily professional lives.

Credits

3 CLE hours including 1 professionalism hour

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TABLETOP EXHIBITORS*

- Atlanta Custom Tailors
- LawPay
- Law Practice Management, State Bar of Georgia
- Member Benefits, Inc.
- Simplifile
- State Bank and Trust
- Teen Victim Impact Program

*At time of printing.

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WELLNESS EVENTS



Friday, Jan. 5 | 9 a.m. – 12:20 p.m.

CLE—Mindfulness for Lawyers: A Path to Well-Being and Balance in a Busy and Distraction-Filled World

Saturday, Jan. 6 | 7 – 8 a.m.

Yoga (located at the Concourse Athletic Club, next door to the Westin)

Concourse Athletic Club

770-698-2000

Day passes are available to meeting attendees for the Concourse Athletic Club for \$15 per day (located next door to the Westin). Obtain your pass at the Westin front desk. For more information on the facility or to view a class schedule and amenities, visit ConcourseClub.com.

SPECIAL EVENTS & INFO



Photos provided by Westin Atlanta Perimeter North

BOARD OF GOVERNORS DINNER

Friday, Jan. 5 | 6:30 – 9:30 p.m.

Please join us for Friday night's Board dinner. Everyone is welcome.

ATTIRE

Business attire is appropriate for all meetings and events.

HOTEL ACCOMMODATIONS

Cut-off date is Friday, Dec. 15, 2017

Westin Atlanta Perimeter North

7 Concourse Parkway NE

Atlanta, GA 30328

770-395-3900

The Westin Atlanta Perimeter North is our host hotel, offering a discounted room rate of \$129 single/double per night plus applicable taxes and a \$5 hotel/motel fee. To make reservations and receive our special rate, call the Westin Atlanta Perimeter North at 888-627-8407 and ask for "State Bar of Georgia's Midyear Meeting."

Reservations must be made by Friday, Dec. 15, as rooms will be on a space and rate availability basis after this date. There are many events taking place in Atlanta during this time, so please be aware that you should make your hotel reservations as early as possible.

Check-in time: 3 p.m.

Check-out time: 12 p.m.

REGISTRATION

Final Deadline is: Friday, Dec. 15, 2017

All participants must pre-register using the registration form. Registrations will not be processed without payment. Verbal registrations will not be accepted. Faxes will only be accepted for "no charge" functions or payment by credit cards.

Friday, Dec. 15, is the final registration deadline. After this date, pre-registration will close. Onsite registration will open at the Westin Atlanta Perimeter North on Thursday, Jan. 4, 2018.

Note: All pre-registrations and onsite registrations are subject to availability on a first-come, first-served basis.

REGISTRATION

Please use this form to register by checking all events you plan to attend. Registration is required for all events, including no charge functions. You may also register online at www.gabar.org. Final registration deadline is Friday, Dec. 15, 2017.

Attendee Information

BAR NUMBER

NAME

NICKNAME

SPOUSE/GUEST NAME

ADDRESS

CITY/STATE/ZIP

EMAIL

SPECIAL NEEDS/DIETARY RESTRICTIONS

ADA

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

Refund/Cancellation Policy

Cancellation of registration must be received in writing no later than Friday, Dec. 15. Cancellations will receive a full refund, less a \$25 administrative charge. Absolutely no refunds will be made after Friday, Dec. 15. Requests should be mailed to the State Bar of Georgia, Attn: Michelle Garner, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303; faxed to 404-527-8717; or emailed to michelleg@gabar.org.

Payment Information

Registrations will be processed on a first-come, first-served basis and will not be processed without payment. Visa, MasterCard and American Express are accepted. Please make checks payable to State Bar of Georgia and mail to Michelle Garner, Director of Meetings, 2018 Midyear Meeting, State Bar of Georgia, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303. "No charge" and credit card orders may be faxed to 404-527-8717. Verbal registrations will not be accepted.

Before
Dec. 8

After
Dec. 8

Board Functions

- ☐ BOG Dinner\$95 _____ \$115 _____
☐ BOG MeetingN/C _____ N/C _____

CLE Programs

- ☐ Hot Topics in Immigration Law ...\$70 _____ \$90 _____
☐ Keep Calm and Carry On\$95 _____ \$115 _____
☐ Mindfulness for Lawyers\$70 _____ \$90 _____

Section Events

- ☐ Appellate Practice Lunch\$35 _____ \$55 _____
☐ Family Law CLE Only\$25 _____ \$45 _____
☐ Family Law Reception Only\$31 _____ \$51 _____
☐ Family Law CLE & Reception\$56 _____ \$76 _____
☐ Gen. Practice & Trial Law Lunch...\$45 _____ \$65 _____
☐ Taxation Law Lunch\$20 _____ \$40 _____

YLD Events

- ☐ YLD General Session.....N/C _____ N/C _____

Wellness

- ☐ Yoga.....\$10 _____ \$30 _____

Total Fees Enclosed: _____

Credit Card Information

Please bill my: ☐ Visa ☐ MasterCard ☐ AMEX

CREDIT CARD NUMBER

EXP. DATE

NAME AS IT APPEARS ON THE CARD (PLEASE PRINT)

SIGNATURE

 Indicates an event specific to the State Bar's wellness initiative.

 State Bar
of Georgia



State Bar
of Georgia

2018 MIDYEAR MEETING

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

SPECIAL THANKS

Special thanks to the following corporate sponsors
for their support of the State Bar of Georgia.

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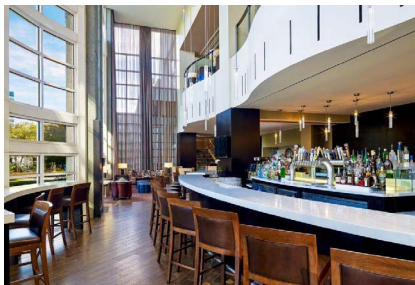
MB | Member**Benefits**

3-GAVEL

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AN AFFINIPAY SOLUTION

2-GAVEL

redefining / standards[®]



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Board of Governors Attendance Record

	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17	10-17
	Fri.	Sat.	StoneMtn	Sav	Buford	ATL	ATL	Amelia	Callaway	ATL	Oconee	Jekyll	Fri.	10-17
	StoneMtn	StoneMtn	Sav	Buford	ATL	ATL	Amelia	Amelia	Callaway	ATL	Oconee	Jekyll	Jekyll	Jekyll
Sarah Brown Akins	•	•	•	e	•	•	•	•	e	e	e	•	•	•
Mark W. Alexander	•	•	•	•	•	•	e	e	•	•	•	•	•	•
Kent Edward Altom	n/a	•	•	•	•	•	•	•	•	•	•	•	•	e
Anthony B. Askew	•	•	•	•	•	•	•	•	•	e	•	•	•	•
Eric A. Ballinger	•	•	•	•	•	•	•	•	e	•	•	•	•	•
Donna G. Barwick	e	e	•	•	•	•	•	•	•	•	•	•	•	•
Joshua C. Bell	•	•	e	•	•	u	•	•	•	e	u	u	u	•
Tracee R. Benzo	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•
Diane E. Bessen	e	•	•	•	•	•	•	•	•	e	•	•	•	e
James D. Blitch IV	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
Sherry Boston	•	•	e	•	•	e	•	•	•	•	•	•	•	•
Thomas R. Burnside	•	•	•	•	•	•	•	•	•	•	•	•	•	e
Stephanie D. Burton	•	•	•	•	•	e	•	•	•	•	•	•	•	u
JaDawnya C. Butler	•	•	e	•	•	e	•	•	•	•	•	•	•	•
Ivy Neal Cadle	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
Richard D. Campbell	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	u
David L. Cannon	•	•	u	•	u	•	•	•	•	u	u	•	•	u
Carl S. Cansino	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•
Chris M. Carr	n/a	n/a	n/a	n/a	n/a	n/a	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/a	n/a	n/a	n/a	n/a	n/a	n	•
Carol V. Clark	e	•	e	•	•	•	•	•	•	•	•	•	•	•
Edward R. Collier	e	e	u	•	•	•	u	u	•	•	•	e	e	•
Stephanie Kirijan Cooper	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•
Martin L. Cowen III	•	•	u	•	u	u	u	u	•	u	•	•	•	•

To request an excused absence, please email Secretary Dawn M. Jones (dawn@downjoneslaw.com)

Board of Governors Attendance Record

	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17	10-17		
	Fri.	Stone Mtn	Sat.	Stone Mtn	Sav	Buford	ATL	ATL	Amelia	Fri.	Sat.	Callaway	ATL	Oconee	Jekyll	Jekyll
Susan W. Cox	•		•	•	•	•	•	•	•	•	•	•	•	•	e	u
Terrence Lee Croft	e		e	•	u	•	•	e	e	•	•	•	•	•	e	e
David P. Darden	•		•	•	•	•	•	e	•	•	•	•	e	•	•	•
Gerald Davidson Jr.	•		•	•	•	•	•	•	•	•	•	•	e	•	•	u
J. Anderson Davis	•		•	•	u	•	•	e	e	•	•	•	•	•	e	•
Randall H. Davis	•		•	•	•	•	u	•	•	•	•	•	•	•	•	•
J. Antonio Delcampo	•		•	•	e	•	•	•	•	•	•	•	•	•	•	•
Scott Dewitt Delius	•		•	•	•	•	•	•	•	•	•	•	e	•	•	•
Joseph W. Dent	•		•	•	•	•	•	•	e	•	•	•	•	•	•	•
Foy R. Devine	•		•	•	e	•	•	•	•	•	•	u	•	•	•	•
Susan E. Edlein	n/a		n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	e	•	•	•
Gregory W. Edwards	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
Damon E. Elmore	•		u	•	•	•	•	•	•	•	•	•	•	•	•	•
Archibald A. Farrar	•		•	•	e	•	•	•	•	•	•	•	•	•	•	e
D. Kirk Farrar	u		•	•	•	e	•	•	•	•	•	u	•	•	e	•
Elizabeth L. Fite	e		•	•	•	e	•	•	•	•	•	•	•	•	•	•
Gary Stuart Freed	n/a		•	•	•	•	•	•	•	•	•	•	•	•	•	•
Gregory A. Futch	•		•	•	•	•	•	•	u	•	•	•	•	e	e	u
William Gil Gainer	u		u	•	•	•	•	•	u	•	•	•	•	•	•	•
William C. Gentry	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•
H. Emily George	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
Walter J. Gordon Sr.	•		•	•	e	•	•	e	e	•	•	•	e	•	u	u
Patricia A. Gorham	•		e	•	•	•	•	•	•	•	•	•	•	•	e	•
Thomas F. Gristina	•		•	•	•	u	•	•	•	•	•	•	e	•	•	•

To request an excused absence, please email Secretary Dawn M. Jones (dawn@awnjoneslaw.com)

Board of Governors Attendance Record

	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17	10-17
	Fri.	Sat.	Stone Mtn	Sav	Buford	ATL	Amelia	Fri.	Sat.	Callaway	ATL	Oconee	Jekyll	Jekyll
	Stone Mtn	Stone Mtn	Sav	Buford	ATL	ATL	Amelia	Amelia	Callaway	ATL	Oconee	Jekyll	Jekyll	Jekyll
John Kendall Gross	•	•	•	e	u	e	u	u	•	e	e	•	u	e
John Haubenreich	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Patrick H. Head	•	•	•	•	u	e	e	e	e	•	•	•	•	•
Lawton C. Heard, Jr.	•	e	•	u	•	•	•	•	•	e	•	•	•	•
Render M. Heard Jr.	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Thomas W. Herman	•	•	u	•	•	•	u	•	u	u	•	u	u	•
R. Javoyne Hicks	•	•	•	•	u	•	•	•	•	•	e	•	•	•
Donna S. Hix	•	•	•	•	•	•	•	•	•	e	•	•	•	e
Michael D. Hobbs	•	•	e	u	•	e	u	•	e	•	•	u	u	e
Kenneth B. Hodges	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Phyllis J. Holmen	•	•	•	•	u	•	•	•	•	e	•	•	•	•
J. Marcus E. Howard	•	•	e	•	•	•	•	•	•	•	•	•	•	e
Amy V. Howell	•	•	•	•	u	•	•	•	•	•	•	•	•	•
Roy B. Huff Jr.	•	•	e	•	•	•	e	e	•	•	•	e	e	e
James W. Hurt	u	u	•	•	•	•	•	•	u	e	u	•	u	•
Christopher Huskins	u	•	u	•	u	•	u	u	u	•	•	u	•	u
Stacey K. Hydrick	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	u	•	•	•	u
James T. Irvin	•	u	•	•	•	•	•	•	•	e	e	•	•	•
William Dixon James	•	•	e	•	•	•	•	•	•	•	•	u	u	•
Curtis S. Jenkins	u	•	•	u	•	u	•	•	u	•	•	•	•	•
Larry Michael Johnson	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
Lester B. Johnson, III	•	•	•	•	•	•	•	•	•	e	e	•	•	e
Dawn M. Jones	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Michael R. Jones, Sr.	u	u	•	u	u	•	u	u	•	e	u	u	u	e

To request an excused absence, please email Secretary Dawn M. Jones (dawn@downjoneslaw.com)

Board of Governors Attendance Record

	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17	10-17
	Fri.	Stone Mtn	Sav	Buford	ATL	ATL	Amelia	Amelia	Callaway	ATL	Oconee	Jekyll	Fri.	10-17
	Sat.	Stone Mtn	Sav	Buford	ATL	ATL	Amelia	Amelia	Callaway	ATL	Oconee	Jekyll	Sat.	Jekyll
Jennifer A. Jordan	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	e	•	•	•	u
Elena Kaplan	•	•	•	•	u	e	•	•	•	•	•	u	•	•
John F. Kennedy	•	•	•	•	u	•	•	•	•	•	•	•	•	u
William J. Keogh, III	•	•	•	•	u	•	•	•	•	e	e	•	•	•
Barry E. King	•	•	•	•	•	•	•	•	•	e	•	•	•	•
Judy C. King	•	•	•	•	•	•	•	•	•	•	•	•	•	u
Seth Kirschenbaum	•	•	•	•	u	•	•	•	•	•	•	•	•	•
Catherine Koura	e	•	•	•	•	•	•	•	e	•	•	e	e	e
Edward B. Krugman	•	•	•	•	•	•	•	•	•	•	•	e	e	e
Jeffrey R. Kuester	•	•	e	•	•	•	•	•	•	•	•	•	•	•
Allegra Lawrence-Hardy	•	•	•	•	•	•	•	•	•	•	e	•	•	•
J. Alvin Leaphart	•	•	•	•	•	•	e	e	•	•	e	•	•	•
Nicole C. Leet	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•
Ryan R. Leonard	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	e	e	•	•
Dawn Renee Levine	•	•	•	•	u	u	•	•	u	u	•	•	•	u
David S. Lipscomb	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Dax Eric Lopez	n/a	•	•	•	u	u	•	•	•	u	•	•	•	e
Ronald A. Lowry	•	•	•	•	e	•	•	•	•	•	•	e	•	e
John Bell Manly	n/a	•	•	•	•	•	•	•	•	•	e	•	•	•
Samuel M. Matchett	e	•	e	•	e	•	e	•	e	u	•	u	•	e
William R. McCracken	e	e	u	•	•	•	e	e	•	e	•	e	•	•
Letitia A. McDonald	•	•	u	•	u	•	•	•	•	•	•	•	•	u
Brad J. McFall	u	u	u	u	u	•	u	u	e	•	•	u	u	u
Ashley W. McLaughlin	•	•	e	•	•	e	u	u	•	•	u	•	u	u

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Board of Governors Attendance Record

	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17	10-17
	Fri.	Sat.	Stone Mtn	Sav	Buford	ATL	ATL	Amelia	Callaway	ATL	Oconee	Jekyll	Jekyll	Jekyll
	Stone Mtn	Stone Mtn												
Michael D. McRae	u	•	u	u	u	e	u	u	u	u	•	u	u	e
Terry L. Miller	•	•	•	•	•	•	•	•	•	•	•	•	•	•
W. Benjamin Mitcham	•	•	•	•	•	•	•	•	•	e	•	u	•	•
Jennifer C. Mock	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•
William J. Monahan	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	e	•	•	•	•
Shondeana Morris	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•
John T. Mroczko	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	u
Laura J. Murphree	•	•	•	•	•	•	•	•	•	e	•	•	•	e
Sam G. Nicholson	u	•	•	•	•	e	•	•	•	•	•	•	•	•
Dennis C. O'Brien	•	•	•	•	•	•	•	•	e	e	•	•	•	e
Patrick T. O'Connor	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Rizza O'Connor	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	•	•	•
Joy Renea Parks	•	•	u	•	•	•	•	•	•	e	•	•	•	•
Thomas A. Peterson, IV	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
Will H. Pickett, Jr.	u	•	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	n/a	n/a	n/a	n/a	n/a	n/a	•	•
W. Gregory Pope	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•
Jill Pryor	e	e	u	e	u	•	e	e	•	•	•	e	e	e
William M. Ragland	e	e	•	•	•	•	•	•	e	u	•	•	•	e
Robert V. Rodatus	e	e	•	•	•	e	•	•	e	e	e	e	•	•
Tina S. Roddenbery	•	•	•	•	u	•	•	•	•	•	•	•	•	e
Buck Rogers	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Joseph Roseborough	•	•	•	•	•	•	•	•	u	•	•	u	u	•

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Board of Governors Attendance Record

	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17	10-17
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	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll	Jekyll
William C. Rumer	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Claudia S. Saari	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Dennis C. Sanders	u	u	u	u	u	u	u	u	u	u	u	u	u	u
H. Burke Sherwood	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Robert H. Smalley, III	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Philip C. Smith	u	u	u	u	u	u	u	u	u	u	u	u	u	u
R. Rucker Smith	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Daniel B. Snipes	e	e	e	e	e	e	e	e	e	e	e	e	e	e
R. Gary Spencer	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
H. Craig Stafford	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Lawrence A. Stagg	u	u	u	u	u	u	u	u	u	u	u	u	u	u
Lawton E. Stephens	e	e	e	e	e	e	e	e	e	e	e	e	e	e
C. Deen Strickland	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Frank B. Strickland	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Joseph C. Sumner, Jr.	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Darrell L. Sutton	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Jason W. Swindle	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Michael B. Terry	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Anita W. Thomas	u	u	u	u	u	u	u	u	u	u	u	u	u	u
Dwight L. Thomas	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Edward D. Tolley	u	u	u	u	u	u	u	u	u	u	u	u	u	u
Clayton Tomlinson	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Chris P. Twyman	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
William Underwood III	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

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	6-15	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17	10-17
	Fri.	Stone Mtn	Sat.		Buford	ATL	ATL	Fri.	Sat.	Callaway	ATL	Oconee	Fri.	Sat.	
	Stone Mtn	Stone Mtn		Sav				Amelia	Amelia				Jekyll	Jekyll	Jekyll
Martin E. Valbuena	•	•	•	•	•	•	•	•	•	•	•	u	•	•	•
Carl R. Varnedoe	•	•	•	•	•	•	u	•	•	u	•	•	•	•	•
Nicki N. Vaughan	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Carl A. Veline, Jr.	•	•	•	•	•	•	•	•	•	•	•	•	e	e	•
J. Henry Walker	u	u	•	•	•	•	•	•	•	•	•	•	•	•	u
Janice M. Wallace	•	•	•	•	•	•	e	•	•	•	•	•	•	•	•
Amy Carol Walters	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	e	•	e	•	e
Jeffrey S. Ward	•	•	•	•	•	u	e	•	•	•	•	e	•	•	•
Harold B. Watts	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e
John P. Webb	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•
Christopher F. West	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	u	u	•	•	•	u
Nancy J. Whaley	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Paige R. Whitaker	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•
Kathleen Womack	•	•	•	•	•	•	•	•	•	•	•	•	•	•	u
Douglas Woodruff	e	e	•	e	•	•	•	•	•	•	e	•	e	e	e
Gerald P. Word	e	e	e	•	u	e	•	u	•	•	e	u	e	e	•
- attended meeting	n/a	- not on BOG						e - excused	absence		u - unexcused	absence			

Future Meetings Schedule

(12/12/2017)



Executive Committee

February 8, 2018	Bar Center – 12 p.m.
April 13-15, 2018	Supreme Court/Executive Committee Joint Meeting Barnsley Resort, Adairsville, GA

Board of Governors

Midyear 2018	Jan. 4-6, 2018	Westin Atlanta Perimeter North, Atlanta, GA
Spring 2018	March 9-11, 2018	The Ritz-Carlton Reynolds, Lake Oconee Greensboro, GA
Annual 2018	June 7-10, 2018	Omni Amelia Island, Amelia Island, FL
Fall 2018	Nov. 2-4, 2018	Callaway Gardens, Pine Mountain, GA (contract pending)
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

Young Lawyers Division

Midyear 2018	Jan. 4-6, 2018	Westin Atlanta Perimeter North, Atlanta, GA
Spring 2018	March 15-18, 2018	Kimpton Aerston Hotel, Nashville, TN
Annual 2018	June 7-10, 2018	Omni Amelia Island, Amelia Island, FL
Summer 2018	Aug. 23-26, 2018	DeSoto Hotel, Savannah, GA (contract pending)
Fall 2018	Nov. 9-11, 2018	The Ritz-Carlton Reynolds, Lake Oconee Greensboro, GA

Spring 2019	April 26-29, 2019	Washington, DC (TBD)
Annual 2019	June 6-9, 2019	The Ritz-Carlton Orlando, Grande Lakes Orlando, FL

American Bar Association Meetings

Midyear 2018	Jan. 31-Feb. 6, 2018	Vancouver, British Columbia
Annual 2018	Aug. 2-7, 2018	Chicago, IL
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

April 27, 2018	Savannah Boat Ride, Savannah, GA (No EC Meeting)
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Southern Conference Meetings

2018	October 2018	Louisiana
2019	October 2019	Georgia
2020	October 2020	Florida

2019 High School Mock Trial Championship (Athens, GA)

May 17-18, 2019	Nationals Weekend (Bar leadership encouraged to serve on Judging Panels on Friday, be on hand for Judging Panel Reception Friday night, serve on Judging Panels for Saturday and the championship round, and be on hand for Awards Gala)
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MEMORANDUM

To: Membership of the State Bar of Georgia

From: Bill NeSmith, Deputy General Counsel

Date: December 12, 2017

Re: Summary of proposed bylaw changes

The following is a summary of the proposed changes to the bylaws to be considered by the membership at the Mid-Year Meeting:

Bylaws

Article I Members, Section 1. Registration of Members: New members admitted after May 15th of any fiscal year will not be required to pay any assessments or Bar dues for that fiscal year and will not owe Bar Facility or Clients' Security Fund assessments until the second fiscal year following admission.

Article I Members, Section 6. Associates and Student Associates: The bylaw title will be changed to Affiliate and Law Student Members to be consistent with the wording of the bylaw. Many of the changes are housekeeping or for clarity to make the bylaw easier to read. The bylaw allows law students to become "law student members" of the Bar with certification from the student's law school or a recommendation from an active member of the Bar. There are no substantive changes to the provisions on affiliate membership.

Article I Members, Section 7. Emeritus Members: This bylaw change allows emeritus members to vote in Bar elections and to nominate candidates for office. It also allows the Membership Department discretion to place in Emeritus status a member who will turn 70 during the Bar year even if the Membership Department cannot locate the member, as long as the member has no pending disciplinary action.

1 **Article I. Members**

2 **Section 1. Registration of Members.**

3

4 Persons admitted by the courts to the practice of law shall, within sixty days after
5 admission to the bar of the Superior Court, register with the State Bar of Georgia and pay a
6 monthly pro-rated dues amount calculated from the date of the Superior Court admission through
7 the remainder of the State Bar of Georgia's fiscal year. If the date of admission is on or after May
8 15, the member shall not be required to pay any dues or assessments for the remainder of that
9 fiscal year. Those members admitted by examination shall begin making the mandatory
10 assessments outlined in Rules in the second full fiscal year following their admission.

1 **Article I. Members**

2 **Section 1. Registration of Members.**

3

4 Persons admitted by the courts to the practice of law shall, within sixty days after
5 admission to the bar of the Superior Court, register with the State Bar of Georgia and pay a
6 monthly pro-rated dues amount calculated from the date of the Superior Court admission through
7 the remainder of the State Bar of Georgia's fiscal year. If the date of admission is on or after May
8 15, the member shall not be required to pay any dues or assessments for the remainder of that
9 fiscal year. Those members admitted by examination shall begin making the mandatory
10 assessments outlined in Rules in the second full fiscal year following their admission.

Article I. Members

Section 6. Associates~~Affiliate Membership~~ and Law Student ~~Associates~~Membership.

Purpose.

In addition to the classes of membership provided in Rule 1-202, Organization of the ~~preceding sections of this Article~~State Bar and Admissions, the Board of Governors or the Executive Committee ~~of the Board~~ may consider and approve or disapprove applications for Affiliate or Law Student membership with the State Bar. ~~Any of Georgia.~~ Affiliate ~~member or and~~ Law Student ~~member~~members shall have the right to attend State Bar of Georgia meetings and receive State Bar official publications, ~~but shall not have the right to.~~ Neither Affiliate nor Law Student members may hold office ~~or~~, vote or have any other rights and privileges incident to the membership. ~~An classes set forth in Rule 1-202 with the State Bar of Georgia.~~ Affiliate or Law Student ~~member~~members shall not hold ~~himself or herself~~themselves out or imply to the public ~~or imply in any manner, courts or members of the legal profession that he or she is a member~~they are members of the State Bar of Georgia as defined in good standing of the State Bar of Georgia or entitled to practice law in this State. An Affiliate or Law Student member shall not use his or her membership number for any purpose other than communicating with the State Bar. Rule 1-202 of the State Bar of Georgia. The State Bar retains the right to deny or revoke the membership privileges of any Affiliate or Law Student member who violates this Section.

(a) Affiliate Membership. The application form for an Affiliate ~~Member or Law Student~~ ~~membership~~ shall include ~~the~~a recommendation ~~of the applicant signed~~ by an active member in good standing of the State Bar of Georgia. Affiliate ~~or Law Student~~ membership may be renewed each fiscal Bar year without additional application. The Board of Governors ~~shall prescribe themay set an amount of~~ annual dues or fees for Affiliate ~~or Law Student~~ membership. Affiliate membership shall be approved only when the applicant is ~~licensed to practice law in another state or the District of Columbia, and a Domestic Lawyer who~~ is in good standing in all jurisdictions in which he or she is licensed, ~~and~~ is an employee of the government, the armed services, a private or commercial institution or a law school, and is not otherwise authorized to practice law in Georgia. ~~Application to become a Law Student member shall be approved when the applicant is enrolled in a law school approved by the American Bar Association or the Georgia Board of Bar Examiners.~~

(b) Law Student Membership. The application form for a Law Student member shall include a certification by the applicant that he or she is a student in good standing at an ABA accredited law school in Georgia. Law Student membership may be renewed each Bar year by certifying to the Membership Department of the State Bar of Georgia that the student is currently enrolled in law school and in good standing. The Board of Governors may set annual dues or fees for Law Student membership.

1 **Article I, Members.**

2 **Section 6. Affiliate Membership and Law Student Membership.**

3
4 Purpose.

5 In addition to the classes of membership provided in Rule 1-202, Organization of the State Bar and
6 Admissions, the Board of Governors or the Executive Committee may consider and approve or disapprove
7 applications for Affiliate or Law Student membership with the State Bar of Georgia. Affiliate and Law Student
8 members shall have the right to attend State Bar of Georgia meetings and receive State Bar official publications.
9 Neither Affiliate nor Law Student members may hold office, vote or have any other rights and privileges incident
10 to the membership classes set forth in Rule 1-202 with the State Bar of Georgia. Affiliate or Law Student
11 members shall not hold themselves out or imply to the public, courts or members of the legal profession that they
12 are members of the State Bar of Georgia as defined in Rule 1-202 of the State Bar of Georgia. The State Bar
13 retains the right to deny or revoke the membership privileges of any Affiliate or Law Student member who
14 violates this Section.

15
16 (a) Affiliate Membership. The application form for an Affiliate shall include a recommendation signed by
17 an active member in good standing of the State Bar of Georgia. Affiliate membership may be renewed each Bar
18 year without additional application. The Board of Governors may set an amount of annual dues or fees for
19 Affiliate membership. Affiliate membership shall be approved only when the applicant is a Domestic Lawyer who
20 is in good standing in all jurisdictions in which he or she is licensed, is an employee of the government, the armed
21 services, a private or commercial institution or a law school, and is not otherwise authorized to practice law in
22 Georgia.

23
24 (b) Law Student Membership. The application form for a Law Student member shall include a certification
25 by the applicant that he or she is a student in good standing at an ABA accredited law school in Georgia. Law
26 Student membership may be renewed each Bar year by certifying to the Membership Department of the State Bar
27 of Georgia that the student is currently enrolled in law school and in good standing. The Board of Governors may
28 set annual dues or fees for Law Student membership.

1 | **Article I. Members**

2 | **Section 7. Emeritus Members. (redlined)**

3 |
4 | In addition to the classes of membership provided in the preceding sections of this
5 | Article, the Membership Department may approve or disapprove applications for emeritus
6 | member status as provided for in Rule 1-202 (d) of the Bar Rules. Applications for emeritus
7 | membership shall be on forms prescribed by the Membership Department.

8 |
9 | Emeritus membership shall have the same privileges, rights, duties and responsibilities as
10 | active membership, except that emeritus members shall not give legal advice or otherwise
11 | practice law, except as set out in Rule 1-202 (d), ~~nor nominate a member for office or~~ hold office
12 | in the State Bar, ~~or vote on any candidate for elected position in or proposal concerning the State~~
13 | ~~Bar.~~

14 |
15 | Emeritus members may be required to pay section dues at the option of each section of
16 | the State Bar.

17 |
18 | At the sole discretion of the Membership Department, a member who ~~has attained~~ attains
19 | the age of 70 years during a Bar year, and who has been admitted to the practice of law for at
20 | least 25 years, may be placed in emeritus status in the event the Membership Department is
21 | unable to locate or contact the qualifying member and provided there is no pending disciplinary
22 | action against the member.

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1 **Article I. Members**

2 **Section 7. Emeritus Members.** *(redlined)*

3
4 In addition to the classes of membership provided in the preceding sections of this
5 Article, the Membership Department may approve or disapprove applications for emeritus
6 member status as provided for in Rule 1-202 (d) of the Bar Rules. Applications for emeritus
7 membership shall be on forms prescribed by the Membership Department.

8
9 Emeritus membership shall have the same privileges, rights, duties and responsibilities as
10 active membership, except that emeritus members shall not give legal advice or otherwise
11 practice law, except as set out in Rule 1-202 (d), nor hold office in the State Bar.

12
13 Emeritus members may be required to pay section dues at the option of each section of
14 the State Bar.

15
16 At the sole discretion of the Membership Department, a member who attains the age of
17 70 years during a Bar year, and who has been admitted to the practice of law for at least 25 years,
18 may be placed in emeritus status in the event the Membership Department is unable to locate or
19 contact the qualifying member and provided there is no pending disciplinary action against the
20 member.

D-R-A-F-T
STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MEETING MINUTES
Saturday, October 28, 2017/8:00 a.m.
Westin Jekyll Island/Jekyll Island, GA

The 270th meeting of the Board of Governor 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.

Welcome New Board Members

President Buck Rogers recognized new Board of Governors member Shiriki Cavitt who is filling the unexpired term of Karlise Grier. Thereafter, he recognized Karlise Grier, the new Executive Director of the Chief Justice's Commission on Professionalism, for her sixteen (16) years of service on the Board of Governors.

Roll Call

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

Future Meetings Schedule

President Buck Rogers reviewed the Future Meetings Schedule.

Minutes of the 268th & 269th Meetings of the Board of Governors

The minutes of the Board of Governors meetings held June 9-10, 2017, at the Jekyll Island Convention Bureau at Jekyll Island, Georgia, were approved by unanimous voice vote.

Appointments to the Commission on Continuing Lawyer Competency (CCLC)

The Board of Governors, by unanimous voice vote, approved the reappointment of Aasia Mustakeem, and the appointment of Judge Shondeana Morris, to the CCLC for three-year terms (2018-2020).

Appointment to the Georgia Legal Services Board

The Board of Governors, by unanimous voice vote, approved the appointment of William H. (Bert) Gregory, II to the Georgia Legal Services Board of Trustees for a two-year term (2017-2019).

Advisory Committee on Legislation (ACL)/Legislative Proposals

Following a report by ACL Committee Immediate Past Chair Jonathan Pannell, the Board of Governors took the following action on proposed legislation:

<u>Legislative Proposal</u>	<u>Germane to Purposes of the Bar</u>	<u>Support on Merits 2/3 Majority</u>
Georgia Appellate Practice and Educational Resource Center		
1) Support for Continued Funding Request	Passed by unanimous voice vote	Passed by unanimous voice vote
Committee to Promote Inclusion in the Profession		
1) Funding Request for Legal Representation for Victims of Domestic Violence	Passed by unanimous voice vote	Passed by unanimous voice vote
Fiduciary Law Section		
1) Proposed Amendments to the Uniform Power of Attorney Act	Passed by unanimous voice vote	Passed by unanimous voice vote
2) Proposed Amendments to the Uniform Adult Guardianship & Conservatorship Proceedings Jurisdiction Act	Passed by unanimous voice vote	Passed by unanimous voice vote
3) Proposed Amendments to the Revised Georgia Trust Code of 2010	Passed by unanimous voice vote	Passed by unanimous voice vote

Legislative Update

Christine Butcher Hayes and Rusty Sewell provided an update on the upcoming 2018 legislative session.

President's Remarks

President Buck Rogers reported that ICLE's move to the Bar Center is complete. We are working with the UGA Law Alumni Association on the sale of the ICLE Athens property. There has been some interest expressed on the property and he will report back any further developments. President Rogers also reported that the Executive Committee met on Thursday afternoon, October 27, for the purpose of reviewing and updating the Strategic Plan and more information on that will be presented to the Board of Governors at the Midyear Meeting.

Treasurer's Report

Treasurer Darrell Sutton reported on the Bar's finances. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Preliminary Revenues and Expenditures Report as of June 30, 2017; Income Statement YTD for the Twelve Months Ended June 30, 2017; Bar Center Revenues and Expenditures Report for the

Twelve Months Ended June 30, 2017; State Bar Balance Sheet as of June 30, 2017; Summary of Dues and Voluntary Contributions at July 31, 2017; and Legislative Fund and Cornerstones of Freedom Fund Activity Reports through June 30, 2017.

YLD Report

YLD President Nicole Leet reported on the activities of the YLD. This year's YLD Signature Service Project is a challenge to every young lawyer to pledge 50 hours of pro bono service in partnership with the Pro Bono Project's *Due Justice/Due 50* campaign. To date, the YLD has received 5,000 pledges, and those attorneys have been provided information on how to accomplish those hours in both traditional and non-traditional ways. She announced that members of the Texas YLS joined the YLD at its Summer Meeting in Austin, Texas, the weekend of August 3-6. YLD President Leet also reported that a reception for law students and recent graduates of the Public Interest Internship Program (PIIP) was held on October 5. Lastly, she encouraged the Board of Governors members to follow the YLD on Facebook to see the many projects being accomplished by the YLD committees, to submit articles for the *YLD Review*, and to attend the YLD meetings. Thereafter, she recognized the YLD members in attendance at the Board of Governors meeting.

Lawyers Assistance Program (LAP)

LAP Committee Chair Jeff Kuester reported that the LAP's *Lawyers Helping Lawyers* volunteer peer program is up and running. Currently, the peer volunteer database is available to lawyers to sign up as a volunteer to provide peer support to fellow lawyers needing support or advice. He encouraged all of the Board of Governors members to participate, and provided the link to the volunteer database and his contact information for anyone wanting more information on the program.

Members Benefits Committee – CloudLaw/Zeekbeek

Deputy General Counsel Bill NeSmith reported on the Zeekbeek/CloudLaw enhanced membership directory that the Bar is in the process of establishing. The enhanced directory will allow a public member to search for attorneys in their locale who practice in a particular area of the law. The contract is ready for the Executive Committee's review, and the Bar hopes to have the enhanced directory up and running in the Spring in conjunction with the Bar's website redesign.

Finance Committee

Committee Chair Nancy Whaley reported that the Finance Committee recommended changes to the Bylaws and Rules regarding new members' assessments. Specifically, the committee is recommending that the Clients' Security Fund and Bar Facility assessments not begin until a new member is in his or her second full year as a Bar member. The proposed changes were disseminated to the Board of Governors as information and will be an action item at the Midyear Meeting.

Chief Justice's Commission on Professionalism

Executive Director Karlise Grier solicited nominations for the 19th Annual Justice Robert Benham Awards for Community Service and provided the Board of Governors with the nomination form. The awards will be presented at a special ceremony on Tuesday, February 27, 2018, at the Bar Center.

SOLACE Committee

Committee Chair Karlise Grier announced that there will be an update on the committee's activities at the Midyear Meeting.

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on May 19, July 14, and August 2, 2017.

Strategic Plan

The Board of Governors received a copy of the Goals and Objectives of the Strategic Plan.

Office of the General Counsel

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

Military Legal Assistance Program

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

Consumer Assistance Program

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

Law Practice Management Program

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

Communications Update

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

Chief Justice's Commission on Professionalism

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

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 8:45 a.m.

Dawn M. Jones, Secretary

Buck Rogers, President



MEMORANDUM

To: Board of Governors
From: Bill NeSmith
Date: December 12, 2017
Re: Summary of proposed bylaw and rules changes

The following is a summary of the proposed changes to the bylaws and rules to be considered and the Mid-Year Meeting:

Bylaws

Article I Members, Section 1. Registration of Members: New members admitted after May 15th of any fiscal year will not be required to pay any assessments or Bar dues for that fiscal year and will not owe Bar Facility or Clients' Security Fund assessments until the second fiscal year following admission.

Article I Members, Section 6. Associates and Student Associates: The bylaw title will be changed to Affiliate and Law Student Members to be consistent with the wording of the bylaw. Many of the changes are housekeeping or for clarity to make the bylaw easier to read. The bylaw allows law students to become "law student members" of the Bar with certification from the student's law school or a recommendation from an active member of the Bar. There are no substantive changes to the provisions on affiliate membership.

Article I Members, Section 7. Emeritus Members: This bylaw change allows emeritus members to vote in Bar elections and to nominate candidates for office. It also allows the Membership Department discretion to place in Emeritus status a member who will turn 70 during the Bar year even if the Membership Department cannot locate the member, as long as the member has no pending disciplinary action.

Rules

Rule 1-202. Classes of Members: The changes include allowing emeritus members to vote in Bar elections and nominate candidates for office. This change is necessary so the rule does not conflict with the bylaw Article I Members, Section 7. Emeritus Members. The remaining changes are housekeeping and stylistic improvements.

Rule 1-205. Bar of Judicial Circuit: The proposed change to this rule was necessary to prevent a conflict with the nonresident member rules and bylaws.

Rule 1-208. Resignation from Membership: This proposed rule change adds section “f” that prevents a member that has been dues suspended for up to five years to resign and gain an additional five years before their membership is terminated.

Rule 1-506. Clients’ Security Fund Assessment: The proposed changes to this rule are to prevent a conflict with *Article I Members, Section 1. Registration of Members* which provides that new members admitted after May 15th will not be required to pay Clients’ Security Fund assessments until the second fiscal year following admission.

Rule 1-507. Bar Facility Assessment: The proposed changes to this rule are to prevent a conflict with *Article I Members, Section 1. Registration of Members* which provides that new members admitted after May 15th will not be required to pay Bar Facility assessments until the second fiscal year following admission.

Rule 1-602. Bylaws: The proposed changes to this rule add clarity, provide housekeeping changes and allow any Notice of a proposed bylaw change to be published on the official website for the State Bar of Georgia.

Rule 5-101. Amendment; Filing; Notice: The proposed changes to this rule add clarity, provide housekeeping changes and allow any Notice of a proposed rule change to be published on the official website for the State Bar of Georgia.

Rule 1-202. Classes of Members

Membership in the State Bar of Georgia shall consist of five classes: active, foreign law consultant, emeritus, disabled and inactive. The bylaws shall make provision for the registration of each active member and the location of his or her principal office for the practice of law, the registration of each foreign law consultant and the location of his or her principal office, and the registration of emeritus and inactive members and their mailing addresses. Only Active Members and Emeritus Members may vote on any State Bar matter or election or nominate an active member for office. Emeritus members can vote only in person or electronically.

(a) Inactive Members. All lawyers who are neither engaged in the practice of law nor holding themselves out as practicing attorneys nor occupying any public or private position in which they may be called upon to give legal advice or counsel, ~~or~~ to examine the law or to pass upon the legal effect of any act, document, or law may be inactive members at their election. Members who are in military service may be inactive if they so elect.

(b) Active Members. Active members shall be all other lawyers including judges but excluding foreign law consultants. Only active members of the State Bar of Georgia in good standing may ~~vote or~~ hold office in the State Bar of Georgia.

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

(d) Emeritus Members. Any member in good standing of the State Bar of Georgia who ~~shall have~~ will attain the age of 70 years in a Bar year and who shall have been admitted to the practice of law for at least 25 years, five years of which must be as a member in good standing of the State Bar of Georgia, may ~~retire~~ request emeritus status from the State Bar upon petition to and approval by the Membership Department. When approved, Such a retired the member shall hold emeritus status. An emeritus member of the State Bar shall not be required to pay dues or annual fees, and may not hold office in the State Bar of Georgia. An emeritus member of the State Bar of Georgia shall not be privileged to practice law except that an emeritus member may handle pro bono cases referred by either an organized pro bono program recognized by the Pro Bono Project of the State Bar of Georgia or a non-profit corporation that delivers legal services to the poor. An emeritus member may be reinstated to active or inactive membership upon application to the Membership Department and payment of non-prorated dues for the year in which the emeritus members returns to active or inactive service.

(e) Disabled Members. Any member of the State Bar of Georgia may petition the Executive Committee for disabled status provided the member meets one of the following criteria:

(1) the member has been determined to be permanently disabled by the Social Security Administration; or

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

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

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(4) the member has a signed statement from a medical doctor that the member is permanently disabled, or disabled for a period in excess of one year, and unable to practice law.

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Upon the Executive Committee's granting of the member's petition for disability status, the disabled member shall be treated as an inactive member of the State Bar of Georgia and shall not be privileged to practice law. A member holding disabled status shall not be required to pay dues or annual fees. A disabled member shall continue in such status until the member requests reinstatement by written application to the membership department of the State Bar of Georgia.

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1 Rule 1-202. Classes of Members

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

10
11 (a) Inactive Members. All lawyers who are neither engaged in the practice of law nor
12 holding themselves out as practicing attorneys nor occupying any public or private
13 position in which they may be called upon to give legal advice or counsel, to examine the
14 law or to pass upon the legal effect of any act, document, or law may be inactive
15 members at their election. Members who are in military service may be inactive if they so
16 elect.

17
18 (b) Active Members. Active members shall be all other lawyers including judges but
19 excluding foreign law consultants. Only active members of the State Bar of Georgia in
20 good standing may hold office in the State Bar of Georgia.

21
22 (c) Foreign Law Consultants. Foreign Law Consultants shall be those persons, who
23 are licensed under the Rules Governing Admission to the Practice of Law as adopted by
24 the Supreme Court of Georgia.

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

39
40 (e) Disabled Members. Any member of the State Bar of Georgia may petition the
41 Executive Committee for disabled status provided the member meets one of the following
42 criteria:

- 43
44 (1) the member has been determined to be permanently disabled by the Social
45 Security Administration; or
46

47 (2) the member is in the process of applying to the Social Security
48 Administration for permanent disability status; or
49

50 (3) the member has been determined to be permanently disabled or disabled
51 for a period in excess of one year by an insurance company and is receiving
52 payments pursuant to a disability insurance policy; or
53

54 (4) the member has a signed statement from a medical doctor that the member
55 is permanently disabled, or disabled for a period in excess of one year, and unable
56 to practice law.
57

58 Upon the Executive Committee's granting of the member's petition for disability
59 status, the disabled member shall be treated as an inactive member of the State Bar of
60 Georgia and shall not be privileged to practice law. A member holding disabled status
61 shall not be required to pay dues or annual fees. A disabled member shall continue in
62 such status until the member requests reinstatement by written application to the
63 membership department of the State Bar of Georgia.

1 **Proposed Amendments to Part I, Creation and Organization;**
2 **Chapter 2, Membership; Rule 1-205. Bar of Judicial Circuit**

3
4 **Rule 1-205. Bar of Judicial Circuit** *(Red-lined)*

5
6 Each member in good standing ~~who is a resident of this State~~ shall be considered
7 a member of the bar of the Georgia judicial circuit in which his ~~principal office for the~~
8 ~~practice of law is located, or, at his election, the circuit in which he resides, or if he has~~
9 ~~no office, the circuit in which he resides or last resided, or her official bar mail is~~
10 ~~delivered or where his or her primary residence is located.~~

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12
13 **Rule 1-205. Bar of Judicial Circuit** *(Clean Version)*

14
15 Each member in good standing shall be considered a member of the bar of the
16 Georgia judicial circuit in which his or her official bar mail is delivered or where his or
17 her primary residence is located.

1 **Rule 1-208. Resignation from Membership** (*redlined*)

2
3 | (a) Resignation while in good standing. A member of the State Bar of Georgia in
4 good standing may, under oath, petition the Executive Committee for leave to resign from the
5 State Bar of Georgia. Upon acceptance of such petition by the Executive Committee by majority
6 vote, such person shall not practice law in this state nor be entitled to any privileges and benefits
7 accorded to active members of the State Bar of Georgia in good standing unless such person
8 complies with part (f) or part (g) of this Rule.
9

10 (b) Resignation while delinquent or suspended for failure to pay dues or for failure to
11 comply with continuing legal education requirements: A member of the State Bar of Georgia
12 who is delinquent or suspended (but not terminated) for failure to pay dues or failure to comply
13 with continuing legal education requirements may, under oath, petition the Executive Committee
14 for leave to resign from the State Bar of Georgia. Upon acceptance of such petition by the
15 Executive Committee by majority vote, such person shall not practice law in this state nor be
16 entitled to any privileges and benefits accorded to active members of the State Bar of Georgia
17 unless such person complies with part (f) or part (g) of this Rule.
18

19 | (c) A petition for leave to resign from membership with the State Bar of Georgia
20 shall comply with the following:
21

22 (1) the petition shall be filed under oath with the Executive Director of the
23 State Bar of Georgia and shall contain a statement that there are no disciplinary actions or
24 criminal proceedings pending against the petitioner; and
25

26 (2) the petition shall contain a statement as to whether the petition is being
27 filed under part (a) or part (b) of this Rule. If the petition is being filed under part (b), the
28 petition shall state the term of the delinquency and/or suspension for failure to pay dues
29 or to comply with continuing legal education requirements.
30

31 (d) No petition for leave to resign shall be accepted if there are disciplinary
32 proceedings or criminal charges pending against the member, or if the member is not in good
33 standing for failure to pay child support obligations under ~~Bar~~ Rule 1-209.
34

35 (e) A petition filed under this Rule shall constitute a waiver of the confidentiality
36 provisions of Rule 4-221 (d) as to any pending disciplinary proceedings.
37

38 | (f) A petition filed under this Rule shall not toll the provisions of Rule 1-501(c).
39

40 ~~(fg)~~ Readmission within five years after resignation. For a period of five years after
41 the effective date of a voluntary resignation, the member of the State Bar of Georgia who has
42 resigned pursuant to this Rule may apply for readmission to the State Bar of Georgia upon
43 completion of the following terms and conditions:
44

- 45 (1) payment in full of any delinquent dues, late fees and penalties owing at the
46 time the petition for leave to resign was accepted, and payment in full of the current dues
47 for the year in which readmission is sought;
48
- 49 | (2) payment of a readmission fee to the State Bar of Georgia equal to the
50 amount the member seeking readmission would have paid during the period of
51 resignation if he or she had instead elected inactive status;
52
- 53 (3) for resignations while suspended for failure to comply with continuing
54 legal education requirements under part (b) of this Rule, submission of a certificate from
55 the Commission on Continuing Lawyer Competency declaring that the suspended
56 member is current on all requirements for continuing legal education; and
57
- 58 | (4) submission to the membership department of the State Bar of Georgia of a
59 determination of fitness from the Board to Determine Fitness of Bar Applicants. Provided
60 the former member seeking readmission has applied to the Board to Determine Fitness of
61 Bar Applicants before the expiration of the five year period after his or her resignation,
62 the former member shall be readmitted upon submitting a determination of fitness even if
63 the five year period has expired.
64
- 65 | (gh) Readmission after five years. After the expiration of five years from the effective
66 date of a voluntary resignation, the former member must comply with the Rules governing
67 admission to the practice of law in Georgia as adopted by the Supreme Court of Georgia.

1 **Rule 1-208. Resignation from Membership** *(clean)*

2
3 (a) Resignation while in good standing. A member of the State Bar of Georgia in
4 good standing may, under oath, petition the Executive Committee for leave to resign from the
5 State Bar of Georgia. Upon acceptance of such petition by the Executive Committee by majority
6 vote, such person shall not practice law in this state nor be entitled to any privileges and benefits
7 accorded to active members of the State Bar of Georgia in good standing unless such person
8 complies with part (f) or part (g) of this Rule.
9

10 (b) Resignation while delinquent or suspended for failure to pay dues or for failure to
11 comply with continuing legal education requirements: A member of the State Bar of Georgia
12 who is delinquent or suspended (but not terminated) for failure to pay dues or failure to comply
13 with continuing legal education requirements may, under oath, petition the Executive Committee
14 for leave to resign from the State Bar of Georgia. Upon acceptance of such petition by the
15 Executive Committee by majority vote, such person shall not practice law in this state nor be
16 entitled to any privileges and benefits accorded to active members of the State Bar of Georgia
17 unless such person complies with part (f) or part (g) of this Rule.
18

19 (c) A petition for leave to resign from membership with the State Bar of Georgia
20 shall comply with the following:
21

22 (1) the petition shall be filed under oath with the Executive Director of the
23 State Bar of Georgia and shall contain a statement that there are no disciplinary actions or
24 criminal proceedings pending against the petitioner; and
25

26 (2) the petition shall contain a statement as to whether the petition is being
27 filed under part (a) or part (b) of this Rule. If the petition is being filed under part (b), the
28 petition shall state the term of the delinquency and/or suspension for failure to pay dues
29 or to comply with continuing legal education requirements.
30

31 (d) No petition for leave to resign shall be accepted if there are disciplinary
32 proceedings or criminal charges pending against the member, or if the member is not in good
33 standing for failure to pay child support obligations under Rule 1-209.
34

35 (e) A petition filed under this Rule shall constitute a waiver of the confidentiality
36 provisions of Rule 4-221 (d) as to any pending disciplinary proceedings.
37

38 (f) A petition filed under this Rule shall not toll the provisions of Rule 1-501(c).
39

40 (g) Readmission within five years after resignation. For a period of five years after
41 the effective date of a voluntary resignation, the member of the State Bar of Georgia who has
42 resigned pursuant to this Rule may apply for readmission to the State Bar of Georgia upon
43 completion of the following terms and conditions:
44

(1) payment in full of any delinquent dues, late fees and penalties owing at the time the petition for leave to resign was accepted, and payment in full of the current dues for the year in which readmission is sought;

(2) payment of a readmission fee to the State Bar of Georgia equal to the amount the member seeking readmission would have paid during the period of resignation if he or she had instead elected inactive status;

(3) for resignations while suspended for failure to comply with continuing legal education requirements under part (b) of this Rule, submission of a certificate from the Commission on Continuing Lawyer Competency declaring that the suspended member is current on all requirements for continuing legal education; and

(4) submission to the membership department of the State Bar of Georgia of a determination of fitness from the Board to Determine Fitness of Bar Applicants. Provided the former member seeking readmission has applied to the Board to Determine Fitness of Bar Applicants before the expiration of the five year period after his or her resignation, the former member shall be readmitted upon submitting a determination of fitness even if the five year period has expired.

(h) Readmission after five years. After the expiration of five years from the effective date of a voluntary resignation, the former member must comply with the Rules governing admission to the practice of law in Georgia as adopted by the Supreme Court of Georgia.

1 **Rule 1-506. Clients' Security Fund Assessment** (*redlined*)

2
3 (a) The State Bar is authorized to assess each member ~~of the State Bar~~ a fee of
4 \$100.~~00~~. This \$100.~~00~~ fee may be paid in minimum annual installments of \$25.~~00~~ for a period of
5 four ~~(4)~~ years. Each new member of the State Bar will also be assessed a similar amount upon
6 admission to the State Bar. This fee shall be used only to fund the Clients' Security Fund and
7 shall be in addition to the annual license fee as provided in Rule 1-501 through Rule 1-502.

8
9 (b) For a member who joins the State Bar ~~of Georgia~~ after taking the Georgia Bar
10 Examination, the Clients' Security Fund assessment shall be due and payable in \$25.~~00~~
11 installments on July 1 of each year, beginning with the second full fiscal year following the year
12 of admission, until the balance of \$100.~~00~~ is paid. The failure of a member to pay the minimum
13 annual installments shall subject the member to the same penalty provisions, including late fees
14 and suspension of membership, as pertain to the failure to pay the annual license fee as set forth
15 in Bar Rules 1-501 and 1-501.1.

16
17 (c) For a member who is admitted as a Foreign Law Consultant or who joins without
18 taking the Georgia Bar Examination, and who has not previously paid the Clients' Security Fund
19 Assessment, the full assessment shall be due and payable prior to or upon registration with the
20 State Bar.

21
22 **Rule 1-506. Clients' Security Fund Assessment** (*clean*)

23
24 (a) The State Bar is authorized to assess each member a fee of \$100. This \$100 fee
25 may be paid in minimum annual installments of \$25 for a period of four years. Each new
26 member of the State Bar will also be assessed a similar amount upon admission to the State Bar.
27 This fee shall be used only to fund the Clients' Security Fund and shall be in addition to the
28 annual license fee as provided in Rule 1-501 through Rule 1-502.

29
30 (b) For a member who joins the State Bar of Georgia after taking the Georgia Bar
31 Examination, the Clients' Security Fund assessment shall be due and payable in \$25.00
32 installments on July 1 of each year, beginning with the second full fiscal year following the year
33 of admission, until the balance of \$100 is paid. The failure of a member to pay the minimum
34 annual installments shall subject the member to the same penalty provisions, including late fees
35 and suspension of membership, as pertain to the failure to pay the annual license fee as set forth
36 in Bar Rules 1-501 and 1-501.1.

37
38 (c) For a member who is admitted as a Foreign Law Consultant or who joins without
39 taking the Georgia Bar Examination, and who has not previously paid the Clients' Security Fund
40 Assessment, the full assessment shall be due and payable prior to or upon registration with the
41 State Bar.

1 **Rule 1-507. Bar Facility Assessment** (*redlined*)

2
3 (a) The State Bar is authorized to assess each member ~~of the State Bar~~ a fee of
4 \$200-00. This \$200-00 fee may be paid in minimum annual installments of \$50-00 for a period of
5 four (4)-years. This fee shall be used to, ~~purchase~~-maintain; and operate ~~a facility for~~ the State
6 Bar offices and shall be in addition to the annual license fee as provided in Rule 1-501 through
7 Rule 1-502 and the Clients' Security Fund Assessment as provided in Rule 1-506.

8
9 (b) For a member who joins the State Bar ~~of Georgia~~ after taking the Georgia Bar
10 Examination, the Bar Facility assessment shall be due and payable in \$50-00 installments on July
11 1 of each year, ~~beginning with the second full fiscal year following the year of admission~~, until
12 the balance of \$200-00 is paid. ~~For members admitted to the State Bar prior to July 1, 1997, such~~
13 ~~installments shall begin on July 1, 1997. For newly admitted members of the State Bar, such~~
14 ~~installments shall begin when a new member is admitted to the State Bar~~-The failure of a
15 member to pay the minimum annual installments shall subject the member to the same penalty
16 provisions, including late fees and suspension of membership, as pertain to the failure to pay the
17 annual license fee as set forth in Bar Rules 1-501 and 1-501.1.

18
19 (c) For a member who is admitted as a Foreign Law Consultant or joins the State Bar
20 without taking the Georgia Bar Examination, and who has not previously paid the Bar Facility
21 Assessment, the full assessment shall be due and payable prior to or upon registration with the
22 State Bar.

23
24 **Rule 1-507. Bar Facility Assessment** (*clean*)

25
26 (a) The State Bar is authorized to assess each member of the State Bar a fee of \$200.
27 This \$200 fee may be paid in minimum annual installments of \$50 for a period of four years.
28 This fee shall be used to maintain and operate the State Bar offices and shall be in addition to the
29 annual license fee as provided in Rule 1-501 through Rule 1-502 and the Clients' Security Fund
30 Assessment as provided in Rule 1-506.

31
32 (b) For a member who joins the State Bar of Georgia after taking the Georgia Bar
33 Examination, the Bar Facility assessment shall be due and payable in \$50 installments on July 1
34 of each year, beginning with the second full fiscal year following the year of admission, until the
35 balance of \$200 is paid. The failure of a member to pay the minimum annual installments shall
36 subject the member to the same penalty provisions, including late fees and suspension of
37 membership, as pertain to the failure to pay the annual license fee as set forth in Bar Rules 1-501
38 and 1-501.1.

39
40 (c) For a member who is admitted as a Foreign Law Consultant or joins the State Bar
41 without taking the Georgia Bar Examination, and who has not previously paid the Bar Facility
42 Assessment, the full assessment shall be due and payable prior to or upon registration with the
43 State Bar.

1 **Rule 1-602**

2

3 ~~Bylaws and amendments thereto may be proposed by the~~ The Board of Governors, the Executive
4 ~~Committee~~ or any ten members of the State Bar of Georgia ~~by giving notice~~ may propose bylaws
5 ~~and amendments thereto for consideration at a midyear, annual or special called membership~~
6 ~~meeting. Proposals from ten or more members of the State Bar of Georgia must be provided to~~
7 ~~the Secretary at least sixty~~60 days ~~before~~prior to the ~~next annual meeting or~~midyear, annual
8 ~~midyear or special called membership~~ meeting. Written notice of ~~such~~ proposed bylaws and
9 amendments shall be ~~mailed to each member at least thirty~~published 20 days prior to the
10 ~~next~~midyear, annual ~~or special called meeting or annual midyear meeting and may be adopted by~~
11 ~~a majority of the members present and voting. The proposed bylaws and any amendments may~~
12 ~~be amended from the floor in any respect germane to the subject thereof. The notice by mail~~
13 ~~herein required may be by or of the membership~~ through any one or more of the official
14 publications of the State Bar of Georgia: ~~including the official website for the State Bar of~~
15 ~~Georgia.~~

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1 **Rule 1-602**

2
3 The Board of Governors, the Executive Committee or any ten members of the State Bar of
4 Georgia may propose bylaws and amendments thereto for consideration at a midyear, annual or
5 special called membership meeting. Proposals from ten or more members of the State Bar of
6 Georgia must be provided to the Secretary at least 60 days prior to the midyear, annual or special
7 called membership meeting. Written notice of proposed bylaws and amendments shall be
8 published 20 days prior to the midyear, annual or special called meeting of the membership
9 through any one or more of the official publications of the State Bar of Georgia including the
10 official website for the State Bar of Georgia.

1 | **Rule 5-101. Amendment; Filing, Notice.** *(redlined)*

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2
3 | The Supreme Court of Georgia may, on motion of the State Bar of Georgia, amend the
4 | ~~R~~Rules of the State Bar of Georgia at any time; provided, however, that no motion to amend these
5 | ~~R~~Rules may be filed until ~~thirty~~ (30) days after a notice setting forth the proposed amendment has
6 | been published in the *Georgia Bar Journal* or ~~any other document~~ on the official website of the
7 | State Bar of Georgia. The said notice shall contain the following:

8
9 | (a) the date ~~upon~~ after which the motion to amend these ~~R~~Rules shall be filed in the
10 | Supreme Court of Georgia;

11
12 | (b) the verbatim text of the ~~said motion~~ proposed amendment as certified by the
13 | Executive Director of the State Bar of Georgia;

14
15 | (c) a statement that the publication of the ~~said motion~~ proposal to amend these
16 | ~~R~~Rules is intended to comply with the notice requirement of this ~~R~~Rule;

17
18 | (d) a statement that any objection to the proposed amendment shall be made only in
19 | accordance with Rule 5-102.

20
21 | At the same time that notice is ~~sent~~ published to its membership, the State Bar of
22 | Georgia shall file a copy of such a notice with the Clerk of the Supreme Court of Georgia.

1 **Rule 5-101. Amendment; Filing, Notice.** *(clean)*

2
3 The Supreme Court of Georgia may, on motion of the State Bar of Georgia, amend the
4 Rules of the State Bar of Georgia at any time; provided, however, that no motion to amend these
5 Rules may be filed until 30 days after a notice setting forth the proposed amendment has been
6 published in the *Georgia Bar Journal* or on the official website of the State Bar of Georgia. The
7 said notice shall contain the following:

8
9 (a) the date after which the motion to amend these Rules shall be filed in the Supreme
10 Court of Georgia;

11
12 (b) the verbatim text of the proposed amendment as certified by the Executive
13 Director of the State Bar of Georgia;

14
15 (c) a statement that the publication of the proposal to amend these Rules is intended
16 to comply with the notice requirement of this Rule;

17
18 (d) a statement that any objection to the proposed amendment shall be made only in
19 accordance with Rule 5-102.

20
21 At the same time that notice is published to its membership, the State Bar of Georgia
22 shall file a copy of such a notice with the Clerk of the Supreme Court of Georgia.

ADVISORY COMMITTEE ON LEGISLATION

2017-2018

MINUTES OF MEETING 1

November 28, 2017

State Bar of Georgia Headquarters

Atlanta, GA

The second meeting of the 2017-2018 State Bar of Georgia Advisory Committee on Legislation ("ACL") was held on Tuesday, November 28, 2017 at the State Bar of Georgia headquarters in Atlanta, Georgia.

ATTENDANCE

The following members and liaisons were present: Michael Geoffroy (Chairman), Thomas Worthy (Vice Chairman), Buck Rogers (State Bar President), Mark Alexander, Joshua Bell, Bill Clark, Amy Howell, Jen Jordan, Edward Lindsey, Dan Snipes, Henry Walker, Nancy Whaley, Judge Paige Whitaker, Rep. Wendell Willard, Rep. Mary Margret Oliver, Judge Gregory Fowler, Judge James Whitfield, and Christine Butcher Hayes.

The following members and liaisons participated via conference call: Thomas Burnside, Ivy Cadle, J. Anderson Davis, Elizabeth Fite, Lawton Heard, Donna Hix, Dennis Sanders, Judge Lawton Stephens, Carl Varnadoe, Ken Hodges, Pat O'Connor, and Senator Jesse Stone.

Others present or participating by phone included: Rusty Sewell (consultant), Wanda Segars (consultant), Roy Robinson (consultant), Mark Middleton (consultant), Paula Frederick, Bill NeSmith, Jeff Davis, Jenny Mittelman, Todd Ashley, Gale Slayton, Rusi Patel, Sandy Lee, Eric John, Tyler Mashburn, Shelby Guilbert, and Ben Greer.

CALL TO ORDER

ACL Chair Michael Geoffroy called the meeting to order at 10:02 AM. Roll call was taken. Persons attending the meeting, including those participating by phone, introduced themselves.

APPROVAL OF MINUTES

The minutes of the September 19, 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).

LEGISLATIVE MATTERS

The ACL reviewed the following new proposal. The proposal will be considered by the Board of Governors at its Midyear Meeting in Atlanta, Georgia on January 6, 2018.

- 1. Proposed Uniform Unsworn Foreign Declarations Act.** Ben Greer and Shelby Guilbert presented this proposal on behalf of the International Trade and Legal Services Committee. The proposal recommends legislation that adopts the Uniform Unsworn Foreign Declarations Act ("the UUFDA"). The UUFDA was promulgated by the Uniform Law Commission in 2008 and has since been adopted in 24 states including Alabama and Tennessee. The UUFDA would permit the use of unsworn foreign declarations under Georgia law, giving them the same effect as sworn declarations made outside the United States. Obtaining a sworn foreign declaration can be difficult and cumbersome in many countries because they do not have notaries and may require the engagement of independent professionals or government officials. The *Keller* vote was unanimous. The vote supporting this proposal was unanimous. The Board of Governors will consider this proposal on January 6, 2018.

The committee also engaged in a discussion of the Attorney General's recent Court Reform Report that was presented to Governor Deal on November 20, 2017. The report looked at current sovereign immunity challenges in Georgia, the expansion of specialized business courts, and potential changes to Georgia's Administrative Procedure Act.

Additionally, the committee discussed HB 15, the mandatory civil e-filing legislation that was filed in 2017. House Judiciary Chairman Wendell Willard engaged in a discussion of potential paths forward with mandatory civil e-filing in Georgia courts.

ELECTION AND POLITICAL UPDATE

Christine Butcher Hayes updated the committee on the results of special elections that took place in November 2017.

UPDATES FROM THE JUDICIARY

Tyler Mashburn with the Administrative Office of the Courts discussed the October 20th Judicial Council meeting.

ADJOURNMENT

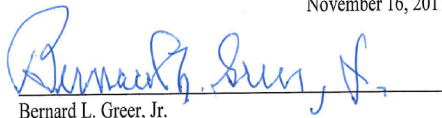
With no further business before the committee, Chair Michael Geoffroy adjourned the meeting at 11:25 AM.

STATE BAR OF GEORGIA

LEGISLATIVE PROPOSAL SUBMITTED BY THE COMMITTEE ON INTERNATIONAL TRADE IN LEGAL SERVICES

1. The Committee proposes that the Uniform Unsworn Foreign Declarations Act (the "Act") be adopted and added to the Civil Practice Act, O.C.G.A. Title 9 Chapter 11. The Act is attached as Exhibit A.
2. Except as therein provided and subject to the conditions therein set forth, the Act will validate and give legal effect to unsworn declarations to the same extent as sworn declarations made outside the boundaries of the United States. Adoption of the Act will clarify and simplify the process of obtaining declarations by parties who are outside the boundaries of the United States for use within Georgia. Under current law, which in the absence of authorizing unsworn declarations, requires adherence to the formalities of authenticating documents executed abroad and may require the engagement of independent professionals or government officials, the process of obtaining such a declaration may be costly and time consuming.
3. Existing Georgia law does not authorize unsworn foreign declarations, which, as noted above, has the practical effect of requiring Georgia parties seeking such declarations to comply with time consuming and potentially cumbersome procedures in order to obtain a declaration from a foreign party that has legal effect in Georgia.
4. There are no known opponents of the proposed Act.
5. We have advised, and solicited the comments of, the other Sections and Committees of the State Bar of the Committee's submission of the proposed Act, and we have not received any adverse comments or responses.
6. The Committee on International Trade in Legal Services recommends that this proposal be adopted by the State Bar of Georgia and submitted to the General Assembly.

November 16, 2017



Bernard L. Greer, Jr.
Chair, Committee on International Trade in Legal Services

UNIFORM UNSWORN FOREIGN DECLARATIONS ACT

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES

at its

ANNUAL CONFERENCE
MEETING IN ITS ONE-HUNDRED-AND-SEVENTEENTH YEAR
IN BIG SKY, MONTANA
JULY 18 – 25, 2008

WITHOUT PREFATORY NOTE OR COMMENTS

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By
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

November 8, 2008

Exhibit A

UNIFORM UNSWORN FOREIGN DECLARATIONS ACT

SECTION 1. SHORT TITLE. This [act] may be cited as the Uniform Unsworn Foreign Declarations Act.

SECTION 2. DEFINITIONS. In this [act]:

(1) “Boundaries of the United States” means the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

(2) “Law” includes the federal or a state constitution, a federal or state statute, a judicial decision or order, a rule of court, an executive order, and an administrative rule, regulation, or order.

(3) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(4) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(5) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(6) “Sworn declaration” means a declaration in a signed record given under oath. The term includes a sworn statement, verification, certificate, and affidavit.

(7) “Unsworn declaration” means a declaration in a signed record that is not given under oath, but is given under penalty of perjury.

SECTION 3. APPLICABILITY. This [act] applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States. This [act] does not apply to a declaration by a declarant who is physically located on property that is within the boundaries of the United States and subject to the jurisdiction of another country or a federally recognized Indian tribe.

SECTION 4. VALIDITY OF UNSWORN DECLARATION.

(a) Except as otherwise provided in subsection (b), if a law of this state requires or permits use of a sworn declaration, an unsworn declaration meeting the requirements of this [act] has the same effect as a sworn declaration.

(b) This [act] does not apply to:

- (1) a deposition;
- (2) an oath of office;
- (3) an oath required to be given before a specified official other than a notary public;
- (4) a declaration to be recorded pursuant to [insert appropriate section of state's real estate law]; or
- (5) an oath required by [insert appropriate section of state's law relating to self-proved wills].

Legislative Note: Enacting states will need to ensure that the perjury laws of the enacting state include unsworn declarations.

SECTION 5. REQUIRED MEDIUM. If a law of this state requires that a sworn declaration be presented in a particular medium, an unsworn declaration must be presented in

that medium.

SECTION 6. FORM OF UNSWORN DECLARATION. An unsworn declaration under this [act] must be in substantially the following form:

I declare under penalty of perjury under the law of [insert name of enacting state] that the foregoing is true and correct, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

Executed on the ____ day of ____, ____, at _____,
(date) (month) (year) (city or other location, and state)

(country)

(printed name)

(signature)

Legislative Note: Enacting states will need to ensure that the perjury laws of the enacting state include unsworn declarations.

SECTION 7. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 8. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This [act] modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or

authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

SECTION 9. REPEALS. The following are repealed: _____.

SECTION 10. EFFECTIVE DATE. This [act] takes effect [date].



STATE OF GEORGIA
COURT REFORM COUNCIL

FINAL REPORT

Submitted to Governor Nathan Deal
November 20, 2017



Members of the Court Reform Council

Hon. Christopher M. Carr – Attorney General of Georgia, Chairman of the Court Reform Council

Hon. Charlie Bethel – Judge, Court of Appeals of the State of Georgia

Hon. Trent Brown – Judge, Superior Court of the Ocmulgee Judicial Circuit

Dennis T. Cathey – Member, Cathey & Strain, LLC

Hon. Christian Coomer – Majority Whip, Georgia House of Representatives

Hon. Bill Cowsert – Majority Leader, Georgia State Senate

Chris Cumiskey – Executive Vice President of External Affairs, Georgia Power

Hon. Asha Jackson - Judge, Superior Court of the Stone Mountain Judicial Circuit

Hon. Michael Malihi – Chief Judge, Office of the State Administrative Hearings

Carey Miller – Executive Counsel (Incoming), Office of Governor Nathan Deal

Hon. Mary Margaret Oliver - Georgia House of Representatives

Hon. Nels Peterson – Justice, Supreme Court of Georgia

David Werner – Executive Counsel (Outgoing), Office of Governor Nathan Deal

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COURT REFORM COUNCIL

INTRODUCTION

On March 30, 2017, Governor Deal signed an Executive Order establishing the Court Reform Council to “review current practices and procedures within the judicial court system and the administrative law hearing system and make recommendations to improve efficiencies and achieve best practices for the administration of justice” by December 1, 2017.

Attorney General Chris Carr was appointed Chairman of the Council.

During its first meeting, the Court Reform Council agreed to establish the following three subcommittees to carry out the charge Governor Deal outlined in his Executive Order:

- The Administrative Procedure Act
 - Chaired by The Honorable Michael Malihi, Chief Judge, Office of the State Administrative Hearings
- Statewide Business Court
 - Chaired by Carey Miller (Incoming) and David Werner (Outgoing), Executive Counsel to Governor Nathan Deal
- Sovereign Immunity
 - Chaired by The Honorable Chris Carr, Attorney General of Georgia

The Court Reform Council met on May 23, 2017; July 17, 2017; September 25, 2017; and November 15, 2017, and the subcommittees met regularly during this time frame as well. This report, divided by subcommittee, contains the findings and recommendations of the Court Reform Council. The Court Reform Council respectfully submits this final report to Governor Deal for his consideration.

ADMINISTRATIVE PROCEDURE ACT SUBCOMMITTEE

ADMINISTRATIVE PROCEDURE ACT SUBCOMMITTEE

INTRODUCTION

Members of the Administrative Procedure Act Subcommittee

Hon. Michael Malihi (Chair)	Chief Judge, Office of State Administrative Hearings
Hon. Charlie Bethel	Judge, Georgia Court of Appeals
Hon. Christopher M. Carr	Attorney General of Georgia
Hon. Bill Cowsert	Majority Leader, Georgia House of Representatives
Carey Miller	Executive Counsel (Incoming), Office of Governor Nathan Deal
Hon. Mary Margaret Oliver	Georgia House of Representatives
Hon. Nels Peterson	Justice, Supreme Court of Georgia
David Werner	Executive Counsel (Outgoing), Office of Governor Nathan Deal

The Administrative Procedure Act Subcommittee (“Subcommittee”) was created to review current practices and procedures within Georgia’s administrative law hearing system. Through this comprehensive review, the Subcommittee has made recommendations to improve efficiencies and achieve best practices for the administration of justice. The Subcommittee held two public meetings on June 22 and August 11, 2017.

The Subcommittee heard from a number of individuals with various insights into the intricacies of administrative law, including Fulton County Superior Court Judge Shawn LaGrúa; Jessica Gabel Cino, Associate Dean for Academic Affairs and Associate Professor of Law at Georgia State University College of Law; Judge Ronit Walker of the Georgia Office of State Administrative Hearings; and Judge John B. Gatto of the U.S. Occupational Safety and Health Review Commission. In addition, the Subcommittee reviewed statistical caseload data provided by the Georgia Office of State Administrative Hearings.

The Subcommittee also accounted for national trends in administrative law, having reviewed the most recent version of the Model State Administrative Procedure Act. Additionally, the Subcommittee reviewed feedback provided by the chief administrative law judges from Florida and North Carolina; a former administrative law judge who has written extensively on final decision authority; and the executive director of a comprehensive study on central administrative law panels throughout the United States.

The Subcommittee’s recommendations have been informed by its review and consideration of this information.

ADMINISTRATIVE PROCEDURE ACT SUBCOMMITTEE

SUMMARY

Final Decision Authority

Existing Law: All decisions issued by the Office of State Administrative Hearings (“OSAH”) are initial decisions, unless an agency provides by rule that OSAH may enter final decisions. “Initial decisions” are subject to agency review, while “final decisions” are reviewed by superior courts.

Reform Option: Provide the authority to issue final decisions for all contested cases. Exceptions shall be made for cases referred by agencies that are (i) responsible for licensing and supervising professionals; and (ii) were constitutionally created or are headed by constitutional officers.

Enforcement Authority

Existing Law: When a subpoena is disobeyed, a party may seek enforcement through the superior court of the county where the contested case is being heard.

In cases where an individual disobeys a lawful order, refuses to testify, or commits similar misconduct, the administrative law judge (“ALJ”) may certify the facts to the superior court where the offense was committed. The superior court, in turn, takes “appropriate action,” which may include making a finding of contempt.

Reform Options:

- (A) Provide the power to enforce subpoenas when individuals do not appear for administrative proceedings (through fines).
- (B) Provide the authority to sanction parties (e.g., through fines) for such actions as disobeying lawful orders, refusing to testify, filing pleadings that contain frivolous arguments, or other similar misconduct.

Filing Hearing Requests Under the Administrative Procedure Act

Existing Law: There is no set deadline by which agencies must refer contested cases for hearings before OSAH’s ALJs.

Reform Option: Establish that agencies must refer contested cases within a reasonable time period after the hearing request is filed. If the agency does not refer the case by the deadline, parties will be allowed to file hearing requests directly with OSAH.

ADMINISTRATIVE PROCEDURE ACT SUBCOMMITTEE

FINAL DECISION AUTHORITY

Existing Law

Under the Administrative Procedure Act (“APA”), all decisions issued by the Office of State Administrative Hearings (“OSAH”) are treated as initial decisions, unless an agency provides by rule that OSAH may enter final decisions in all or certain classes of cases. O.C.G.A. § 50-13-41(d), (e)(3). An “initial decision” is subject to additional review by the agency, either by request of the party or on order of the agency. O.C.G.A. § 50-13-17(a). A “final decision,” in contrast, is subject to immediate judicial review by a superior court. O.C.G.A. § 50-13-19.

Reform Option

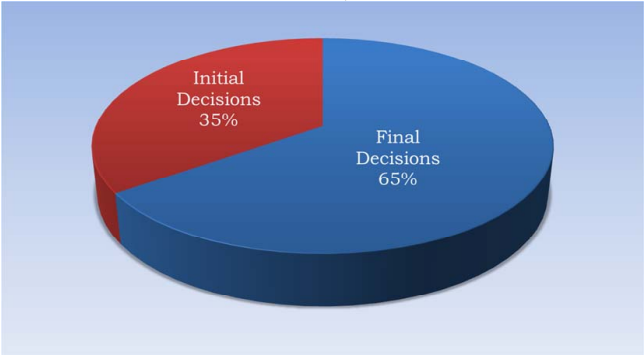
1. Modify the APA to provide the authority to issue final decisions for all contested cases. Exceptions shall be made for cases referred by agencies that are
 - (i) responsible for licensing and supervising professionals, and which are comprised of members selected by the governor for their expertise in their respective fields; and
 - (ii) were constitutionally created or are headed by constitutional officers.

Suggested Exceptions to Final Decisions (i.e., keep as Initial)
Professional Licensing Boards Division
Professional Standards Commission
Real Estate Appraisers Board and Real Estate Commission
Department of Insurance
State Personnel Board
Secretary of State, Elections Division
Secretary of State, Commissioner of Securities
Peace Officer Standards and Training Council
Composite Medical Board
Board of Medical Examiners
Office of the Governor

Advantages to Reform Option

- **Efficiency:** Finality removes an unnecessary level of review, thereby promoting judicial economy.
 - May lead to faster proceedings (30-60 days reduction in process).
 - Reduces the burden on taxpayers.
 - Reduces overall litigation costs for parties.
- **Impartiality:** Finality strengthens the appearance of impartiality, as an agency can no longer overturn decisions issued by an impartial body.
- **Precedent of Final Decisions for Other Agencies:** Multiple agencies with significant caseloads already refer cases to OSAH for the issuance of final decisions, including:
 - Department of Driver Services/Department of Public Safety (DDS/DPS) (12,923 cases referred to OSAH in FY17).
 - Department of Human Services (DHS), Office of Child Support Services (8,847 cases referred to OSAH in FY17).
 - DHS, Office of the Inspector General (1,530 cases referred to OSAH in FY17).
 - DHS, Child Abuse Registry (1,331 cases referred to OSAH in FY17).

CASE REFERRALS FOR FY17, BY TYPE OF DECISION



PROJECTED IMPACT OF REFORM OPTION (using FY17 case referral numbers)



CASE REFERRALS FOR FY17, BY TYPE OF DECISION

Case Description	Final/Initial	Count (FY2017)
Dep't of Driver Servs.-Dep't of Public Safety	Final	12,924
DHS, Child Support Servs.	Final	8,847
DHS, Office of the Inspector General	Final	1,530
DHS, Child Abuse Registry	Final	1,331
Tollway Authority	Final	1,005
Tax Tribunal	Final	987
Dep't of Education	Final	144
Board of Natural Resources	Final	66
DHS, Division of Family and Children Servs.	Initial	12,880
Dep't of Community Health	Initial	626
Dep't of Behav. Health & Dev. Disab.	Initial	243
Dep't of Early Care and Learning	Initial	227
Dep't of Labor	Initial	180
Professional Licensing Boards Division	Initial	81
Professional Standards Commission	Initial	38
Care Management Organizations	Initial	34
Real Estate Appraisers Board-Real Estate Commission	Initial	11
Dep't of Insurance	Initial	13
Dep't of Transportation	Initial	9
State Personnel Board	Initial	8
Sec. of State, Elections Division	Initial	8
Dep't of Public Health	Initial	7
Mediations	Initial	7
Secretary of State, Commissioner of Securities	Initial	6
Gov't Transparency and Campaign Finance Commission	Initial	6
DHS, Vocational Rehabilitation Agency	Initial	5
Peace Officer Standards and Training Council	Initial	5
Composite Medical Board	Initial	5
Student Finance Authority	Initial	4
Dep't of Juv. Justice	Initial	2
Public Retirement Systems	Initial	1
Office of Consumer Protection	Initial	0
Dep't of Revenue	Initial	0
Board of Medical Examiners	Initial	0
DHS, Division of Aging Servs.	Initial	0
County and Municipal Probation Advisory Council	Initial	0
Dep't of Economic Development	Initial	0
Office of the Governor	Initial	0
State Properties Commission	Initial	0
Final:		26,834
Initial:		14,406
Total:		41,240

Case types highlighted in red represent the exceptions to finality, as proposed in the Reform Option

- **Recent Legislation:** Within the past five years, the General Assembly has explicitly provided ALJs with final-decision authority.
 - For Tax Tribunal cases: *See* O.C.G.A. §§ 50-13A-10, 50-13-16(g), 50-13-17; 2012 Ga. Laws 318 (H.B. 100).
 - For Child Abuse Registry cases: *See* O.C.G.A. § 49-5-183; 2015 Ga. Laws 552 (S.B. 138).
- **Nationwide Trend:** Observers of trends in administrative law have reported a nationwide evolution in central review panels being given the authority to issue final decisions.¹
 - **North Carolina:** ALJs “shall make a final decision or order” in contested cases. *See* N.C. Gen. Stat. § 150B-34(a).
 - **Florida:** The state’s APA does not allow for finality in all matters. *See* Fla. Stat. § 120.50 *et seq.* However, other statutes allow for finality in multiple case types, including child support establishment, workers’ compensation, and special education. *See* Fla. Stat. §§ 409.2563, 440.25, 1003.57.
 - **Louisiana:** Apart from certain enumerated exceptions, “the administrative law judge shall issue the final decision or order.” *See* La. Rev. Stat. § 49.992(B)(2).
 - **South Carolina:** ALJs have the authority to issue final orders, with the exception of cases for the Public Service Commission, Consolidated Procurement Code, Department of Employment and Workforce, and the Workers’ Compensation Commission. *See* S.C. Code Ann. §§ 1-23-600, 1-23-610.
- **Model State APA:** The 2010 Model State Administrative Procedure Act does *not* provide that ALJs shall issue final decisions.² However, the 2010 version has generally fallen out of favor.
 - No states have adopted the 2010 version of the Model.
 - The 2010 Model’s stance on finality was opposed by both the National Conference of the Administrative Law Judiciary and the American Bar Association.

Disadvantages to Reform Option

- **Agencies:** ALJs issuing more final decisions could reduce agencies’ authority over decisions directly affecting them.
 - Agencies are staffed with experts in respective fields.

¹ Based on a phone conference on August 2, 2017, with OSAH staff and the following individuals: the Honorable Robert S. Cohen, chief judge of the Florida Division of Administrative Hearings; the Honorable Julian Mann III, chief judge of the North Carolina Office of Administrative Hearings; Larry Craddock, who previously served as an ALJ in Texas and penned a 2013 law review article titled “Final Decision Authority and the Central Panel ALJ”; and Malcolm C. Rich, executive director of Chicago Appleseed Fund for Justice who is spearheading a comprehensive study on central ALJ panels.

² The relevant portion of the 2010 Model State APA states as follows: “If the administrative law judge is delegated final decisional authority, the administrative law judge shall issue a final order. If the administrative law judge is not delegated final decisional authority, the administrative law judge shall issue to the agency head a recommended order in the contested case.” Model State Admin. Proced. Act § 606 (2010). The Model State APA is drafted by the National Conference of Commissioners on Uniform State Laws.

ADMINISTRATIVE PROCEDURE ACT SUBCOMMITTEE ENFORCEMENT AUTHORITY

Existing Law

The APA gives an agency representative or ALJ the authority to “sign and issue subpoenas.” O.C.G.A. § 50-13-13(a)(6). When a subpoena is disobeyed, a party may seek enforcement through the superior court of the county where the contested case is being heard. O.C.G.A. § 50-13-13(a)(7).

Also pursuant to the APA, an ALJ has the power to take action when a party (1) disobeys or resists a lawful order of process; (2) does not produce materials as ordered; (3) refuses to appear after having been subpoenaed; (4) refuses to take the oath to testify; and (5) refuses to testify after taking the oath. O.C.G.A. § 50-13-13(b). The ALJ may then certify the facts to the superior court where the offense was committed “for appropriate action, including a finding of contempt.” *Id.*

Reform Options

1. Modify the APA to provide the power to enforce subpoenas when parties do not appear (through the imposition of fines that can be enforced by a superior court, if necessary).
2. Modify the APA to provide the authority to sanction parties (*e.g.*, through the imposition of fines that can be enforced by a superior court, if necessary) for such actions as disobeying/resisting lawful orders of process; failing to produce material as ordered; refusing to appear after having been subpoenaed; filing frivolous pleadings; and refusing to take the oath to testify.³

Advantages to Reform Options

- **Efficiency:** Allowing for imposition of sanctions lessens the need for parties to seek action in superior courts while their case is ongoing.
 - Reduces the amount of time needed for parties to enforce subpoenas in proceedings, as they do not need to go before a superior court.
 - Discourages parties from issuing subpoenas to individuals they know or suspect will not appear (and thereby manufacturing grounds for a continuance).
- **Curbing Improper Pleadings:** ALJs may sanction attorneys or parties who submit pleadings for an improper purpose, or pleadings that contain frivolous arguments or arguments that have no evidentiary support. *See, e.g.*, Fed. R. Civ. P. 11.

³ Enforcement authority should be limited to OSAH ALJs only, as opposed to both OSAH ALJs and agency representatives. OSAH ALJs are trained judicial officers who act as neutral third parties in disputes involving agencies. Accordingly, they are the more appropriate parties to impartially wield enforcement power that will directly affect an agency’s position in a contested case.

- **Precedent in State Law:** The State Board of Workers' Compensation has authority by statute to impose and collect fines. *See* O.C.G.A. §§ 34-9-18, 34-9-60.⁴

Disadvantages to Reform Options

- **Efficiency:** Superior courts may not face a high volume of requests for actions on sanctions or subpoenas.

⁴ Regarding civil penalties:

- (a) Any person who willfully fails to file any form or report required by the board, fails to follow any order or directive of the board or any of its members or administrative law judges, or violates any rule or regulation of the board shall be assessed a civil penalty of not less than \$100.00 nor more than \$1,000.00 per violation.
- (b) Any person who knowingly and intentionally makes any false or misleading statement or representation for the purpose of facilitating the obtaining or denying of any benefit or payment under this chapter may be assessed a civil penalty of not less than \$1,000.00 nor more than \$10,000.00 per violation.
- (c) In addition to the penalty and assessed fees as defined in subsection (b) of Code Section 34-9-126, the board may assess a civil penalty of not less than \$500.00 nor more than \$5,000.00 per violation for the violation by any person of Code Section 34-9-121 or subsection (a) of Code Section 34-9-126.
- (d) Any penalty assessed under subsections (a), (b), and (c) of this Code section shall be final unless within ten days of the date of the assessment the person fined files a written request with the board for a hearing on the matter.
- (e) Any person, firm, or corporation who is assessed a civil penalty pursuant to this Code section may also be assessed the cost of collection. The cost of collection may also include reasonable attorneys' fees.
- (f) All penalties and costs assessed under this Code section shall be tendered and made payable to the State Board of Workers' Compensation. All such penalties shall be deposited in the general fund of the state treasury.

O.C.G.A. § 34-9-18. Regarding subpoenas:

... Article 2 of Chapter 13 of Title 24 shall govern the issuance and enforcement of subpoenas pursuant to this Code section, except that the board, any member of the board, or any administrative law judge shall carry out the functions of the court and the executive director shall carry out the functions of the clerk of the court. The board shall not, however, have the power to order imprisonment as a means of enforcing a subpoena. The board shall have the power to issue writs of fieri facias in order to collect fines imposed pursuant to this Code section and such writs may be enforced in the same manner as a similar writ issued by a superior court.

O.C.G.A. § 34-9-60(a).

ADMINISTRATIVE PROCEDURE ACT SUBCOMMITTEE

FILING HEARING REQUESTS UNDER THE APA

Existing Law

Certain agencies that receive requests for a hearing in a contested case will refer the case to OSAH. O.C.G.A. § 50-13-41(a)(1); GA. COMP. R. & REGS. 616-1-2-.03. However, under the current APA, there is no set deadline by which agencies must make these referrals.

Reform Option

1. Establish that agencies must refer contested cases within a reasonable time period after the hearing request is filed. If the agency does not refer the case by the deadline, parties will be allowed to file hearing requests directly with OSAH.

Advantages to Reform Option

- **Efficiency:** Deadlines and/or direct filing with OSAH would improve the overall flow of cases from agency to ALJ.
 - Reduces any lag time between a party's request for a hearing and OSAH's docketing of the case.
 - Gives parties certainty as to when their cases will be received and docketed by OSAH for a hearing.
- *State/Federal Requirements:* Filing deadlines would assist the State in meeting state and federal statutory deadlines for certain decisions.

Disadvantages to Reform Option

- **Setting Deadlines:** Agencies may find it difficult to meet a set deadline, depending on the type of case.
 - Agencies often attempt settling cases with party before submitting case to OSAH.
 - Agencies reaching settlements have to wait for boards/commissions to convene to approve them; meetings often months apart.

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STATEWIDE BUSINESS COURT SUBCOMMITTEE

STATEWIDE BUSINESS COURT SUBCOMMITTEE

INTRODUCTION

Members of the Business Court Subcommittee

Carey Miller (Chair, Incoming)	Executive Counsel (Incoming), Office of Governor Nathan Deal
David Werner (Chair, Outgoing)	Executive Counsel (Outgoing), Office of Governor Nathan Deal
Hon. Charlie Bethel	Judge, Georgia Court of Appeals
Hon. Trent Brown	Judge, Superior Court of the Ocmulgee Circuit
Hon. Christopher M. Carr	Attorney General of Georgia
Dennis T. Cathey, Esq.	Member, Cathey & Strain, LLC
Hon. Christian Coomer	Majority Whip, Georgia House of Representatives
Chris Cummiskey, Esq.	Executive V.P. of External Affairs, Georgia Power
Hon. Asha Jackson	Judge, Superior Court of the Stone Mountain Judicial Circuit

The Business Court Subcommittee (“Subcommittee”) was created to evaluate the feasibility and efficacy of a statewide Business or Complex Litigation Court. The Subcommittee held two public meetings on July 13 and November 1, 2017, along with another discussion on September 25, 2017.

The Subcommittee heard from a number of individuals with experience practicing in business courts, including local practitioners who have litigated cases in such courts: Fulton County Superior Court Chief Business Case Division Judge John Goger; former State Bar President Bill Barwick, who was involved in the formation of that Fulton Court Division; representatives of the Georgia Trial Lawyers Association; Georgians for Lawsuit Reform; as well as the Chief Business Court Judge of the North Carolina Business Court, James Gale, who provided an overview of North Carolina’s court which has been in place since the mid-1990s.

In addition, the Subcommittee was provided and reviewed written materials published by the American Bar Association and others concerning the structure and experience of business courts in other states. The Subcommittee benefitted greatly from these materials, and from hearing directly from those with experience in business courts. Our recommendations have been informed by our review and consideration of this information.

STATEWIDE BUSINESS COURT SUBCOMMITTEE

SUMMARY

The Business Court Subcommittee of the Court Reform Council recommends the constitutional creation of a statewide business court in Georgia. The Georgia Business Court would provide specialized expertise for the adjudication of complex cases, ultimately enhancing litigation of complex matters by providing judicial resources specifically tailored to such cases. Throughout the course of its work, the Business Court Subcommittee has considered the following general framework as it relates to the establishment and practice of a Georgia Business Court.

Creation and Structure of the Georgia Business Court

The Subcommittee recommends this Georgia Business Court (GBC) be established with statewide jurisdiction. Cases could be filed in the superior or state court of any judicial circuit but would be transferred and removed to the GBC based on the jurisdictional requirements discussed herein. Technology and videoconferencing may be used to facilitate remote participation for some matters, such as pre-trial hearings, to reduce travel costs. If, however, a case goes to a jury trial in the GBC, the venue would be subject to current Constitutional requirements and the trial would be held in the filing location.

Transfer/Removal

Litigants seeking to transfer or remove to the GBC would be subject to some temporal limit on when a removal petition could be filed. A party opposing transfer to the GBC may file a petition in opposition seeking to remand a case to the superior or state court in which it was filed. A GBC judge would rule on the issue of proper subject matter for removal/remand to/from the GBC.

Subject Matter Jurisdiction and Appealability

The Business Court Subcommittee proposes limiting the subject matter jurisdiction of the GBC to the following topics:

- Actions brought pursuant to or governed by the Georgia Business Corporation Code, Uniform Partnership Act, Uniform Limited Partnership Act, Revised Uniform Limited Partnership Act, or Limited Liability Company act;
- The Uniform Commercial Code;
- Securities;
- Antitrust;
- Intellectual property;
- Actions arising out of or rooted in E-commerce that meet an amount-in-controversy requirement;
- Cybersecurity;
- Biotechnology;
- The Georgia International Arbitration Act;
- Professional malpractice claims with a duty arising out of a business dispute that do not involve personal injury, subject to an amount in controversy requirement; and,
- Contract or business tort cases, subject to an amount in controversy requirement.

The Committee proposes that decisions of the GBC would be appealable to the Georgia Court of Appeals, consistent with recent statutory changes to the jurisdiction of Georgia's appellate courts.

Judicial Selection and Qualification

Given the purpose of the Business Court—providing judicial resources tailored to the unique needs of complex litigation—the Subcommittee proposes that judges in the GBC be appointed, rather than elected, and have a demonstrable track record of experience in complex litigation practice. An ideal candidate would have at least 15 years of practice in business and/or other complex litigation. Given the experiential requirements of such judges, longer terms of office for the judges may also be necessary.

STATEWIDE BUSINESS COURT SUBCOMMITTEE

BACKGROUND OF THE BUSINESS COURT CONCEPT

The Overall Value and Benefit of a Statewide Business Court

Specialized courts dealing with complex business matters have been in the United States in one form or another as far back as the formation of the Delaware Court of Chancery in 1792 and, in recent years, businesses have associated the increasing complexity of litigation with the need for specialized business courts. Businesses report an increasing lack of predictability of outcome and time required to resolve matters, often due in part to increasing complexity of cases along with increasing time demands on judges. More recently, legislatures have increasingly turned to business courts for these complex business matters—now present in many states.

Delaware remains the “‘godfather’ of business courts” with its Chancery Court, which developed as “the original” business court because corporate governance cases “generally raise the kinds of questions with which equity deals: the duty of disclosure, the duty of good faith, and the like.”⁵

But all business courts offer the distinct advantages of any specialized court:

- (1) Certainty and predictability of outcome – judicial expertise gives business interests the security that their complex business issues will be heard in front of a judge who has substantial familiarity with complex business issues like fiduciary duties, disclosure issues, and duty of care.
- (2) Because of the specialized nature of the courts and the lawyers who practice before it, complex issues can be expedited.
- (3) Specialization, generally, leads to consistent case management and lower costs, with more efficient outcomes.

The creation of a statewide business court in Georgia would promote all these advantages and make Georgia a more attractive and competitive venue for business.

An Overview of Business Courts in Other Jurisdictions

The attached Survey of State Business Courts provides a non-exhaustive survey of subject matters that have been assigned to business courts in other states. Some states, such as New York, focus almost exclusively on commercial matters, for example, even taking jurisdiction over legal malpractice claims only insofar as they arise out of misrepresentation in commercial matters.⁶ Other states, like North Carolina, have sought to use the business court as a venue for developing expertise in other areas in addition to commercial and corporate law, like antitrust law and intellectual property disputes.⁷ South Carolina has also adopted a comprehensive statewide business court, recognizing the need for certainty for new business investment.⁸

⁵ Anne Tucker Nees, *Making a Case for Business Courts: A Survey of and Proposed Framework to Evaluate Business Courts*, 24 GA. ST. U. L. REV. 477, 480-81 (2007).

⁶ Appendix at ix-x.

⁷ *Id.* at iii-iv.

⁸ *Id.* at xi.

The Metro Atlanta Business Case Division

In its recommendation for a statewide business court, the Subcommittee also considered the success of the Fulton County Superior Court Business Case Division (now known as the Metro Atlanta Business Case Division). The Subcommittee reviewed documents and heard from a number of practitioners and judges familiar with the establishment and operation of the Business Case Division, which was authorized by the Supreme Court in 2005 pursuant to Atlanta Judicial Circuit Rule 1004.⁹

The Business Case Division was established as a “pilot program” under Article VI, Section I, Paragraph X of the Georgia Constitution. Currently, the Fulton County Superior Court and the Gwinnett State and Superior Courts have adopted Rule 1004. Cases involving any of the following are eligible to be transferred to the Metro Atlanta Business Case Division: securities, the Uniform Commercial Code, the law governing corporations and other business organizations, and contract and business tort cases and other complex litigation in which the amount in controversy exceeds \$1 million. Cases are assigned to the Business Case Division by either (a) joint request; (b) motion by a party; or (c) request by the assigned state or superior court judge. A committee of the Business Case Division determines whether a case should be transferred to the Division. The Division is partially funded through a \$1,000 transfer fee.¹⁰

Since its inception, the Metro Atlanta Business Case Division has handled nearly 240 cases. The Division is known for its efficient disposition of matters and accessibility of its judges and staff. The Division utilizes case management conferences in the first 30 days after a case is assigned and promptly decides motions and discovery disputes.¹¹ In 2015 and 2016, the average time for disposition of motions was 16 days.¹² Cases assigned to the Business Case Division are also resolved between 50-60% faster than similar, complex cases on the regular docket. Moreover, surveys of practitioners in the Business Case Division reflect high levels of satisfaction by over 80% of those surveyed.¹³

⁹ Atl. Jud. Cir. R. 1004.

¹⁰ *Id.*

¹¹ Metro Atl. Bus. Ct. Report, 4 (2016).

¹² *Id.* at 6.

¹³ Rocco Testani, Testimony to Ga. Bus. Ct. Subcommittee, Nov. 1 2017.

STATEWIDE BUSINESS COURT SUBCOMMITTEE

PROPOSING A STATEWIDE BUSINESS COURT IN GEORGIA

Constitutional Considerations

Article VI of the Georgia Constitution sets forth the classes and duties of Georgia's various courts – magistrate courts, probate courts, juvenile courts, state courts, superior courts, Court of Appeals, and Supreme Court. Amending Article VI would therefore be required to formally establish a Business Court in the Georgia judiciary. Article VI, Section I, Paragraph X, however, also contains an “[a]uthorization for pilot projects” that grants the General Assembly the power to enact pilot projects of limited duration to establish different courts. It is possible that the Business Court could be enacted as a limited-duration pilot project pursuant to Article VI, Section I, Paragraph X. As a practical matter, the General Assembly's pilot-project authority requires a two-thirds majority in each house, so a proper constitutional amendment would not require significantly more political effort and could provide more stability for the long-term success of the Business Court.

The following paragraphs in Article VI will likely be affected and need to be amended to create constitutional authority for the proposed Business Court:

Section I, Paragraph I – “Business Court” to be added to the list of “classes of courts.”

Section I, Paragraph IV – “Business Court” could be added to the list of courts that may grant new trials, but even absent amendment, a newly created Business Court should be captured within the catch-all “other courts of record” language in that paragraph.

Section I, Paragraph V – In order to provide time for legislation and rules to be enacted, add “The provisions of this Paragraph, as they relate to the Business Court, shall be effected by law within 24 months of the effective date of this Amendment.”

Section II, New Paragraph IX – This section covers venue in Georgia. It should be amended to add a new paragraph covering the shifting venue proposal for the Business Court. *E.g.*, “All cases properly before the Business Court may have all pre-trial proceedings in the County prescribed by legislation and rules relating to the Business Court. Trial in Business Court cases will be in the county otherwise required by this Section.”

Section III, Paragraph I – Amend this section to add the Business Court to a class of court of limited jurisdiction.

* The amendment could either note the Business Court's jurisdiction will be established “as provided by law” to allow the General Assembly to create jurisdiction, or jurisdictional constraints could be set forth in a new detailed Paragraph II.

* To the extent the proposal will be for Business Court decisions to be binding on other lower Georgia courts, the following paragraph would need to be added: “The decisions of the Business Court insofar as not in conflict with those of the Court of Appeals or Supreme Court shall bind all courts except the Court of Appeals and Supreme Court as precedents.”

* To the extent the proposal would reflect that the Business Court can certify questions to the Supreme Court, add a paragraph setting forth that authority: “The Business Court may certify a question to the Supreme Court for instruction, to which it shall then be bound.”

Section VII, Paragraph I – Section VII will need to be amended to reflect the selection of Business Court judges (Paragraph I), the minimum qualifications for Business Court judges (Paragraph II), and if vacancies will be filled by some method other than appointment by the Governor, set forth that method (Paragraph III).

Creation and Structure

Recommendation- The Subcommittee recommends this Georgia Business Court (GBC) be established with statewide jurisdiction. Cases could be filed in the superior or state court of any judicial circuit but would be transferred and removed to the GBC discussed herein. Technology and videoconferencing may be used to facilitate remote participation for these matters to reduce travel costs. If, however, a case goes to a jury trial in the GBC, the venue would be subject to current constitutional requirements and the trial would be held in the filing location.

Option 1: A business court with statewide jurisdiction based in Atlanta, similar to Georgia’s statewide appellate courts.

Option 2: A business court with statewide jurisdiction based in various regions of the state, similar to Georgia’s federal courts.

Analysis: The benefit of having a business court based in one location would likely limit the general expense of managing the court’s operations. Precedent exists for establishing a court of statewide jurisdiction in one central location. As noted above, video technology would be available for pre-trial matters to further limit expense, and any necessary jury trial would be held in the original filing location. The benefit of having the business court located in multiple regions across the state would be ease of access for parties located outside of the metro-Atlanta area, this model would closely resemble Georgia’s federal court model. Business court geographic organizational structures differ amongst other states. Florida, for example, has three business courts, each of which are located in different state trial court circuits.¹⁴ North Carolina, on the other hand, has four regional business court locations that have equal jurisdictional reach.¹⁵ Finally, states like Delaware have statewide jurisdiction in one central location, via the Delaware Court of Chancery.¹⁶

Transfer/Removal

Recommendation: Litigants seeking to transfer or remove to the GBC would be subject to some temporal limit on when a removal petition could be filed. A party opposing transfer to the GBC may file a petition in opposition seeking to remand a case to the superior or state court in which it was filed. A GBC judge would rule on the issue of proper subject matter for removal/remand to/from the GBC.

Options for Implementation: The Subcommittee considered several procedural options for transferring/removing a case to the GBC. First, litigants seeking to transfer or remove their case to the GBC could file a petition to do so with the GBC, notifying the superior or state court in which the case was filed. A

¹⁴ Appendix v-vi.

¹⁵ *Id.* iii-iv

¹⁶ *Supra* n. 1 at 479-82

party opposing removal would then be able to petition the GBC to remand the case. The Subcommittee also discussed at length the ability to partition trial when necessary. For instance, if an ancillary issue of fact arose that could be adjudicated fairly quickly by a state or superior court, perhaps the Court could send that single issue to trial with a judge in the original filing location. However, when the central or dispositive issue is due for trial, the GBC judge's familiarity with the matter may make it necessary for that judge to preside over the case in the proper venue. Finally, an additional consideration is the remand of cases back to a state or superior court once issues necessitating the transfer of the case to the GBC are resolved. The Subcommittee found merit to the various options but has chosen to defer to the will of the General Assembly on these matters of implementation.

Subject Matter Jurisdiction and Appeal

Subject matter jurisdictional formats vary throughout the states. A common model, such as New York's Commercial Division, requires a specific jurisdictional amount in controversy and provides a defined list of subject matter jurisdictional parameters.¹⁷ A defined, objective model such as this would provide for easier predictability but likely less flexibility to account for varying factual scenarios that may arise in the business context.

Another format, the complex business model used by New Jersey, requires some form of business, technology, or commercial dispute while additionally requiring the satisfaction of "complexity" standards according to a list of factors that are decided by a judge.¹⁸ This format is more subjective, providing judges greater discretion in managing the dockets while possibly reducing predictability for litigants.

The Subcommittee recommends a mixture of North Carolina's and Georgia's Fulton County business courts. North Carolina's model combines the objectivity and predictability of a defined list of parameters with the subjectivity and flexibility in determining "complexity" standards.¹⁹ Additionally, the Subcommittee proposes an amount in controversy requirement as another jurisdictional gatekeeper for the GBC.

Recommendation: The Business Court Subcommittee proposes limiting the subject matter jurisdiction of the GBC to the following topics:

- Actions brought pursuant to or governed by the Georgia Business Corporation Code, Uniform Partnership Act, Uniform Limited Partnership Act, Revised Uniform Limited Partnership Act, or Limited Liability Company Act;
- The Uniform Commercial Code;
- Securities;
- Antitrust;
- Intellectual property;
- Actions arising out of or rooted in E-commerce that meet an amount-in-controversy requirement;
- Cybersecurity;
- Biotechnology;
- The Georgia International Arbitration Act;
- Professional malpractice claims with a duty arising out of a business dispute that do not involve personal injury, subject to an amount in controversy requirement; and,
- Contract or business tort cases subject to an amount in controversy requirement.

¹⁷ Appendix at ix.

¹⁸ Appendix at ix.

¹⁹ Appendix iii-iv.

The Subcommittee proposes that decisions of the GBC would be appealable to the Georgia Court of Appeals, consistent with recent statutory changes to the jurisdiction of Georgia's appellate courts.

Options Regarding Amount in Controversy: The Subcommittee considered at length the need for an amount-in-controversy requirement for certain subject matters. In doing so, the Subcommittee reviewed various state business court amount-in-controversy requirements which ranged from as little as \$15,000 to as high as \$1 million. As such, the Subcommittee wishes to defer on selecting a specific amount but acknowledge the need of an amount-in-controversy for certain topics.

Judicial Selection and Qualification

Recommendation: Given the purpose of the Business Court—providing judicial resources tailored to the unique needs of complex litigation—the Subcommittee proposes that judges in the GBC be appointed, rather than elected, and have a demonstrable track record of experience in complex litigation practice. An ideal candidate would have at least 15 years of practice in business and/or other complex litigation. Given the experiential requirements of such judges, longer terms of office for the judges may also be necessary.

SOVEREIGN IMMUNITY SUBCOMMITTEE

SOVEREIGN IMMUNITY SUBCOMMITTEE

INTRODUCTION

Members of the Sovereign Immunity Subcommittee

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Dennis T. Cathey, Esq.	Member, Cathey & Strain, LLC
Hon. Christian Coomer	Majority Whip, Georgia House of Representatives
Hon. Bill Cowsert	Majority Leader, Georgia State Senate
Hon. Asha Jackson	Judge, Superior Court of the Stone Mountain Judicial Circuit
Carey Miller	Executive Counsel (Incoming), Office of Governor Nathan Deal
Hon. Mary Margaret Oliver	Georgia House of Representatives
David Werner	Executive Counsel (Outgoing), Office of Governor Nathan Deal

The Sovereign Immunity Subcommittee was formed to examine the effect of the State’s sovereign immunity—a constitutional doctrine—on the availability of certain types of lawsuits in Georgia. Discussion of sovereign immunity has become increasingly prevalent in the wake of (among other things): (1) *Georgia Department of Natural Resources v. Center for a Sustainable Coast, Inc.*, a Georgia Supreme Court case decided in 2014; (2) House Bill 59, legislation pertaining to sovereign immunity, passed in 2015 but vetoed in 2016 (2016 Ga. Laws 380A); and (3) *Lathrop v. Deal*, another sovereign immunity case pending before the Georgia Supreme Court in 2016 (before the creation of this Subcommittee) and decided in 2017.

The Subcommittee identified two primary goals for its work as part of the Council:

- (1) **Identify issues related to the State’s sovereign immunity that should be reviewed to “achieve best practices for the administration of justice” as set forth in the Governor’s Executive Order.** A common theme discussed among Subcommittee members was that “the administration of justice” may be served by seeking clarity and certainty as it pertains to the scope of the State’s sovereign immunity, and as to the availability of certain types of legal remedies against the State.
- (2) **Offer the Governor a range of potential options for actions that he, the General Assembly, and/or the people of Georgia could undertake related to the State’s sovereign immunity.**

SOVEREIGN IMMUNITY SUBCOMMITTEE

HISTORY OF SOVEREIGN IMMUNITY IN GEORGIA

To better understand the context of the Subcommittee's discussions, as well as its ultimate recommendations, some background on Georgia's sovereign immunity doctrine is necessary.

The doctrine of sovereign immunity traditionally embodies the proposition that the State "[can]not, without its own express consent, be subjected to an action of any kind."²⁰ Although sovereign immunity is commonly understood to protect primarily the "public purse," the doctrine at common law also barred suits against the State that did not seek money damages, such as those for injunctive or other equitable relief.²¹

Sovereign immunity existed as a common-law doctrine in Georgia for almost 200 years—from 1784 until 1974. In 1974, the people of Georgia ratified an amendment to their Constitution, elevating sovereign immunity from a common-law doctrine to a constitutional doctrine.²² That amendment "provided that sovereign immunity was expressly reserved and could only be waived by our Constitution or legislature," and because of it, "the courts no longer had the authority to abrogate or modify the doctrine, as they had when sovereign immunity was a product of the common law rather than constitutional law."²³

When the 1983 Georgia Constitution was later ratified, the provision on sovereign immunity was revised so that "the State had the power to waive sovereign immunity for damages claims for which liability insurance existed, up to the extent of any insurance coverage."²⁴ This represented a shift from the 1974 amendment, which expressly reserved waiver of sovereign immunity to the legislature.²⁵

²⁰ *Lathrop v. Deal*, 301 Ga. 408, 412 (2017) (quoting *Peebles v. Byrd*, 98 Ga. 688, 693-94 (1896)).

²¹ See *Lathrop*, 301 Ga. at 412-13.

²² See *Ga. Dep't of Nat. Res. v. Ctr. for a Sustainable Coast, Inc.*, 294 Ga. 593, 597 (2014).

²³ *Id.*

²⁴ *Id.* at 598.

²⁵ See *id.*

SOVEREIGN IMMUNITY SUBCOMMITTEE

1991 CONSTITUTIONAL AMENDMENT

In 1991, a new sovereign immunity amendment was ratified, thus amending the 1983 Constitution.

The 1991 Amendment did four main things: it (1) enabled the General Assembly to pass a waiver of the State's sovereign immunity through a state Tort Claims Act (Art. I, Sec. II, Para. IX(a)); (2) waived the State's sovereign immunity for suits against the State for breach of written contract (Art. I, Sec. II, Para. IX(c)); (3) constitutionalized the traditional common-law doctrine of official immunity (Art. I, Sec. II, Para. IX(d)); and (4) revised the constitutional doctrine of state sovereign immunity (Art. I, Sec. II, Para. IX(e)).²⁶

Article I, Section II, Paragraph IX(e) sets the parameters of the State's sovereign immunity:

(e) Except as specifically provided in this Paragraph, sovereign immunity extends to the state and all of its departments and agencies. The sovereign immunity of the state and its departments and agencies can only be waived by an Act of the General Assembly which specifically provides that sovereign immunity is thereby waived and the extent of such waiver.

Thus, the 1991 Amendment—the most recent constitutional treatment of sovereign immunity—“restored to the legislature the exclusive power to waive sovereign immunity.”²⁷

²⁶ See 1983 GA. CONST. Art. I, Sec. II, Para. IX(a)-(e) (amended 1991).

²⁷ *Sustainable Coast*, 294 Ga. at 598.

SOVEREIGN IMMUNITY SUBCOMMITTEE

SUSTAINABLE COAST AND OTHER RECENT DECISIONS

In 2014, the Georgia Supreme Court decided *Sustainable Coast*. The Court held that “the plain language of Paragraph IX(e) explicitly bars suits against the State or its officers and employees sued in their official capacities, until and unless sovereign immunity has been waived by the General Assembly,” and that “exceptions” to sovereign immunity were not permitted—even for “suits seeking injunctive relief to restrain an illegal act.”²⁸

Cases following *Sustainable Coast* further established the contours of the State’s sovereign immunity under Paragraph IX(e). For example, in *Olvera v. University System of Georgia’s Board of Regents* (2016), the Georgia Supreme Court held that sovereign immunity bars suits for declaratory relief against the State or its departments or agencies.²⁹ And in *TDGA, LLC v. CBIRA, LLC* (2016), the Court “concluded that sovereign immunity extends as well to conventional quiet title actions.”³⁰

Although the Georgia Supreme Court decided cases examining the effect of sovereign immunity on suits for declaratory and injunctive relief against the State for alleged statutory and common-law violations, it did not have “occasion to consider whether the doctrine of sovereign immunity extends to claims for injunctive or declaratory relief that rest upon *constitutional grounds*.”³¹

²⁸ *Id.* at 599 (overruling *Int’l Bus. Machines Corp. v. Evans*, 265 Ga. 215, 216 (1995)).

²⁹ *Olvera v. Univ. Sys. of Ga.’s Bd. of Regents*, 298 Ga. 425, 428 n.4 (2016).

³⁰ See *Lathrop*, 301 Ga. at 425 n.19 (citing *TDGA, LLC v. CBIRA, LLC*, 298 Ga. 510, 511-12 (2016)). The Court held, however, that “in rem actions for quiet title . . . are not barred by sovereign immunity.” *TDGA*, 298 Ga. at 510.

It is also worth noting that during the 2015-2016 legislative sessions, the General Assembly passed House Bill 59, a legislative waiver to the State’s sovereign immunity for a number of types of suits, including but not limited to suits for injunctive and declaratory relief. See <http://www.legis.ga.gov/legislation/en-US/Display/20152016/HB/59>.

Governor Deal vetoed H.B. 59 on May 3, 2016, noting that “HB 59 creates a blanket waiver of sovereign immunity, with limited exceptions, as to claims seeking a declaratory judgment or injunctive relief against the state and local governments” and that “the waiver of sovereign immunity contained [in HB 59] is not sufficiently limited.” See <https://gov.georgia.gov/press-releases/2016-05-03/deal-issues-2016-veto-statements>.

³¹ *Lathrop*, 301 Ga. at 408-09 (emphasis added).

SOVEREIGN IMMUNITY SUBCOMMITTEE

LATHROP V. DEAL

In early 2017, the Georgia Supreme Court was “confronted squarely with that question” in *Lathrop v. Deal*.³² In that case, three physicians sued State officials for declaratory and injunctive relief, alleging that House Bill 954—which “concerns medical procedures for the termination of pregnancies”—violated their patients’ rights under the Georgia Constitution.³³

Faced with the question of whether sovereign immunity, as set forth in Paragraph IX(e) of the Georgia Constitution, prohibited a suit for injunctive or declaratory relief premised on alleged constitutional violations, the Court held that **“the doctrine of sovereign immunity extends generally to suits against the State, its departments and agencies, and its officers in their official capacities for injunctive and declaratory relief from official acts that are alleged to be unconstitutional.”**³⁴

The Court thus confirmed that sovereign immunity in Georgia is a constitutional doctrine that generally bars suits against the State—even for alleged constitutional violations—absent an express waiver by the General Assembly.

Importantly, however, the *Lathrop* Court “recognize[d] the availability of other means by which aggrieved citizens may obtain relief from unconstitutional acts, including prospective relief from the threatened enforcement of unconstitutional laws.”³⁵ The Court emphasized that immunity would generally bar “retrospective relief—monetary damages and other relief for wrongs already done and injuries already sustained”—against state officers and employees in their individual capacities.³⁶ But the Court noted that plaintiffs may be able to obtain relief by suing state officers “in their *individual capacities*” because the doctrine of *official immunity*³⁷ (as opposed to sovereign immunity) **“generally is no bar to claims against state officers in their individual capacities for injunctive and declaratory relief from the enforcement of laws that are alleged to be unconstitutional, so long as the injunctive and declaratory relief is only prospective in nature.”**³⁸

Lathrop v. Deal, which was decided while this Subcommittee was already engaged in its work for the Court Reform Council, confirmed the breadth and strength of the State’s sovereign immunity under the 1991 Amendment. But it also left open a potential avenue for litigants to seek prospective declaratory or injunctive relief from the enforcement of allegedly unconstitutional laws—so long as the litigants sought relief against

³² *Id.* at 408-09.

³³ *Id.* at 409; see O.C.G.A. § 31-9B-2.

³⁴ *Lathrop*, 301 Ga. at 409 (emphasis added).

³⁵ *Id.*

³⁶ *Id.* at 434.

³⁷ In Georgia, official immunity, like sovereign immunity, is a constitutional doctrine. However, official immunity—unlike sovereign immunity—applies to state officers and employees individually, and not to state departments and agencies. Official immunity is set forth in Article I, Section II, Paragraph IX(d) of the 1983 Constitution (amended 1991):

“(d) Except as specifically provided by the General Assembly in a State Tort Claims Act, all officers and employees of the state or its departments and agencies may be subject to suit and may be liable for injuries and damages caused by the negligent performance of, or negligent failure to perform, their ministerial functions and may be liable for injuries and damages if they act with actual malice or with actual intent to cause injury in the performance of their official functions. Except as provided in this subparagraph, officers and employees of the state or its departments and agencies shall not be subject to suit or liability, and no judgment shall be entered against them, for the performance or nonperformance of their official functions. The provisions of this subparagraph shall not be waived.”

³⁸ *Lathrop*, 301 Ga. at 434-35 (emphasis added).

state officers and employees in their *individual* capacities and not in their *official* capacities.³⁹ Even so, questions remain about the availability, practicality, and viability of the type of individual suits described in *Lathrop*, and whether immunities (such as sovereign or official) could still bar such actions.⁴⁰

³⁹ Suits against State officers or employees in their official capacities are treated as suits against the State and are therefore barred by sovereign immunity. *See id.* at 424 (“In *Sustainable Coast*, we reaffirmed that the doctrine of sovereign immunity bars suits against the State, its departments and agencies, and its officers in their official capacities for injunctive relief.”).

⁴⁰ For example, the Court “recognize[d] the availability of other means by which aggrieved citizens *may* obtain relief”—but if such relief is not, in fact, available, it is not clear how aggrieved citizens could obtain relief from “the threatened enforcement of unconstitutional laws.” *See Lathrop*, 301 Ga. at 409 (emphasis added).

SOVEREIGN IMMUNITY SUBCOMMITTEE

POTENTIAL PATHS FORWARD

The Subcommittee offers the following potential paths forward for Governor Deal's consideration.

- **Constitutional Amendment**
- **Legislation**
- **A Combination Approach**
- **No Action**

Constitutional Amendment

To the extent there is a desire to modify Georgia's constitutional doctrine of sovereign immunity, one obvious path would be modifying the Georgia Constitution—and in particular, the 1991 Amendment pertaining to sovereign immunity.⁴¹ Although amending the Constitution is a direct means of addressing sovereign immunity, it is not the most efficient.

First, the Subcommittee did not identify a desire to re-work the 1991 Amendment, and many members acknowledged that changing even a few words or phrases in the Amendment could have far-reaching and unforeseen consequences.

Second, achieving consensus on a proposed Amendment—let alone securing ratification of the Amendment⁴²—would be a complex and difficult endeavor.

For those reasons, the Subcommittee acknowledges that changes may be made to Georgia's sovereign immunity doctrine via constitutional amendment, but does not view that option as preferred.

Legislation

Another way to modify the State's sovereign immunity is by legislation. That is because the Georgia Constitution gives the General Assembly the power to waive "[t]he sovereign immunity of the state and its departments and agencies" by legislation, so long as the "Act of the General Assembly . . . specifically provides that sovereign immunity is thereby waived and the extent of such waiver." GA. CONST. Art. I, Sec. II, Para. IX(e). Addressing the State's sovereign immunity through legislation is the option that garnered the most interest and support from the diverse stakeholders represented on the Subcommittee.

⁴¹ As the Georgia Supreme Court has repeatedly acknowledged, the two ways to effectuate a waiver of the State's sovereign immunity are by legislative waiver or by the text of the Georgia Constitution itself waiving the State's sovereign immunity. *See, e.g., id.* at 444 ("The constitutional doctrine of sovereign immunity bars any suit against the State to which it has not given its consent . . . If the consent of the State is to be found, it must be found in the constitution itself or the statutory law.").

⁴² There are two ways to propose an amendment to the Georgia Constitution: (1) through a proposal submitted by the General Assembly or (2) by a constitutional convention. *See* GA. CONST. Art. X, Sec. I, Para. I.

For the General Assembly to propose an amendment, the proposal must originate as a resolution by either the House or Senate, and two-thirds of each chamber must approve the proposal. GA. CONST. Art. X, Sec. I, Para. II. To amend the Constitution via a Constitutional Convention, two-thirds of the House and two-thirds of the Senate must call for a convention. GA. CONST. Art. X, Sec. I, Para. IV. At the convention, the representatives vote on whether to propose the amendment to the people of Georgia. *Id.*

If the proposed amendment passes through either method, then the State must hold a popular vote on the proposed amendment. *See* GA. CONST. Art. X, Sec. I, Para. II. A proposed amendment becomes ratified if it receives a majority vote. *Id.*

Why a Legislative Solution?

Unlike the constitutional amendment option, passing legislation does not require ratification. Equally important, the framers of the Georgia Constitution (and the drafters of the 1991 Amendment) expressly contemplated legislative waiver and Paragraph IX(e) permits the General Assembly to waive the State's sovereign immunity.

What Would a Legislative Solution Accomplish?

The Subcommittee spent time exploring, and expressed enthusiasm for, a potential legislative option that addresses an issue left open in *Lathrop*: the viability of suits against state officers or employees in their *individual* (as opposed to official) capacities for injunctive and declaratory relief from the enforcement of allegedly unconstitutional laws.⁴³

Given the *Lathrop* Court's affirmation of the strength of the State's sovereign immunity, and in light of the questions remaining in the wake of that decision, the Subcommittee focused attention on the possibility of passing a narrow and limited waiver of the State's sovereign immunity pursuant to Article I, Section II, Paragraph IX(e) of the Constitution. That limited waiver would in effect "replace" the possibility of *individual* suits against state officers and employees for the purpose of seeking to enjoin enforcement of allegedly unconstitutional laws in the future, or for seeking prospective declaratory relief as to such laws.

Why Replace Individual Capacity Suits With A Narrow Waiver of State Sovereign Immunity?

The Subcommittee identified a number of reasons why it would be preferable to be able to sue the State (as opposed to state officers or employees in their individual capacities) to obtain "prospective relief from the threatened enforcement of unconstitutional laws."⁴⁴ The reasons include:

- Unwillingness to subject state officers and employees to suits individually for the enforcement of allegedly unconstitutional laws, because state officers and employees have no authority to enforce laws apart from their employment with the State.
- Concern that officers and employees subjected to individual-capacity suits—even if only for prospective injunctive and declaratory relief—could suffer personal consequences, including financial ramifications.
- Concern that subjecting officers and employees to individual-capacity suits could deter otherwise qualified and interested Georgians from entering public service.
- Concern that individual-capacity suits are less convenient for plaintiffs than a suit against the State, given (for example) personnel changes that may occur in a given office over time, and that such suits may not "run" to an officer's or employee's successor.⁴⁵

⁴³ There is also some question about whether these types of individual-capacity suits could, in some circumstances, be barred by state sovereign immunity. To that end, the *Lathrop* court noted that "the doctrine of sovereign immunity at common law was broad enough to bar some suits against public officers in their individual capacities, although only to the extent that the State itself could be said to be the real party in interest." *Lathrop*, 301 Ga. At 413-14.

⁴⁴ *Id.* at 409.

⁴⁵ See, e.g., *id.* at 444 n.32 (acknowledging plaintiffs' concerns about individual-capacity suits against state officers and employees).

*How Would A Legislative Solution Work?***1. Pass a narrow legislative waiver of the State’s sovereign immunity that mirrors the type of suit contemplated against individual state officers and employees in *Lathrop*.**

The proposed waiver would not create a private right of action, but would simply make clear that the State’s sovereign immunity does not bar suits against the State for prospective injunctive or declaratory relief to prevent enforcement of allegedly unconstitutional laws.

To ensure that the proposed waiver does not abrogate any of the other protections outlined in the Georgia Constitution, we recommend framing the legislative waiver in the negative (for example: “Sovereign immunity shall not bar...”). We also recommend that the legislative waiver explicitly state that waiver of the State’s sovereign immunity in this narrow context does not extend to (and thus sovereign immunity would still bar) any actions against the State for monetary relief and actions against the State seeking relief for past alleged wrongs. It should also include caveat language that makes clear that the waiver does not create a new private right of action or disturb any other prerequisites to or limitations on relief, including but not limited to jurisdictional requirements, standing, statutory notice to the Attorney General, exhaustion of administrative remedies in the APA and elsewhere, and existence of adequate remedies at law.

Although such a waiver would be narrow in scope, its passage would meaningfully change the status quo by permitting certain suits for injunctive and declaratory relief against the State that are otherwise barred under the constitutional doctrine of sovereign immunity. Most importantly, it would provide procedural certainty for citizens seeking injunctive or declaratory relief with respect to an allegedly unconstitutional law.

2. Concurrently pass legislation prohibiting suits against state officers or employees in their individual capacities for “official acts that are alleged to be unconstitutional . . . including prospective relief from the threatened enforcement of unconstitutional laws.”⁴⁶

This aspect of a potential legislative solution would help to ensure that state officers and employees not be sued in their individual capacities for the type of suit that the proposed legislative waiver would permit against the State. Passing a narrow legislative waiver for certain types of suits against the State would not serve its full purpose (as outlined above) if the General Assembly did not prevent the same type of suits against individual state officers and employees.

The Georgia Tort Claims Act—itself a legislative waiver of the State’s sovereign immunity—provides helpful language as an example. *See* O.C.G.A. § 50-21-25(b) (“A person bringing an action against the state under the provisions of this article must name as a party defendant only the state government entity for which the state officer or employee was acting and shall not name the state officer or employee individually.”). Similar language could be used as part of this proposed legislative package.

3. As part of the same legislation, include substitution of a State department or agency for officers and employees sued in their individual capacities.

The Subcommittee also recommends that any proposed legislation include a substitution provision that, by operation of law, substitutes the relevant state entity as the defendant if a plaintiff names as a defendant a state officer or employee in his or her individual capacity (notwithstanding the legislative direction against suing state officers or employees for these types of cases). The Georgia Tort Claims Act is also a helpful example on this point. It states: “In the event that the state officer or employee is individually named for an act or omission

⁴⁶ *See, e.g., id.* at 409.

for which the state is liable under this article, the state government entity for which the state officer or employee was acting must be substituted as the party defendant.” O.C.G.A. § 50-21-25(b). Passing similar language would ensure that any legislative waiver permitting certain types of suits against the State would in fact result in suits against the State and not against individual officers and employees.

4. Ensure that the legislation contains other key features.

Any proposed legislation should ensure that persons or entities seeking to avail themselves of the proposed waiver of the State’s sovereign immunity otherwise have legal standing to file suit against the State. In other words, the passage of a narrow waiver of the State’s sovereign immunity does not—and should not be construed to—confer legal standing on a party if that party has not suffered a cognizable injury or otherwise met the requirements for legal standing under applicable state and federal law.

The Subcommittee also discussed and favored including a jurisdictional *ante litem* notice (or a notice of intent to sue)—which requires a plaintiff to notify the State of its intent to sue before filing an action—similar to the one contained in the Georgia Tort Claims Act. Requiring such a notice would create a uniform process for filing this type of suit against the State, thus standardizing the process for plaintiffs and ensuring that the State is placed on notice of forthcoming suits. It could also give the State an opportunity to resolve claims prior to suit.

Finally, other considerations should be made if proposed legislation is drafted. For example, the Subcommittee recommends:

- Ensuring that any waiver of the State’s sovereign immunity for injunctive relief regarding allegedly unconstitutional statutes does not expand other waivers.
- Encouraging the General Assembly to include express statutory language to make clear its intent to waive the State’s sovereign immunity in any intended legislative waiver, and by contrast to include statutory language in other statutes disclaiming its intent to waive the State’s sovereign immunity when that is the General Assembly’s intent. This could be helpful for any later judicial review.
- Ensuring that any legislation considers the effect of—and aims to prevent—claim-splitting without application of preclusive effects.
- Clarify that any waiver affects only the State’s sovereign immunity in Georgia courts and does not waive any immunity with respect to actions brought in courts of the United States.

The Subcommittee also recognizes that, as with any proposed path forward, there are potential drawbacks to a legislative solution as well. For example, the Department of Administrative Services (DOAS) does not insure the defense of cases for declaratory or injunctive relief against the State. Thus, cost of defense should be considered as it pertains to any waiver of the State’s sovereign immunity for injunctive or declaratory relief. Similarly, we recommend considering whether suits for prospective declaratory or injunctive relief for which the State waives sovereign immunity should be eligible for awards of attorneys’ fees or other costs against the State.

Combination Approach

The options set forth in this report do not need to be considered or implemented in isolation. To that end, another approach to addressing state sovereign immunity would be to adopt some combination of the options explored in this report.

No Action

The Subcommittee discussed whether to include “no action” as a potential path forward. Taking no action is a more viable path because the *Lathrop* decision has provided more clarity about the scope of the State’s sovereign immunity, but as explained above, uncertainties remain about the availability of other types of suits in the wake of that decision. Although no Subcommittee members endorsed “no action” as a preferred recommendation, many members agreed that the Subcommittee should acknowledge that taking no action is one viable option among many. For that reason, a “no action” option is included here.

SOVEREIGN IMMUNITY SUBCOMMITTEE

OTHER POTENTIAL ISSUES AND ACTIONS

Conventional Quiet Title Actions

One member of the public who attended a Subcommittee meeting explained that sovereign immunity bars conventional quiet title actions for tax deeds under O.C.G.A. § 23-3-44, whereas “quiet title against the world” generally is not barred by sovereign immunity.⁴⁷ Because “quiet title against the world” is a more complicated and expensive legal process that is not always necessary for conventional actions, a request was made to consider passing a legislative waiver of the State’s sovereign immunity within O.C.G.A. § 23-3-44 (“Removing cloud on title caused by equity of redemption following tax sale”).

Sovereign Immunity for Municipalities

The Subcommittee also discussed whether political subdivisions of the State—such as counties or municipalities—enjoy the same sovereign immunity as the State when sued for declaratory or injunctive relief.⁴⁸ To that end, the Subcommittee discussed whether any legislative proposal should expressly delineate which political subdivisions of the State were included in any waiver of immunity.

The Subcommittee ultimately acknowledged, however, that the sovereign immunity enjoyed by counties and municipalities is derived from different portions of the Georgia Constitution and Georgia Code. The Georgia Constitution treats counties as a part of the State; counties are therefore protected by sovereign immunity.⁴⁹ By contrast, municipalities receive immunity only as provided for by the General Assembly.⁵⁰

Given these potential differences, the Subcommittee concluded that the best course for any proposed legislative waiver would be to refer only to the State, and not to delineate other political subdivisions. At the same time, the Subcommittee recommends considering the potential effect of a legislative waiver on counties and municipalities, and further considering whether those effects may warrant additional legislative action now or in the future.

Conduct vs. Acts

In explaining that constitutional official immunity may not bar certain types of claims against state officers or employees in their individual capacities, the Georgia Supreme Court in *Lathrop* explained that “official immunity generally is no bar to claims against state officers in their individual capacities for injunctive and declaratory relief *from the enforcement of laws that are alleged to be unconstitutional*, so long as the injunctive and declaratory relief is only prospective in nature.”⁵¹

There was some discussion among Subcommittee members about whether any proposed legislative waiver of the State’s sovereign immunity should extend beyond prospective injunctive and declaratory relief pertaining to allegedly unconstitutional *laws* to also waive sovereign immunity with respect to claims alleging

⁴⁷ See, e.g., *TDGA, LLC v. CBIRA, LLC*, 298 Ga. 510, 510 (2016).

⁴⁸ An example is whether counties or cities may validly assert sovereign immunity if a citizen sues for prospective injunctive or declaratory relief for an allegedly unconstitutional law or ordinance.

⁴⁹ See GA. CONST. Art. I, Sec. II, Para. IX(e); *Columbus Consol. Gov’t v. Woody*, 342 Ga. App. 233, 233 (2017) (“Sovereign immunity extends to the county and can only be waived by a legislative act of the General Assembly specifically providing for the waiver and its extent.”).

⁵⁰ See GA. CONST. Art. IX, Sec. II, Para. IX; see, e.g., O.C.G.A. § 36-33-1.

⁵¹ *Lathrop*, 301 Ga. at 434-35 (emphasis added).

unconstitutional *conduct* (beyond the enforcement of allegedly unconstitutional laws). The Subcommittee agreed that although this question may be worthy of examination in the future, it is not central to the legislative option proposed in this Report. Indeed, there was some concern that extending a proposed waiver of the State's sovereign immunity beyond the narrow context discussed here could result in the same overbreadth issue that may have led to the demise of H.B. 59. See 2016 Veto Statement, *supra* n. 30 (“[T]he waiver of sovereign immunity contained therein is not sufficiently limited”).

Executive Orders and Other Actions Not Covered By O.C.G.A. § 50-13-10

Also raised was whether the General Assembly should consider passing a legislative waiver of the State's sovereign immunity to permit suits challenging the constitutionality of Executive actions and orders. Although this suggestion falls outside the scope of the *Lathrop* paradigm—insofar as it extends beyond challenges to *laws*—it aligns with the idea that citizens may want additional and viable legal avenues to challenge the constitutionality of government acts and actions. In considering this possibility, we recommend evaluating the need (if any) for legislative waivers to Executive actions and orders not already covered by O.C.G.A. § 50-13-10(a), which allows for declaratory judgments pertaining to the “validity of any rule, waiver, or variance” in certain contexts. Additionally, the key aspects and limitations mentioned above in Subsection 4 should also be considered.

12/5/2017

State Bar of Georgia Consolidated Revenues and Expenditures as of September 30, 2017
Operations and Bar Center

Activity	2017-18 Net Dues	Actual YTD 2017-18				Budget 2017-18	
		# Memb.	Amount	% of Bud		# Memb.	Amount
Active	\$250	38,050	\$9,501,638	98.3%		39,000	\$9,668,750
Inactive	\$125	8,661	\$1,090,571	96.7%		8,992	\$1,127,750
Associates	\$100	13	\$1,300	65.0%		20	\$2,000
Foreign Legal Cnsit	\$250	6	\$1,500	75.0%		8	\$2,000
Students	\$0	195	\$0	0.0%		170	\$0
Emeritus	\$0	2,036	\$0	0.0%		1,840	\$0
Late Fees			\$200,930	80.4%			\$250,000
Prior Years Dues			\$3,379	56.3%			\$6,000
Total License & Dues		48,961	\$10,799,318	97.7%		48,190	\$11,056,500
Bar Center Revenue			\$779,434	19.8%			\$3,941,104
Alloc. Section Fees			\$196,015	100.0%			\$196,015
CSF Expense Reimb.			\$18,250	25.0%			\$73,000
Advertising & Sales			\$10,462	11.2%			\$93,700
Membership Income			\$32,442	24.9%			\$130,030
Interest Income			\$12,646	16.9%			\$75,000
Miscellaneous			\$22	0.9%			\$2,500
Total Revenue			\$11,848,589	76.1%			\$15,567,849
Total Expenses			\$3,876,111	23.8%			\$16,285,633
Net Gain (Loss)			\$7,972,478				(\$717,784)

State Bar Reserves

Board Designated Reserves

Operating Reserve	\$2,750,000
Bar Center Reserve	2,000,000
Litigation Reserve	300,000
Cornerstones of Freedom	600,000

Total Designated Reserves \$5,650,000

Surplus (Cash Basis) 6/30/17 (subject to audit)

Operations	(\$4,575,040)
Bar Center	\$9,796,394
Total Surplus	<u><u>\$5,221,354</u></u>

Total Reserves \$10,871,354

State Bar of Georgia
Summary of Dues and Voluntary Contributions
At October 31

Total Number of Members at
Apr 30 of prev Bar year (active and inactive)

	Dues Season April 2017 - April 2018	Dues Season May 2016- April 2017	Dues Season May 2015 - April 2016
Dues			
Active - Number Paid	38,182	37,556	36,919
Inactive - Number Paid	8,762	8,750	8,654
Total Number Paid	46,944	46,306	45,573
Percent Paid	98.95%	99.24%	98.83%
Total Amount Paid - Active and Inactive	10,637,470	10,390,070	10,214,924

Georgia Legal Services

Number Paid	2,718	2,359	2,276
Percent of Total Members Paid	5.79%	5.09%	4.99%
Amount Paid	310,209	272,794	262,180
Average Amount Paid	\$ 114	\$ 116	\$ 115

Legislative

Number Paid	5,761	5,914	5,957
Percent of Total Members Paid	12.27%	12.77%	13.07%
Amount Paid	541,789	554,882	560,629
Average Amount Paid	\$ 94	\$ 94	\$ 94

Projected 2017-18 Dues Year Totals

Georgia Legal Services	\$ 320,000
Legislative	\$ 550,000

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

	GLSP	Legislative
2016 - 2017	\$ 276,487	\$ 557,991
2015 - 2016	\$ 264,493	\$ 565,004
2014 - 2015	\$ 255,713	\$ 640,505
2013 - 2014	\$ 241,362	\$ 691,736
2012 - 2013	\$ 244,707	\$ 685,283
2011 - 2012	\$ 240,678	\$ 656,254
2010 - 2011	\$ 241,772	\$ 657,526
2009 - 2010	\$ 235,276	\$ 650,806
2008 - 2009	\$ 249,480	\$ 660,570
2007 - 2008	\$ 264,255	\$ 1,235,022
2006 - 2007	\$ 295,646	\$ 802,482 \$100 Contribution
2005 - 2006	\$ 751,762	\$ 159,480 \$25 Contribution
2004 - 2005	\$ 170,210	\$ 273,613 \$20 Contribution

December 5, 2017

State Bar of Georgia
Income Statement YTD - Operations
For the Three Months Ending September 30, 2017

	YTD Actual	Annual Budget	Ytd % of Bud	Last Year
Revenues				
Dues - Active	\$ 9,503,138	\$ 9,668,750	98.29	9,467,731
Dues - Inactive	1,090,571	1,127,750	96.70	1,119,337
Dues - Misc. Types	1,300	4,000	32.50	1,300
Dues - Late Fees	204,309	256,000	79.81	294,515
Total Dues & Licenses	10,799,318	11,056,500	97.67	10,882,883
Section Expense Reimb.	196,015	196,015	100.00	127,625
CSF Expense Reimb.	18,250	73,000	25.00	73,000
Advertising and Sales	10,462	93,700	11.17	90,305
Membership Income	19,692	77,030	25.56	76,301
Pro Hac Vice	46,750	304,000	15.38	304,000
Pro Hac Vice Contra	(34,000)	(251,000)	13.55	(251,200)
Savannah Misc Income	0	0	0.00	0
Interest Income	12,646	75,000	16.86	55,464
Miscellaneous Revenues	22	2,500	0.88	2,168
Total Revenues	11,069,155	11,626,745	95.20	11,360,546
Expenses				
Administration	574,077	2,307,045	24.88	2,173,314
Management Info Systems	183,303	541,233	33.87	499,159
General Counsel	866,407	3,608,603	24.01	3,598,119
Consumer Assistance Pgm.	146,825	591,157	24.84	575,496
Communications	172,650	882,409	19.57	825,610
Lawyer's Assistance Program	13,750	61,000	22.54	55,318
Fee Arbitration	119,106	551,637	21.59	500,215
Law Practice Management	101,555	448,539	22.64	438,988
Sections	43,656	196,800	22.18	127,625
Savannah Office	59,650	253,909	23.49	216,853
Tifton Office	43,991	181,520	24.23	157,786
Young Lawyers	145,005	533,679	27.17	483,355
Unauthorized Practice of Law	194,766	804,987	24.19	780,164
Standards of the Profession	0	0	0.00	109,418
Law Related Education	86,897	368,644	23.57	348,467
High School Mock Trial	26,663	127,527	20.91	116,423
Pro Bono	53,054	212,216	25.00	212,216
Fastcase	52,863	218,000	24.25	206,912
Officers' Expenses	11,744	148,107	7.93	113,059
BASICS Program Contribution	140,000	140,000	100.00	150,000
Resource Center Contribution	110,332	110,332	100.00	110,332
Military/Vets Pro Bono	18,383	103,742	17.72	106,069
Other Expenses	41,962	1,211,418	3.46	488,878
Total Expenses	3,206,639	13,602,504	23.57	12,393,776
Net Income	\$ 7,862,516	\$ (1,975,759)	(397.95)	(1,033,230)

12/5/2017

State Bar of Georgia - Bar Center
Revenues and Expenditures - Executive Summary
For the Three Months Ended September 30, 2017

Activity	YTD 9/30/17		Budget FY 18
	Actual	% Budget	
Income and Cash Receipts			
CCLC Contribution	\$0	0.0%	\$1,300,000
Interest Income	\$5,096	51.0%	\$10,000
Member Assessment	\$209,762	71.1%	\$295,000
Room Rentals and Various Charges	\$6,849	19.0%	\$36,000
Parking Revenues	\$73,255	20.0%	\$365,500
Rental Income	\$330,425	25.1%	\$1,318,416
Operating Budget Transfer	\$154,047	25.0%	\$616,188
Total Income and Cash Receipts	\$779,434	19.8%	\$3,941,104
Expenses and Cash Disbursements			
Building Rehabilitation	\$738	1.0%	\$75,000
Conference Floor Renovations	\$0	0.0%	\$20,000
Tenant Improvements	\$0	0.0%	\$25,000
Furniture and Equipment	\$89,636	81.8%	\$109,527
Architect and Design	\$0	0.0%	\$10,000
Parking Deck Enhancements	\$0	0.0%	\$25,000
Median and Landscaping	\$0	0.0%	\$2,500
Woodrow Wilson Exhibit and Law Museum	\$0	0.0%	\$5,000
President's Conference Room	\$0	0.0%	\$5,000
Law Related Education	\$0	0.0%	\$12,980
Conference Center Operating Expenses	\$100,849	22.6%	\$446,802
Third Floor Contingency	\$1,076	4.3%	\$25,000
Building Operating Expenses	\$420,118	25.7%	\$1,637,250
Parking Deck Operating Expenses	\$57,055	18.1%	\$315,312
Legal and Due Diligence Fees	\$0	0.0%	\$0
Total Expenses and Cash Disbursements	\$669,472	24.7%	\$2,714,371
Net Cash Flow	\$109,962		\$1,226,733

State Bar of Georgia
Investment Performance Comparison
2005-2017

	Yields				Period End Balances									
	All MMKT	Georgia Bank CD's	BOA/ML Inv Port	SunTrust Inv Port	Blended Yield	All Cash/MMKT**	Georgia Bank CD's	Fidelity MMKT	BOA/ML MMKT*	Synovus MMKT	ServiceFirst MMKT	SunTrust Cash/MMKT	Total Book Investments	Total Cash and Investments**
Averages, 2005	3.02%	N/A	N/A	N/A	3.02%	16,580,537	-	-	9,403,471	-	-	7,177,066	-	16,580,537
Averages, 2006	4.87%	N/A	N/A	N/A	4.87%	18,922,787	-	-	16,874,290	-	-	2,048,497	-	18,922,787
Averages, 2007	5.21%	N/A	4.58%	5.06%	5.06%	13,657,096	-	-	12,152,455	-	-	1,526,638	8,229,072	21,886,168
Averages, 2008	3.01%	N/A	3.59%	3.85%	3.33%	12,912,090	-	1,886,579	9,282,693	-	-	1,732,818	11,160,834	24,072,925
Averages, 2009	0.52%	N/A	2.83%	N/A	1.38%	16,672,270	-	4,564,309	8,545,018	-	-	3,582,943	7,946,088	24,618,358
Averages, 2010	0.16%	N/A	2.22%	N/A	1.07%	15,151,444	-	4,576,043	6,345,455	-	-	4,229,945	8,323,979	23,475,423
Averages, 2011	0.10%	N/A	1.85%	N/A	0.76%	15,641,096	-	4,582,870	6,875,861	-	-	4,179,364	7,030,212	22,671,307
Averages, 2012	0.11%	N/A	1.14%	N/A	0.57%	16,077,038	-	4,588,278	7,375,420	-	-	4,110,340	9,401,250	25,475,288
Averages, 2013	0.07%	N/A	0.74%	N/A	0.32%	18,772,091	-	3,826,012	10,839,546	-	-	4,106,533	8,636,500	27,408,591
Averages, 2014	0.14%	0.69%	0.68%	N/A	0.31%	21,234,480	972,848	9	16,770,960	-	-	4,359,345	6,930,100	28,894,216
Averages, 2015	0.45%	0.69%	0.78%	N/A	0.50%	24,598,537	1,150,942	9	4,535,435	7,574,110	-	11,938,811	3,328,083	29,077,563
Averages, 2016	0.40%	0.35%	0.89%	N/A	0.43%	27,370,014	505,173	9	5,486,700	10,884,159	1,135,911	8,859,526	1,233,083	29,108,270
Averages, 1Q17	0.41%	0.00%	1.00%	N/A	0.42%	26,841,886	-	9	6,641,808	10,522,892	2,280,318	6,996,859	248,000	27,088,886
Averages, 2Q17	0.40%	0.00%	0.00%	N/A	0.40%	28,179,855	-	9	5,208,031	10,537,480	2,286,636	9,747,698	-	28,179,855
July 2017	0.38%	0.00%	0.00%	N/A	0.38%	33,130,104	-	9	5,935,268	10,547,935	2,289,833	13,957,059	-	33,130,104
August 2017	0.43%	0.00%	0.00%	N/A	0.43%	32,494,288	-	9	8,023,704	10,553,050	2,291,779	11,225,747	-	32,494,288
September 2017	0.47%	0.00%	0.00%	N/A	0.47%	31,171,364	-	9	8,904,440	10,558,002	2,293,663	9,015,250	-	31,171,364
Averages, 3Q17	0.43%	0.00%	0.00%	N/A	0.43%	32,265,252	-	9	7,621,137	10,552,996	2,291,759	11,399,352	-	32,265,252

* Includes CCLC

** Includes CCLC, Client Security Fund and Bar Center Operating Accts

**State Bar of Georgia
Cornerstones of Freedom Fund
Activity Report
Through September 30, 2017**

7/1/17 Beginning Balance	<u>\$ 600,000</u>
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Interest Income on Fund	116
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Expenditures:

Writing Services	16,013
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Virtual Law Museum	-
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Media Monitoring	938
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Access to Justice Campaign	875
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iCivics	-
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Schoolgroup Travel-LRE	1,425
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Media Campaign--Need Lawyers	44,367
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Wellness Program and Website	-
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Miscellaneous	-
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<u>63,618</u>

Net Balance 9/30/17

<u>\$ 536,499</u>

Replenishment

Needed From Surplus

<u>\$ 63,501</u>

At June 30, 2018

State Bar of Georgia
Legislative Fund
Activity Report
Fiscal Year Through September 30, 2017

7/1/17 Beginning Balance	<u>\$ 1,234,173</u>
Interest Income on Fund	1,576
Contributions	539,504
Expenditures:	
Staff and Contract Lobbyists	91,945
Legislative Committee Expense	992
Grassroots Efforts	1,356
Travel	28
Legislative Guests/Meetings	-
Shared Office Allocation	4,077
Miscellaneous	960
	<u>99,358</u>
Net Fund Balance 9/30/17	<u><u>\$ 1,675,894</u></u>



January 6, 2018

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

Re: Midyear Meeting Report to the Board of Governors

Board Members:

It is my privilege to report to the Board on the activities of the State Bar of Georgia Young Lawyers Division (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 of the Bar, this year's theme has focused on pro bono service. With its Signature Service Project: Pro Bono Challenge, the YLD is challenging every young lawyer to pledge 50 hours of pro bono service to be completed over the next year. Young Lawyers can sign up on the YLD webpage at www.georgiayld.org. To date, we have had more than 100 young lawyers take the pledge which equates to 500+ hours of pro bono service pledged.

The YLD has partnered with the State Bar of Georgia's Access to Justice Committee's "Due Justice. Do 50." campaign to provide support to assist those taking the pledge so they are presented with the numerous opportunities available to do pro bono work across the state and in a variety of ways. We encourage those already doing pro bono work, or interested in becoming more involved, to check out duejusticedo50.org.

This report will bring you up to date on the YLD's activities and accomplishments so far this year.

YLD Committees

The YLD has more than 25 committees working to support our motto of service to the community and profession. Each committee works on substantive engagement in their respective focus areas and commits to at least one pro bono activity a year. Below are some of the accomplishments of our YLD Committees this year:

- The Advocates for Students with Disabilities committee hosted meetings with a guest speaker from the ADA and later a meeting with Jamila Pollard, Esq. as a guest speaker

providing an overview of the Georgia Department of Education's dispute resolution process for students with disabilities.

- The Community Service committee volunteered for the Savvy Foundation's Summer LIFT & Back to School Festival in support of mental health awareness over the summer and hosted a meeting featuring a speaker from the Pro Bono Partnership of Atlanta.
- The Disaster Legal Assistance committee set up an essential hotline for disaster legal services after Hurricane Irma and a federal disaster declaration to coastal Georgia. It responded to over 50 calls for assistance.
- The Ethics & Professionalism committee participated in the law school professionalism orientations in August. It also co-hosted a judicial panel on professionalism with the Litigation committee.
- High School Mock Trial is entering its 30th season of competition this year. Georgia will be hosting the 2019 National Competition next year in Athens, and the YLD is getting ready to host and support this exciting event.
- The Intellectual Property committee hosted a "speed networking" event for its members in October.
- The Labor and Employment committee held a presentation on mediations and a "cocktail hour style" in house counsel panel.
- The Law School Outreach committee has been hard at work presenting outreach events at each of the six Georgia law schools where young lawyers spoke about the importance of Bar involvement. The committee plans to go out of state to Cumberland Law School in Alabama and perhaps more in the spring.
- Leadership Academy selected the 2019 class and is kicking off the year with Leadership Academy's first meeting at the Midyear Meeting.
- The Leadership Academy Alumni committee held the annual Holiday Luncheon on December 15 at the Piedmont Driving Club. The featured speaker at the luncheon was Judge Ellington with the Georgia Court of Appeals.
- The Legal Food Frenzy is gearing up for the 2018 season. The Food Frenzy will be April 16-28, 2018. Volunteers from all over the state are needed to beat last year's record of 215 participants raising \$329,287 in cash in addition to 19,084 pounds of food.
- The Litigation committee welcomed civil litigator Ron Lowery at its October meeting, who gave the young lawyers of the committee valuable insight in preparing both themselves and their clients for mediation. On November 17, the committee co-hosted a joint lunch and learn with the YLD Ethics and Professionalism committee with a panel of judges who offered advice on professionalism in the courtroom and in practice. In December, the committee held its annual Clerks' Luncheon at Maggiano's Buckhead and its annual Holiday Happy Hour and Toy Drive. In the new year, the Litigation Committee will begin preparing for this year's panel of War Stories speakers and its very popular spring CLE and March Madness Happy Hour.
- The National Moot Court Regional Competition was held in the fall with many exciting rounds of oral arguments. University of Georgia and the University of Charleston were in the final round, and both advanced to the national rounds.
- The Real Estate Law committee held a panel discussion in September about wire fraud. In November, the committee had the Georgia Department of Revenue speak about upcoming 2018 changes in how real property is transferred.
- The Solo/Small Firm committee held a "working" happy hour where participants networked and learned how to harness the power of social media for marketing. The

committee also launched a new online directory and committee listserv for members to connect and exchange referrals.

- The Women in the Profession committee co-hosted the Legal Network Auction Event with the Georgia Asian Pacific Bar Association, raising approximately \$4,000 for a legal internship program for law students. In October, the committee hosted a luncheon which focused on the qualities that companies look for in leaders and impressions that you are making on others every day.

YLD Affiliates

- Glynn County YLD
The Glynn County YLD recently enjoyed a visit from Georgia YLD President-Elect Chief Magistrate Judge Rizza O'Connor. Judge O'Connor joined the past and present officers and committee members of the Glynn County YLD for a special dinner at the Georgia Sea Grill on St. Simons Island. Topics of conversation included goals and suggestions for the upcoming YLD year, shared challenges faced by young lawyers in our state, and strategies for achieving the optimum work-life balance.
- Houston County YLD
On December 5, the Houston County YLD had its "Fun and Bowling" holiday party. On December 15, they held a joint holiday party with the Houston County Bar and collected toys for needy children and Visa gift cards for older kids. Additionally, the Houston County YLD sponsors a 50/50 raffle to raise funds for a scholarship fund.
- Savannah YLD
In October, the Savannah YLD hosted its annual Haunted Trolley Tour and Costume Party where participants learned more fiction than truth about Savannah's haunted homes while enjoying a good time with colleagues. In November, the Savannah YLD, in conjunction with the Savannah Bar Association, hosted a swearing-in ceremony for new members of the Georgia Bar. Also in November, members of the YLD Executive Board proudly presented a check to Georgia Legal Services Program (GLSP) in the amount of \$1,000, representing funds raised by the Savannah YLD in support of GLSP's Justice Campaign. Finally, the Savannah YLD hosted its annual Christmas Party on December 16. Members of the various Young Lawyers Divisions near the Savannah or coastal Georgia also attended the festivities.

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, network, and plan and organize division-wide projects.

The YLD Fall Meeting took place Nov. 9-12, 2017, at Brasstown Valley Resort in Young Harris, Ga. The meeting included a CLE program on the “Ins and Outs of Georgia’s Alcohol Regulations.” The program was presented by Mindy Thompson of Sard & Leff LLC and Amber Robinson of the City of Atlanta’s Department of Law. The presenters gave perspectives on everything from Prohibition-era causes and effects on alcohol regulations as well as the current licensing and regulatory systems in place in Georgia today, including recent updates relevant to craft beer makers. Following the interesting and informative CLE, attendees had the opportunity to tour one of North Georgia’s wineries and learn about the wine making process. The YLD General Session took place on the following day where reports from officers, directors and members of the Executive Council were given.

The YLD has several more meetings planned this Bar year, as follows:

Midyear Meeting

Jan. 4-6, 2018

The Westin Atlanta Perimeter North
Atlanta, Ga.

Held in conjunction with the State Bar of Georgia

Spring Meeting

March 15-18, 2018

The Aerston Hotel | Kimpton
Nashville, Tenn.

Annual Meeting


June 7-10, 2018

Omni Amelia Island
Amelia Island, Fla.

Held in conjunction with the State Bar of Georgia

I hope the Board continues to share in my enthusiasm for the great work the YLD does. We always invite Board 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 projects you have in your areas that the YLD can assist with, or if I can be of service to you in any way.

Regards,

A handwritten signature in dark ink, appearing to read "Nicole C. Leet". The signature is fluid and cursive, with the first name "Nicole" being more prominent.

Nicole C. Leet
2017-18 YLD President



2019 National High School Mock Trial Championship

The Georgia High School Mock Trial Competition, through the Young Lawyers Division, will be the host for the 2019 National High School Mock Trial Championship.

<i>When?</i>	May 14-18, 2019
<i>Where?</i>	Athens, GA
<i>Who's coming?</i>	46 teams from 42 or 43 states, Guam, Northern Marianas Islands and South Korea
<i>How many people?</i>	We'll have about 1,000 students, coaches, and parents in Athens, along with an additional 200-300 volunteers, staff, NYSMTC Board members, etc.
<i>How can attorneys and judges get involved?</i>	We will need to fill 92 judging panel spots each round for four rounds. We will have plenty of spots to put them to work!

What's happening?

Tuesday and Wednesday, May 14 and 15

- Teams arrive
- Practice and scrimmage rooms available

Thursday, May 16

- Practice and scrimmage rooms available
- Various team/coaches meetings
- Pin Exchange (team social event) –Herty Field, North Campus

Friday, May 17

- Rounds I and II – Athens/Clarke County Courthouse and The Classic Center
- Judging Panel Reception – At the Russell Gallery in the Richard B. Russell Building for Special Collections
- Team social event – The Georgia Theater

Saturday, May 18

- Rounds III and IV – Athens/Clarke County Courthouse and The Classic Center
- Final Round –Hatton Lovejoy Courtroom, UGA Law School
- Awards Gala – The Classic Center

For more information or to volunteer, contact Michael Nixon, Director, High School Mock Trial Competition

michaeln@gabar.org

404/527-8779

www.georgiamocktrial.org → 2019 Nationals

2018 High School Mock Trial Season Dates and Locations

Regional Competitions

Weekend of January 27

Approximately 1,100 judging panel spots to fill

- | | | |
|----------------|-----------------|-------------|
| - Albany | - Dalton | - Macon |
| - Athens | - Decatur | - Marietta |
| - Atlanta | - Douglasville | - McDonough |
| - Cartersville | - Jonesboro | - Savannah |
| - Cumming | - Lawrenceville | - Valdosta |

District Competitions

Weekend of February 17

320 judging panel spots to fill

- | | | |
|----------------|-----------------|------------|
| - Athens | - Douglasville | - Savannah |
| - Atlanta | - Jonesboro | - Valdosta |
| - Cartersville | - Lawrenceville | |

State Finals

Saturday, March 3

90 judging panel spots to fill

Gwinnett Justice and Administration Center, Lawrenceville

To volunteer, please go to the *Volunteer for the Program* page on www.georgiamocktrial.org.

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES**

**Wednesday, September 20, 2017/5:00 p.m.
Conference Call**

Members Participating:

Brian D. (Buck) Rogers, President; Dawn M. Jones, Secretary; Nicole C. Leet, YLD President; Rizza O'Connor, YLD President-elect; Damon E. Elmore; Elizabeth Louise Fite; Phyllis Holmen; David S. Lipscomb; Frank Strickland; and Nicki Vaughan.

Members Absent:

Kenneth B. Hodges, III, President-elect; Darrell L. Sutton, Treasurer; Patrick T. O'Connor, Immediate Past President; and Jennifer Campbell Mock, YLD Immediate Past President.

Staff Participating:

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

Call to Order

Upon obtaining advance approval for a specially called meeting of the Executive Committee by unanimous email vote due to the prior meeting set for September 8-9 having been cancelled due to Hurricane Irma, President Buck Rogers called the meeting to order. Members of the Executive Committee in attendance are indicated above.

Legislative Proposal - Senate Bill 209

Following a report by Governmental Affairs Director Christine Butcher Hayes and pursuant to Standing Board Policy 100, Section 1.03c., the following action was taken on a request by the Real Property Law Section to submit comments on proposed rules referenced in Senate Bill 209:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar; and
2. By unanimous voice vote, determined that immediate action was necessary since the deadline for comments is October 21, and the Board of Governors will not meet until October 28, 2017; and
3. By unanimous voice vote, authorized the Real Property Law Section to submit its comments, subject to input by General Counsel Paula Frederick and Christine Butcher Hayes, to Proposed New Rules of the Department of Revenue,

Compliance Division, Chapter 560-6-2 Satisfaction of Liens via Electronic Database (SOLVED).

Executive Committee Minutes

Secretary Dawn Jones presented the minutes of the Executive Committee meeting held on August 2, 2017, which were unanimously approved.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee unanimously approved the following resignation requests by unanimous voice vote: Michael J. Rosner-614968, Douglas Scott Boyles-090191, Chrisanne Worthington-776940, Alan Michael Shapiro-637786, Amanda Trelstadthe Gray-283302; Howard L. Sharfstein-637911, Kelly Dawn Dewitt-592152, John Steven Lewkowitz-926650, James T. Rauschenberger-595560, Janet Broadhead Tidmore-711767, Mary J. Berger -054309, Mitchell Abrams-001413, Fred Bolding-065477, Carole Worthington-461834, James Roquemore-614169, Susan Lanigan-004260, John S. Ball-035250, Michael E. Fisher-261925, Michael Kovaka-300197, Jody E. Gray-306060, Colin Connor-315629, John Curtis Hanks-323500, William Martin III-350978, Diane M. Greene-498267, Cornelia Sage Russell-620352, Michael E. Utley-723137.

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee unanimously approved one request for disabled status.

Members Requesting Military Dues Waiver

After discussion about the request, the Executive Committee, by a vote of 7 in favor to 3 opposed, granted a Military Dues Waiver request for Evan McCullough (218073).

Members Requesting Refund of Late Fee

The Executive Committee unanimously approved a waiver of late fees for James C. McLaughlin (579263).

YLD Report

YLD President Nicole Leet announced that the YLD activated its disaster legal assistance hotline for hurricane survivors in Georgia who reside in Camden, Chatham, Glynn, Liberty and McIntosh counties. She asked the Executive Committee to help disseminate the information.

Next EC Meeting


President Rogers asked that the remaining agenda items from the September 8-9 agenda be discussed at the next EC meeting and was agreed to by consensus. After discussion about schedules and availability, President Rogers stated that the next EC meeting would

be held on October 12 at 1:30 p.m. the State Bar, and an EC meeting to discuss Strategic Planning would likely be scheduled in conjunction with the upcoming Fall BOG meeting.

Adjournment

There being no further business, the meeting was adjourned at 5:36 p.m.


Dawn M. Jones, Secretary

Approved: 
Buck Rogers, President

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES**

**Wednesday, October 12, 2017/2:00 p.m.
State Bar Building/Atlanta, Georgia**

Members Participating:

Brian D. (Buck) Rogers, President (by phone); 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 (by phone); Rizza O'Connor, YLD President-elect (by phone); Jennifer Campbell Mock, YLD Immediate Past President (by phone); Damon E. Elmore; Elizabeth Louise Fite; Phyllis Holmen; David S. Lipscomb; Frank Strickland; and Nicki Vaughan.

Staff Participating:

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

Call to Order

Immediate Past President Patrick T. O'Connor called the meeting to order, presiding at the request of President Buck Rogers. Members of the Executive Committee in attendance are indicated above.

Future Meetings

President Buck Rogers reported that the agenda for the October 26, 2017, Executive Committee meeting will be a discussion on the Strategic Plan; it will not be a business meeting.

Executive Committee Minutes

Secretary Dawn Jones presented the minutes of the Executive Committee meeting held on September 20, 2017, which were approved by unanimous voice vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee unanimously approved the following resignation requests by unanimous voice vote: Ronald F. Bennett-051725, Mark Stephenbever-055876, John Bouwsma-070400, Ruth Dow-227702, Jonathan Zadoff-232642, Julie Wood-334510, Kenneth Hindman-355750, Barbara Lengyel-446480, Davis Morse-525676, Douglas Perry-572512, Deanna Benjamin-622007, Russell Thomas-706175, David Kiernan-417414, David Krischer-429750, Anthony Coluzzi-179679, Peter F. Munger-529607, James Austin Martin-543521, Aviva Leebow-838261, Michelle Mersey-296489.

Members Requesting Disabled Status

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

Members Requesting Military Dues Waiver

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

Members Requesting Waiver of Exam

The Executive Committee took the following action on a request by Rachel Cooper to waive the Bar exam:

- 1) By a roll call vote of 6 in favor to 7 opposed, a motion to approve the request failed to pass; and
- 2) By a roll call vote of 7 in favor to 6 opposed, a motion to deny the request passed.

Discussion held before and after these votes led to a consensus that additional follow up on this issue was needed.

Affiliate Membership and Law Student Membership Bylaw Changes

Following a report by Deputy General Counsel Bill NeSmith, and discussion held by the group concerning ways to increase law student involvement in the State Bar, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed Bylaw changes (Exhibit A) to Section 6. Affiliate Membership and Law Student Membership.

Executive Committee Travel Reimbursement Policy

Following a report by Treasurer Darrell Sutton and group discussion, the Executive Committee, by unanimous voice vote, with all of the non-Officer Executive Committee members abstaining, approved the following proposed Executive Committee Travel Policy:

Executive Committee Travel Policy (Proposal)

This policy applies to the non-officer members of the Executive Committee when participating in State Bar Executive Committee meetings.

- 1) For Executive Committee meetings that include travel that requires a hotel stay, the room and tax charges associated with an overnight stay prior to the beginning of the meeting, for the duration of the meeting, and an overnight stay following the conclusion of the meeting will be borne by the State Bar. To the extent these charges are not direct-billed to the State Bar; the State Bar will reimburse non-officer Executive Committee members for them.

- 2) If the State Bar has negotiated multiple room rates, the charges covered by this policy will be covered at the lowest negotiated hotel rate.
- 3) Charges covered by this policy specifically exclude optional entertainment expenses. Optional entertainment expenses include but are not limited to in-room movies, spa, sporting activities, tours or shows, or any other such personal activity that is outside of a planned Executive Committee group activity.

The implementation date of this policy was not discussed.

Officers' Allowance Policy

Following a report by Treasurer Darrell Sutton and discussion about revisions to the proposed policy draft, the Executive Committee, by majority voice vote, approved the following proposed Officers' Allowance Policy to replace the current Officers Reimbursement Policy:

Officers Allowance Policy

The president, president-elect, treasurer, secretary and immediate past-president of the State Bar of Georgia, as well as the president, president-elect and immediate past-president of the Young Lawyers Division of the State Bar of Georgia shall each be entitled to an allowance for expenses incurred while carrying-out their official duties. The amount of each allowance for any particular Bar year shall be established in the budget approved by the Board of Governors for that particular Bar year.

This allowance shall be used at the individual discretion of each officer. Provided, however, that the allowance is intended solely to cover the cost associated with travel, meetings, meals, entertainment, and all other reasonable expenses incurred while carrying-out official duties. This specifically includes the cost of registration, hotel, travel, meals, etc. for State Bar meetings (including Annual, Midyear, Board of Governors, Executive Committee and other committees), ABA meetings, and Southern Conference of Bar Presidents meetings.

The allowance in the respective amount approved by the Board of Governors shall be provided to the officer for whom it is designated in four equal installments, each coinciding with the four regularly scheduled meetings of the Board of Governors of the State Bar of Georgia during the particular Bar year for which it was approved.

Policy adopted by the Executive Committee on October 12, 2017. It is effective July 1, 2018, but subject to change at any time by action of the Executive Committee or Board of Governors.

The Treasurer will report this change in policy and procedure when the proposed 2018-2019 State Bar Budget is presented to the Board of Governors at the Annual Meeting.

Sponsorship Policy (Granting Process)

After group discussion about the \$40K line item amount currently budgeted for sponsorships, no action was taken on the current sponsorship guidelines previously approved by the Executive Committee on August 2, 2017. Executive Director Jeff Davis reported that he will put together information how other state bars procedurally handle publicizing notice of their sponsorship policy, the application method, and other processes used in granting sponsorships, and will bring suggested revisions to the next Executive Committee meeting.

Funding for the Georgia Diversity Program Independent Contractor Agreement

Executive Director Jeff Davis reported that the Georgia Diversity Program (GDP), created in 1993, receives no funds from the State Bar. The director of the program is a part-time independent contractor who has to raise funds to cover their own compensation and the costs of its programs. Marian Cover Dockery is the outgoing director and Rebecca Christian Smith is the incoming director. The two main sources of funding are from member dues from majority and minority owned law firms, sole practitioners, and corporations and from sponsorships raised for the Fall CLE each year. Annual program expenses (Fall CLE, High School Pipeline Project, Business Development Symposiums, Summer Associates and Judiciary Reception) are approximately \$17,500-\$18,000. The Bar was asked to provide \$20,000 to the Georgia Diversity Program to support its work and defray program expenses. The Executive Committee, by unanimous voice vote, approved providing the GDP with \$20,000 effective January 1, 2018.

Movies, Videos, Photographs and Press Conference Policy

Following a report by Executive Director Jeff Davis on proposed revisions to the Bar's Movies, Videos, Photographs and Press Conference Policy; the Executive Committee requested that further revisions be made to the policy for future consideration.

Officers and Executive Committee Policy (Rules regarding Judges serving as Bar Officers)

The Executive Committee took no action on this agenda item, and instead asked that the President and Bar staff determine whether or not this issue should be brought back for a discussion on a future agenda.

Bylaws and Rules Changes on Assessments

Following a report by General Counsel Paula Frederick, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed amendments to Bylaws Section 1. Registration of Members, and proposed revisions to Rule 1-506. Clients' Security Fund Assessment and Rule 1-507. Bar Facility Assessment (Exhibit B). The Bylaws amendments would become effective with the approval by the Supreme Court of Georgia of Rules 1-506 and 1-507.

Pro Hac Vice Application Fee and Annual Fee/Rule Interpretation

Following a request by General Counsel Paula Frederick for guidance in interpreting Rule 4.4(E)(2) and (3) of the Uniform Superior Court Rules 4.4, it was the consensus of the Executive Committee that the \$200 application fee is a one-time annual fee and is not to be collected again if an attorney later applies for Pro Hac Vice admission in a new case that same year.

ICLE Update

Immediate Past President Pat O'Connor reported that there is a serious buyer for the ICLE Athens property and he will keep the Executive Committee apprised of any further developments. He recognized Past President Bob Kauffman for his continued work on the disposition of the property, and Board of Governors member Andy Davis for his work on behalf of the UGA Law Alumni Association. Lastly, he announced that the ICLE Board of Trustees will meet at Jekyll Island on October 27, 2017.

Strategic Plan

Executive Director Jeff Davis reported that the Strategic Plan will be discussed at the Executive Committee meeting on October 26, 2017.

Treasurer's Report

Treasurer Darrell Sutton reported on the Bar's finances. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Preliminary Revenues and Expenditures Report as of June 30, 2017; Income Statement YTD for the Twelve Months Ended June 30, 2017; Bar Center Revenues and Expenditures Report for the Twelve Months Ended June 30, 2017; State Bar Balance Sheet as of June 30, 2017; Summary of Dues and Voluntary Contributions at July 31, 2017; and Legislative Fund and Cornerstones of Freedom Fund Activity Reports through June 30, 2017. He also reported that State Bar and ICLE audits should begin next week.

YLD Report

YLD President Nicole Leet reported that the YLD's annual Signature Service Project that is raising pro bono service hours is off to a great start. To date, young lawyers have pledged more than 4,050 hours of service. She asked the Executive Committee to encourage other young lawyers to take the pledge. She reported that the Access to Justice Committee is helping reduce perceived barriers to doing pro bono work and is offering a

variety of opportunities for young lawyers to do so. She encouraged the “older” Executive Committee members to personally join the *Due Justice, Do 50* pro bono campaign. Lastly, she invited the Executive Committee to the YLD Fall Meeting at Brasstown Valley Resort the weekend of November 9-12, 2017.

Executive Director’s Report

Executive Director Jeff Davis reported that his comments were discussed in earlier reports.

ACL/Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported on the activities of the Advisory Committee on Legislation (ACL) and the Bar’s legislative agenda. She announced that the next ACL meeting will take place on November 28, 2017.

Office of General Counsel Report

The Executive Committee received a written Report of the Office of the General Counsel.

Access to Justice Strategic Plan – Update

Executive Director Jeff Davis reported that Past President Charlie Lester is still working on Access to Justice Strategic Plan proposal and it will be submitted later this year.

Due Justice Do Fifty Over 50: Complimentary CLE and Listening Event 9/22/17

Treasurer Darrell Sutton reported that the Access to Justice Committee completed its survey of senior Bar members. The survey was needed for the committee to submit its report to the American Bar Foundation for the grant it received to explore ways for semi-retired lawyers to narrow the justice gap by providing pro bono services to low-income older Georgians. He thanked Sarah Coole, Director of Communications, for her help in putting together the survey.

The Executive Committee received a copy of the survey results and notice of a CLE addressing the unmet legal needs of low-income Georgians that took place on September 22, 2017.

Resolution Recognizing Marlene Melvin’s Contribution to the LRE Program

Following a report by Executive Director Jeff Davis, the Executive Committee, by unanimous voice vote, approved resolution (Exhibit C) recognizing Marlene Melvin’s contributions to the LRE Program. The resolution will be presented to Marlene at the Midyear Meeting.

Georgia Department of Education – Link for Live Binders to Every Standard that Mentions Citizen Participation

The Executive Committee received information from the LRE Program on the Georgia Department of Education linking LRE’s Live Binders to every standard that mentions

citizen participation.

State Bar-related Civil Rights Lawyer Initiative Update

The Executive Committee received information on the Committee to Promote Inclusion in the Profession's initiative that will spearhead the establishment of an exhibit to honor and commemorate the role of lawyers and the legal profession in the civil rights movement, called the *Arc of Justice* project.

Old Business

There was no old business.

New Business

Following Secretary Dawn Jones' inquiry as to when the Judicial Qualifications Commission Nominating Committee will next meet to discuss the new rules and nominations for expiring terms on the commission, Director of Governmental Affairs Christine Butcher Hayes reported that she will follow up with the committee's chair, President-elect Ken Hodges.


Elizabeth Fite announced that she intends to run for the Office of Secretary this year. Secretary Dawn Jones announced that she intends to run for the Office of Treasurer.

Following a request by David Lipscomb, the Executive Committee, by unanimous voice vote, approved presenting a resolution to Past President Bryan Cavan thanking him for his service as the State Bar's first Coordinating Special Master. Since Bryan lives in Florida, it was suggested that the resolution be presented to him at the Annual Meeting that will be held at Amelia Island.

Adjournment

There being no further business the meeting was adjourned at approximately 4:30 pm.


Dawn M. Jones, Secretary

Approved: 
Buck Rogers, President

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Thursday, November 9, 2017/12:00 p.m.
Conference Call**

Members Participating:

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

Members Absent:

Darrell L. Sutton, Treasurer; Rizza O'Connor, YLD President-elect; Elizabeth Louise Fite; and Phyllis Holmen.

Staff Participating:

Jeff Davis, Executive Director; Paula Frederick, General Counsel; Steve Laine, Chief Operating Officer; and Bill NeSmith, Deputy General Counsel.

Call to Order

Upon obtaining approval in advance for a specially called meeting of the Executive Committee by unanimous email vote, President Buck Rogers called the meeting to order. Members of the Executive Committee in attendance are indicated above.

ZeekBeek/Cloudlaw Contract

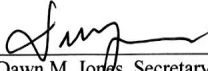
Following a report by Deputy General Counsel Bill NeSmith and discussion by the Executive Committee on the ZeekBeek/Cloudlaw contract for the enhanced membership directory, a motion to approve the contract was passed by unanimous voice vote.

ICLE Athens Property


Deputy General Counsel Bill NeSmith reported on the status of the ICLE Athens property and a contract for purchase. He stated that the potential buyer has requested certain warranties and representations from the sellers (State Bar of Georgia Foundation and the University of Georgia Law School Alumni Association). He explained that given the transfer of the property, the Foundation will only make limited warranties and representations based upon actual knowledge. We will continue our negotiations to finalize the contract. The projected closing date would be the end of December 2017 or early January 2018.

Adjournment

There being no further business the meeting was adjourned at approximately 12:20 pm.



Dawn M. Jones, Secretary

Approved: 

Buck Rogers, President

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES**

Thursday, November 16, 2017/1:30 p.m.

Page Scrantom Sprouse Tucker & Ford, P.C. /Columbus, Georgia

Members Participating:

Brian D. (Buck) Rogers, President; Kenneth B. Hodges, III, President-elect; 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); Phyllis Holmen (by phone); David S. Lipscomb; and Nicki Vaughan (by phone).

Members Absent:

Elizabeth Louise Fite; and Frank Strickland.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Christine Butcher Hayes, Director of Governmental Affairs; Jeff Davis, Executive Director; Paula Frederick, General Counsel; Steve Laine, Chief Financial Officer (by phone) and Bill NeSmith, Deputy General Counsel.

Call to Order

Following a luncheon attended by Executive Committee members with the Columbus Bar Association, President Buck Rogers called the meeting to order at 1:20 p.m. Members of the Executive Committee in attendance are indicated above. President Rogers recognized and thanked Board of Governors member Thomas Gristina for allowing the Executive Committee to meet at his law office, Page, Scrantom, Sprouse Tucker, & Ford, P.C. Since the meeting began a few minutes early, Buck asked for informational items to discuss until all expected Executive Committee members could join by phone. Christine Butcher reported that the second and final Advisory Committee on Legislation Committee will meet on November 28, 2017. David Lipscomb mentioned that a juvenile court judge had some legislative concerns, of which Christine was aware.

Future Meetings

President Buck Rogers reviewed the Future Meetings Schedule and discussed the Supreme Court/Executive Committee joint meeting.

President's Report

President Buck Rogers stated that surveys for the recent Fall BOG meeting had gone out, and reported that some Board of Governors members were concerned about the short length of the Fall Board of Governors meeting, particularly for those that had to travel a lengthy distance. The agenda was on the light side this year, but Immediate Past President Pat O'Connor pointed out that in some years it has been a very lengthy meeting

depending on what issues the Bar happens to be dealing with. David Lipscomb reported that he had some Board members ask that if we continue to conduct the Fall Board meeting in conjunction with the Georgia/Florida game, could they elect to participate in the meeting from one of the Bar's satellite offices. Further discussions ranged from doing away with the meeting to adding reports from Sections or local bars to lighter agendas.

Executive Committee Minutes

Secretary Dawn Jones presented the minutes of the Executive Committee meeting held on October 12, 2017, which were approved, as revised, by unanimous voice vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee unanimously approved the following resignation requests by unanimous voice vote: Diane E. Stanton -028837, John W. Stone III -684350, Diane Jones -612280, Craig Duncan Jones -399473, Bobby Dean Melvin Jr -501665, Karen L. Fortier -452970, Douglas A. Vandiford II -724671, Susan Ellen Wolf -773287, James Grayer -306480, Daniel H. Schneider -629538, Michael Barry Sheehy -118408.

Members Requesting Disabled Status

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

Request from the Judicial Council Standing Committee on Technology

Executive Director Jeff Davis reported on a request from the Judicial Council Standing Committee on Technology to allow a web service connection to the Bar membership database to allow members in good standing to log in to the Bar's website and then access a judicial portal for electronic filing and other services the same way they access their CLE records and legal research. The basic purpose of the web service is to ensure that the Bar's list rather than a private vendor will determine, in real time, who is eligible to electronically file court documents. The Judicial Council will be creating the judicial portal and would like the Bar's help to authenticate Bar members who sign in and people who file documents in the court. Executive Director Davis further reported that this is for information purposes only as the Judicial Council Standing Committee on Technology is still working out the details. Some discussion followed as to whether the Bar would be compensated for assisting as requested, and David Lipscomb was encouraged to join the Judicial Council Standing Committee on Technology.

Amendments to Bylaws and Rules

Following a report by General Counsel Paula Frederick, the Executive Committee took the following action on proposed Rules and Bylaws amendments:

- 1) By unanimous voice vote, approved recommending to the Board of Governors proposed amendments (Exhibit B) to Rule 1-202. Classes of Members, with one change to allow Emeritus Members to nominate a regular member for an office within the State Bar of Georgia; Rule 1-208. Resignation from Membership; Rule 5-101, Amendments, Filing, Notice; and Rule 1-602; and amendments to Bylaws Article I. Members-Section 7. Emeritus Members, with one change to allow Emeritus Members to nominate a regular member for an office within the State Bar of Georgia, and
- 2) By unanimous voice vote, approved recommending to the Board of Governors revised Bylaws Article I. Members-Section 7. Emeritus (Exhibit C).

Recommended Policy Change on Interim Suspensions

General Counsel Paula Frederick reported on a recommendation from the Disciplinary Rules and Procedures Committee to remove from the public website all record of a member's interim suspension seven years after the suspension is lifted. A motion to adopt the recommendation of the Disciplinary Rules and Procedure Committee, but to remove the interim suspension record as soon as practical after the suspension has been lifted, was tabled to the next Executive Committee meeting by unanimous voice vote to allow General Counsel Frederick to look at any computer programming issues this change will entail and to report back what disclaimer information is currently reflected in a member's record on the website.

Sponsorship Policy (Granting Process)

Treasurer Darrell Sutton reported that there has been ongoing discussion on whether the sponsorship policy should be further amended to 1) streamline the process so that requests come in at the same time each year, and 2) incorporate more structure to the policy itself with an application process and supporting information. He referred the Executive Committee to the sponsorship policy from the State Bar of Arizona. He asked for guidance from the Executive Committee about imposing deadlines throughout the year for receiving requests, with the hope of making the process more uniform. It was the consensus of the Executive Committee that the policy be amended. Darrell agreed to bring a draft back for consideration. The new policy can then be posted to the website, and local bar associations and Bar-related entities can be notified about the policy at the beginning of each Bar year, once it has been established.

Contracts for Legislative Consultants

Following a report by Director of Governmental Affairs Christine Butcher Hayes, the Executive Committee, by unanimous voice vote, approved engaging the services of Mark Middleton and Roy B. Robinson, III, as legislative consultants from January 1, 2018 through April 30, 2018. Mark Middleton will receive \$35,000 for his services and Roy Robinson will receive \$48,000 for his services. These costs will be paid from voluntary contributions made to the Legislative and Public Advocacy Fund.

Proposed Letter from the Real Property Law Section – Department of Revenue Rule:
Proposal on Liens

Following a report by Governmental Affairs Director Christine Butcher Hayes, the Executive Committee took the following action on a proposed letter from the Real Property Law Section to the Department of Revenue concerning the Department of Revenue's proposed regulation regarding satisfaction of liens via electronic database (SOLVED):

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar (passing the Keller test); and
2. By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until January 6, 2018; and
3. By unanimous voice vote, approved the proposed letter (Exhibit D) and authorized by Standing Executive Committee Policy 100 the Section sending the letter to the Department of Revenue.

Military Legal Assistance Program – New Contract and Hiring an Independent Contractor (Assistant)

President Buck Rogers and Executive Director Jeff Davis reported on a request from the Military Legal Assistance Program (MLAP) Committee that the Bar hire an assistant for Norman Zoller, effective January, who would be groomed to take over running the program as Norman phases out of it to retire. If approved, it would give Norman the authority to subcontract, under his independent contract, with someone to run the program until such time that the Personnel Committee meets and decides if the position should be changed from an independent contractor position to a Bar-employee position. A motion approving the request, subject to Executive Director Davis being involved in the hiring process, and understanding that the Personnel and the Executive Committees will consider it at the appropriate time, failed to get a second. After further discussion, it was the consensus of the Executive Committee that the request needs to come before the Personnel Committee in January so it can 1) consider whether the position should be transitioned to a part-time Bar employee, 2) assess the long-term needs of the program, and 3) get more clarity on Norman's intentions to retire. If it is also determined that the position should be filled before July 1, it can make that recommendation to the Executive Committee for consideration.

Law-Related Education Request for \$25,000 Allotment from Cornerstones of Freedom for Bus Transportation

Following a report by President Buck Rogers, and with additional background information provided by Jeff Davis and Steve Laine, by unanimous voice vote the

Executive Committee authorized up to \$25,000 from the Cornerstones of Freedom Fund to help pay the cost of bus transportation for schools attending the *Journey Through Justice* tours.

Announcement of Local AA Meetings at Board of Governors Meeting

President-elect Ken Hodges reported that he had received a request from a Bar member about sponsoring AA meetings at Bar meetings. He discussed the request with Jeff Kuester, Chair of the LAP Committee, who recommended that we instead publish information about AA meetings in the local vicinities. After further discussion, the consensus was that we should publish “Wellness” announcements in the meeting materials listing local gyms, AA meeting locations, and other relevant resources.

Requests for Contributions

The Executive Committee took the following action on requests for contributions, with \$31K in sponsorship monies available for distribution:

- 1) By majority voice vote, with Phyllis Holmen recusing, approved deviating from the Sponsorship Policy and contribution limit and contributing \$5,000 to the Georgia Legal Services Program Biennial Champions of Justice Recognition Event in honor of Phyllis Holmen for her long-time service to GLSP.
- 2) By unanimous voice vote, approved contributing \$1,500 for a half-page ad to the International Association of Korean Lawyers/Korean American Bar Association of Georgia 26th Annual IAKL Conference.

Strategic Plan

President Buck Rogers thanked the Executive Committee for its work on the Strategic Plan at the October 27 meeting. He reported that we will be incorporating the comments made and circulating the revised Plan to everyone for review. He further reported the he will be presenting the revised Strategic Plan to the Board of Governors at the Midyear Meeting.

Treasurer’s Report

Treasurer Darrell Sutton reported on the Bar’s finances, reporting that the Bar is on track to meet budget expectations. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Preliminary Revenues and Expenditures Report as of July 31, 2017; Income Statement YTD for the One Month Ended July 31, 2017; Bar Center Revenues and Expenditures Report for the One Month Ended July 31, 2017; Summary of Dues and Voluntary Contributions at October 31, 2017; and Legislative Fund and Cornerstones of Freedom Fund Activity Reports through September 30, 2017. He reported that the ICLE audit for Dec 30, 2017, is being conducted now. He further reported that a special committee will be meeting to select which investment firms

will be called in for interviews. And he reported that emeritus membership is up, GLSP contributions are up, and legislative funding contributions are flat, among other updates.

YLD Report

YLD President Nicole Leet reported that the YLD Fall meeting was well attended and included a number of new YLD members. A focus of hers this year is to get new members more immediately engaged in YLD, and the number of Leadership Academy applications and new member meeting attendees reflect the success of this effort. She is also personally contacting each new YLD member. President Leet further reported that this year's Leadership Academy participants have been selected and the Academy will kick off at the Midyear Meeting. She stated that she is looking forward to the Spring meeting in Nashville and invited the Executive Committee to attend, and is working on beefing up the content of the YLD Annual Meeting programming. Lastly, she reported that the YLD is doing well on its pro bono challenge. She has encouraged members that have already performed pro bono work to go ahead and sign up, and the Georgia Free Legal Answer website has seen an uptick in usage.

Executive Director's Report

Executive Director Jeff Davis reported we are continuing to negotiate the sale of the Athens property. Deputy General Counsel Bill NeSmith reported the contract is close to being finalized and that the sale could close by year end.

ACL/Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported on the special elections for state legislators. She also reported that she is looking at some new bill tracking software that will enable Sections to see what bills could have an impact on their practice areas. She hopes it will keep members more engaged in the legislative process. Lastly, she announced that the next ACL meeting will be held on November 28.

Office of General Counsel Report

General Counsel Paula Frederick reported Justice Blackwell met with her, and Deputy General Counsels Jenny Mittleman and Bill NeSmith to discuss the proposed new disciplinary rules. She announced that the Supreme Court of Georgia could have an order entered by the end of the year with a 6-month implementation period. She also reported that she will need to submit a funding request in the upcoming budget process for special masters' and disciplinary panel members' reimbursements. Lastly, she announced that Justice Blackwell has asked to be placed on the agenda for the December Executive Committee meeting.

ICLE Update/Athens Property Update

This topic was discussed in the Executive Director's report.

July 2017 Georgia Bar Examination Pass List

The Executive Committee received a copy of the July 2017 Georgia Bar Examination Pass List.

Georgia Association of Black Women Attorneys and the GABWA Foundation, Inc.

The Executive Committee received a letter from the Georgia Association of Black Women Attorneys Foundation expressing its gratitude to the State Bar for supporting the Foundation's 2017 Glitter Gala and Auction.

Supreme Court of Wisconsin Hears Petition on Bifurcated State Bar Dues Structure

The Executive Committee received a copy of a *WisBar News* article on the Supreme Court Hears Petition on Bifurcated State Bar Dues Structure.

Old Business

There was no old business.

New Business

Secretary Dawn Jones reminded everyone to be aware that nominations for the officer positions that will take place at the Midyear Meeting may be taped and published by the candidates. We will include this information in the elections packet mailed out to candidates by the Elections Committee.

Secretary Dawn Jones reported that, after conferring with Sharon Bryant and others, the Board of Governors Master Attendance Roster will now reflect a "u" for unexcused absences.

There being no further business the meeting was adjourned at approximately 3:45 pm.


Dawn M. Jones, Secretary

Approved: 
Buck Rogers, President



PAULA J. FREDERICK
General Counsel

**WILLIAM J. COBB
REBECCA A. HALL
JONATHAN HEWETT
JENNY K. MITTELMAN
ANDREEA N. MORRISON
ADRIENNE D. NASH
WILLIAM D. NESMITH, III
WOLANDA R. SHELTON
JOHN J. SHIPTENKO**

Memorandum

To: Members, Board of Governors
From: Paula Frederick
Date: December 18, 2017
Re: Report of the Office of the General Counsel

I am pleased to report on the activity of the Office of the General Counsel for the period since the Fall Meeting.

Discipline: During October and November 2017 the Office of the General Counsel sent 540 Grievance forms to members of the public and 328 were returned for screening. The Supreme Court of Georgia has entered orders in seven disciplinary cases during the same period. The year-to-date report on lawyer regulation (covering the period May 1, 2017 through November 30, 2017) appears at page 3 of this memorandum.

Receiverships: Earlier this year the Office hired a part-time clerk to help catalog receivership files and return client files. The clerk has fully cataloged seven receiverships and has sent over 2000 letters to clients in receivership cases. The Office has filed two new Petitions for Appointment of Receiver since the Fall meeting.

Rule Changes:

- The Board of Governors approved comprehensive changes to the procedural rules regarding disciplinary cases at the Spring 2017 meeting. The Office of the General Counsel filed a Motion to Amend with the Supreme Court on September 8, 2017. The proposal is pending with the Court.
- The Board will consider changes to several of the membership rules at the Midyear meeting.

Formal Advisory Opinions:

- Opinion 16-2 is a redrafted version of old opinion 10-2 that prohibits a lawyer appointed to serve as both legal counsel and guardian ad litem for a child in a termination of parental rights case from advocating termination over the child's objection. The opinion was redrafted to reflect changes in Bar Rules that have

been amended since the original opinion. The Supreme Court entered an order approving the redrafted opinion on December 11, 2017.

Litigation: There are four lawsuits currently pending against the Bar, employees or volunteers. Three were filed by lawyers who are or were involved in the disciplinary process and who contest disciplinary action taken against them. One was filed by a complainant whose grievance was dismissed. Bar Counsel Bill NeSmith can provide additional information about these matters to any interested Board member.

CLE Presentations: OGC lawyers have served as presenters at seven CLE programs since the Fall Meeting.

Year-to-Date Report on Lawyer Regulation

May 1, 2017 through November 30, 2017

Grievance forms requested and sent to public	1826
Grievance forms sent back to Office of General Counsel for screening	1131
Grievances pending as of 4/30/16.....	<u>359</u>
TOTAL	1490
Grievances referred to State Disciplinary Board members.....	94
Grievances being screened by Grievance Counsel (GC)	417
Grievances closed by Grievance Counsel	975
Grievances moved to moot status by GC after attorney was disbarred	4
TOTAL	1490

Regulatory Action May 1, 2017 through November 30, 2017

	<u>Attorneys</u>	<u>Cases</u>
Letters of Admonition Accepted	9	1
Investigative Panel Reprimands Administered	6	6
Review Panel Reprimands	1	1
Public Reprimands	2	2
Suspensions	12	14
Disbarments/Voluntary Surrenders	9	<u>14</u>
TOTAL	39	38
Reinstatements Granted	3	8
Reinstatements Denied	0	0

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

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

DATE: December 13, 2017

SUBJECT Status of the Military Legal Assistance Program

Background and Overview of Work: I report that December 8, 2017, marked the *eighth anniversary* since establishment of the Military Legal Assistance Program, the main objective of which has been and remains to connect lawyers with service members and veterans who need legal assistance. Thus far, 2,026 service members or veterans have been so connected as summarized below. Here are program highlights since the report to the Board of Governors at its last meeting on October 27, 2017, at Jekyll Island.

- 1) **Legal Assistance Clinics at Georgia Law Schools.** Along with Professor Charles Shanor, Lane Dennard, and Drew Early at Emory University; and Dean Steve Kaminshine, Associate Dean Roy Sobelson, Patricia Shewmaker, and Steve Shewmaker at Georgia State University, the MLAP helped facilitate establishment and continued operations of legal clinics in the law schools at Emory (which began in February 2013 [status of operations is at **Attachment A**], and Georgia State University (which began in November 2014). A new clinic is now scheduled to begin operations at the University of Georgia in the summer of 2018. Another legal clinic is also being considered at Mercer.
- 2) **Legal Assistance Clinics at VA Medical Facilities.** In addition to the MLAP and the law schools, legal assistance clinics continue operating at six VA medical facilities: VA Medical Centers (VAMCs) at Augusta and Decatur, VA medical facilities at Carrollton, Columbus, Fort McPherson, and Rome. Other legal clinics remain under consideration for the Dublin VAMC and at the VA medical facility in Savannah, Athens, and Macon.
- 3) **Veterans' Day Stand Down Event.** On November 11, seven volunteer attorneys and ten volunteer law students from the Emory University School of Law drafted and provided powers of attorney and medical directives to at least 15 veterans at the VAMC in Decatur.
- 4) **Veterans' Courts.** Veterans' courts are organized and remain operational in 20 judicial circuits representing 42 counties as recorded by the Council of Accountability of Court Judges in its directory for FY 2018. Veterans' courts exist as follows:

JUDICIAL CIRCUIT	COUNTIES
Alcovy	Newton
Appalachian	Fannin, Gilmer, Pickens

Atlanta	Fulton
Atlantic	Bryan, Evans, Liberty, Long, McIntosh, Tattnell
Augusta (two courts)	Burke, Columbia, Richmond
Blue Ridge	Cherokee
Chattahoochee	Muscogee
Cobb	Cobb
Coweta	Carroll, Coweta, Heard, Meriwether, Troup
Dublin	Johnson, Laurens, Truetlen, Twiggs
Eastern	Chatham
Griffin	Fayette, Pike, Spalding, Upton
Gwinnett	Gwinnett
Macon	Bibb, Crawford, Peach
Northeastern	Hall
Southern (two courts)	Colquitt, Lowndes
Stone Mountain	DeKalb
Tallapoosa	Polk, Haralson
Towaliga	Butts, Lamar, Monroe
Western	Clarke, Oconee

- 5) **ABA Military and Veteran Legal Network.** Under leadership of Linda Klein, the ABA is developing a nationwide legal network to help link lawyers with service member, veterans, their families, and caregivers. Mr. Zoller serves on the Pilot Task Team of the National Coordinating Council to implement this network (**Attachment B**).
- 6) **VA Accreditation CLE Program.** A CLE program concerned with VA Accreditation took place on Thursday, November 16, 2017, at the State Bar Justice Center in Atlanta. The guest speaker for this program was Fulton County Judge and Army Reserve Brigadier General Ural Glanville (**Attachment C**).

- 7) **Travel to Belgium and France, Oct. 2-13, 2017, re: 100th Anniversary of World War I.** A group of 13 participants, including lawyers and their guests, took part in the Military and Veterans Law Section's trip to Belgium and France with a CLE program commemorating the 100th Anniversary of various World War I battle sites, memorials, and related events over the period October 2-13, 2017. The on-site guides, Lt Col Andrew Duff and Dr. Nettah Yoeli Rimmer, were cordial and especially knowledgeable.
- 8) **Strategic Plans for MLAP.** In recent months a special committee of the Military Legal Assistance Program has been considering program operations generally, its workload, and potential for added staff to maintain quality, responsive connections between volunteer lawyers and service members and veterans for legal assistance.
- 9) **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 2,026 cases have been processed.** Further, a total of 44 additional cases are in process (i.e., in the pipeline), awaiting agreement authorizations from potential clients (58) or agreements from attorneys (13) to accept a case. Further, although the program does not handle criminal cases directly, about 700 inquiries have been received from veterans or service members seeking help on a criminal law matter (which are referred to the applicable county public defender or to a local bar association). A summary of cases processed by the MLAP by category follows:

Family Law	1,036 (including 59 previous)
Contested Divorce	417
Uncontested Divorce	17
Divorce Enforcement	22
Child Support	142
Guardianship/Adoption	106
Visitation	42
Child Custody	231
Consumer Law	123
Housing/Property	132
Foreclosure	26
Veterans Benefits/Disability	274
Wills/Estates/Probate	112
Employment/USERRA/SCRA	56
Bankruptcy	26
Insurance	21
Personal Injury	46

Property Damage	3
Worker's Compensation	3
Contract	10
Medical Malpractice	8
Toxic Substances	5
Other	<u>145</u>
	2,026

Attachments:

- A) Status of Legal Assistance Clinic for Veterans at Emory, Dec 12, 2017.
- B) Update on ABA Legal Assistance Network.
- C) VA Accreditation CLE Program: Nov. 16, 2017.



Summary of Clinic's Work

Date: December 12th, 2017

A. Summary of Cases and Involvement by Attorney Mentors and Student Volunteers

1. Roughly 336 veterans have been assisted since the inception of the clinic, either through consultations or substantial filings on behalf of the veteran.
2. Our Veterans Benefits cases have resulted in awards of lifetime benefits exceeding \$5,000,000.00 in totality since we opened in 2013.
3. Over 100 Student Volunteers have participated at this point (including 14 summer interns from 2014–2017).
4. 80 Lawyers volunteered for participation; 57 have participated at this point.

B. Referral sources

1. Cases coming in directly to the Clinic (Fellow: Keely Youngblood) (new e-mail address and phone number for the Clinic: 404-727-1044; lawveteransclinic@emory.edu)
2. Cases referred by the Military Legal Assistance Committee of the State Bar
3. Veterans Consortium Pro Bono Program in Washington
4. Legal Clinic at the VA Hospital
5. Atlanta Legal Aid
6. DeKalb County Community Development Board
7. Cobb County Veterans Court
8. Military Mondays with Starbucks
9. VA Homeless/HUDVASH Program
10. Cornerstone Training and Consulting

11. Army OneSource
12. Georgia Blinded Veterans Association
13. Vocational Rehabilitation and Employment Program at the VA Hospital

C. Work accomplished since the Clinic was established and since February 28, 2017

1. 58 current open cases; 155 cases opened since February, 2017. The Clinic is currently operating at full capacity.
2. 205 veterans have been assisted either through consultations or substantial filings since February 28, 2017.
3. The Clinic has established a pattern of exceeding our \$75,000.00 goal in each quarter of the fiscal year.
4. Though the 2016-2017 annual year has not yet ended, the Clinic has thus far recovered at least \$417,270.20 in economic impact since January 1, 2017.

D. Recent Publicity/Activities

1. Gave presentation at a Georgia ICLE training on Veterans Law, covering procedure in disability law.
2. Utilized User License Agreement to establish an independent server case management system through Clio's Academic Access Program. The system can store case files, track case development, assist with schedule management send deadline reminders, and allow students to track their hours with the same thoroughness that a billable-hours system would require.
3. Established a partnership with Georgia State University School of Law and the Access, Fairness, Public Trust and Confidence Committee to develop a Servicemember's Civil Relief Act Handbook for Georgia Judges
4. Held Veteran's Day Event on November 11th where 7 volunteer attorneys and 10 volunteer students provided Powers of Attorney and Medical Directives to at least 15 veterans.
5. Co-Hosted bi-monthly Military Mondays events with Starbucks where veterans were given a free beverage and an hour-long consultation on their legal claims at a local Starbucks.

E. Samples of Clinic Wins Since February 28, 2016:

1. An elderly Army Veteran was awarded over \$60,000.00 in back pay and a substantial increase in his service-connection disability due to his severe physical disabilities.
2. Represented Veteran who suffers from both a Traumatic Brain Injury and PTSD, stemming from his active duty. He suffers from severe daily short term memory loss, anxiety, hip and back pain, and is too disabled for employment. The Clinic secured permanent and total full disability benefits, but he was far more excited about the fact that we also secured his 12-year-old daughter's right to education assistance in college. This client was a clinic attorney's client but a student was able to successfully handle the majority of the work under supervision, which included both discovery and a brief.
3. The clinic secured disability benefits and provided a Power of Attorney service to a Korean War Veteran who has both PTSD and encroaching dementia. The Clinic also provided wills for his wife and son. This Veteran had been shot in the leg in Korea during an ambush, had his eye damaged by flying shrapnel, and had killed multiple enemy combatants in multiple firefights. He had been fighting to get his VA benefits for years, prior to his involvement with the clinic.

F. Challenges for the future

1. Establish best practices for refining case criteria and mastering timing related to incoming cases, lengthy discovery, and the assignment of cases and casework to students under the supervision of either fellows or volunteer attorneys.
2. Continue to expand our sources of cases. This includes our desire to expand our practice to Court of Appeals for Veterans Claims appellate work.
3. Fund raising.

J. Summary

The Clinic is currently at full capacity for caseload. There has been active student participation and the Clinic anticipates record numbers of students paired with local volunteer attorneys in Spring 2018. The VCV is also establishing formalized training manuals and materials, as well as an official VCV Policies and Procedures Manual. Students have recently been granted access to the new online case management system, which will allow students to track their pro bono hours as simulated billable hours. At least two students will be published in partnership with the VCV by the conclusion of Spring 2018.

The Clinic offers firm-wide and individualized trainings for volunteer attorneys. Those interested can contact Keely Youngblood at keely.youngblood@emory.edu or 404-727-1044.

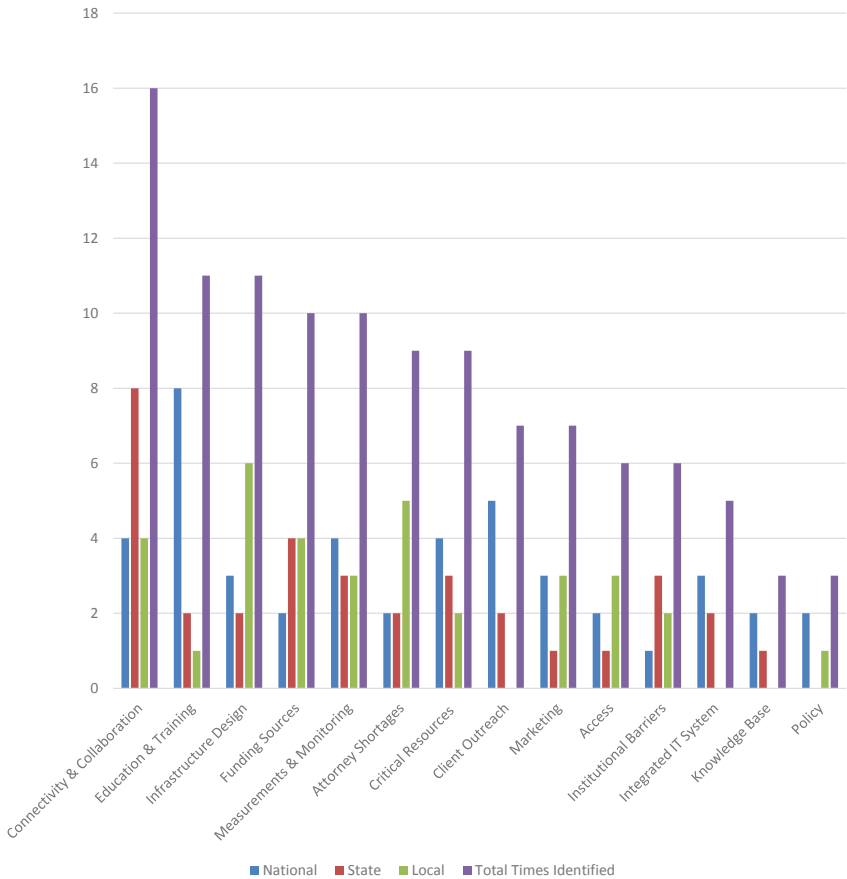
Reference material – Attorney/mentors should have access to the Veterans Benefit Manual by Stichman & Abrams; Federal Veterans Laws, Rules and Regulations, 2014 edition; and the Veterans Benefits Manual and Related Laws and Regulations on CD-ROM, all published by Lexis-Nexis.

The Nation should “care for him who shall have borne the battle and for his widow, and his orphan.” – Abraham Lincoln, Second Inaugural Address (March 4, 1865).



Strategic Themes by National, State and Local

This bar chart of the 15 strategic themes shows how differently local, state and national legal service providers view the importance of a given theme.



Strategic Themes with Identified Gaps

Gaps identified by work teams were categorized according the strategic theme that it suited best which analysts organized into the table below.

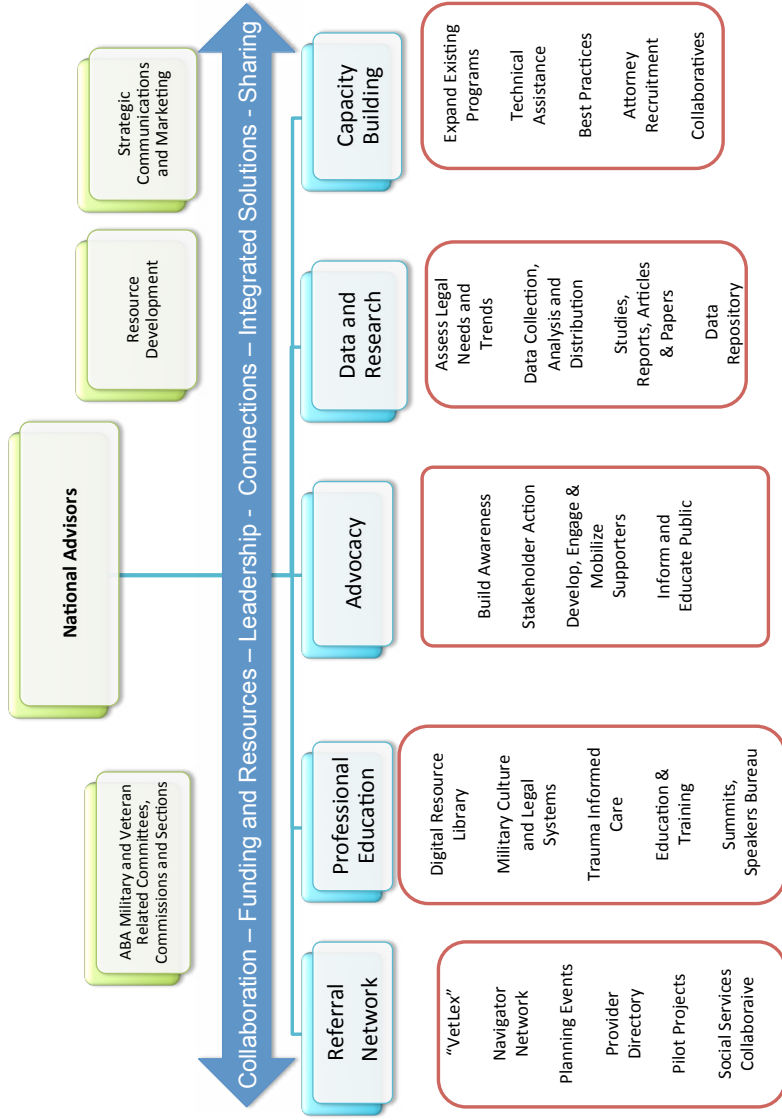
Themes	Strategic Themes – Gaps
<i>Connectivity & Collaboration</i>	Connectivity & Collaboration: Across all Systems, Resources, Services & Levels; Among Providers, Policy Makers & Public; National Leadership, Network of Networks, Non-duplicative, Sustainable, Systematic, Teamwork, Total Commitment & Unified
<i>Education & Training</i>	Education & Training: Accessible Knowledge Base, Attorneys & Non-Attorney Service Providers, Cultural Competency, Cross-Jurisdictional, High Visibility & Promotion, Multiple Methods, One-stop Shopping, Readily Available & Technology Driven
<i>Infrastructure Design</i>	Infrastructure Design: Better Access, Built from Proven Platforms, Centralized, Data-Driven, Incentivized, Integrated, Maintainable, Programs & Systems, Simplified, Solid Performance, Standardized, Sustainable, Systematic
<i>Funding Sources</i>	Funding Sources: Alternative & Non-Traditional Sources, Collaborative, De-Prioritize Pro Bono & Law Clinics, Flexible, Incentivized, Predictable & Reliable Sources
<i>Measurements & Monitoring</i>	Measurements & Monitoring: Common Platform, Comprehensive - Front End & Back End, Continuous Monitoring, Data Driven, Effective Metrics, Modern Technology; Standardized Processes; Standardized Tools, Measures, & Practices
<i>Attorney Shortages</i>	Attorney Shortages: Affordability, Availability, Cultural Competency, Ethical Limitations, Interstate Issues, Practical Constraints, & Legal Skills
<i>Critical Resources</i>	Critical Resources: Access System(s), Centralized Databases (Clients, Providers, Resources, Topical Knowledge), Culturally Competent Attorneys, Education *=& Training (Content & Delivery), Non-legal Services, Monitoring & Tracking Systems, Governance & \$ (reliable, steady & stable sources)
<i>Client Outreach</i>	Client Outreach: Access, Alluring, Awareness, Connective, Comprehensive, Credible, Far Reaching, High Visibility, Mixed Media, Multiple Methods, Scope of Services & Trustworthy
<i>Marketing</i>	Marketing: Awareness of Challenges & Needs, Generate Good Will & Public Support, Policy Makers, Service Providers, Volunteers & Sources of Funding
<i>Access</i>	Access: Easy, Known, Understandable, Universal, Comprehensive, Multiple Methods, One-stop Shop, Standardized, Transparent, Tracked, Case Managed & Warm Handoffs
<i>Institutional Barriers</i>	Institutional Barriers: Administrative, Conflicts of Law, Eligibility, Financial, Jurisdictional Incongruity, Obstructionism & Territorialism
<i>Integrated IT System</i>	Integrated IT System: Accessible, Built on Proven Platforms, Standardized, User Friendly Database & Tools
<i>Knowledge Base</i>	Knowledge Base: Accessible Knowledge Base, Attorneys & Non-Attorney Service Providers, High Visibility & Promotion, Legal & Culturally Relevant Subjects, One-stop Shopping, Readily Available & Technology Driven
<i>Policy</i>	Policy: Advocacy, Align Policy & Law Across State and National Agencies & Authorities, Incentivizing Funding & Participation, Promoting, Promulgating, Shaping, Spurring Cooperation & Collaboration, Standardizing & Streamlining
<i>Scope of Services</i>	Key Services, Clearly Defined, High Visibility & Timely Delivered

Network Aspects Ranked in Importance High to Low

Work teams identified key network aspects for panel discussion in four categories: success criteria, key network elements, resource and capability and recommendations

Success Criteria	Key Network Elements	Resource & Capability	Recommendations
Data-driven - accurate and simple data keeping	Effective web-based knowledge & information exchange system	Accessible, standardized, and comprehensive intake network and vetting process	Prioritize ease of access and use with a single point of entry
Baseline to measure success	Clear path to entry	Communications	Leverage existing infrastructure, models, and programs that are proven to work: Don't reinvent the wheel.
Improved speed and quality of client outcomes and VA claims	Buy-in and commitment from stakeholders at every level	Funding: traditional & alternative sources	Streamline and standardize practices and processes using best practices.
Unified points of access	Connect and address social challenges/support	Outreach	Find and cultivate alternative and flexible sources of funding; de-prioritize the use of pro-bono and law clinics
Critical mass of buy-in and use of an integrated network	Network based on proven models	Uniform data base for knowledge and information management & exchange	Create and share a roadmap of the what's been done and the way ahead
Cultural Competency	Beta testing and dry runs to ensure proof of concept	Advocate registry	Establish a diverse leadership structure
Improved client access	Clearly defined scope	List of clearly defined services	Train attorneys and service providers on key knowledge, particularly cultural competency, using multiple delivery methods.
Permanent financial support or endowment	Culturally competent	Performance and evaluation metrics and measurement system	Create a culture and build the network based on the voice of the customer
Responsive to service providers	Full spectrum of legal services	Adherence	Create a uniform needs assessment platform and systematically assess needs.
	Leadership structure	Administrative staffing	Identify standards for the network
	Meaningful measures	Best practices	Establish a national forum
	Rapid training and education system	Collaborators & partners	
		IT team to manage, maintain, and upgrade the IT systems	
		Needs assessment	
		Non-legal resources	
		Proactive case management	

Proposed Center



The ABA Center for Military and Veteran Legal Support represents an unprecedented national stakeholder collaboration focused exclusively on improving legal outcomes and increasing access to resources for Military, Veterans, their families, Caregivers and Survivors. The Center presents the identified solution to chronic and systemic barriers that military and veteran families encounter when seeking to access housing or employment programs, as well as due benefits, services, or treatment. Left unresolved, these legal problems lead to a diminished quality of life, health, and economic stability.

To identify root causes and develop a systemic strategy to resolve these legal problems, the ABA and Army OneSource held a two-day, national summit June 2016 in Washington DC, sponsored by the Bob Woodruff Foundation. The summit brought stakeholders together across more than 30 sectors on the national, state, and local levels. Among other findings, this working conference identified issues and gaps in capacity and connectivity in the network of legal assistance providers and to the public. For example, some programs were difficult to find and unknown to even other legal services providers. Once a person could access services, assistance was often limited by the capability or specialty of the lawyer, particularly as there were very few means for effective “warm referrals” to other practitioners, particularly across state and area of practice lines. So, rather than necessarily more lawyers, conferees saw the need to increase the capacity of those already in practice to handle a wider range of issues. And they also believed that connecting and synchronizing legal providers and networks in service to clients was equally as important.

Among other recommendations, conferees identified the need for clear, inclusive national leadership for military and veteran family legal support. That support was needed in several ways, including direct legal services, research, data collection, a national training and education library, a community collaboration center, and a clearinghouse innovative models, best practices, and technical assistance to help emerging communities build effective networks with clients’ needs in mind.

Conferees further asked representatives from the American Bar Association if the ABA would assume this mantle -- they saw the ABA as uniquely positioned given its broad membership based includes the wide array of legal services providers (lawyers, firms, state and local bar associations, law school clinical programs, civil legal aid, public defense, administrative lawyers, judges, etc.). Stakeholders also acknowledged the ABA as a convener that could foster the necessary collaboration across sectors in order to ensure a national legal support network remained relevant to emerging needs, and to help raise awareness concerning the special issues confronting the men and women served.

The ABA, in turn, agreed to explore what services would be required of it, and what resources were available to provide this new level of leadership. Then-ABA President-Elect Linda Klein committed her support towards resolving veterans and caregiver legal needs, and upon assuming the presidency, Klein established as her top priority the ABA presidential Commission on Veterans Legal Services. Among other charges, next year her commission will explore the potential for the establishment of a national, permanent center at the ABA. That center would deliver on the recommendations from the 2016 summit in service to providers and public, nationwide. This center would further support the continued delivery of special services that the ABA is uniquely qualified and positioned to provide, such as its Military Pro Bono Project or a Veterans Claims Assistance Network.

Based on the functions a national, ABA center would perform, scalable plans have been outlined to identify projected timelines for implementation of component parts, subject to resources. The goal of this initiative will be measured by those served receiving improved and best possible legal outcomes.

Thursday, November 16, 2017

ICLE: State Bar Series

VA ACCREDITATION

PREREQUISITE FORM

If you have not already done so, you must complete and submit a VA Form 21a to the Department of Veterans Affairs as a prerequisite for the accreditation process. Simply go online and print a copy of the form at: <https://www.va.gov/vaforms/va/pdf/va21a.pdf> or follow the link on iclega.org.

7.5 CLE Hours including

1 Ethics Hour | 1 Professionalism Hour | 1 Trial Practice Hour

Military Legal Assistance Program
Military/Veterans Law Section

CO-SPONSOR

AGENDA

PRESIDING:

Drew N. Early, Program Co-Chair, Shewmaker & Shewmaker, LLC, Atlanta
Patricia D. Shewmaker, Program Co-Chair, Shewmaker & Shewmaker, LLC, Atlanta

7:30	REGISTRATION AND CONTINENTAL BREAKFAST (All attendees must check in upon arrival. A jacket or sweater is recommended.)	12:10	LUNCH PRESENTATION UPDATES TO MILITARY AND VETERANS LAW SECTION <i>Patricia A. Elrod-Hill</i>
8:00	WELCOME AND PROGRAM OVERVIEW <i>Patricia A. Elrod-Hill</i> , Chair of the Military and Veterans Law Section, The Elrod-Hill Law Firm, LLC, Norcross	12:50	THE MILITARY LEGAL ASSISTANCE PROGRAM (MLAP) OF THE STATE BAR OF GEORGIA <i>Norman E. Zoller</i> , Coordinating Attorney, Military and Veterans Legal Assistance Program, State Bar of Georgia, Atlanta
8:15	VA PENSION AND DIC <i>Victoria H. Watkins</i> , Attorney at Law, Marietta	1:05	UPDATES FROM THE GEORGIA DEPARTMENT OF VETERAN SERVICES <i>Robert E. "Bob" Norman</i> , Veterans Training & Development Division, Georgia Department of Veterans Service, Atlanta
9:00	REPRESENTATION BEFORE THE VA <i>Patricia A. Elrod-Hill</i>	1:35	DISABILITY COMPENSATION AND CASE LAW UPDATE <i>Drew N. Early</i>
9:30	CLAIMS PROCEDURES AND BASIC ELIGIBILITY <i>Keely M. Youngblood</i> , Emory Law Volunteer Clinic For Veterans, Atlanta	2:35	VA APPEALS PROCESS <i>J. Travis Studdard</i> , Perkins Studdard LLC, Carrollton
10:15	BREAK	3:20	BREAK
10:30	UPDATES FROM THE VETERANS ADMINISTRATION <i>Dawn P. Kentish, LICSW, MAC</i> , Veterans Justice Outreach Supervisor, Veterans Administration, Atlanta <i>Nicole Price</i> , Deputy District Chief Counsel, Office of the General Counsel Southeast District-North, Veterans Administration, Decatur	3:35	ETHICS & PROFESSIONAL RESPONSIBILITY – REPRESENTING CLIENTS WITH DISABILITIES <i>Drew N. Early</i>
11:00	PROFESSIONALISM – KEYNOTE SPEAKER <i>Hon. Ural D.L. Glanville</i> , Judge, Fulton County Superior Court; Brigadier General, U.S. Army JAG; State of the U.S. Army Judge Advocate General Corps, Atlanta	4:35	CLOSING REMARKS/ADJOURN
12:00	BREAK Obtain boxed lunch (included in registration fee) and return to seminar room.		

Limited to 90 attendees.

Early registration closes 48 hours before the seminar.

ATTACHMENT C



State Bar
of Georgia
INSTITUTE OF CONTINUING LEGAL EDUCATION

LOCATION AND HOTEL OPTIONS

STATE BAR OF GEORGIA HEADQUARTERS

104 Marietta Street NW • Atlanta, Georgia

For Directions Please Visit <http://www.gabar.org/>

To make hotel room reservations, call:

Embassy Suites phone:1-800-Hiltons | The Glenn phone: 404-521-2250

Hilton Garden Inn phone: 404-577-2001 | The Omni phone: 404-818-4334

Home2Suites Hilton phone: 404-965-7992

Ask for the State Bar of Georgia's negotiated corporate rate.

CANCELLATION POLICY

Cancellations reaching ICLE by 5:00 p.m. the day before the seminar date will receive a registration fee refund less a \$15.00 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

Early registrations must be received 48 hours before the seminar. ICLE will accept on-site registrations as space allows. All attendees must check in upon arrival and are requested to wear name tags at all times during the seminar. ICLE makes every effort to have enough program materials at the seminar for all attendees. When demand is high, program materials must be shipped to some attendees.

EARLY REGISTRATION PAYMENT OPTIONS

Mail: ICLE • PO Box 117210 • Atlanta, GA 30368-7210 (make check payable to ICLE)

Online: iclega.org (credit card payment only)

Duplicate registrations may result in multiple charges to your account. A \$15 administrative fee will apply to refunds required because of duplicate registrations.

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Early Registration closes 48 hours before the seminar. Questions, Call ICLE: 678-529-6688

VA ACCREDITATION | NOVEMBER 16, 2017 | 9730

EARLY REGISTRATION: \$165

ON-SITE REGISTRATION: \$215

On-site Registration Payment Options:

- **ICLE cannot accept cash.**
- **ICLE accepts checks** (make check payable to ICLE).
- **Debit Cards, Visa, Mastercard, and American Express are accepted.**
- **On-site registrants must pay at the time of the on-site registration.**

**EARLY REGISTRATION
CLOSES 48 HOURS BEFORE
THE SEMINAR.**

NAME _____ GEORGIA BAR # _____

FIRM/COMPANY _____ OFFICE PHONE _____

EMAIL _____

(To receive seminar notification and registration confirmation by email only.)

MAILING ADDRESS _____ ZIP + 4 _____

STREET ADDRESS _____ ZIP + 4 _____

CITY _____ STATE _____

- ☐ I am sight impaired under the ADA and I will contact ICLE immediately to make arrangements.
- ☐ I have enclosed a check [payable to ICLE] in the amount of \$_____ (See fees at left)
- ☐ I authorize ICLE to charge the amount of \$_____ (See fees at left)
- to my ☐ MASTERCARD ☐ VISA ☐ AMERICAN EXPRESS*

Credit Card Verification Number: A three-digit number usually located on the back of your credit card; *AmEx is four-digits on the front of the card.

Account #:

Expiration Date _____ Signature _____

CONSUMER ASSISTANCE PROGRAM

STATE BAR OF GEORGIA

December 6, 2017

The Consumer Assistance Program (CAP) continues to serve both the public and members of the Bar, as it has since 1995. So far during this year CAP has handled around 10,945 new or “unique” contacts (calls, letters, emails, and faxes), an average of approximately 912 per month. This does not include repeat calls, letters, emails, or follow-up contacts. CAP itself has handled 78.93% of these contacts. The remaining 21.07% have been referred to the Office of General Counsel (OGC) for investigation. It is beyond the scope of CAP’s responsibility to investigate or handle allegations of serious ethical misconduct and violations of the Georgia Rules of Professional Conduct.

CAP’s staff consists of three administrative assistants and two attorneys. CAP directly answers “live” about 97% of the calls received. The CAP Helpline is used when no one is available to answer calls live or for calls that come in after business hours. Calls that are not answered live are returned within the same or the next working day. CAP’s response to the voluminous mail, emails, and faxes, is usually within one day.

CAP’s two attorneys often contact members of the Bar by telephone, fax, or letter, at the request of clients. It is often helpful for attorneys to receive a confidential, non-disciplinary courtesy call, letting the attorneys know that their clients have contacted the Bar with various complaints or concerns. 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. Each CAP call is just a “heads-up” or courtesy call. None of CAP’s actions reach attorneys’ permanent records, and all of CAP actions are confidential.

CAP is the contact point of the Bar for persons complaining about attorneys who are delinquent in paying their court ordered child support. Under OCGA 19-6-28.1 an attorney obligated to pay child support can be administratively suspended from the practice of law, if the custodial parent submits a certified copy of an order verifying the arrearage. The suspension is lifted once certain requirements are met in accordance with the Code and the Georgia Rules of Professional Conduct. So far there has been one such case during this year.

CAP is also a contact point for the Judicial District Professionalism Program (JDPP). This involves inquiries from lawyers or judges concerning unprofessional conduct and incivility among peers. This program is private, confidential, voluntary, and non-disciplinary in nature. Its purpose is to open channels of communication by the informal use of local peer influence. During this year there have been no JDPP cases so far.

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

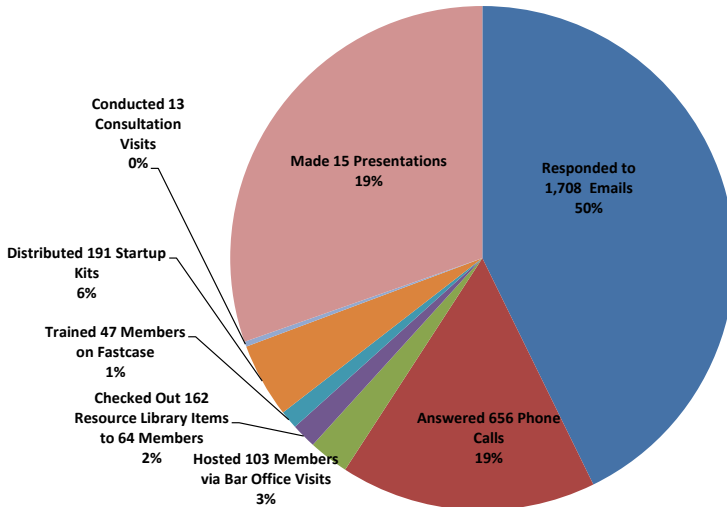
Law Practice Management Program

(Abbreviated report for the 2017-2018 Bar Year).

Members Served by LPMP

Total Number of Members Served – 3,996

July 1, 2017 – December 8, 2017



Office Visits/Phone Calls/Emails

A total of 103 members visited LPMP. There were 27 startup discussions, 4 general office practice management discussions, 68 walk-in visits, and 4 visits to the software library conducted by the Program. In addition, LPM distributed 191 *Starting Your Georgia Law Practice* booklets as requested by attorneys, as well as, answered and responded to 656 phone calls and 1,708 emails to and from members.

Consultations

There were 13 general consultation visits during this period in Atlanta, Avondale Estates, Griffin, Kennesaw, Mableton, and Statesboro. Firms assisted were in solo practice (8 firms); 2-4 attorney firms (4 firms); and 5-9 attorney firms (1 firm).

Resource Library

Our lending library has a grand total of 1,948 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 162 checkouts by 64 patrons.

Speaking Engagements

There were a total of 19 completed and scheduled programs during this period. The Program's staff has given 15 continuing legal education and special presentations to Georgia lawyers and other related groups. These presentations have been held in various local and national venues; and have been made directly to at least 872 Georgia Bar members. 4 programs are scheduled for future dates.

Fastcase Report

During this period, a grand total of **47** members and **11** staff have attended Fastcase CLE seminars.

Since the decision was made to transition to Fastcase, **1,661** attorneys and **96** staff members have attended Fastcase live training. Others have taken advantage of webinar training.

Fastcase Partner Usage Report for State Bar of Georgia from July 1, 2017- November 30, 2017

	July	Aug	Sept	Oct	Nov	Total
First Time Logins	104	135	78	104	139	560
Total Logins	16,316	19,075	15,484	17,704	16,335	84,914
Total Users Who Logged In	3,671	4,042	3,600	3,867	3,695	18,875
Searches Conducted	83,505	93,960	81,110	88,034	81,377	427,986
Documents Viewed	126,928	145,616	122,672	137,763	123,821	656,800
Documents Printed	13,797	15,241	11,672	14,475	12,528	67,713
Total Transactions	244,321	278,069	234,616	261,947	237,895	1,256,848

Fastcase Reported Problems

Member Reported Issue(s)	Fastcase Response / Resolutions
1/26/17 Member Reported: Cannot get Fastcase to open.	1/27/17 FC Response: Fastcase reported they are having some sporadic problems with bar logins. At present all seems to be resolved.
01/30/17 Member Inquired: Does Fastcase have a screen reader function/display for the visually impaired?	02/01/17 FC Response: "Unfortunately we do not have screen reader capabilities but I've been told that it's a project under production. When I have more updates I'll be sure to let you know and we'll make announcements to let effected members know."
04/26/17 Member Reported: The cases that cite to OCGA § 17-10-17 do not indicate that this statute was determined to be unconstitutional in 2004. He thought there would be mention of this with the bad law bot.	04/26/17 FC Response: Bad Law Bot will only flag a case if it has been subsequently cited with a negative citation signal (specific keywords) per the bluebook rules. <u>The algorithm runs on case citations, not statute citations.</u> So if a pre-2004 case citing OCGA § 17-10-17 had been cited by another case with the parenthetical (overturned by plaintiff v. defendant), would be flagged.
08/01/17 Member Inquired: Fastcase was not working.	08/01/17 FC Response: Fastcase rep confirmed that their system was down for a brief time. She will reach out to member with an explanation.
08/14/17 Member Inquired: Member found at least one statute that took effect on July 1 that has not yet been added to the online Code.	08/14/17 FC Response: 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.
	09/13/17 FC Notification: 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

December 13, 2017

INDIVIDUAL MARKETPLACE		
Individual Visits	18,737	Individuals that have visited the Individual Marketplace Registration page at least once
Individual Registrations	15,065	Individuals that have registered to begin shopping for benefits
Product Enrollments	2,618	Total Individual Product Enrollments
• Medical	1,389	Total Individual Major Medical, Short-Term Medical and Limited Medical Enrollments
• Medicare Supplement	13	Total Individual Medicare Supplement Enrollments
• Dental	447	Total Individual Dental Enrollments
• Vision	213	Total Individual Vision Enrollments
• Teladoc	73	Total Individual Teladoc Enrollments
• LifeLock	26	Total Individual LifeLock Enrollments
• Life/AD&D	252	Total Individual Life/AD&D Enrollments
• Disability	157	Total Individual Disability Enrollments
• Long-Term Care	48	Total Individual Long-Term Care Enrollments

EMPLOYER GROUP EXCHANGE		
Employer Visits	893	Employers that have visited the Employer Registration page at least once
Employer Registrations	319	Employers that have submitted a quote request to initiate the sales process
Product Enrollments	423	Total Product Enrollments
• Medical	184	Total Medical Enrollments
• Ancillary	218	Total Ancillary Enrollments
• Workers' Comp	14	Total Workers' Comp Enrollments
• Professional Liability	7	Total Professional Liability Enrollments

PUBLISHED ARTICLES 2017-2018			
Date	Newspaper	Headline	Circulation
6/12/2017	Albany Herald	Kenneth B. Hodges III installed as president-elect of State Bar of Georgia	10,793
6/12/2017	Daily Report	State Bar Presents Equality Awards	3,055
6/12/2017	Rome News-Tribune	Twyman to serve on State Bar Board of Governors	11,651
6/13/2017	Athens Banner-Herald	Judge Stephens re-elected to board of Georgia bar	19,033
6/13/2017	Marietta Daily Journal	Darrell Sutton installed as treasurer	13,393
6/14/2017	Times Georgian, Carrollton	Swindle elected to state bar Board of Governors	5,264
6/14/2017	Coastal Courier, Hinesville	Attorney on State Bar Board	5,500
6/15/2017	Atlanta Daily World	Dawn M. Jones Installed as Secretary of State Bar of Georgia	16,000
6/16/2017	Cherokee Tribune & Ledger-News, Canton	Eric Ballinger re-elected to Georgia State Bar board	4,060
6/17/2017	Daily Citizen, Dalton	Smalley re-elected to State Bar Board	8,415
6/17/2017	Times, Gainesville	Local public defender Vaughan re-elected to State Bar's Board of Governors	5,000
6/20/2017	Daily Report	Georgia Legal Community Mourns Loss of Judge Marvin Shoob	3,055
6/20/2017	Savannah Morning News	State Bar salutes Judge Kravitch	30,841
6/20/2017	Statesboro Herald	Susan Cox is re-elected to Georgia Bar board	8,000
6/20/2017	Statesboro Herald	Mock completes term as president of State Bar YLD	8,000
6/21/2017	Cairo Messenger	Bell re-elected to State Bar Board of Governors	6,183
6/21/2017	Cairo Messenger	State Bar president congratulates local judge	6,183
6/21/2017	Dodge County News, Eastman	Burton is re-elected to serve on the board of governors	4,681
6/21/2017	Monroe County Reporter, Forsyth	Jenkins re-elected to State Bar board	4,210
6/21/2017	Coastal Courier, Hinesville	Congratulations on Law Day event	5,500
6/21/2017	Savannah Tribune	Savannah Attorneys Re-Elected to Board of Governors of State Bar of Georgia	8,000
6/21/2017	Soperton News	Letter to the Editor (Law Day)	1,139
6/22/2017	Dallas New Era	Paulding County Bar Association Receives Georgia Bar Awards	3,829
6/22/2017	Courier Herald, Dublin	Sumner re-elected to Board of Governors of State Bar	9,555
6/22/2017	Courier Herald, Dublin	Letter to the Editor (Law Day)	9,555
6/22/2017	Oconee Leader, Watkinsonville	Judge Lawton Stephens elected to State Bar Board	9,000
6/23/2017	Daily Report	Georgia Legal Community Mourns Loss of Judge Phyllis Kravitch	3,055
6/24/2017	Marietta Daily Journal	Appointments (Board of Governors)	13,393
6/24/2017	Houston Home Journal, Perry	Houston County Young Lawyers Division awarded State Affiliate of the Year	7,822
6/25/2017	Augusta Chronicle	Thomas Burnside/Sam Nicholson (Board of Governors)	36,696
6/25/2017	Savannah Morning News	Website for Savannah Bar is honored	30,841
6/27/2017	Log Cabin Democrat, Conway (AR)	Hendrix College grad re-elected to committee in Georgia	5,851

6/27/2017	Johnson Journal, Wrightsville	Letter to the Editor (Law Day)	1,038
6/28/2017	Coastal Courier, Hinesville	Congratulations on appointments	5,500
6/28/2017	Jackson Herald, Jefferson	King re-elected to board of governors of bar association	3,980
6/28/2017	Berrien Press, Nashville	Mickey Johnson Elected to Board of Governors of State Bar of Georgia	3,678
6/28/2017	Savannah Tribune	Savannah Native Damon Elmore Elected to Executive Committee	8,000
6/28/2017	Forest-Blade, Swainsboro	Letter to the Editor (Judge Palmer)	3,748
6/29/2017	Hartwell Sun	Gordon re-elected to Board of Governors State Bar of Georgia	5,027
6/29/2017	Jackson Progress-Argus	O'Neal honored by Young Lawyers Division	2,665
6/29/2017	Toccoa Record	Irvin re-elected	4,816
6/30/2017	Atlanta Business Chronicle	Achievements (Hanson & Morgan)	25,714
6/30/2017	Atlanta Business Chronicle	Honors & Awards (Executive Committee)	25,714
7/1/2017	Crossroads News, Decatur	Morris reappointed to State Bar's Board of Governors	28,000
7/1/2017	Macon Telegraph	Chief Judge Dillard	26,050
7/1/2017	Walton Tribune, Monroe	County Bar earns honor	4,252
7/2/2017	Albany Herald	Business Portfolio: Edwards	10,793
7/2/2017	Gwinnett Daily Post, Lawrenceville	Gwinnett Bar Association receives awards at State Bar meeting	61,511
7/2/2017	Savannah Morning News	Johnson, Manly re-elected to State Bar board	30,841
7/2/2017	Valdosta Daily Times	Remerton judge elected to State Bar's Board of Governors	10,290
7/5/2017	Brunswick News	Bar association receives top honor	12,988
7/5/2017	Press Sentinel, Jesup	Leaphart re-elected to Georgia State Bar's Board of Governors	4,654
7/5/2017	News & Farmer / Jefferson Reporter, Louis	Judge Kathy Palmer congratulated on council post	2,445
7/5/2017	Metter Advertiser	Congratulations to Judge Palmer on statewide judicial council post	1,868
7/6/2017	Pickens County Progress, Jasper	Will Pickett Jr. re-elected to Board of Governors of State Bar of Georgia	6,360
7/7/2017	LaGrange Daily News	Congratulations to Swindle on state appointment	3,837
7/8/2017	Macon Telegraph	Macon lawyers recognized by State Bar	26,050
7/9/2017	Douglas County Sentinel, Douglasville	Swindle elected to Board of Governors of State Bar of Georgia	2,428
7/10/2017	Athens Banner-Herald	Athens lawyer appointed to Judicial Qualifications Commission	19,033
7/12/2017	Northside Neighbor	Congratulations to new Sandy Springs city attorney	16,619
7/13/2017	Oconee Enterprise, Watkinsville	Legal community sad with loss of Wilson	3,435
7/17/2017	Times, Gainesville	Georgia's legal community mourns loss of Judge O'Kelley	5,000
7/17/2017	Macon Telegraph	Mourns loss of Lawton Miller Jr.	26,050
7/18/2017	Northside Neighbor	Georgia legal community mourns loss of Kleiner	16,619
7/19/2017	Daily Report	Georgia Legal Community Mourns Loss of Judge William O'Kelley	3,055
7/19/2017	Houston Home Journal, Perry	Congratulations to Jim Elliott on GMA Hall of Fame Induction	7,822

7/21/2017	Henry Herald, McDonough	Kudos to Welch on appointment to Juvenile Justice Advisory Group	1,822
7/27/2017	Marietta Daily Journal	Congrats to Rep. Bert Reeves for appointment to juvenile justice group	13,393
8/2/2017	Rome News-Tribune	Rome attorneys named to State Bar of Georgia committee posts	11,651
8/3/2017	Griffin Daily News	Jones to serve on State Bar of Georgia's Bench & Bar Committee	4,732
8/3/2017	Union Recorder, Milledgeville	Local attorney named to State Bar of Georgia committee posts	5,030
8/4/2017	Douglas County Sentinel, Douglasville	Douglasville attorneys, judge named to State Bar committees	2,428
8/4/2017	Marietta Daily Journal	Cobb attorneys, judges named to State Bar posts	13,393
8/6/2017	Cherokee Tribune & Ledger-News, Canton	Attorneys named to State Bar posts	4,060
8/6/2017	Douglas Enterprise	Douglas Attorney Named to State Bar of Georgia Member Benefits Commit	7,240
8/7/2017	Athens Banner-Herald	Judge, attorneys named to state bar committee posts	19,033
8/9/2017	Albany Herald	Albany attorneys appointed to committees on the state bar	10,793
8/9/2017	Polk County Standard Journal, Cedartown	Cedartown Attorneys Named to State Bar of Georgia Committee Posts	2,901
8/9/2017	Dodge County News, Eastman	Judges named to state committees	4,681
8/9/2017	Elberton Star	State Bar of Georgia pays tribute to Peyton Hawes Jr.	3,584
8/9/2017	Macon Telegraph	New Judge (Monroe)	26,050
8/9/2017	Metter Advertiser	Kendall Gross appointed to State Bar committee	1,868
8/10/2017	Daily Citizen, Dalton	Three Dalton attorneys named to State Bar of Georgia committees	8,415
8/10/2017	Pickens County Progress, Jasper	Jasper attorneys named to State Bar of Georgia committee posts	6,360
8/13/2017	Times Georgian, Carrollton	Deal names Swindle to state review board	5,264
8/13/2017	Times Herald, Newnan	Newnan attorneys named to State Bar committee posts	9,551
8/14/2017	Brunswick News	Local lawyers named to state bar committees	12,988
8/15/2017	Marietta Daily Journal	Appointments (YLD Committees)	13,393
8/15/2017	Statesboro Herald	Statesboro attorneys named to State Bar committees	8,000
8/16/2017	Cairo Messenger	Judge Bell named to legislation committee	6,183
8/16/2017	Jackson Herald, Jefferson	Tolbert named to Bench and Bar Committee	3,980
8/16/2017	Northside Neighbor	Georgia legal community mourns loss of Bartee	16,619
8/16/2017	Houston Home Journal, Perry	Warner Robins Attorneys Named to State Bar of Georgia Committee Posts	7,822
8/16/2017	Catoosa County News, Ringgold	Ringgold attorney Stagg named to rules committee, investigative panel	1,529
8/17/2017	Columbus Ledger-Enquirer	Above and beyond (Jim Butler)	21,789
8/18/2017	Tifton Gazette	Tifton attorney named to State Bar of Georgia YLD leadership position	4,431
8/20/2017	Savannah Morning News	Chatham County attorneys, judges named to State Bar of Georgia committee	30,841
8/20/2017	Savannah Morning News	Four Savannah lawyers named to Young Lawyers leadership roles	30,841
8/23/2017	Houston Home Journal, Perry	Houston County Attorneys Named to Leadership Posts	7,822
8/25/2017	Waycross Journal-Herald	Georgia State Bar Honors Judge Clarence Blount	6,828

8/29/2017	Athens Banner-Herald	Congratulating Quick on becoming judge for Clarke, Oconee counties	19,033
8/31/2017	Oconee Enterprise, Watkinsville	Regina Quick to serve as Superior Court judge	3,435
9/3/2017	Gwinnett Daily Post, Lawrenceville	Gwinnett attorneys fill State Bar of Georgia young lawyers leadership posts	61,511
9/4/2017	Augusta Chronicle	Kudos to Judge Hunter	39,696
9/17/2017	Coastal Courier, Hinesville	Local attorney gets statewide post	5,500
9/18/2017	Daily Report	High Court Appoints Head of Professionalism Commission	3,055
9/22/2017	Courier Herald, Dublin	Congratulations to Judge Smith on reappointment to public defender panel	9,555
9/27/2017	Business in Savannah	4 Savannah lawyers named to Young Lawyers leadership roles	5,000
9/27/2017	Business in Savannah	Chatham County attorneys, judges named to State Bar of Georgia committee	5,000
10/4/2017	Daily Report	Georgia Legal Community Mourns Loss of Catherine O'Neil	3,055
10/5/2017	Gwinnett Daily Post, Lawrenceville	Pak's confirmation shows his continued dedication to serving the public	61,511
10/5/2017	Daily Report	Bar President Congratulations U.S. Attorney Bjay Pak	3,055
10/9/2017	Daily Report	Congratulations to New Director for Chief Justice's Commission on Professionalism	3,055
10/11/2017	Blackshear Times	State Bar of Georgia recognizes Judge Blount for years of service	3,342
11/9/2017	Columbus Ledger-Enquirer	Daughtery's passing is a loss for community, and for legal profession in Georgia	21,789
11/28/2017	Daily Report	State Bar of Georgia honors efforts to expand Pro Bono	3,055
		TOTAL CIRCULATION	1,323,395

