



State Bar
of Georgia

BOG BOARD BOOK

**2022 Midyear Meeting
Atlanta, GA**

*This book serves as the agenda and
materials for the State Bar of Georgia's
2022 Midyear Meeting.*



290th BOARD OF GOVERNORS MEETING

January 8, 2022

9:00 a.m. – 12:00 p.m.

The Westin Buckhead

Atlanta, Georgia

Hybrid/Zoom Webinar:

<https://gabar.zoom.us/j/96613561361?pwd=bjBNZHFyWnlvbW5FcU5tQUd5bFZZUT09>

Passcode: 365508

US: +13126266799,,96613561361# or +19292056099,,96613561361#

Dress: Business

AGENDA

<u>Topics</u>	<u>Presenter</u>	<u>Page Number</u>
1) ADMINISTRATION		
a) Welcome and Call to Order	Elizabeth L. Fite	1-8 President
b) Pledge of Allegiance	Hon. Rachel Krause Judge, Fulton County Superior Court	
c) Invocation.....	M. Khurram Baig Professionalism Committee	
d) Recognition of Special Guests	Elizabeth L. Fite	
e) Roll Call.....	Ivy N. Cadle	9-13 Secretary
f) Future Meetings Schedule	Elizabeth L. Fite.....	14-15

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 16-17
 (1) Article III Board of Governors, Section 7. Honorary Members

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

3) ACTION

- a) Minutes of the 289th Meeting Ivy N. Cadle 18-21
 of the Board of Governors on October 23, 2021
- b) Nominations of ABA Delegates Robert Rothman
 2-year terms August 2022 – August 2024
 (1) Post 1 (currently held by Robert Rothman, Atlanta)
 (2) Post 2 (currently held by C. Elisia Frazier, Pooler)
 (3) Post 6 (currently held by Gerald Edenfield, Statesboro)
- c) Nominations of State Bar Officers..... Elizabeth L. Fite
 (nominations = 5 minutes, seconds = 2 minutes)
 (1) Office of Secretary
 (2) Office of Treasurer
 (3) Office of President-Elect

4) LEGISLATION

- a) Update on Germaneness..... Paula Frederick
- b) Advisory Committee on Legislation Minutes
 (1) November 30, 2021 22-27
- c) Advisory Committee on Legislation Kyle Williams, Chair
 New Legislative Proposals (action)
 (1) Access to Justice Committee 28-31
 Support for Judicial Council Budget Request for FY 2023
 Funding for Civil Legal Services Grants for Kinship Care
 (2) Indigent Defense Committee 32-36
 Support for Judicial Council Budget Request for FY 2023
 Continued Funding for the Georgia Resource Center

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
(3) Child Protection and Advocacy Section		37-55
Support for HB 272 "Raise the Age" of Juvenile Court Delinquency Jurisdiction		
(4) Bench and Bar Committee		56-67
Support for HB 409 – Establishing a Judicial Legal Defense Fund Commission		

d) Legislative Update Christine Butcher Hayes

5) INFORMATIONAL REPORTS

a) Treasurer’s Report..... Tony DelCampo.....68-81
Treasurer

b) Executive Director’s Report..... Damon Elmore

c) Young Lawyers Division Elissa B. Haynes.....82-86
YLD President

d) Proposed Revisions to the Advertising Rules Paula Frederick 87-117

e) President’s Report..... Elizabeth L. Fite

6) WRITTEN REPORTS

a) Executive Committee Minutes
 (1) September 23, 2021 118-122
 (2) November 5, 2021..... 123-127

b) Georgia Legal Services Program 128-129

c) Chief Justice’s Commission on.....130-135
 Professionalism Report

d) Law Practice Management 136-139

e) Media Report 140-141

7) CLOSING

a) Old Business Elizabeth L. Fite

Topics

Presenter

- b) New Business Elizabeth L. Fite
- c) Announcements Elizabeth L. Fite
- d) Executive Session Elizabeth L. Fite
- e) Remarks / Q&A / Comments / Suggestions
- f) Adjournment

2022 MIDYEAR MEETING

Jan. 6-8

The Westin Buckhead | Atlanta, Georgia

Hotel Deadline | Friday, Dec. 17, 2021
Final Registration Deadline | Wednesday, Dec. 29, 2021



PHOTOS PROVIDED BY THE WESTIN BUCKHEAD

Schedule of Events

THURSDAY, JAN. 6

11 a.m. – 7 p.m.

Registration

12 – 6 p.m.

Table Top Displays

12 – 2 p.m.

Appellate Practice Section Lunch

2 – 3 p.m.

CLE | Advertising and Soliciting Business in the 21st Century:
A Proposal to Amend the Georgia Rules of Professional Conduct

3 – 4:30 p.m.

Office of the General Counsel Overview Committee Meeting
(*Virtual only*)

3:30 – 4 p.m.

Family Law Section Executive Committee Meeting

4 – 5 p.m.

Family Law Section CLE

4 – 5 p.m.

Intellectual Property Law Section Meeting

5 – 6:30 p.m.

Family Law Section Reception

6:30 – 9:30 p.m.

Past Presidents' Dinner

(*By invitation only*)

FRIDAY, JAN. 7

7 a.m. – 7 p.m.

Registration

8 a.m. – 5:30 p.m.

Table Top Displays

8 – 9 a.m.

Past Presidents' Breakfast

(*By invitation only*)

10:30 – 11:30 a.m.

Elections Committee Meeting

(*Virtual only*)

11:30 a.m. – 1:30 p.m.

ICLE Board Meeting and Lunch

12 – 2 p.m.

General Practice & Trial Law Section Lunch

FRIDAY, JAN. 7 (CONT.)

1 – 2:30 p.m.

YLD Leadership Academy | Session 1

1 – 2:30 p.m.

Disciplinary Rules & Procedures Committee Meeting

1 – 3 p.m.

Law Practice Management Advisory Committee Meeting
(Virtual only)

2 – 4 p.m.

Georgia Lawyer Competency Task Force
Town Hall Meeting

2:45 – 3:45 p.m.

YLD Ethics CLE | Social Media and Client Communications

3 – 3:30 p.m.

YLD Nominating Committee Meeting

3 – 5 p.m.

Member Benefits Committee Meeting

4 – 5 p.m.

CLE for Special Masters
(Limited to special masters appointed by the Supreme Court of Georgia for disciplinary cases.)

4 – 5 p.m.

Senior Lawyers Committee Meeting

4 – 5:30 p.m.

YLD General Session

6:30 – 9 p.m.

Board of Governors Dinner

SATURDAY, JAN. 8

8 a.m. – 12 p.m.

Registration

8 a.m. – 12 p.m.

Table Top Displays

9 a.m. – 12 p.m.

Board of Governors Meeting

2 p.m.

Pure Barre Fitness Class
(Offsite)

ATTIRE

Business attire is appropriate for all meetings and events.

HOTEL ACCOMMODATIONS

The Westin Buckhead Atlanta

3391 Peachtree Road NE

Atlanta, GA 30326

404-365-0065

Cut-off date is Friday, Dec. 17, 2021.

The Westin Buckhead Atlanta is our host hotel for the Midyear Meeting, offering a discounted rate of \$135 single/double per night plus applicable taxes and a \$5 Georgia transportation fee.

To make reservations and receive our special rate, call The Westin Buckhead hotel reservations at 800-937-8461 or in-house reservations at 404-365-0065 and ask for “State Bar of Georgia’s Midyear Meeting.” You can also make your reservations online at <https://book.passkey.com/e/50193827>. Reservations must be made by Friday, Dec. 17, 2021, as rooms will be on a space and rate availability basis after this date. There are many events taking place in Atlanta during this time, so please be aware that you should make your hotel reservations as early as possible.

Hotel Check-in/Check-out Time:

Check-in – 3 p.m.

Check-out – 12 p.m.



PHOTO PROVIDED BY THE WESTIN BUCKHEAD



Other Events

CLE | ADVERTISING AND SOLICITING BUSINESS IN THE 21ST CENTURY: A PROPOSAL TO AMEND THE GEORGIA RULES OF PROFESSIONAL CONDUCT Thursday, Jan. 6 | 2 – 3 p.m.

Marketing your practice in the 21st century involves more than placing an ad in a newspaper. The Disciplinary Rules & Procedures Committee has drafted revisions to Part 7 of the Bar Rules, Information About Legal Services. The revisions are designed to provide guidance of 21st century marketing issues like blogs, tweets and Facebook posts that were not contemplated when the current rules were developed. This one-hour program will explain the proposed revisions and allow attendees the opportunity to provide feedback to committee members before the proposal becomes final.

(Approved for .5 hours of ethics and .5 hours of professionalism CLE credit.)

GEORGIA LAWYER COMPETENCY TASK FORCE TOWN HALL MEETING Friday, Jan. 7 | 2 – 4 p.m.

The Georgia Lawyer Competency Task Force is hosting a town hall meeting in conjunction with the Bar's Midyear Meeting to discuss its work. The task force is charged with evaluating current requirements for admission to practice law in Georgia, including taking and passing the bar exam, and it will evaluate alternatives to the bar exam. They will also evaluate mechanisms and alternatives for ensuring competency of experienced lawyers, including current Continuing Legal Education requirements. The task force will make initial recommendations to the Supreme Court of Georgia by July 1, 2022.

CLE FOR SPECIAL MASTERS

Friday, Jan. 7 | 4 – 5 p.m.

Limited to special masters appointed by the Supreme Court of Georgia for disciplinary cases.

BOARD OF GOVERNORS DINNER

Friday, Jan. 7 | 6:30 – 9 p.m.

Please join us for Friday night's Board of Governors Dinner as you network with fellow Bar members. Everyone is welcome.

PURE BARRE FITNESS CLASS

Saturday, Jan. 8 | 2 p.m.

Pure Barre Atlanta Buckhead
3145 Peachtree Road, Suite 169
Atlanta, GA 30305
404-550-8542

www.purebarre.com/location/atlanta-buckhead-ga

Register through **Pure Barre Atlanta**

Join your friends and colleagues at a special Pure Barre class Saturday, Jan. 8, at 2 p.m., open only to Midyear Meeting attendees and their guests.

Pure Barre Atlanta Buckhead is offering State Bar of Georgia Midyear Meeting attendees the opportunity to purchase two classes for \$20. If you can't make the class on Saturday, you can schedule one or both of your classes at any date and time that works for you.

Email buckhead@purebarre.com and reference SBOG-MY2022 in the subject line to register. Special merchandise discounts will be available to those who attend the Jan. 8 class. Space is limited so don't delay.





PHOTO PROVIDED BY THE WESTIN BUCKHEAD

Young Lawyers Division

YLD LEADERSHIP ACADEMY

Friday, Jan. 7 | 1 – 2:30 p.m.

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

YLD ETHICS CLE

Friday, Jan. 7 | 2:45 – 3:45 p.m.

State Bar of Georgia Assistant General Counsel Andreea Morrison will present on “Social Media and Client Communications.” 1 hour of CLE credit, including 1 ethics hour, has been applied for. (Registration open to YLD only.)

YLD NOMINATING COMMITTEE

Friday, Jan. 7 | 3 – 3:30 p.m.

Members of the YLD Nominating Committee will meet to nominate candidates for the 2022 State Bar of Georgia YLD elections.

YLD GENERAL SESSION

Friday, Jan. 7 | 4 – 5:30 p.m.

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



PHOTO PROVIDED BY THE WESTIN BUCKHEAD



COMMUNITY SERVICE CANINE CELLMATES CLOTHING DRIVE

Thursday, Jan. 6 – Saturday, Jan. 8

Registration Hours

Please bring clean, gently used men's clothing (casual and business) and shoes to the Midyear Meeting. These items will be donated to Canine CellMates for distribution. Drop boxes will be located near the registration area.

Canine CellMates strives to provide a better life for both the inmates in the Fulton County Jail and rescued shelter dogs from FCAS. During an intensive 10-week course consisting of education, training and overall care for the dogs, they hope to positively change both the dogs and the inmates. During this time, each inmate handler has the opportunity to train and bond with their assigned dog. The ultimate goal is that each dog graduates and goes into a loving and forever home, and men that have evolved while in the program, and supported upon their release, go on to live productive lives without further incarceration.

For more information about the program and to learn about additional ways you can support the organization and its mission, please visit www.caninecellmates.org.

SAFETY PROTOCOLS

We will be implementing the following safety protocols for all attendees:

- Requiring the use of properly worn face masks at all indoor events.
- Requiring adherence to recommended social distancing measures.
- Encouraging testing three days prior to the meeting for all in-person attendees.

Under Georgia law, there is no liability for an injury or death of an individual entering State Bar of Georgia premises, or premises occupied or leased by the State Bar of Georgia if such injury or death results from the inherent risks of contracting COVID-19. Attendees and guests are assuming this risk by entering such premises. Any person entering the premises waives all civil liability against the State Bar of Georgia for any injuries caused by the inherent risk associated with contracting COVID-19 at public gatherings, except for gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm, by the State Bar of Georgia.

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 Wednesday, Dec. 29, 2021.

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 email johns@gabar.org for assistance.

REFUND/CANCELLATION POLICY

Cancellation of registration must be received in writing no later than Wednesday, Dec. 29, 2021. Cancellations will receive a full refund, less a \$25 administrative charge. Absolutely, no refunds will be made after Wednesday, Dec. 29, 2021. 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. MasterCard, Visa and American Express are accepted. Please make checks payable to State Bar of Georgia and mail to Michelle Garner, Director of Meetings, 2022 Midyear Meeting, State Bar of Georgia, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303.



Board Functions

In-person Virtual

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

CLE

- Advertising & Soliciting Business in the 21st Century.....\$5 _____

Committee Functions

- Disciplinary Rules and Procedures...N/C _____ N/C _____
- Senior Lawyers.....N/C _____ N/C _____

Other

- Georgia Lawyer Competency Task ForceN/C _____ N/C _____
- Past Presidents' Breakfast.....N/C _____ N/C _____
(By invitation only)

Section Events

- Appellate Lunch—Member.....\$35 _____ N/C _____
- Appellate Lunch—Non-Member...\$40 _____ N/C _____
- Family Law CLE Only.....\$30 _____ \$30 _____
- Family Law Reception Only.....\$36 _____
- Family Law CLE & Reception.....\$61 _____
- General Practice & Trial Law Lunch\$70 _____
- Intellectual Property Law Meeting...N/C _____

YLD Events

- YLD General Session.....N/C _____ N/C _____
- YLD Ethics CLE.....\$25 _____ \$15 _____
(Registration open to YLD only)

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 _____

REGISTER ONLINE AT WWW.GABAR.ORG

2022 MIDYEAR MEETING | 7



State Bar
of Georgia

2022 MIDYEAR MEETING

104 Marietta St. NW, Suite 100
Atlanta, GA 30303-2743

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MB | Member**Benefits**



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Board of Governors Attendance Record

	4-20	6-20	10-20	1-21	3-21	6-21	6-21	6-21	10-21
	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar	Wild Dunes/Zoom	Wild Dunes/Zoom	Wild Dunes/Zoom	Savannah/Zoom
Sarah Brown Akins	•	•	•	•	•	•	•	•	•
Mark W. Alexander	•	•	•	•	•	•	•	•	•
Kent Edward Altom	•	•	•	•	•	•	•	•	•
Anthony B. Askew	•	•	•	•	•	•	•	•	•
JaDawnya Cintelle Baker	•	•	•	•	•	•	•	•	e
Nina M. Baker	•	•	u	•	•	u	•	•	e
Eric A. Ballinger	•	•	•	•	•	•	•	•	•
Donna G. Barwick	•	•	•	•	•	•	•	•	•
Tracee R. Benzo	•	•	•	•	•	•	•	•	•
James D. Blitch IV	•	u	•	•	e	•	•	•	•
Joshua I. Bosin	n/a	•	•	•	•	•	•	•	•
Sherry Boston	•	•	•	•	•	•	•	•	•
Ashley Mackin Brodrie	•	•	•	•	u	•	•	•	•
Thomas R. Burnside	•	u	•	u	u	•	•	•	•
Stephanie D. Burton	•	•	•	•	•	•	e	•	•
Ivy Neal Cadle	•	•	•	•	•	•	•	•	•
Richard D. Campbell	•	•	•	•	•	u	•	•	•
David L. Cannon	•	•	u	•	u	•	•	•	•
Carl S. Cansino	•	•	e	•	•	u	•	•	•
Chris M. Carr	•	•	•	•	•	u	•	•	u
Carol V. Clark	•	•	•	•	•	•	•	•	•
Edward R. Collier	•	•	•	•	•	•	•	•	•
Daniel Jackson Connell III	n/a	n/a	n/a	n/a	n/a	•	•	•	•
Christopher S. Connelly	e	•	•	•	u	•	•	•	•
Martin L. Cowen III	•	•	•	•	•	•	•	•	•
Susan W. Cox	•	•	•	u	•	•	•	•	•
Kenneth B. Crawford	n	•	•	•	•	•	•	•	•
Terrence Lee Croft	•	•	•	•	e	•	•	•	•
Gerald Davidson Jr.	•	•	•	•	•	•	•	•	•
C. Lee Davis	•	•	•	•	e	•	•	•	•
J. Anderson Davis	•	•	•	•	•	•	•	•	e
Randall H. Davis	•	•	•	•	e	•	•	•	•
William T. Davis	•	•	•	•	•	•	•	•	•
J. Antonio Delcampo	•	•	•	•	•	•	•	•	•

To request an excused absence, please email Secretary Ivy Cadle (icadle@bakerdonelson.com)

Board of Governors Attendance Record

	4-20	6-20	10-20	1-21	3-21	6-21	6-21	10-21
	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar	Webinar	Wild Dunes/Zoom	Wild Dunes/Zoom	Savannah/Zoom
Scott Dewitt Dellius	e	•	•	•	•	e	e	u
Joseph W. Dent	•	•	•	•	u	•	•	•
Foy R. Devine	u	•	u	•	•	u	u	•
Daniel S. Digby	•	•	•	•	u	e	e	•
Danny L. Durham	n/a	•	•	•	u	e	e	•
Susan E. Edlein	•	•	•	•	u	•	•	e
Christopher Edwards	•	•	•	•	u	•	•	•
Archibald A. Farrar	•	•	•	•	•	•	•	•
Elizabeth L. Fite	•	•	•	•	•	•	•	•
Amanda Renee Flora	n/a	n/a	n/a	n/a	n/a	•	•	•
Harold Eugene Franklin, Jr.	•	•	•	•	•	•	•	•
Keigh E. Gammage	•	u	•	•	•	u	•	•
William C. Gentry	•	•	•	•	•	•	•	•
Michael G. Geoffroy	•	•	•	•	•	u	•	•
Patricia A. Gorham	•	•	•	•	•	•	•	•
Rebecca Holmes Liles Grist	n/a	n/a	n/a	n/a	n/a	•	•	•
Thomas B. "Britt" Hammond	n/a	n/a	n/a	n/a	n/a	•	•	•
John Haubenreich	•	•	•	•	•	•	•	•
Elissa B. Haynes	n	•	•	•	•	•	•	•
Patrick H. Head	e	•	•	•	•	•	•	•
Lawton C. Heard, Jr.	•	•	u	•	•	•	•	•
Rendler M. Heard Jr.	•	e	•	•	u	•	•	•
Amanda Nichole Heath	n/a	n/a	n/a	n/a	n/a	u	•	•
Matthew J. Hennessy	n	•	•	•	•	•	•	•
Thomas W. Herman	•	•	u	•	•	•	•	•
R. Javoyne Hicks	•	•	•	•	•	•	•	•
Kimberly Wilkerson Higginbotham	n/a	n/a	n/a	n/a	n/a	•	•	•
Donna S. Hix	•	•	•	•	•	•	•	•
Michael D. Hobbs	•	•	•	•	u	e	e	•
Amy V. Howell	•	•	•	•	•	•	•	•
Bert Hummel IV	•	•	•	•	•	•	•	•
James W. Hurt	u	u	u	u	u	•	•	•
Christopher Huskins	u	u	•	•	•	•	•	•
Stacey K. Hydrick	•	•	•	•	•	•	•	•

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Board of Governors Attendance Record

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	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar	Wild Dunes/Zoom	Wild Dunes/Zoom	Wild Dunes/Zoom	Savannah/Zoom
James T. Irvin	*	*	*	*	*	*	*	*	*
William Dixon James	*	*	*	*	*	u	*	*	*
Curtis S. Jenkins	*	*	u	*	*	*	*	*	*
Charles Michael Johnson	*	*	*	*	u	*	*	*	*
Lester B. Johnson, III	*	*	*	*	*	*	*	*	*
Shiriki L. Cavitt Jones	*	*	*	*	*	*	*	*	*
Dawn M. Jones	*	*	*	*	*	*	*	*	*
Austin O. Jones	n	*	u	*	*	*	*	*	*
Jennifer A. Jordan	u	*	u	u	u	*	*	*	*
Zahra S. Karinshak	*	*	u	*	*	*	*	*	*
John F. Kennedy	*	u	u	*	*	u	*	*	u
Barry E. King	*	*	*	*	*	*	*	*	*
Judy C. King	*	*	*	*	*	*	*	*	*
Seth Kirschenbaum	*	*	*	*	*	*	*	*	*
Catherine Koura	u	*	*	*	*	*	*	*	*
Edward B. Krugman	*	*	*	*	*	e	*	*	*
Jeffrey R. Kuester	*	*	*	*	*	*	*	*	*
Rosten Dara Diya "Chinny" Lal	n/a	n/a	n/a	n/a	n/a	*	*	*	*
Allegra Lawrence-Hardy	*	*	*	*	*	*	*	e	*
Nicole C. Leet	*	*	*	*	*	*	*	*	*
Katie K. Leonard	*	*	*	*	u	*	*	*	*
Dawn Renee Levine	*	*	*	*	*	u	*	*	*
Joyce Gist Lewis	*	*	*	*	*	*	*	*	*
Lisa Katsuiko Liang	*	*	*	*	*	u	*	*	*
David S. Lipscomb	*	*	*	*	*	*	*	*	*
John R. B. Long	*	*	*	*	*	*	*	*	*
Dax Eric Lopez	*	*	*	*	*	u	*	*	*
Ronald A. Lowry	u	u	u	*	*	u	u	*	*
John Bell Manly	e	*	u	*	*	*	*	*	*
Hugh J. McCullough	n	*	*	u	*	*	*	*	*
Graham Elliott McDonald	*	*	*	*	*	*	*	*	*
Letitia A. McDonald	*	*	*	*	*	*	*	*	*
Brad J. McFall	*	*	*	*	*	*	*	*	*
Scott R. McMillen	n/a	n/a	n/a	n/a	n/a	u	*	*	e

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Board of Governors Attendance Record

	4-20	6-20	10-20	1-21	3-21	6-21	6-21	6-21	10-21
	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar	Wild Dunes/Zoom	Wild Dunes/Zoom	Wild Dunes/Zoom	Savannah/Zoom
Michael D. McRae	•	•	•	•	•	u	•	•	u
Terry L. Miller	•	•	•	u	•	•	•	•	•
William J. Monahan	•	u	•	•	•	•	•	•	•
Shondeana Crews Morris	n/a	•	•	•	u	•	•	•	•
John T. Mroczko	u	•	u	•	u	•	•	•	u
Laura J. Murphree	•	•	•	•	•	•	•	•	•
Paul Wain Painter III	•	•	•	•	•	•	•	•	•
Amanda Rourk Clark Palmer	•	•	•	•	•	•	•	•	e
Jonathan B. Pannell	•	•	•	•	•	•	•	•	•
Joy Renea Parks	•	•	•	•	•	u	•	•	•
Joy Renea Parks	•	•	•	u	•	u	•	•	•
Tabitha Edwina Payne	•	•	•	•	•	•	•	•	•
Brandon Lee Peak	•	•	•	•	•	•	•	•	•
Will H. Pickett, Jr.	u	u	u	u	u	u	u	u	•
Robert Allen Plumb, Jr.	•	•	•	•	•	•	•	•	•
Kathryn Lauranne Powers	•	•	•	•	•	•	•	•	•
Jill Pryor	•	•	•	•	•	•	•	•	•
William M. Ragland	•	•	•	•	•	•	•	u	•
Tina S. Roddenbery	•	•	•	•	•	•	•	•	•
Joseph Roseborough	•	•	•	u	u	u	u	u	u
Wesley Charles Ross	•	•	•	•	•	•	•	•	•
Claudia S. Saari	•	•	•	•	•	•	•	•	•
Alex Musole Shalishali	n/a	•	•	u	•	•	•	•	•
H. Burke Sherwood	•	•	•	•	u	•	•	•	u
Mitchell McKinley Shook	n/a	•	•	•	•	•	•	•	•
Robert H. Smalley, III	•	•	•	•	•	•	•	•	•
Phillip C. Smith	•	•	•	•	•	•	•	•	•
R. Rucker Smith	•	•	•	•	•	•	•	•	•
Daniel B. Snipes	•	u	•	•	u	•	•	•	•
R. Gary Spencer	•	•	•	•	•	•	•	•	•
H. Craig Stafford	•	•	•	•	•	•	•	•	•
Lawton E. Stephens	•	•	•	•	•	•	•	•	•
Donna Coleman Stribling	•	•	•	•	•	•	•	u	•
C. Deen Strickland	•	•	•	•	•	•	•	•	•
Frank B. Strickland	•	•	•	•	•	•	•	•	•

To request an excused absence, please email Secretary Ivy Cadle (icadle@bakerdonelson.com)

Board of Governors Attendance Record

	4-20	6-20	10-20	1-21	3-21	6-21	6-21	10-21
	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar	Wild Dunes/Zoom	Wild Dunes/Zoom	Savannah/Zoom
Joseph C. Sumner, Jr.	•	•	•	•	•	•	•	•
Darrell L. Sutton	•	•	•	•	•	•	•	•
Jason W. Swindle	•	•	•	•	•	•	•	•
Michael B. Terry	•	•	•	•	•	•	•	•
Anita W. Thomas	•	•	•	•	•	•	•	•
Stephen Elliot Tillman	n/a	n/a	n/a	n/a	n/a	•	•	•
Edward D. Tolley	•	•	•	•	•	•	•	•
Clayton Tomlinson	•	e	•	•	•	•	•	•
Chris P. Twyman	•	•	•	•	•	•	•	•
William Underwood III	•	•	•	•	•	•	•	•
Martin E. Valbuena	•	•	•	•	•	•	•	•
Nicki N. Vaughan	•	•	•	•	•	•	•	•
Carl A. Veline, Jr.	•	•	•	•	•	•	•	•
J. Henry Walker	•	•	•	•	•	•	•	•
Janice M. Wallace	•	•	•	•	•	•	•	•
Amy Carol Walters	•	•	•	•	•	•	•	•
Harold B. Watts	•	•	•	•	•	•	•	•
John P. Webb	•	•	•	•	•	•	•	•
Christopher F. West	•	•	•	•	•	•	•	•
Nancy J. Whaley	•	•	•	•	•	•	•	•
Paige Reese Whitaker	•	•	•	•	•	•	•	•
Martha Wilson Williams	•	•	•	•	•	•	•	•
Douglas Woodruff	•	•	•	•	•	•	•	•
• - attended meeting								

Future Meetings Schedule

(12/15/2021)



State Bar of Georgia

Executive Committee

Feb. 18, 2022		Tifton office, hybrid – 1 p.m.
March 11, 2022		Zoom, all virtual – 1 p.m.
April 14, 2022		Zoom, all virtual – 1 p.m.
May 13, 2022		Columbus, GA – TBD, hybrid – 12 p.m.
August 18-19, 2022		Supreme Court/Executive Committee Joint Meeting, Barnsley Resort Adairsville, GA

Board of Governors

Spring 2022	April 1-3, 2022	Hyatt Place Athens/Classic Center Athens, GA
Annual 2022	June 2-5, 2022	Omni Amelia Island Resort Amelia Island, FL
Fall 2022	October 1, 2022	Virtual
Annual 2023	June 8-11, 2023	Westin Savannah Harbor Resort & Savannah Convention Center
Annual 2024	June 6-9, 2024	Omni Amelia Island Resort Amelia Island, FL

Young Lawyers Division

Spring 2022	March 18-20, 2022	Westin Chattanooga Chattanooga, TN
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Annual 2022	June 2-5, 2022	Omni Amelia Island Resort Amelia Island, FL
Annual 2023	June 8-11, 2023	Westin Savannah Harbor Resort & Savannah Convention Center
Annual 2024	June 6-8, 2024	Omni Amelia Island Resort Amelia Island, FL

Savannah Boat Ride

April 2022	April 1, 2022	Savannah, GA
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American Bar Association Meetings

Midyear 2022	Feb. 9-14, 2022	Seattle, WA
Annual 2022	Aug. 3-9, 2022	Chicago, IL

Southern Conference Meetings

2022	Oct. 27-30, 2022	Omni Resorts, Barton Creek Austin, TX
2023	Oct. 19-22, 2023	The Greenbrier Hotel White Sulphur Springs, WV

2024 Mississippi
 2025 South Carolina
 2026 Alabama
 2027 Maryland

1 ARTICLE III BOARD OF GOVERNORS

2

3 Section 7. Honorary Members.

4 All past Presidents of the Georgia Bar Association, all past Presidents of the State

5 Bar, except the Immediate Past President, and all past Presidents of the Younger

6 Lawyers ~~Section~~ Division of the State Bar shall be honorary members of the

7 Board of Governors, provided they are members in good standing of the State Bar

8 of Georgia. Honorary members may attend all meetings of the Board and

9 participate in its proceedings, but shall not bring forward or vote on any question

10 arising in the meetings of the Board, nor be counted in ascertaining a quorum;

11 however, honorary members may nominate or second a member of the Bar to serve

12 as an officer of the State Bar of Georgia.

13

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13

DRAFT
STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MEETING MINUTES
Saturday, October 23, 2021/9:00 a.m.
Savannah, GA and Zoom

The 289th meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. President Elizabeth L. Fite presided.

Pledge of Allegiance

YLD Board of Directors Member Jamie McDowell led the pledge of allegiance to those in attendance.

Invocation

Board of Governors Member Joshua I. Bosin gave the invocation.

Special Recognition

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

Roll Call

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

Future Meetings Schedule

President Fite reviewed the Future Meetings Schedule.

Minutes of the 287th and 288th Meeting of the Board of Governors

The minutes of the Board of Governors meeting held June 11-12, 2021, were approved by majority vote.

Proposed Rules Changes

Following a report by Deputy General Counsel Bill NeSmith, the Board of Governors took no additional action to Comment 6, Rule 1.1 of the Georgia Rules of Professional Conduct.

Following a report by Deputy General Counsel Bill NeSmith, the Board of Governors, by majority vote, approved proposed amendments to the Fee Arbitration Rules.

Professional Liability Insurance Committee

Professional Liability Insurance Committee Chair Chris Twyman gave the background and history of the Professional Liability Insurance Committee and reported that after much research, debate and consideration, the committee created several options to be presented. Twyman made a motion to adopt option 2, which includes mandatory disclosure, publication in the Bar Directory, and a voluntary self-assessment test. The motion was seconded. During the lengthy discussion, Board of Governors Member Will Monahan made a motion to amend Twyman's motion. After further discussion, Monahan withdrew his motion to amend, and Twyman withdrew his original motion. Thereafter, Board of Governors Member James Irvin made a motion to table the agenda item until the Annual Meeting due to technical difficulties. The motion did not receive a second and failed. Board of Governors Member Jack Long made a motion to thank the committee for their hard work, sunset the committee and reject options 1-4 and vote on option 5, to do nothing. The motion passed by majority vote.

Clients’ Security Fund Board of Trustee’s Recommendation

Ivy Cadle, Executive Committee Liaison to the Clients’ Security Fund Board, gave the background and history of the Clients’ Security Fund Board of Trustees’ recommendation of an annual assessment. Cadle made a motion to annually assess all dues-paying members and lawyers admitted pro hac vice \$15. His motion was seconded. During the discussion, Hon. Paige Whitaker made a motion to amend the motion to make government and pro bono attorneys exempt, which was seconded. The motion failed by majority vote. Thereafter, the Board of Governors, by majority vote, approved the motion.

Deputy General Counsel Bill NeSmith then presented the rules that required rules changes due to the new assessment. The Board of Governors, by majority vote, passed the amended version of Rule 1-506 (including pro hac vice attorneys), and the amended version of Rule 10-103 (including Board of Governors Member Scott McMillen’s motion to amend section (b), “The failure of a dues-paying member *or a lawyer admitted pro hac vice* to pay the ...” and section (d), “Lawyers admitted to the various courts in Georgia, pro hac vice, shall be responsible for paying the annual assessment along with the application fee for admission pro hac vice *and then with the required annual renewal fee.*”).

Appointments to Commission on Continuing Lawyer Competency

The Board of Governors approved the reappointment of Donna Hix (2022-2024) and the reappointment of Jeff Ward (2022-2024) to the CCLC by majority vote.

Approval of President’s Appointments to the Formal Advisory Opinion Board (FAOB)

The Board of Governors approved the appointment of Martin E. Valbuena (2021-2022) as the Executive Committee liaison to the FAOB by majority vote.

Advisory Committee on Legislation (ACL)/Legislative Proposals

Following a report by ACL Chair Kyle Williams, 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>
Comm. to Promote Inclusion in the Profession 1) Support for Judicial Council Budget Request for FY 2023 Funding for Civil Legal Services Grants for Victims of Domestic Violence	Passed by majority vote	Passed by unanimous vote

Legislative Update

State Bar of Georgia Lobbyist Mark Middleton provided an update on the upcoming legislative session. He reported the special session in November will be focused on redistricting and other local issues.

President’s Report

President Elizabeth L. Fite reported that she continues to serve on the Judicial COVID-19 Task Force, and they meet regularly to consider additional issues that arise related to the pandemic. She said that any lawyer who has a public health concern regarding in-person court attendance should feel free to contact Chief Justice Nahmias, Justice LaGrua, members of the executive leadership for the respective class of court, or her for assistance in informally resolving the concern.

Treasurer’s Report

Treasurer Tony DeCampo reported that in total, the Bar budgeted a profit of \$214,511 for the year end June 30, 2021. This total budgeted profit for the Bar was calculated as a budgeted loss for the Bar of

\$336,081 and a budgeted profit for Bar Center operations of \$550,592. Bar Center operations realized an actual profit of \$500,127 for the year. The Bar also realized a profit of \$466,171 instead of the budgeted loss of \$336,081. This difference of \$802,252 is comprised of the following six components: (1) savings in salaries and related personnel costs of \$331,609, (2) savings in officer expenses (both Bar and YLD) of \$135,285, (3) savings in attorney, staff and investigator travel of \$127,919, (4) savings in meetings of \$115,676, (5) savings in contract special master costs of \$71,848 and (6) savings in YLD Committees expenses of \$70,591. The savings on these six items total \$852,928.

The Board of Governors received a copy of the following State Bar financial reports: Consolidated Revenue & Expenditures (Operations and Bar Center Combined) as of June 30, 2021; Total Bar Center Operations (Executive Summary of the Revenues and Expenditures) as of June 30, 2021; Income Statement YTD (Operations) as of June 30, 2021; Status and Use of Cash and Investments as of June 30, 2021; Board-Designated and Donor Temporarily Restricted Net Assets as of June 30, 2021; Summary of Members and Voluntary Legislative Contributions with contributions paid through June 30, 2021; Summary of Members and Voluntary Contributions to Georgia Legal Services Program (GLSP) with contributions paid through June 30, 2021; Legislative Activity Report from July 1, 2020 thru June 30, 2021; Summary of Client Security Fund Activity for the current period ending June 30, 2021; Expenditure Statement (Operations) as of June 30, 2021; and ICLE Income Statement for the current period ending June 30, 2021.

Executive Director's Report

Executive Director Damon Elmore will submit his written report by the end of next week to yield time to those following on the agenda.

Young Lawyers Division

YLD President Elissa Haynes reported that she appreciated the joint meeting with the Board of Governors and those who attended the YLD general session. She yielded her time to those following on the agenda.

Georgia Legal Services Program

Newly promoted GLSP Deputy Director Tomieka Daniel reported that October is Domestic Violence Awareness Month. GLSP attorneys lead and participate in coordinated community events that develop solutions to family violence in the communities. She said that GLSP has worked with the Council of Superior Court Judges to draft new dating violence forms and new statewide divorce forms, which can be found on their website.

Chief Justice's Committee on Professionalism Report

CJCP Executive Director Karlise Grier said they will be hosting the Designated Attorney Fellowship and CLE Professionalism Program on December 17, 2021, at 10 a.m. She announced the Chief Justice Benham Award nominations are due by November 30, 2021, with an award ceremony following on March 19, 2022. She also recognized CJCP's new chair, Chief Justice David Nahmias.

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on May 14, 2021, July 9, 2021, and August 20, 2021.

Office of the General Counsel

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

Law Practice Management Program

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

Communications Update

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

Annual Meeting Evaluation Results

The Board of Governors received the 2021 Annual Meeting survey results.

Old Business

There was no old business.

New Business

There was no new business.

Announcements

Executive Committee Member Javoyne Hicks invited those in attendance to join the Attorney Wellness Committee, the Suicide Awareness Committee and the Lawyer Assistance Program Committee in the Out of the Darkness Walk on Nov. 7.

Executive Session

There was no executive session.

Remarks / Q&A / Comments / Suggestions

There were no remarks, Q&A, comments or suggestions.

Adjournment

There being no additional business, the meeting was adjourned at 12:16 p.m.

Ivy Cadle, Secretary

Approved:

Elizabeth L. Fite, President

ADVISORY COMMITTEE ON LEGISLATION
2021-2022
MINUTES OF MEETING 2
November 30, 2021

Hybrid Meeting

In-person at the State Bar Conference Center (Room A) & via Zoom

The second meeting of the 2021-2022 State Bar of Georgia Advisory Committee on Legislation (“ACL”) was held on Tuesday, November 30, 2021 in a hybrid format. In-person participants attended the meeting at the State Bar Conference Center and virtual participants joined via Zoom video conferencing.

ATTENDANCE

The following members and liaisons attended in-person: Kyle Williams (Chair), William T. Clark, Bert Hummel, Frank Strickland, Henry Walker, Thomas Worthy, Judge Christopher McFadden (Court of Appeals Liaison), and Rep. Mary Margret Oliver (Liaison).

The following members and liaisons attended via Zoom: Mark Alexander, Kent Altom, Tracee Benzo, Josh Bosin, Thomas Burnside, Carol Clark, Joseph Dent, Mills Fleming, Patricia Gorham, Lawton Heard, Javoyné Hicks, Donna Hix, Amy Howell, Shiriki Jones, Joyce Gist Lewis, Lisa Liang, Edward Lindsey, Graham McDonald, Jennifer Mock, Derrick Pope, Dennis Sanders, Alex Shalishali, Daniel Snipes, Judge Lawton Stephens, Frank Strickland, Carl Varnedoe, Nancy Whaley, Judge Paige Whitaker, Elizabeth Fite (Executive Committee Liaison), Judge Quinn Kasper (Council of Magistrate Court Judges Liaison), and Judge Willie Weaver (Council of Municipal Court Judges Liaison).

Other stakeholders present and participating in-person and via Zoom included: Bill Barwick, Sherry Boston, Bob Bray, Norm Brothers, Judge Bobby Chasteen, Cynthia Clanton, Carole Collier, Judge Walt Davis, Damon Elmore, Darron Enns, Paula Frederick, Keith Gammage, Rebecca Grist, Brian Heinze, Eric Johns, Cheryl Karounos, Vicky Kimbrell, Anne Kirkhope, Tracy Mason, Deborah Nesbitt, Bill NeSmith, Amy Rudolph, Rick Ruffalo, Billy Scott, Wanda Segars, Robert Smith, Rocco Testani, Brooke Turner, Kristen Wallace and Maleia Wilson, Emily Youngo, Mark Middleton (Legislative Consultant), Rusty Sewell (Legislative Consultant), and Christine Butcher Hayes (Staff Liaison).

CALL TO ORDER

ACL Chair Kyle Williams called the meeting to order at 10:06 AM. Attendance was taken via sign-in sheet for those in -person, and using Zoom’s video recording and chat features for those attending virtually.

APPROVAL OF MINUTES

The minutes of the September 14, 2021 meeting were unanimously approved, subject to the revision that Jennifer Mock and Javoyne Hicks be added to the attendance roster at the September 14, 2021 meeting.

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). As a mandatory bar association, the State Bar of Georgia is subject to First Amendment free speech and free association scrutiny by its membership. Before the State Bar's Board of Governors, Executive Committee, or Advisory Committee on Legislation takes a position on any legislative matter, it must do a *Keller* vote. The legislative proposal must be germane to the purpose of the State Bar, which are (1) regulating the legal profession, and (2) improving the quality of legal services. Paula also discussed the pending lawsuits challenging mandatory bar associations throughout the country, further emphasizing the need to analyze legislative positions under the *Keller* analysis and recent federal appellate case law.

NEW LEGISLATIVE PROPOSALS

The ACL reviewed the following new proposals. Four proposals presented at the meeting were approved by the committee and will be considered by the Board of Governors at its Midyear Meeting in Atlanta, Georgia on January 8, 2022. The proposal from the Business Law Section & Corporate Counsel Section to support the Georgia Statewide Business Court Improvement Act failed to pass by a majority vote of the committee. Therefore, pursuant to Standing Board Policy 100, that proposal will not be presented to the Board at its Midyear Meeting.

The chair took the agenda items out of order and began with Proposal #5 from the Bench and Bar Committee.

a. Support for HB 409 - Establishing a Judicial Legal Defense Fund Commission

Judge Bobby Chasteen, co-chair of the Bench and Bar Committee, presented the proposal on its behalf. HB 409 establishes a Judicial Legal Defense Fund Commission. Occasionally a situation arises where a state judge is sued in his or her official capacity along with a number of other parties that are part of state government. In this instance, the Georgia Attorney General's Office is conflicted out of representing the judge in his or her official capacity and there is no official process in place for assigning representation. The Bench and Bar Committee has discussed this issue for five or so years. The bill creates a new commission with a process to address selecting counsel and covering costs when the occasion arises. The

Commission would determine whether representation is proper and then an attorney would be appointed from a list kept by the State Bar of Georgia.

The *Keller* vote was 26-2 in favor of the proposal meeting the germaneness standard in *Keller v. State Bar of California*. The vote supporting this proposal was 27-1 in favor. The Board of Governors will consider this proposal on January 8, 2022.

b. Support for FY 2023 Judicial Council Budget Request - \$750,000 to Fund Civil Legal Services Grants for Kinship Care Families.

Steve Gotleib with Atlanta Legal Aid presented the proposal on behalf of the Access to Justice Committee. The legislature appropriated \$475,326 for these grants in FY 2022 – this was an increase from the \$225,326 appropriated in FY 2021 when funds were cut due to the COVID-19 pandemic. The Access to Justice Committee is asking that the legislature appropriate \$750,000 in the FY 2023 budget. Georgia currently has thousands of displaced children, which is largely linked to the current opioid crisis. These grants are used for civil legal services for kinship care, so that family members can get the legal support they need to care for displaced children, including power of attorney, custody arrangements, legal help for special education issues. The funding is appropriated by the General Assembly and administered to civil legal service organizations by the Administrative Office of the Courts (AOC). The AOC distributes the funds to each organization based on poverty population throughout the state. The State Bar has supported this appropriation since 2019.

The *Keller* vote was unanimous. The vote supporting this proposal was unanimous. The Board of Governors will consider this proposal on January 8, 2022.

c. Support for FY 2023 Judicial Council Budget Request - \$800,000 to Fund the Georgia Resource Center.

Anna Arceneaux, Executive Director of the Georgia Resource Center, and Amy Rudolph, presented this proposal on behalf of the Indigent Defense Committee. The Georgia Resource Center was initially started by bar members, law schools, and other stakeholders. Georgia and Alabama are presently the only states that don't provide counsel in post-conviction proceedings. The proposal requests the traditional state appropriation of \$800,000 to the Administrative Office of the Courts to fund the Georgia Appellate Practice and Educational Resource Center. In FY 2021, the legislature cut the appropriation to the Resource Center by 25% due to declining state revenue during the COVID-19 pandemic. In FY 2022 the appropriation was increased to \$775,000. The Resource Center is looking to have the full appropriation of \$800,000 restored in the FY 2023 budget.

The *Keller* vote was unanimous. The vote supporting this proposal was unanimous. The Board of Governors will consider this proposal on January 8, 2022.

d. Support for HB 272 - “Raise the Age” of Juvenile Court Delinquency Jurisdiction

Nicki Vaughan and Mazie Lynn Causey presented the proposal on behalf of the Indigent Defense Committee and the Children, Family and the Courts Committee. HB 272 brings most criminal charges against 17 year old’s under the jurisdiction of the juvenile court system. Any 17 year old charged with the “seven deadly” crimes would still remain in superior court. Presently, only 3 states in the country (Alabama, Georgia, and Wisconsin) charge 17 year olds as adults.

The committee engaged in a discussion of whether there were *Keller* concerns about the proposal. Nancy Whaley raised the Fifth Circuit’s recent decision in *McDonald v. Longley*. Paula Frederick indicated that recent decisions in cases involving the unified bar distinguish between procedural matters (*Keller* permissible) and substantive (not permissible), and this may be a substantive issue rather than a procedural one. Others on the committee argued that the proposal addresses access to justice, which falls within the germaneness standard. The presenters stated that they believe this is not an ideological issue. Rep. Mary Margret Oliver indicated that this was not a position on a social policy issue, which the State Bar has historically avoided, but rather an administration of justice issue about directing the child to the best court to adjudicate his or her case. Nancy Whaley mentioned that, in light of recent litigation, the ACL may need to expand or revise its consideration of germaneness, taking into consideration the scope and purposes of the State Bar of Georgia in addition to the traditional *Keller* concerns.

The *Keller* vote was 21-9 in favor of the proposal meeting the germaneness standard in *Keller v. State Bar of California*. The motion supporting this proposal passed by a vote of 26-4. The Board of Governors will consider this proposal on January 8, 2022.

e. Support for the Georgia Statewide Business Court Improvement Act

Henry Walker presenting on behalf of the Business Law Section and Corporate Counsel Section. This proposed legislation would amend the business court’s enabling legislation so that a party cannot automatically opt out of the court’s jurisdiction. Georgia’s statewide business court handles complex business disputes. Amending the opt out provision would bring the court in line with the business courts in North Carolina and Delaware. Henry Walker indicated that the State Bar has been a proponent of the business court pilot in Fulton County since its inception.

Bill Barwick, Norm Brothers, and Mike Carey also spoke in support of the proposal. Bill Barwick indicated that Fulton County initially allowed a party to opt out of the business court’s jurisdiction, but it crippled the court’s ability to function and the rule was changed. Statewide Business Court Judge Walt Davis also spoke about the proposal and believes that there are a significant number of cases that aren’t getting to the business court because of the ability of a party to opt-out.

Dan Snipes mentioned that language removing the opt out was defeated in 2019 and 2020 when the legislature passed the statewide business court’s enabling legislation. He asserted that the subject matter jurisdiction of the court is broad. Requiring parties to come before the business court, rather than allowing an opt-out, in many instances would compel small businesses to be brought into the business court when a large business is suing them, rather than adjudicating the case in that small business’ home county.

The *Keller* vote was 20-5 in favor of the proposal meeting the germaneness standard in *Keller v. State Bar of California*. The motion to support the proposal failed by a vote of 12-15 with one member abstaining.

INFORMATIONAL UPDATES

a. HB 411—Creating the Prosecuting Attorneys Oversight Commission

Rebecca Grist, Keith Gammage, and Brad Rigby reported on HB 411. Both the District Attorney’s Association and the Solicitor’s Association oppose the bill, which would create a separate oversight commission to discipline elected district attorneys and solicitors. HB 411 creates a separate commission to discipline prosecutors, similar to the Judicial Qualifications Commission, which would duplicate the attorney discipline process. Attorney discipline, which includes all prosecutors, is already handled by the State Bar.

Rule 3.8 (Rules of Professional Conduct) was recently revised to refine the rules on prosecutors. The rule revision is awaiting ratification by the Georgia Supreme Court. Brad Rigby indicated that in the language of the bill, neither the investigative panel or the hearing panel includes an elected DA or solicitor, which the DA’s Association finds problematic. There is a fear that the bill as drafted infringes on the constitutional rights of elected DA’s and solicitors. There is also a concern that the commission will use it’s power to discipline decision-making that is within their discretion as elected prosecutors.

b. Status of 2021 State Bar Legislative Initiatives

Christine Butcher Hayes briefly reported on the State Bar proposals that will carry over from the 2020-2021 Bar year. Those bills are HB 334 (Remote Online Notarization) and HB 752 (Advanced Psychiatric Directive Act), which did not pass by sine die on March 31, 2021. Since 2021 was the first year of the two-year legislative biennium, both bills will continue to be active during the 2022 legislative session.

The State Bar will also continue to support two Judicial Council proposals, the Digital Court Reporting Act and the Superior and State Court Appellate Practice Act. Neither proposal was ultimately filed during the 2021 legislative session but the Judicial Council plans to pursue both proposals during the 2022 session.

c. Election and Political Update

Rusty Sewell and Mark Middleton gave a brief political update about the special session on redistricting that occurred in November.

d. Update from the Judiciary

Tracy Mason with the Administrative Office of the Courts indicated that the council planned to pursue the Superior and State Court Appellate Practice Act and the Digital Court Reporting Act during the 2022 legislative session. She also reported that the Judicial Council will meet again on December 10, 2021.

FUTURE MEETINGS

Chair Kyle Williams stated that the committee will likely meet again virtually on February 3, 2022. The meeting will likely last a bit longer because the chair expects a higher volume of legislative proposals to be submitted for meeting. At this time the November 30th meeting will be held in-person at the Bar Center.

ADJOURNMENT

With no further business before the committee, Chair Kyle Williams adjourned the meeting at 12:35 PM.

Advisory Committee on Legislation (ACL) Funding Proposal Form

FORM B

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

Name of Proposal: Continuation of and Enhancement of State Legislative Funding for Kinship Care Legal Services

Name of Section/Committee submitting this proposal: State Bar of Georgia Access to Justice Committee

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

(a) State legislative funds for Kinship Care legal services grants are used to provide civil legal assistance to kinship care families. Such legal assistance helps keep at-risk children out of the foster care system and supports them in homes by providing holistic civil legal representation. Legal services can help secure legal custody, financial benefits, healthcare support, educational support, and safe housing. Eligible grantees for these funds are non-profit organizations with at least ten years of experience providing kinship legal services or similar civil legal services in the state. The Kinship Care Grant is awarded statewide.

(b) The Legislative funds are received by the Judicial Council, Administrative Office of the Courts of the State of Georgia.

(c) The amount requested in this legislation is \$750,000.

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

The General Assembly initially funded the Kinship Care legal services during its 2019 annual session but approved \$375,000, half of the requested \$750,000.

The legislative funding history is as follows:

FY 2020 \$375,000, with an increase in the amended FY 2020 budget of \$100,000;

FY 2021 \$225,326; and

FY 2022 \$475,326.

The current proposal seeks \$750,000, the amount requested in the program's year of creation, 2019.

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

Yes, the State Bar of Georgia has supported the Judicial Council Budget Request to fund civil legal services grants for Kinship Care Families since 2019, the year the funding was created by the General Assembly.

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

Kinship care refers to full-time, non-parental care of children by grandparents, relatives, and sometimes family friends, without the assistance of parents. Studies show that the benefits of kinship care are substantial. A Georgia House of Representatives study committee noted that “[k]inship care families provide a safe, stable, and nurturing home for children suffering from the trauma of parental separation and other hardship.” It is estimated that informal kinship caregivers save U.S. taxpayers \$4 billion annually by caring for children who would otherwise fall into state custody. Many kinship families are low-income households and face complex issues. Relatives and other caregivers often struggle to care and provide for new members of the household, who often arrive in their care following trauma or crisis. This Project will provide civil legal services to this target population to help caregivers create safer and more sustainable households and equip caregivers with resources to stabilize the lives of the children in their care.

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

The State Bar of Georgia's mission is: The State Bar of Georgia exists to foster among the members of the Bar of this state the principles of duty and service to the public; to improve the administration of justice; and to advance the science of law.

Support for funding for civil legal services for kinship care addresses this mission. The funding increases access to the courts by Georgia's citizens, highlights a model for access to justice generally, enhances respect of the role of the lawyer-servant and supports the concepts of justice and fairness as understood by the public.

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

This Kinship Care legislative funding improves the quality of legal services by increasing available and necessary legal resources for the public. Kinship Care funding also assists the operations of our legal system- our courts in particular- by helping to ensure adequate and quality representation to persons who would otherwise be unrepresented.

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

The Access to Justice Committee is not aware of any opposition to this request.

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

We believe interested committees and sections would include the Children and Courts Committee, the Child Protection and Advocacy Section, the Elder Law Section, and the Family Law Section.

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

We will transmit this form to these entities for their input.

9. What is the recommendation that your section/committee wishes to be adopted by the State Bar? The Access to Justice Committee recommends full funding for the Kinship Care program, a position taken by vote (all in favor) at its September 2021 committee meeting.

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

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

We have attached a copy of the Final Report of the House Study Committee on Grandparents Raising Grandchildren and Kinship Care. This report provides an analysis of the need for quality legal services in the area of kinship care. The Report is also found at this link:

https://www.house.ga.gov/Documents/CommitteeDocuments/2015/Report%20of%20the%20House%20Study%20Committee%20on%20Kinship%20Care_signed.pdf .

Advisory Committee on Legislation (ACL) Funding Proposal Form

FORM B

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

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

Name of Section/Committee submitting this proposal: Indigent Defense Committee

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

This Proposal seeks continued State Bar support for adequate state funding for the Resource Center, specifically continuation funding of \$775,000 dollars, and restoration funding of \$25,000 to its pre-pandemic baseline level, for a total of \$800,000, to be included in the budget of the Judicial Council for the next session of the General Assembly. This funding comprises the majority of the funding for the Resource Center. State Bar support for the Resource Center remains critical, and, as always, deeply appreciated.

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

The Georgia Resource Center respectfully requests support for a continuation of baseline funding of \$775,000, and restoration funding of \$25,000, for a total of \$800,000 which the General Assembly has awarded the Resource Center each year from FY 2002 to FY 2008 and from FY 2013 to FY 2020. In FY 2021, as with all entities within the Judicial Council, the Resource Center's legislative funding was reduced to \$775,000, due to budget shortfalls related to the coronavirus pandemic. The Resource Center absorbed this decrease in its baseline funding through reduced travel and other operational expenses given the staff's remote work. As the Resource Center staff has returned to the office and has resumed some fieldwork, its baseline funding needs have returned to pre-pandemic levels. This funding allows the Resource Center to employ five full-time attorneys (including its Executive Director), one part-time attorney, three full-time investigators, and an office manager.

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

For the past thirty-three (33) years, the State Bar of Georgia has actively supported the Resource Center’s legislative proposal. The formal and active support for this legislative proposal by the State Bar is crucial to obtain continued funding from the General Assembly, so that the important work of the Resource Center can continue.

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

Georgia is the only state in the country that does not provide a statutory procedure or constitutional right to the appointment and compensation of counsel in state habeas corpus proceedings.¹ This poses an especially acute problem in capital cases where post-conviction review has been recognized to be a critical stage in the death penalty appellate process.² The Resource Center is mandated to oversee *all* capital post-conviction cases in Georgia, either through direct representation or through support of pro bono counsel.³ As the Supreme Court has recognized, capital habeas corpus proceedings are among the most complex in the legal field and require intensive investigation and litigation by experienced attorneys and investigators.⁴ The responsibilities of Resource Center staff also extend to advocating for clemency after prisoners have exhausted their habeas appeals and face execution. At all of the stages of proceedings, the Resource Center’s workload continues to be voluminous and labor-intensive. While clemency hearings and state habeas proceedings are very different, both entail complex investigations that place enormous demands on the Resource Center’s staff and budget. *See* Guideline 10.7, ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (counsel at every stage, including clemency, “have an obligation to conduct thorough and independent investigations relating to the issues of both guilt and penalty”).

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

¹ *See Gibson v. Turpin*, 270 Ga. 855 (1999). By the slimmest of margins, the Supreme Court of Georgia held that people on death row had no constitutional right to counsel in state habeas corpus proceedings. The court noted that a statute providing for state-funded counsel might be a good policy, but that absent legislative enactment of such a provision, state-funded counsel was not constitutionally compelled.

² *See, e.g., Murray v. Giarratano*, 492 U.S. 1, 24, 26 (1989).

³ The Resource Center is currently responsible for overseeing 43 cases from 25 counties across the state.

⁴ *See Martinez v. Ryan*, 132 S. Ct. 1309, 1317 (2012) (effective counsel is necessary in order to vindicate constitutional rights in post-conviction proceedings).

funding?

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

6. Describe how support for this appropriation (1) regulates the legal profession, or (2) improves the quality of legal services.⁵

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

The Resource Center's representation on behalf of its clients has also improved the quality of legal services for all indigent people on death row. For example, the Resource Center's litigation in *Wilson v. Sellers*, decided in 2018 by the United

⁵ The State Bar reviews all proposals for compliance with the standard set out by the United States Supreme Court in *Keller v. State Bar of California*, 496 U.S. 1 (1990).

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

⁷ According to a Columbia University study of error rates in capital cases from 1973 to 1995, Georgia had an 80% reversal rate. *See* James S. Liebman et al., *A Broken System: Error Rates in Capital Cases, 1973-1995* (June 12, 2000), available at https://b3cdn.net/ncadp/c2c493b8dfab81a0ed_9adm679fc.pdf. Since 1996, 62 death penalty cases have resulted in relief. During that same period, 56 executions have been carried out. Accordingly, for every one execution carried out in Georgia since 1996, approximately 1.11 death sentences have been reversed. The significance of this rate of error is obvious: proving that the system can be fundamentally fair only if there is a Resource Center to provide checks and balances to the system in state and federal habeas review.

States Supreme Court, made an important clarification in how federal courts review state court decisions in habeas corpus proceedings.

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

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

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

There are no known opponents of this proposal.

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

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

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

Yes, we have provided a copy of this request to the Indigent Defense Committee.

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

The core state funding of \$800,000 (\$775,000 continuation plus \$25,000 restoration) allows the Resource Center to maintain the minimum staff necessary to fulfill its mandate to provide adequate legal services to Georgia's indigent clients on death row and take on additional cases that will enter the system in FY 2022 and FY 2023, including those of people on death row who are approaching final adjudication of their legal claims and facing the need to prepare for clemency proceedings. The effectiveness, efficiency, and credibility of Georgia's death penalty system depend on an adequately-staffed and sufficiently-funded Resource Center, but without continuation of baseline funding, the Resource Center would be forced to lay off legal staff.

Accordingly, the Board of Directors of the Georgia Resource Center petitions the State Bar of Georgia for endorsement of its request for funding in the amount of \$800,000 for the Resource Center and that such funding be placed in the budget of the Judicial Council for the next session of the General Assembly.

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

Over the years, beyond the critical baseline funding of the Georgia legislature, the Resource Center had received monies from two additional primary sources: 1) the Georgia State Bar and/or the Georgia Bar Foundation and 2) vouchers from federal court representation. The Georgia State Bar, a founding partner and strong supporter of the Resource Center since its inception in 1988, has provided direct financial assistance of approximately to the Resource Center from FY 2012 to the current FY 2022. In recent years, the Bar Foundation has awarded the Center a grant of \$110,000 in FY 2020, \$100,000 in FY 2021, and \$120,000 in FY 2022.

Federal court compensation is received in periodic amounts that vary substantially according to the number of federal habeas cases which are approaching resolution at any given time, and the voucher payment processing time. In FY 2022, the federal revenue was \$244,221, and in FY 2021, the federal revenue was \$395,163. The Resource Center estimates a revenue of \$330,000 in federal court compensation for work representing Georgia state prisoners in federal capital habeas cases in FY 2022.

**Advisory Committee on Legislation (ACL)
Support or Opposition Form**

FORM C

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

Name of Proposal: Support of House Bill 272

Name of Section/Committee submitting this proposal: Child Protection and Advocacy Section,
Indigent Defense Committee, Children and the Courts Committee

1. This proposal seeks to support legislation that has already been passed by the House last session and is pending in the Senate. Sponsors are listed in the attached memo. A copy of the pending legislation is attached.
2. N/A
3. Brief summary of the existing law on this issue is that Juvenile Court jurisdiction over delinquency cases is currently age 17, (OCGA 15-11-2), while the jurisdiction of the Juvenile Court over all other cases extends to age 18. This proposal seeks to modify this statute by raising the maximum age of Juvenile Court jurisdiction from age 17 to 18.
4. No. this proposal does not seek to codify current law or modify a statute based upon a recent appellate decision.
5. The State Bar should take an official position to support this proposal because it is the right and just thing to do, as 47 other states in the country, as well as numerous Georgia child-serving agencies, have recognized.
6. The pending legislation improves the quality of legal services to children by making the law more consistent. Currently, OCGA 15-11-2 (10) reads: "Child" means an individual who is: (A) Under the age of 18 years; (B) under the age of 17 years when alleged to have committed a delinquent act..."
7. Proponents of the legislation include the Barton Child Law and Policy Center, Emory University Law School, Voices for Georgia's Children, Southern Center for Human Rights, Georgia Association of Criminal Defense Lawyers, the Southern

Poverty Law Center, the Interfaith Children’s Movement, End Mass Incarceration Georgia Movement. It is my understanding that there are law enforcement groups that oppose the proposal.

- 8 Currently, the Child Protection and Advocacy Section, the Indigent Defense Committee, and the Children and the Courts Committee support this request. A copy of the proposal has been sent to the Chair of the Criminal Law Section, but no response has been received as yet. If received, it will be forwarded to the ACL.**

- 9 We are requesting that HB 272 be adopted by the State Bar of Georgia, and that the State Bar lobbyists support the passage of the bill during the upcoming legislative session.**

November 18, 2021

TO: State Bar of Georgia Advisory Committee on Legislation

FROM: State Bar Child Protection and Advocacy Section, State Bar Indigent Defense Committee, State Bar Children and the Courts Committee.

RE: Support for passage of House Bill 272 (HB 272), "Raise the Age" of Juvenile Court Delinquency Jurisdiction, legislation originating outside the State Bar.

Name of Proposal: **Support for passage of current Bill HB 272, "Raise the Age" of Juvenile Court Delinquency Jurisdiction** to include children through age 17, which bill passed the House of Representatives last session (2021) and is currently pending in the Senate.

The top six sponsors of HB 272 are Mandy Ballinger, Don Hogan, Houston Gaines, Bonnie Rich, James Burchett, and Chuck Efration. Mary Margaret Oliver has long been a staunch advocate and supporter of this legislative policy, having previously sponsored similar legislation on the concept.

A copy of HB 272 is attached.

Currently, in Georgia, Juvenile Courts have jurisdiction over children involved in *dependency* and *Children in Need of Services (CHINS)* cases from birth until they turn age 18. However, jurisdiction over *delinquency* (criminal) cases ends when a child turns 17. Once children turn 17, delinquency cases are handled in State or Superior Court, rather than in Juvenile Court.

Furthermore, if the 17-year-old child admits to a charge or is found guilty, she is punished as an adult. Such punishment includes the possibility of incarceration in an adult prison rather than accessing the relevant and meaningful treatment and rehabilitative services available through Juvenile Court Probation or Juvenile Justice detention facilities.

This age distinction makes no sense. The laws of forty-seven states in the country treat persons under the age of eighteen as children and persons over the age of 18 as adults whose behavior warrants adult criminal responsibility. Georgia, Wisconsin, and Texas are the three exceptions to what is a markedly

overwhelming consensus on this issue. Even in Georgia, other than with respect to this one issue, *Georgia law* maintains that a person must be 18 to have the capacity to buy cigarettes, get married, drink alcohol, live independently, sit on a jury, or even sign a contract.

In OCGA § 15-11-2, the current law is explicitly incongruent:

“(10) ‘Child’ means an individual who is: (A) Under the age of 18 years; (B) Under the age of 17 years when alleged to have committed a delinquent act....”

Modifying this law to expand juvenile court jurisdiction over most 17-year-olds would not preclude the ability of Georgia to maintain its statutory exclusions to juvenile court jurisdiction. For instance, SB 440 offenses, through which certain serious criminal cases have original jurisdiction in Superior Court, would continue to be prosecuted as they are today, in Superior Court. Similarly, other existing statutory mechanisms, including judicial waiver and prosecutorial discretion to charge certain youth as adults for the commission of serious offenses, would not be disturbed by passage of HB 272.

Passage of HB 272 is advocated by many respected Georgia groups and agencies: Barton Child Law and Policy Center, Emory University Law School, Voices for Georgia’s Children, Southern Center for Human Rights, Georgia Association of Criminal Defense Lawyers, the Southern Poverty Law Center, the Interfaith Children’s Movement, End Mass Incarceration Georgia Network, among others.

Time is of the essence for passage of this important legislation, and support from the State Bar and the State Bar lobbyists is critical.

Thank you for your consideration.



Nicki N. Vaughan

Executive Committee of Board of Governors, State Bar of Georgia; Past Chair and current Executive Committee Member of Child Protection and Advocacy Section; Chair of Indigent Defense Committee; member of Children and the Courts Committee.

HB 272:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the
2 Juvenile Code, so as to enact the "Raise the Age Act"; to provide a short title; to provide for
3 an implementation committee; to provide for the powers, composition, and appointment of
4 such committee; to change the jurisdiction of the juvenile court to include children who are
5 under 18 years of age; to amend Title 16 of the Official Code of Georgia Annotated, relating
6 to crimes and offenses, so as to change the jurisdiction of the juvenile court to include
7 children who are under 18 years of age; to amend Title 42 of the Official Code of Georgia
8 Annotated, relating to penal institutions, so as to clarify provisions regarding juveniles; to
9 amend Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the
10 Department of Juvenile Justice, so as to clarify provisions regarding juveniles; to provide for
11 effective dates; to provide for related matters; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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PART I
SECTION 1-1.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code, is amended in Article 1, relating to general provisions, by adding a new Code section to read as follows:

"15-11-42.

- (a) This Code section shall be known and may be cited as the 'Raise the Age Act.'
- (b) There shall be an implementation committee that shall consist of eight members as follows:
 - (1) One member who shall be the chairperson, and is the chairperson of the House Committee on Juvenile Justice;
 - (2) The commissioner of the Department of Juvenile Justice;
 - (3) The president of the Georgia Sheriffs' Association;
 - (4) The executive director of the Prosecuting Attorneys' Council of the State of Georgia;
 - (5) The executive director of the Georgia Association of Criminal Defense Lawyers;
 - (6) The executive director of the Criminal Justice Coordinating Council;
 - (7) The director of the Governor's Office of Planning and Budget; and
 - (8) The president of the Council of Juvenile Court Judges.
- (c) The committee may confer with any appropriate subject matter experts, state agency and advisory members to the committees as selected by the chair, including the president of the Council of Juvenile Court Judges, the president of the Georgia Association of Chiefs of Police, the executive director of the Georgia Public Safety Training Center, attorneys who regularly practice in the juvenile courts, the Association of Juvenile Court Administrators on matters relating to implementing raising the juvenile age, including equipment, security, and technological aspects in connection to raising the age of juvenile offenders regarding:

- 40 (1) Standards and practices of other jurisdictions;
- 41 (2) The most recent standards promulgated by national standard-setting bodies; and
- 42 (3) The views of interested persons, government officials, and entities.
- 43 (e) The committee shall commence no later than May 1, 2021, and shall stand abolished
- 44 on December 31, 2021."

PART II
SECTION 2-1.

47 Said chapter is further amended by revising paragraph (10) of Code Section 15-11-2, relating
48 to definitions, as follows:

- 49 "(10) 'Child' means any individual who is:
- 50 (A) Under the age of 18 years;
 - 51 ~~(B) Under the age of 17 years when alleged to have committed a delinquent act;~~
 - 52 ~~(B)~~ Under the age of 22 years and in the care of DFCS as a result of being
53 adjudicated dependent before reaching 18 years of age;
 - 54 ~~(B)~~(C) Under the age of 23 years and eligible for and receiving independent living
55 services through DFCS as a result of being adjudicated dependent before reaching 18
56 years of age; or
 - 57 ~~(B)~~(D) Under the age of 21 years who committed an act of delinquency before reaching
58 the age of ~~17~~ 18 years and who has been placed under the supervision of the court or
59 on probation to the court for the purpose of enforcing orders of the court."

SECTION 2-2.

60 Said chapter is further amended by revising subsection (a) of Code Section 15-11-7, relating
61 to court of inquiry, as follows:
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63 "a) The juvenile court shall have jurisdiction to act as a court of inquiry with all the
64 powers and rights allowed courts of inquiry in this state and to examine or investigate into
65 the circumstances or causes of any conduct or acts of any person ~~17~~ 18 or more years of
66 age that may be in violation of the laws of this state whenever such person is brought
67 before the court in the course of any proceeding instituted under this chapter. The court
68 shall cause the person to be apprehended and brought before it upon either a writ of
69 summons, a warrant duly issued, or by arrest."

70 **SECTION 2-3.**

71 Said chapter is further amended by revising subsection (e) of Code Section 15-11-504,
72 relating to place of detention, as follows:

73 "(e) The official in charge of a jail or other facility for the detention of adult offenders or
74 persons charged with a crime shall inform the court or the juvenile court intake officer
75 immediately when a child who appears to be under the age of ~~17~~ 18 years is received at
76 such facility and shall deliver such child to the court upon request or transfer such child to
77 the facility designated by the juvenile court intake officer or the court."

78 **SECTION 2-4.**

79 Said chapter is further amended by revising Code Section 15-11-560, relating to concurrent
80 and original jurisdiction of superior court, as follows:

81 "15-11-560.
82 (a) Except as provided in subsection (b) of this Code section, the court shall have
83 concurrent jurisdiction with the superior court over a child who is alleged to have
84 committed a delinquent act which would be considered a crime if tried in a superior court
85 and for which an adult may be punished by loss of life, imprisonment for life without
86 possibility of parole, or confinement for life in a penal institution.

87 (b) The superior court shall have exclusive original jurisdiction over the trial of any
88 child 13 to ~~17~~ 18 years of age who is alleged to have committed any of the following
89 offenses:

- 90 (1) Murder;
- 91 (2) Murder in the second degree;
- 92 (3) Voluntary manslaughter;
- 93 (4) Rape;
- 94 (5) Aggravated sodomy;
- 95 (6) Aggravated child molestation;
- 96 (7) Aggravated sexual battery;
- 97 (8) Armed robbery if committed with a firearm;
- 98 (9) Aggravated assault if committed with a firearm upon a public safety officer as such
99 acts are prohibited under subsection (c) of Code Section 16-5-21; or
- 100 (10) Aggravated battery upon a public safety officer as such acts are prohibited under
101 subsection (c) of Code Section 16-5-24.

102 (c) The granting of bail or pretrial release of a child charged with an offense enumerated
103 in subsection (b) of this Code section shall be governed by the provisions of Code
104 Section 17-6-1.

105 (d) At any time before indictment, the district attorney may, after investigation and for
106 cause, decline prosecution in the superior court of a child 13 to ~~17~~ 18 years of age alleged
107 to have committed an offense specified in subsection (b) of this Code section. Upon
108 declining such prosecution in the superior court, the district attorney shall cause a petition
109 to be filed in the appropriate juvenile court for adjudication within 72 hours if the child is
110 in detention or 30 days if the child is not in detention. Except as provided in paragraph (8)
111 of subsection (b) of Code Section 15-11-602, any case transferred by the district attorney
112 to the juvenile court pursuant to this subsection shall be subject to the class A designated
113 felony act provisions of Code Section 15-11-602, and the transfer of the case from superior

114 court to juvenile court shall constitute notice to such child that such case is subject to
115 class A designated felony act provisions of Code Section 15-11-602.

116 (e)(1) After indictment, the superior court may after investigation transfer to the juvenile
117 court any case involving a child 13 to ~~17~~ 18 years of age alleged to have committed any
118 act described in paragraph (3), (5), (6), (7), (9), or (10) of subsection (b) of this Code
119 section. In considering the transfer of such case, the court shall consider the criteria set
120 forth in Code Section 15-11-562. Any such transfer shall be appealable by the State of
121 Georgia pursuant to Code Section 5-7-1. Upon such a transfer by the superior court,
122 jurisdiction shall vest in the juvenile court and jurisdiction of the superior court shall
123 terminate.

124 (2) Except as provided in paragraph (8) of subsection (b) of Code Section 15-11-602, any
125 case transferred by the superior court to the juvenile court pursuant to this subsection
126 shall be subject to the class A designated felony act provisions of Code
127 Section 15-11-602, and the transfer of the case from superior court to juvenile court shall
128 constitute notice to such child that such case is subject to the class A designated felony
129 act provisions of Code Section 15-11-602.

130 (f) The superior court may transfer any case involving a child 13 to ~~17~~ 18 years of age
131 alleged to have committed any offense enumerated in subsection (b) of this Code section
132 and convicted of a lesser included offense not included in subsection (b) of this Code
133 section to the juvenile court of the county of such child's residence for disposition. Upon
134 such a transfer by the superior court, jurisdiction shall vest in the juvenile court and
135 jurisdiction of the superior court shall terminate.

136 (g) Within 30 days of any proceeding in which a child 13 to ~~17~~ 18 years of age is
137 convicted of certain offenses over which the superior court has original jurisdiction as
138 provided in subsection (b) of this Code section or adjudicated as a delinquent child on the
139 basis of conduct which if committed by an adult would constitute such offenses, the
140 superior court shall provide written notice to the school superintendent or his or her

141 designee of the school in which such child is enrolled or, if the information is known, of
142 the school in which such child plans to be enrolled at a future date. Such notice shall
143 include the specific criminal offense that such child committed. The local school system
144 to which such child is assigned may request further information from the court's file.

145 (h) As used in this Code section, the term 'firearm' means a handgun, rifle, shotgun, or
146 other weapon which will or can be converted to expel a projectile by the action of an
147 explosive or electrical charge."

148 **SECTION 2-5.**

149 Said chapter is further amended by revising paragraph (3) of subsection (a) and
150 subsection (d) of Code Section 15-11-561, relating to waiver of juvenile court jurisdiction
151 and transfer to superior court, as follows:

152 "(3) The petition alleges that such child:

153 (A) Was at least 15 years of age at the time of the commission of the offense and
154 committed an act which would be a felony if committed by an adult; or

155 (B) Was 13 or 14 years of age and either committed an act for which the punishment
156 is loss of life or confinement for life in a penal institution or committed aggravated
157 battery resulting in serious bodily injury to an alleged victim who is not a public safety
158 officer as such term is defined in Code Section 16-5-19; or

159 (C) Was 17 years of age at the time of participating in criminal gang activity, as
160 defined in subparagraphs (A) through (G) and (J) of paragraph (1) of Code
161 Section 16-15-3, in violation of Code Section 16-15-4."

162 "(d) No child, either before or after reaching ~~17~~ 18 years of age, shall be prosecuted in
163 superior court for an offense committed before the child turned ~~17~~ 18, unless the case has
164 been transferred as provided in this part. In addition, no child shall be subject to criminal
165 prosecution at any time for an offense arising out of a criminal transaction for which the
166 juvenile court retained jurisdiction in its transfer order."

SECTION 2-6.

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Said chapter is further amended by revising subsection (a) of Code section 15-11-562, relating to transfer criteria and written reports, as follows:

"15-11-562.

(a) The criteria that the juvenile court shall consider in determining whether to transfer an alleged delinquent child as set forth in subsection (a) of Code Section 15-11-561 to superior court and the criteria that the superior court shall consider in determining whether to transfer any case involving a child 13 to ~~17~~ 18 years of age alleged to have committed any act described in paragraph (3), (5), (6), (7), (9), or (10) of subsection (b) of Code Section 15-11-560 to juvenile court as set forth in subsection (e) of Code Section 15-11-560 includes, but shall not be limited to:

- (1) The age of such child;
- (2) The seriousness of the alleged offense, especially if personal injury resulted;
- (3) Whether the protection of the community requires transfer of jurisdiction;
- (4) Whether the alleged offense involved violence or was committed in an aggressive or premeditated manner;
- (5) The impact of the alleged offense on the alleged victim, including the permanence of any physical or emotional injury sustained, health care expenses incurred, and lost earnings suffered;
- (6) The culpability of such child including such child's level of planning and participation in the alleged offense;
- (7) Whether the alleged offense is a part of a repetitive pattern of offenses which indicates that such child may be beyond rehabilitation in the juvenile justice system;
- (8) The record and history of such child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions, and other placements;

- 193 (9) The sophistication and maturity of such child as determined by consideration of his
- 194 or her home and environmental situation, emotional condition, and pattern of living;
- 195 (10) The program and facilities available to the juvenile court in considering disposition;
- 196 and
- 197 (11) Whether or not a child can benefit from the treatment or rehabilitative programs
- 198 available to the juvenile court."

SECTION 2-7.

199 Said chapter is further amended by revising subsection (b) of Code Section 15-11-565,
 200 relating to places authorized for detention of child before and after transfer order, as follows:
 201
 202 "(b) After the entry of a judgment ordering transfer, a child shall be detained only in those
 203 places authorized for the detention of a child until such child, as set forth in Code
 204 Section 15-11-34, reaches ~~17~~ 18 years of age."

PART III

SECTION 3-1.

205
 206
 207 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 208 amended by revising paragraph (1) of subsection (c) of Code Section 16-5-21, relating to
 209 aggravated assault, as follows:

- 210 "(c)(1) A person who knowingly commits the offense of aggravated assault upon a public
- 211 safety officer while he or she is engaged in, or on account of the performance of, his or
- 212 her official duties shall, upon conviction thereof, be punished as follows:
- 213 (A) When such assault occurs by the discharge of a firearm by a person who is at
- 214 least ~~17~~ 18 years of age, such person shall be punished by imprisonment for not less
- 215 than ten nor more than 20 years and shall be sentenced to a mandatory minimum term
- 216 of imprisonment of ten years and no portion of the mandatory minimum sentence

217 imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing
 218 court; provided, however, that in the court's discretion, the court may depart from
 219 such mandatory minimum sentence when the prosecuting attorney and defendant have
 220 agreed to a sentence that is below such mandatory minimum;

221 (B) When such assault does not involve the discharge of a firearm by a person who
 222 is at least ~~17~~ 18 years of age, and does not involve only the use of the person's body,
 223 such person shall be punished by imprisonment for not less than five nor more than
 224 20 years and, for persons who are at least ~~17~~ 18 years of age, shall be sentenced to a
 225 mandatory minimum term of imprisonment of three years and no portion of the
 226 mandatory minimum sentence imposed shall be suspended, stayed, probated,
 227 deferred, or withheld by the sentencing court; provided, however, that in the court's
 228 discretion, the court may depart from such mandatory minimum sentence when the
 229 prosecuting attorney and defendant have agreed to a sentence that is below such
 230 mandatory minimum; or

231 (C) When such assault occurs only involving the use of the person's body, by
 232 imprisonment for not less than five nor more than 20 years."

233 **SECTION 3-2.**

234 Said title is further amended by revising paragraph (1) of subsection (c) of Code Section
 235 16-5-24, relating to aggravated battery, as follows:

236 "(c)(1) A person who knowingly commits the offense of aggravated battery upon a public
 237 safety officer while the public safety officer is engaged in, or on account of the
 238 performance of, his or her official duties shall, upon conviction thereof, be punished by
 239 imprisonment for not less than ten nor more than 20 years; provided, however, that for
 240 persons who are at least ~~17~~ 18 years of age, a mandatory minimum term of imprisonment
 241 of three years shall be imposed and no portion of the mandatory minimum sentence shall
 242 be suspended, stayed, probated, deferred, or otherwise withheld by the sentencing court;

243 provided, however, that in the court's discretion, the court may depart from such
244 mandatory minimum sentence when the prosecuting attorney and defendant have agreed
245 to a sentence that is below such mandatory minimum."

246 **SECTION 3-3.**

247 Said title is further amended by revising paragraph (3) of subsection (a) of Code
248 Section 16-12-1, relating to contributing to the delinquency or dependency of a minor, as
249 follows:

250 "(3) 'Minor' means any individual who is under the age of ~~17~~ 18 years who is alleged to
251 have committed a delinquent act or any individual under the age of 18 years."

252 **SECTION 3-4.**

253 Said title is further amended by revising subsection (b) of Code Section 16-12-100.3, relating
254 to obscene telephone contact, conviction, and penalties, as follows:

255 "(b) A person ~~17~~ 18 years of age or over commits the offense of obscene telephone contact
256 with a child if that person has telephone contact with an individual whom that person
257 knows or should have known is a child, and that contact involves any aural matter
258 containing explicit verbal descriptions or narrative accounts of sexually explicit nudity,
259 sexual conduct, sexual excitement, or sadomasochistic abuse which is intended to arouse
260 or satisfy the sexual desire of either the child or the person, provided that no conviction
261 shall be had for this offense on the unsupported testimony of the victim."

262

PART IV.

263

SECTION 4-1.

264 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
265 by revising subsection (b) of Code Section 42-5-52, relating to classification and separation
266 of inmates generally and placement of juvenile offenders, as follows:

267 "(b) The department may establish separate correctional or similar institutions for the
268 separation and care of juvenile offenders. The commissioner may transfer any juvenile
269 under ~~17~~ 18 years of age from the penal institution in which he or she is serving to the
270 Department of Juvenile Justice, provided that the transfer is approved thereby. The
271 juvenile may be returned to the custody of the commissioner when the commissioner of
272 juvenile justice determines that the juvenile is unsuited to be dealt with therein. The
273 commissioner may accept a juvenile for transfer into a penal institution upon the request
274 of the commissioner of juvenile justice if such juvenile is 16 years of age or older and has
275 been committed to the Department of Juvenile Justice for a class A designated felony act
276 or class B designated felony act, as defined by Code Section 15-11-2, and such juvenile's
277 behavior presents a substantial danger to any person at or within a Department of Juvenile
278 Justice facility. In the event of such transfer, the department shall have the same authority
279 over and responsibility for such juvenile as the Department of Juvenile Justice has for such
280 juvenile and shall maintain sight and sound separation as set forth in paragraph (5) of
281 subsection (c) of Code Section 15-11-504."

282

SECTION 4-2.

283 Said title is further amended by revising subsection (b) of Code Section 42-8-35.1, relating
284 to probation boot camp unit as special alternative incarceration, as follows:

285 "(b) Before a court may place such condition upon the sentence, an initial investigation
286 shall be completed by the officer which indicates that the probationer is qualified for such

287 treatment in that the individual does not appear to be physically or mentally disabled in a
288 way that would prevent him or her from strenuous physical activity, that the individual has
289 no obvious contagious diseases, that the individual is not less than ~~17~~ 18 years of age nor
290 more than 30 years of age at the time of sentencing, and that the Department of Corrections
291 has granted provisional approval of the placement of the individual in the special
292 alternative incarceration—probation boot camp unit."

293 **SECTION 4-3.**

294 Said title is further amended by revising subsection (b) of Code Section 42-8-35.4, relating
295 to confinement in probation detention center, as follows:

296 "(b) The court shall determine that the defendant is at least ~~17~~ 18 years of age at the time
297 of sentencing."

298 **SECTION 4-4.**

299 Said title is further amended by revising paragraph (4) of Code Section 42-12-3, relating to
300 definitions for the "Prison Litigation Reform Act of 1996," as follows:

301 "(4) 'Prisoner' means a person ~~17~~ 18 years of age or older who has been convicted of a
302 crime and is presently incarcerated or is being held in custody awaiting trial or
303 sentencing."

304 **PART V**

305 **SECTION 5-1.**

306 Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department
307 of Juvenile Justice, is amended by revising paragraph (6) of subsection (b) of Code Section
308 49-4A-2, relating to the Board of Juvenile Justice created, appointments, terms, vacancies,
309 chairperson, per diem and expenses, and responsibilities and rules, as follows:

336 Corrections for the remainder of the original sentence, or be subject to any other
337 determination authorized by law."

338 **PART VI**
339 **SECTION 6-1.**

340 Part I of this Act shall become effective upon its approval by the Governor or upon its
341 becoming law without such approval. Parts II, III, IV, and V of this Act shall become
342 effective January 1, 2022.

343 **SECTION 6-2.**
344 All laws and parts of laws in conflict with this Act are repealed.

**Advisory Committee on Legislation (ACL)
Support or Opposition Form**

FORM C

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

Name of Proposal: *Support for HB 409 – Establishing a Judicial Legal
Defense Fund Commission*

Section/Committee submitting this proposal: *Bench and Bar Committee*

1. Does this proposal seek to **support** or **oppose** legislation that has already been filed pre-filed in the General Assembly for the 2022 session, or legislation that has been proposed by an outside interest group, corporation, government agency, or individual to be filed during the 2022 legislative session? **YES** or NO
- a. If yes, attach a copy of the pending legislation or outside proposal.

A copy of HB 409 is attached.

2. If no legislation is presently pending, provide a statement of the issues to be addressed by the proposed bill.

N/A

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

The bill provides for the creation of a Judicial Legal Defense Fund (“the Fund”) to provide for representation for justices of the Supreme Court, judges of the Court of Appeals, judges of the Statewide Business Court, and judges of Georgia’s Superior Courts when the Attorney General has declined representation and financial liability for representation is

not covered by any insurance policy maintained by the Department of Administrative Services (DOAS). The legislation will form a Judicial Legal Defense Fund Commission (“the Commission”) which will evaluate requests from defendant judges to determine if the allegations involve conduct related to the judge’s official duties. If the Commission endorses a judge’s request for counsel, the judge shall select an attorney from a list maintained by the Commission. Each attorney on the list shall be approved by the Governor and remain on the list at the pleasure of the governor (*Lines 92-97*).

The bill also provides the process by which a defendant judge must first file a written request for representation to the Attorney General and DOAS (*Lines 98 – 152*). If the Attorney General determines that he or she cannot provide representation because of a conflict or otherwise and DOAS determines they cannot provide representation under a department insurance policy, the defendant judge shall submit a written request to the Commission for the appointment of representation through the Fund.

The Fund shall be administered by the director of the Governor’s Office of Planning and Budget and funded by disbursements from the Governor’s Emergency Fund (*Line 47*). An attorney selected for representation must submit a proposed budget based on the general rate of pay established by DOAS and the time such attorney believes will be required for such representation (*Lines 153-159*). The governor shall evaluate the Commission’s endorsement, the selected attorney, and the estimated budget and shall authorized disbursement of funds if he or she concurs with the endorsement (*Lines 148-152*).

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

NO

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

This is an issue that the Bench and Bar Committee has followed for several years after cases have arisen where the AG’s Office and DOAS were unable to provide legal representation to a state judge being sued in his or her official capacity. This issue affects

the State Bar and Georgia lawyers because judges are often sued in their official capacity and would otherwise have to pay for their defense out of pocket when the AG's Office and DOAS have a conflict.

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

This proposed legislation improves the quality of Georgia's judiciary by creating a Commission to appoint counsel to members of the state judiciary when conflicts arise with the AG's Office and DOAS.

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

The following offices and departments gave input on the bill during the 2021 legislative session: the Governor's Office, the Attorney General's Office, and the Department of Administrative Services.

HB 409 passed in the House by a vote of 134-0 and passed in the Senate by a vote of 48-3. However, the bill was amended in the Senate to require commission appointees to be approved by the Senate. The House amended the bill on sine die remove the Senate confirmation language, but the Senate disagreed with the amendment and a conference committee was appointed on sine die.

Conferees: Sen. Brian Strickland, Sen. John Kennedy, Sen. Bo Hatchett, Rep. Stan Gunter, Rep. Chuck Efstoration, Rep. Barry Fleming.

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

a. Have you provided interested State Bar committees/sections with a copy of

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

this proposal? If so, have they provided any comment?

NO

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

The Bench and Bar Committee asks that the State Bar support HB 409.

The Senate Committee on Government Oversight offered the following substitute to HB 409:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated,
2 relating to counsel for public officials and agencies, so as to provide for a process for
3 state-funded representation of certain judges in legal actions resulting from performance or
4 nonperformance of their official duties; to provide for a definition; to establish the Judicial
5 Legal Defense Fund; to establish the Judicial Legal Defense Fund Commission; to provide
6 for appointments and duties; to provide for requirements; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 4 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to
11 counsel for public officials and agencies, is amended by revising Code Section 45-15-70,
12 relating to Governor authorized to provide counsel for public officials and agencies and fees
13 and costs to be paid by state, as follows:

14 "45-15-70.

15 ~~(a)~~ Except as provided for in Code Section 45-15-71:

16 (1) When any action or proceeding is filed in any court of this state, in any federal court,
 17 or with any professional licensing board, disciplinary board or commission, or other
 18 similar body, which action or proceeding is against a public officer, public official, a state
 19 board or bureau, or against any member of such board or bureau and which action or
 20 proceeding seeks relief against such officer, official, board, or bureau in the
 21 administration of his, her, or its duties, and when the state compensates or appropriates
 22 or allocates moneys to such officer, official, board, or bureau which is used in the
 23 administration of his, her, or its duties, and this shall include county registrars, and when
 24 no regular counsel is provided within a reasonable time for such officer, official, board,
 25 bureau, or county registrar by the Attorney General, then the Governor may direct the
 26 Attorney General to provide such counsel. In the event the Attorney General refuses to
 27 provide such counsel within a reasonable time after having been directed by the Governor
 28 to do so, the Governor is authorized to designate legal counsel in such case for such
 29 officer, official, board, or bureau, or any member of such board or bureau, or county
 30 registrar: and
 31 ~~(b)(2)~~ Whenever the Governor designates counsel in any action specified in ~~subsection~~
 32 ~~(a)~~ paragraph (1) of this Code section, any fees or expenses paid to or on account of such
 33 counsel and any court costs may be paid by the state."

34 **SECTION 2.**

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

36 "45-15-71.

37 (a) As used in this Code section, the term 'defendant judge' means a Justice of the Supreme
 38 Court, judge of the Court of Appeals, judge of the Georgia State-wide Business Court, or
 39 judge of the superior court against whom an action or proceeding has been filed.

40 (b)(1) There is created a fund to be known as the 'Judicial Legal Defense Fund' to
 41 provide state-funded legal representation, including, but not limited to, legal costs and

42 attorney's fees, for defendant judges in actions or proceedings in which such legal
43 representation is authorized under this Code section by the Judicial Legal Defense Fund
44 Commission and the Governor.

45 (2) The Judicial Legal Defense Fund shall be administered by the director of the Office
46 of Planning and Budget and shall be funded by disbursements made through the
47 Governor's Emergency Fund as approved by the Governor.

48 (c)(1) There is created a body to be known as the 'Judicial Legal Defense Fund
49 Commission.'

50 (2) The commission shall be governed by five members who shall be active Justices of
51 the Supreme Court or judges of the Court of Appeals, Georgia State-wide Business Court,
52 or superior court who shall be appointed, by and with the advice and consent of the
53 Senate, as follows:

54 (A) One member shall be appointed by the Chief Justice of the Supreme Court;

55 (B) One member shall be appointed by the Governor;

56 (C) One member shall be appointed by the President of the Senate;

57 (D) One member shall be appointed by the Speaker of the House of Representatives;
58 and

59 (E) One member shall be appointed by The Council of Superior Court Judges of
60 Georgia.

61 (3) Members appointed to the commission shall serve a two-year term from the date of
62 their appointment and may serve consecutive terms.

63 (4) All successors to appointed members shall be appointed in the same manner as initial
64 appointments. Vacancies in office of appointed members shall be filled in the same
65 manner as initial appointments. An appointment to fill a vacancy shall be for a new term
66 of appointment.

67 (5) The commission shall elect a chairperson, a vice chairperson, a secretary, and other
68 officers as it deems necessary. The members shall not be compensated for their services

69 but they shall be reimbursed in an amount equal to the per diem received by the General
70 Assembly for each day or portion thereof spent in serving as members of the commission.
71 They shall be paid their necessary traveling expenses while engaged in the business of
72 the commission. Reimbursements or expenses made to members shall be from
73 appropriations made to the Governor's Emergency Fund.

74 (6) The vote of at least a majority of the members present at any meeting is necessary for
75 any action to be taken by the commission. No vacancy in the membership of the
76 commission shall impair the commission's ability to perform its duties.

77 (7) Meetings of the members of the commission shall be held at the call of the
78 chairperson, or whenever any two members so request.

79 (8) The executive director of The Council of Superior Court Judges of Georgia shall
80 serve as staff to the commission.

81 (d) It shall be the purpose of the Judicial Legal Defense Fund Commission to:

82 (1) Evaluate requests from defendant judges for representation through the fund in an
83 action or proceeding. The commission shall endorse such request and representation if:

84 (A) The Attorney General has declined to represent the defendant judge in such action
85 or proceeding;

86 (B) The financial liability for such representation is not covered by any insurance
87 policy maintained by the Department of Administrative Services; and

88 (C) The commission determines that such action or proceeding is seeking relief against
89 such defendant judge for actions taken pursuant to, or the nonperformance of actions
90 required by, such defendant judge's official duties and that such representation is
91 consistent with the purposes of the fund; and

92 (2) With the assistance of the State Bar of Georgia maintain a list of attorneys who are
93 members in good standing with the State Bar of Georgia and who have offered
94 themselves to provide legal representation for judges through the fund; provided,
95 however, that no attorney shall be included on such list of attorneys without the approval

96 of the Governor and each attorney on such list shall be maintained on such list only at the
97 pleasure of the Governor.

98 (e) After receiving the service of a summons and complaint upon himself or herself for any
99 action or proceeding filed in any court of this state, a defendant judge having a reasonable
100 belief that such summons and complaint is seeking relief against such defendant judge for
101 actions taken pursuant to, or for the nonperformance of actions required by, such defendant
102 judge's official duties shall have 15 days after service of such summons and complaint to
103 file notice with the court of such belief. The court shall accept such notice and, unless the
104 judge presiding over the case has a reasonable basis for believing that such summons and
105 complaint is not seeking relief against the defendant judge for actions taken pursuant to,
106 or for the nonperformance of actions required by, such defendant judge's official duties,
107 such defendant judge shall file his or her answer within 45 days after the filing of such
108 notice.

109 (f) After receiving the service of a summons and complaint upon himself or herself for any
110 action or proceeding filed in any court of this state or in any federal court, a defendant
111 judge who has a reasonable belief that such summons and complaint is seeking relief
112 against such defendant judge for actions taken pursuant to, or for the nonperformance of
113 actions required by, such defendant judge's official duties and who desires state-funded
114 representation shall:

115 (1) Within three days after service of such summons and complaint, file a written request
116 for representation for such action or proceeding with the Attorney General with a copy
117 of such written request sent to the Department of Administrative Services. The Attorney
118 General may render such representation, or the Department of Administrative Services
119 may provide for such representation, if the Attorney General determines such
120 representation to be in the public interest and that such representation would not violate
121 any legal principles, including, but not limited to, a legal conflict or if the Department of
122 Administrative Services determines that such representation may be provided for under

123 an insurance policy maintained by the department, respectively. The Attorney General
124 and the Department of Administrative Services shall make such determination within ten
125 days of receiving such written request; and

126 (2)(A) If the Attorney General determines that he or she will not provide representation
127 for such defendant judge and if the Department of Administrative Services determines
128 such representation is not covered by an insurance policy maintained by the department,
129 such defendant judge shall file a request with the Judicial Legal Defense Fund
130 Commission for the appointment of representation through the fund. Such request shall
131 be in writing and shall include:

132 (i) A copy of the complaint seeking relief against such defendant judge for actions
133 taken pursuant to, or for the nonperformance of actions required by, such defendant
134 judge's official duties; and

135 (ii) A statement showing why such defendant judge is entitled to representation
136 provided for by the Judicial Legal Defense Fund.

137 (B) Within five days of receiving such request, the commission shall evaluate the
138 request pursuant to subsection (d) of this Code section and determine whether such
139 request shall receive its endorsement. If the commission determines that such request
140 shall receive its endorsement by a majority or tied vote of the commission, the
141 defendant judge shall select an attorney from the list maintained pursuant to paragraph
142 (2) of subsection (d) of this Code section and the commission shall secure such
143 attorney's agreement to provide any approved representation of such defendant judge
144 through the fund and such attorney's estimated budget for such representation as
145 calculated pursuant to subsection (g) of this Code section. The commission shall then
146 forward the defendant judge's request, the commission's endorsement, the name of the
147 selected attorney, and such attorney's estimated budget to the Governor.

148 (C) Within five days of receiving such information from the commission, the Governor
149 shall evaluate the endorsement of the commission and related information. If the

150 Governor concurs with such endorsement, the selected attorney, and such attorney's
151 estimated budget, the Governor shall authorize disbursements to the fund for such
152 representation.

153 (g)(1) An attorney selected by a defendant judge pursuant to subparagraph (f)(2)(B) of
154 this Code section shall submit an estimated budget for the representation of the defendant
155 judge to the commission within three days of such attorney's selection. Such estimated
156 budget shall be based on the general rate of pay established by the Department of
157 Administrative Services for attorneys retained when the Attorney General has a conflict
158 of interest and the time that such attorney reasonably believes will be required to provide
159 such representation.

160 (2) In the event that the expense of representation of such defendant judge exceeds the
161 estimated budget provided, such attorney shall submit to the commission an amended
162 estimated budget. Such amended estimated budget shall provide a list of services and
163 expenses to date and the estimated cost of continued representation. Within five days of
164 receipt of such amended estimated budget, if the commission concurs with the amended
165 estimated budget, the commission shall forward the amended estimated budget to the
166 Governor. If the Governor concurs with such budget, the Governor shall authorize
167 additional disbursements to the fund for such continued representation.

168 (3) Upon the final disposition of the underlying action or proceeding against such
169 defendant judge, such attorney shall submit a final accounting of the cost of
170 representation. Any funds received by such attorney in excess of the final expense shall
171 be returned to the fund with notice to the commission.

172 (4) In the event that an attorney providing representation to a defendant judge pursuant
173 to this Code section is no longer able to provide such representation prior to the final
174 disposition of the underlying action or proceeding against such defendant judge, such
175 attorney shall notify the commission and provide a final accounting of the cost of
176 representation. Any unused funds received by such attorney shall be returned to the fund

177 with notice to the commission. Such defendant judge shall then select a substitute
178 attorney from the list maintained pursuant to paragraph (2) of subsection (d) of this Code
179 section and such attorney shall prepare and submit for concurrence an estimated budget
180 as provided for under this subsection.
181 (h) Nothing in this Code section shall be construed to prevent any defendant judge from
182 selecting his or her own attorney at his or her own expense.
183 (i) Nothing in this Code section shall be construed as providing insurance coverage or
184 constituting a waiver of sovereign, qualified, or official immunity."

185

SECTION 3.

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



State Bar of Georgia

To: Bar Officers
Finance Committee

From: Ron Turner RWT

Date: December 2, 2021

Re: October 2021 Financial Statements-Bar Operations and Bar Center

Attached please find the October 2021 financial statements. These financial statements are presented at a summary level for clarity and to convey overall trends. Full departmental detail is attached at year-end (6/30) and upon request.

Line item variance explanations follow. Department managers are expected to specify savings elsewhere in their budgets when exceeding a line item, unless there was a budgeting error. Line item variances < **\$500** are not explained to conserve your time.

New and revised items are highlighted in bold.

Savings will be realized in each department to offset these overages.

Office of General Counsel and Client Assistance Program

Computer software exceeded the budget by **\$2,422** primarily due to **(1)** the purchase of Adobe VIP Acrobat Pro for the department **and (2) the purchase of licenses for voting software to be used in voting at various meetings. These overages are because these expenditures were not originally budgeted.**

Law Practice Management

Postage and freight costs have exceeded the budget due to increase in postage costs to send our resource materials. We have adjusted the cost to be charged to the member to more closely match the actual postage costs incurred to mail the resource materials. In addition, we have offered to email the information to the member at no additional cost.

Tifton

Costs incurred for computer hardware is \$1,777 in excess of the budget due to the purchase of emergency equipment for the firewall. This overage is because this expenditure was not originally budgeted.

Other Bar Center Operations

Costs incurred have exceeded the budget by 17,794. This overage is due to the following items: (1) an amount incurred of \$1,128 was due to the repair of a broken window in the security center and (2) an additional amounts incurred \$16,666 in costs associated with the security office. These expenditures were not originally anticipated.

Shared Office Overhead

Shared office allocations exceed actual shared office expense by approximately \$6,400. This is a positive variance. This number will fluctuate throughout the year.

Please give me a call at (404) 527-8748 or my cell number at 678-761-5889 if you have any questions regarding the attached financial statements.

cc: Damon Elmore
Paula Frederick
Sarah Coole

State Bar of Georgia
Consolidated Revenues and Expenditures
Operations and Bar Center Combined
For the Year To Date Period Ending October 31, 2021

	Year Ending	Year To Date	Year Ending
	06/30/2021	October 31, 2021	06/30/2022
	Actual	Actual	Annual Budget
Membership Numbers			
Active Members	40,611	40,282	40,800
Inactive Members	8,459	8,182	8,580
Provisional Members	28	108	200
Associates/Affiliates	15	12	12
Foreign Legal Consultants	7	6	6
Students	344	314	360
Emeritus	3,434	3,603	3,300
Total Membership Numbers	52,898	52,507	53,258
Revenue			
Dues Active	10,242,211	10,233,283	10,363,200
Dues Inactive	1,115,041	1,051,792	1,089,660
Dues Provisional	32,004	14,351	25,400
Dues Associates	1,350	1,200	1,200
Dues Foreign Legal Consultant	1,270	0	1,524
Dues Late Fees	66,060	237,620	354,666
Dues NSF Check Fee	180	60	200
Dues Prior Years	6,309	1,200	24,000
Total License and Dues	11,464,425	11,539,506	11,553,184
Program Registration Income	4,464,018	951,085	25,146
Section Expense Reimbursement	187,835	188,676	188,676
CSF Expense Reimbursement	73,000	24,333	33,336
Advertising and Sales	47,225	20,908	35,200
Membership Income	167,079	44,706	31,920
Credit Card Processing Fees	50,754	46,329	90,000
Interest Income	213,145	(22,589)	(7,711)
Miscellaneous Revenues	490	329	293,156
Total Bar Revenue	16,667,971	12,793,283	16,188,324
Total Bar Expenses	14,134,578	4,589,270	16,375,506
SBG Net Gain (Loss)	\$ 2,533,393	\$ 8,204,013	(4,382,911) % \$ (187,182)
			% of Budget
			98.73 %
			95.36 %
			54.00 %
			100.00 %
			100.00 %
			87.22 %
			109.18 %
			98.59 %
			98.75 %
			96.52 %
			56.50 %
			100.00 %
			0.00 %
			354.66 %
			30.00 %
			24.00 %
			99.88 %
			25.14 %
			100.00 %
			33.33 %
			35.20 %
			31.92 %
			51.48 %
			(7.71) %
			4.11 %
			79.03 %
			28.03 %

Note: Non-Cash depreciation expenses are excluded from this schedule.

State Bar of Georgia
Consolidated Revenues and Expenditures
Operations and Bar Center Combined
For the Year To Date Period Ending October 31, 2021

	Year Ending	Year To Date	% of Budget	Year Ending
	06/30/2021	October 31, 2021		06/30/2022
	Actual	Actual		Annual Budget
Total Bar Center Operations Revenue	2,663,244	881,968	34.87 %	2,529,300
Total Bar Center Operations Expenses	2,163,117	703,462	30.46 %	2,309,152
Total Bar Center Operations Net Gain (Loss)	\$ 500,127 \$	178,506	81.08 % \$	220,148
Combined Revenue	19,331,215	13,675,251	73.06 %	18,717,624
Combined Expenses	16,297,695	5,292,732	28.33 %	18,684,658
Total Combined Net Income (Loss)	\$ 3,033,520 \$	8,382,519	25,427.77 % \$	32,966

Note: Non-Cash depreciation expenses are excluded from this schedule.

State Bar of Georgia
Total Bar Center Operations
Revenues and Expenditures - Executive Summary
For the Year To Date Period Ending October 31, 2021

	Current Month Actual	Month % of Budget	Year to Date Actual	YTD % of Budget	Budget	Remaining Balance of Budget	Prior Year
Bar Center Income and Cash Receipts							
Bar Center Assessments	100	0.00 %	150	0.00 %	0	(150)	100
Conference Center Copier	0	0.00 %	0	0.00 %	500	500	0
Gain/Loss Investment Interest Allocation	0	0.00 %	(16,254)	0.00 %	0	16,254	(51,762)
CCLC Contributions to Bar Center	0	0.00 %	500,000	39.22 %	1,275,000	775,000	1,291,495
Interest Income	0	0.00 %	26,636	28.34 %	94,000	67,364	97,965
Bar Center Income and Cash Receipts	100	0.01 %	510,532	37.28 %	1,369,500	858,968	1,337,798
Bar Center Expenses and Cash Disbursements							
Bond Premium Amortization	0	0.00 %	9,626	35.65 %	27,000	17,374	30,561
Investment Service Fees	0	0.00 %	5,065	31.66 %	16,000	10,935	16,866
Conference Center Renovations	0	0.00 %	0	0.00 %	18,000	18,000	36,792
Museum and 1st Floor Exhibit	0	0.00 %	0	0.00 %	3,000	3,000	300
Audio Video, Furniture and Equipment	0	0.00 %	0	0.00 %	0	0	16,317
Building Rehabilitation	16,666	0.00 %	17,794	0.00 %	0	(17,794)	70,622
Bar Center Expenses and Cash Disbursements	16,666	26.04 %	32,485	50.76 %	64,000	31,515	171,458
Bar Center Combined Net Cash Flow	\$ (16,566)	(1.27) %	\$ 478,047	36.62 %	\$ 1,305,500	\$ 827,453	\$ 1,166,340
Conference Center Income and Expenses							
Room Rentals and Various Charges	540	4.70 %	760	6.61 %	11,500	10,740	0
Conference Center Operating Expenses	32,364	7.44 %	129,666	29.79 %	435,223	305,557	383,815
Conference Center Combined Net Cash Flow	\$ (31,824)	7.51 %	\$ (128,906)	30.42 %	\$ (423,723)	\$ (294,817)	\$ (383,815)
Rental Income and Expenses							
Rental Income	84,366	8.79 %	331,989	34.59 %	959,800	627,811	1,301,083
Building Operating Expenses	113,123	7.16 %	468,750	29.68 %	1,579,359	1,110,609	1,481,971
Rental Combined Net Cash Flow	\$ (28,757)	4.64 %	\$ (136,761)	22.07 %	\$ (619,559)	\$ (482,798)	\$ (180,888)
Parking Income and Expenses							
Parking Income	14,707	7.80 %	38,687	20.52 %	188,500	149,813	24,363
Parking Deck Operating Expenses	18,009	7.81 %	72,562	31.47 %	230,570	158,008	125,872
Parking Combined Net Cash Flow	\$ (3,302)	7.85 %	\$ (33,875)	80.52 %	\$ (42,070)	\$ (8,196)	\$ (101,509)
Total Bar Center Operations Net Gain (Loss)	\$ (80,449)	(36.54) %	\$ 178,506	81.08 %	\$ 220,148	\$ 41,642	\$ 500,127

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

State Bar of Georgia
Income Statement YTD - Operations
For the Year To Date Period Ending October 31, 2021

	YTD Actual	Annual Budget	YTD % of Budget	Prior Year
Revenues				
Dues - Active	\$ 10,233,283	\$ 10,363,200	98.75 %	\$ 10,242,211
Dues - Inactive	1,051,792	1,089,660	96.52 %	1,115,041
Dues - Provisional	14,351	25,400	56.50 %	32,004
Dues - Misc. Types	1,200	2,724	44.05 %	2,620
Dues - Late Fees	238,880	72,200	330.86 %	72,549
Total Dues & Licenses	11,539,506	11,553,184	99.88 %	11,464,425
Program Registration Income	951,085	3,782,858	25.14 %	4,464,018
Section Expense Reimbursement	188,676	188,676	100.00 %	187,835
CSF Expense Reimbursement	24,333	73,000	33.33 %	73,000
Advertising and Sales	20,908	59,400	35.20 %	47,225
Membership Income	22,256	68,250	32.61 %	70,354
Pro Hac Vice	61,850	313,000	19.76 %	411,725
Pro Hac Vice Contra	(39,400)	(241,200)	16.33 %	(315,000)
Credit Card Processing Fees	46,329	90,000	51.48 %	50,754
Interest Income	(22,589)	293,156	(7.71) %	213,145
Miscellaneous Revenues	329	8,000	4.11 %	490
Total Revenues	12,793,283	16,188,324	79.03 %	16,667,971
Expenses				
Administration	858,269	2,511,998	34.17 %	2,463,115
General Counsel	1,342,662	4,277,317	31.39 %	4,081,949
Communications	249,741	854,097	29.24 %	745,962
Lawyer's Assistance Program	42,500	85,000	50.00 %	85,000
Fee Arbitration	184,251	579,905	31.77 %	548,940
Law Practice Management	103,869	472,299	21.99 %	408,396
Sections	60,546	188,676	32.09 %	187,292
Savannah Office	84,602	268,805	31.47 %	263,175
Tifton Office	39,045	140,777	27.74 %	129,140
Young Lawyers	133,897	410,304	32.63 %	276,040
Unauthorized Practice of Law	278,688	867,115	32.14 %	834,443
Law Related Education	95,642	372,417	25.68 %	288,293
High School Mock Trial	23,458	164,409	14.27 %	116,482
ICLE	683,525	3,802,496	17.98 %	2,434,549
Pro Bono	70,738	212,216	33.33 %	212,216
Fastcase	130,992	265,000	49.43 %	253,598
Officers' Expenses	10,099	101,809	9.92 %	29,781

State Bar of Georgia
Income Statement YTD - Operations
For the Year To Date Period Ending October 31, 2021

	YTD Actual	Annual Budget	YTD % of Budget	Prior Year
BASICS Program Contribution	0	0	0.00 %	37,500
Resource Center Contribution	55,166	55,166	100.00 %	110,332
Total Other Expenses	148,016	745,700	19.85 %	720,120
Unallocated Services	(6,437)	0	0.00 %	(91,746)
Total Expenses	4,589,270	16,375,506	28.03 %	14,134,578
Net Income	\$ 8,204,013	\$ (187,182)	(4,382.91) %	\$ 2,533,393

State Bar of Georgia
Income Statement YTD - Operations
For the Year To Date Period Ending October 31, 2021

	YTD Actual	Annual Budget	YTD % of Budget	Prior Year
Other Expenses				
BOG and Member Meetings	\$ 45,276	\$ 395,000	11.46 %	\$ 347,883
Supreme Court Meetings	14,753	40,000	36.88 %	15,549
Executive Committee Meetings	28,081	50,000	56.16 %	7,091
State Disciplinary Board Lawyers	0	20,000	0.00 %	31,888
Elections	0	34,000	0.00 %	34,898
Dues Notice	4,604	34,000	13.54 %	27,904
Letters of Good Standing	633	2,500	25.30 %	2,073
Bar Membership Cards	2,937	10,500	27.98 %	7,895
50 Year Certificates	0	2,700	0.00 %	2,033
Membership Database Project	0	0	0.00 %	12,605
Recruitment Costs	0	0	0.00 %	74,934
State Bar Committees	315	20,000	1.57 %	7,491
Georgia Diversity Program	0	10,000	0.00 %	20,000
ABA Delegate Breakfast	0	2,500	0.00 %	0
1st Floor Office Furniture Project	0	0	0.00 %	15,137
1st Floor Painting	0	3,000	0.00 %	0
Commitment to Equality Awards	2,500	2,500	100.00 %	2,500
Bond Premium Amortization	27,002	75,000	36.00 %	70,759
Investment Service Fees	21,915	44,000	49.81 %	39,480
Total Other Expenses	\$ 148,016	\$ 745,700	19.85 %	\$ 720,120

State Bar of Georgia
Status and Use of Cash and Investments as of October 31, 2021

Cash and Investments - October 31, 2021 - Bar **34,751,751**

Less:

Georgia Bar Foundation Cash Included in Above Amount (14,980)
CCLC Cash and Investments Included in Above Amount (4,931,024)

Net Cash Available for State Bar **29,805,747**

Use of Cash:

Less:

Board Designated - See Separate Schedule Attached (9,109,789)
Temporarily Restricted - See Separate Schedule Attached (2,596,272)

Total Board Designated and Temporarily Restricted **(11,706,061)**

Other - Cash Allocated:

Collection of Outstanding Accounts Receivable 123,348
Payment of Accounts Payable (216,804)
Payment of Accrued Vacation (691,188)
Deferred Income (54,105)
Payment of Credit Card Bill (19,396)
Payment of Accrued Salary (469,855)
Payment of Accrued Taxes (35,944)
Other Accrued Expenses (primarily pension) (205,315)
Payment to Client Security Fund (1,783,036)
Operational Expenses for Remaining Bar Year (11,376,923)
Additional Revenue for Bar Operations (Excluding Bar Center) 3,395,041
Net Amount to be paid to Related Entities (86,385)

Total Other - Cash Allocated **(11,420,561)**

Estimated Cash and Investments - June 30, 2022 - Bar **6,679,125**

Cash and Investments - October 31, 2021 - Bar Center **93,161**

Other Cash Allocated - Bar Center:

Collection of Outstanding Accounts Receivable 162,496
Payment of Accounts Payable (23,163)
Deferred Income (47,751)
Other Accrued Expenses (83,473)
Receipt of Contribution from CCLC (to Bar Center) 0
Additional Revenue for Bar Operations 41,462

Total Other - Cash Allocated - Bar Center **49,570**

Estimated Cash and Investments - June 30, 2022 - Bar Center **142,732**

Total Estimated Cash Balance at June 30, 2022 **6,821,857**

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

Also included in the above are the following assumptions: (1) Actual expenses for 2021 - 2022 would be 97.5% of budget. This is for Bar operations only and not Bar Center. (2) Additional revenue for Bar operations is based upon the assumption of achieving additional revenue through June 30, 2022 to equal 100% of the total budgeted revenue. (3) Bar Center would contribute additional cash flow through June 30, 2022 to equal their budget.

State Bar of Georgia
Board-Designated and Donor Temporarily Restricted Net Assets
For the Year To Date Period Ending October 31, 2021

	2019	2020	2021	October 31, 2021
	June 30	June 30	June 30	
Board Designated				
Board Designated - General Operations - Bar	\$ 2,750,000	\$ 2,750,000	\$ 2,750,000	\$ 2,750,000
Board Designated - General Operations - Bar Center	2,000,000	2,000,000	2,000,000	2,000,000
Litigation	300,000	300,000	300,000	264,583
Board Designated - Sections	2,793,142	3,097,034	3,431,439	3,957,982
YLD Meetings	29,717	87,820	116,852	137,224
Total Board-Designated excludes ICLE	\$ 7,872,859	\$ 8,234,854	\$ 8,598,291	\$ 9,109,789
Donor Temporarily Restricted				
Legislative	1,285,674	1,094,092	\$ 1,350,873	\$ 1,947,710
Law Related Education/Marshall fund	316,570	233,708	231,160	231,036
High School Mock Trial	14,095	15,486	15,482	15,474
Basics Program	67,032	69,517	119,460	119,396
Younger Lawyers	125,032	170,213	115,020	118,697
Lawyers Assistance	32,553	34,698	34,650	34,632
Georgia Diversity Program	18,957	13,596	55,807	40,686
Bar Media Conference	18,697	20,839	21,834	21,822
Justice Hunstein's Portrait	7,813	15,152	25,651	25,888
Law Day	6,356	6,517	6,516	6,512
Access to Justice	1,456	1,493	1,492	1,492
ICIVics Program	603	868	0	0
Promote Inclusion	11,120	14,211	13,285	13,898
State Bar of Georgia Foundation	0	100	3,134	4,230
Military Vet Pro Bono	13,854	14,711	14,807	14,799
Total Donor Temporarily Restricted	\$ 1,919,812	\$ 1,705,201	\$ 2,009,171	\$ 2,596,272
Net Board Designated and Donor Temporarily Restricted	\$ 9,792,671	\$ 9,940,054	\$ 10,607,462	\$ 11,706,061

State Bar of Georgia
Summary of Members and Voluntary Legislative Contributions
With Contributions Paid Through October 31, 2021

Dues	2021-22 Dues Season	2020-21 Dues Season	2019-20 Dues Season
Total Number of Members at Apr 30 of Previous Bar year (active and inactive)	<u>48,965</u>	<u>48,538</u>	<u>47,964</u>
Active - Number Paid	40,491	41,043	40,379
Inactive - Number Paid	<u>8,326</u>	<u>8,780</u>	<u>8,929</u>
Total Number of Members With Dues Paid	<u>48,817</u>	<u>49,823</u>	<u>49,308</u>
Percent of Total Members With Dues Paid	<u>99.7%</u>	<u>102.6%</u>	<u>102.8%</u>
Number of Members Who Made A Contribution	<u>8,006</u>	<u>8,325</u>	<u>3,704</u>
Percent of Members Who Made A Contribution	<u>16.4%</u>	<u>16.7%</u>	<u>7.5%</u>
Total Contribution Amount	<u>\$ 748,327</u>	<u>\$ 766,123</u>	<u>\$ 322,708</u>
Average Amount Paid	<u>\$ 93</u>	<u>\$ 92</u>	<u>\$ 87</u>

Legislative Contribution Amounts by Dues Year

2021 - 2022	<u>\$ 748,327</u>
2020 - 2021	<u>\$ 766,123</u>
2019 - 2020	<u>\$ 322,708</u>
2018 - 2019	<u>\$ 494,906</u>
2017 - 2018	<u>\$ 546,905</u>
2016 - 2017	<u>\$ 557,991</u>
2015 - 2016	<u>\$ 565,004</u>
2014 - 2015	<u>\$ 640,505</u>
2013 - 2014	<u>\$ 691,736</u>
2012 - 2013	<u>\$ 685,283</u>

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

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

State Bar of Georgia
Summary of Members and Voluntary Contributions to Georgia Legal Services Program (GLSP)
With Contributions Paid Through October 31, 2021

Dues	2021-22 Dues Season	2020-21 Dues Season	2019-20 Dues Season
Total Number of Members at Apr 30 of Previous Bar year (active and inactive)	48,965	48,538	47,964
Active - Number Paid	40,491	41,043	40,379
Inactive - Number Paid	8,326	8,780	8,929
Total Number of Members With Dues Paid	48,817	49,823	49,308
Percent of Total Members With Dues Paid	99.7%	102.6%	102.8%
Number of Members Who Made A Contribution	3,524	3,509	3,001
Percent of Members Who Made A Contribution	7.2%	7.0%	6.1%
Total Contribution Amount	\$ 467,473	\$ 436,815	\$ 366,674
Average Contribution Amount	\$ 133	\$ 124	\$ 122

GLSP Contribution Amounts by Dues Year

2021 - 2022	\$ 467,473
2020 - 2021	\$ 436,815
2019 - 2020	\$ 366,674
2018 - 2019	\$ 295,454
2017 - 2018	\$ 312,251
2016 - 2017	\$ 276,487
2015 - 2016	\$ 264,492
2014 - 2015	\$ 255,713
2013 - 2014	\$ 241,362
2012 - 2013	\$ 244,707

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

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

**State Bar of Georgia
Income Statement
From July 1, 2021 Through October 31, 2021**

July 1, 2021 Beginning Balance	\$ 1,350,873
Income:	
Interest Income	5,542
Gain/Loss Investment Interest Allocation	(3,382)
Miscellaneous Income	747,827
Total Income	749,987
Expenditures:	
Staff and Contract Lobbyists	140,683
Grassroots Efforts	2,277
Travel	718
Shared Office Allocation	5,660
Miscellaneous	3,812
Total Expenditures	153,150
Net Donor Temporarily Restricted Balance	\$ 1,947,710

Client Security Fund

**State Bar of Georgia
Summary of Client Security Fund Activity
For the Year To Date Period Ending October 31, 2021**

	2019 June 30	2020 June 30	2021 June 30	October 31, 2021
Fund Balance, Beginning of Year	\$ 1,450,249	\$ 1,031,012	\$ 1,009,586	\$ 1,798,187
Income:				
Interest Income	11,922	13,214	17,568	6,062
Gain/Loss Investment Interest Allocation	4,544	13,064	(9,942)	(3,699)
Client Security Fund Assessments	102,884	85,896	78,279	67,891
Restitution Income	30,451	30,027	23,095	2,521
Total Income	\$ 149,801	\$ 142,201	\$ 109,000	\$ 72,775
Transfer from Others				
Miscellaneous Income	0	388,000	0	0
Operating Transfer In	0	0	1,000,000	0
Total Transfer from Others	\$ 0	\$ 388,000	\$ 1,000,000	\$ 0
Expenses:				
Restricted Expenses	(73,000)	(73,000)	(73,000)	(24,333)
Client Security Fund Claims Payments	(496,038)	(474,387)	(238,713)	(60,249)
Bond Premium Amortization	0	(2,341)	(5,630)	(2,191)
Investment Service Fees	0	(1,900)	(3,056)	(1,153)
Total Expenses	\$ (569,038)	\$ (551,628)	\$ (320,399)	\$ (87,926)
Net Income	\$ (419,237)	\$ (21,427)	\$ 788,601	\$ (15,151)
Fund Balance, End of Period	\$ 1,031,012	\$ 1,009,586	\$ 1,798,187	\$ 1,783,036



December 3, 2021

Board of Governors,

I am pleased to give you an update on what we have accomplished in the first half of the 2021-22 Bar year and on our future plans. I would also like to recognize our new YLD Director, Jessica Oglesby, and thank Stephanie Wilson, our outgoing YLD Director, for all of her hard work! The YLD is committed to continually promoting the mission of our Bar through its younger members, who number nearly 10,000.

YLD COMMITTEES

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

YLD Corporate Counsel

Raquel Crump and Tanesha Steward, Co-Chairs

The YLD Corporate Counsel Committee presented a virtual panel discussion, A Peek Behind the Curtain—An Intimate Conversation with In-House Counsel, on Monday, Oct. 18, from 12-1 p.m. The panel discussed the panelists' career paths and practice areas, the differences between law firms and in-house, where to search for in-house opportunities and how to network within and outside of the organization. Panelists included Ling-Ling Nie, general counsel and vice president for ethics and compliance at Georgia Tech Institute of Technology; Jenifer Curtis, corporate counsel with UPS; and Donna Robinson, managing partner of Robinson Law Office. This virtual event had the most attendees for any virtual YLD event during COVID-19.

In 2022, the YLD Corporate Counsel Committee plans to partner with another YLD committee to host a volunteer event.

YLD Criminal Law

Eufemia Cabrera-D'Amour and Ryan English, Co-Chairs

The YLD Criminal Law Committee together with the YLD Women in the Profession Committee held a joint event on Friday, Oct. 22, at Wright Square Café in Savannah. The panel, titled Just Desserts: Criminal Justice in Chatham and Surrounding Counties, featured Judge Lisa Colbert, Chatham County Superior Court; Chief Judge Rizza O'Connor, Toombs County Magistrate Court; and Judge Melissa Calhoun, Ogeechee Judicial Circuit Juvenile Court.

After the new year, the committee plans to put on a Lunch & Learn CLE at the State Bar.

YLD Family Law

Samantha Lennon and Megan Wyss, Co-Chairs

The YLD Family Law Committee co-hosted a "Back to Basics" Lunch & Learn CLE with the State Bar Family Law Section on reading and understanding tax returns. The CLE garnered more than 140 registrants.

This Lunch & Learn CLE is the first in a series of Lunch & Learns to be jointly hosted by the YLD Family Law Committee and the Family Law Section.

We continue to be the administrators of the Child Support Worksheet Helpline. Since the beginning of the 2021-22 Bar Year, we have been able to connect more than 20 *pro se* individuals with volunteer lawyers to help them complete child support worksheets.

The committee met on Aug. 5 to discuss the goals of the committee and upcoming events and programming. At the meeting, the committee decided to move forward with planning an in-person Supreme Cork in Spring or early Summer of 2022 to benefit DeKalb Volunteer Lawyers Foundation. The committee is in the process of searching for a venue and date for the event, as well as sponsors and donations and items for the live auction. The next YLD Family Law Committee Meeting will be by Zoom on January 5, 2022.

YLD Government Law Committee

Kelsey Kicklighter and Andrew Navratil, Co-Chairs

On Tuesday, Dec. 14, the YLD Government Law Committee is hosting a webinar, Making Sense of Public Service Loan Forgiveness. Experts from Equal Justice Works will discuss the recently announced changes to the Public Service Loan Forgiveness Program and explain how government and public interest attorneys can have their federal student loans forgiven. The committee intends to host additional programs in 2022, including a CLE presentation discussing the various immunity defenses implicated in litigation involving local, state and federal government.

YLD Inclusion in the Profession

Chanel Chauvet, Essie Lazarus and Mishael Najm, Co-Chairs

The YLD Inclusion in the Profession Committee dedicates its time and energy to promote the participation, inclusion, representation, and retention of young lawyers from diverse and historically underrepresented groups. To that end, the committee offers programming, initiatives, social events, support, and resources to diverse young attorneys in Georgia to encourage equality amongst the young lawyers of today and the leaders of tomorrow.

The committee discussed “The Tortilla Curtain” by T.C. Boyle at its book club meeting on Oct. 28. On Nov. 19, the committee held a Lunch & Learn entitled The Great Migration where immigration attorney Lana Joseph presented information regarding issues occurring at the United States–Mexico Border and obstacles facing Haitians trying to immigrate to the United States. We are currently planning our programming for the spring including more book club meetings, community outreach events with Dress for Success and Big Brothers Big Sisters of Metro Atlanta, respectively. We are planning to engage with our members through continued committee-specific newsletters, the further development and launch of a mentorship initiative, and exciting social events, including a meet-and-greet at a tea house and a beginner’s golfing tutorial.

For more information about the committee’s initiatives, please contact Mishael Najm, Chanel Chauvet or Essie Lazarus at inclusionlpa@gmail.com.

YLD Intellectual Property Law Committee

Kirk Carter and Jason Cooper, Co-Chairs

The YLD Intellectual Property (IP) Law Committee co-sponsored a Saturday Lawyer Clinic for the Atlanta Volunteer Lawyers Foundation on Saturday, Oct. 16. The committee also held a social event on Nov. 6 at the Chastain Park Arts Festival. IP Committee members, family and friends met and enjoyed perusing local artists’ exhibits while sipping coffee, networking and enjoying the sunshine.

YLD Intrastate Moot Court Competition

J.D. Fichtner and Allison White, Co-Chairs

For decades, the YLD Intrastate Moot Court Competition Committee has hosted a moot court competition for teams of students from all the Georgia law schools. The competition, which is typically in late March, depends on Georgia Bar members and Georgia judges who volunteer to grade briefs and judge oral arguments rounds. The 2021 competition was the first ever virtual Intrastate Competition, and the committee is planning to return to an in-person format for 2022. Plans for the date and location of the competition will be announced soon.

YLD Judicial Law Clerk

Mary Beth Handte, Chair

The YLD Judicial Law Clerk Committee plans to host a monthly virtual info swap meet for committee members and those interested in the inner workings of the judicial system. Committee members and other law clerks will have a platform to talk about interesting or complicated cases they were or are involved in, offer professional tips, showcase writing examples, and discuss any concerns. Because I understand how stressful and demanding the job can be, I also intend to develop a group chat or platform that committee members and other law clerks can utilize to contact each other and discuss mental health, imposter syndrome or worries about the future. Ultimately, the committee will focus on personal and professional growth, mental health, and positivity.

YLD Law School Outreach

Eric Abney and Brandon Rosenstein, Co-Chairs

We plan to have either monthly or bi-weekly committee meetings via zoom to create a plan to host at least one Lunch & Learn event at each of Georgia's law schools during the academic year. Our plan includes having committee members speak at the Lunch & Learn about transition from law school to lawyer, early practice, YLD involvement, and include aspects of the Georgia Bar that students might find interesting.

YLD Leadership Academy Alumni

Chris Collier, Chair

The YLD Leadership Academy Alumni Committee proudly announces the return of the annual Holiday Luncheon at the Piedmont Driving Club on Dec. 17. YLD Leadership Academy alumni and special guests are looking forward to once again enjoying buttered saltines and peppermint ice cream with chocolate sauce. The featured speaker will be Judge Andrew Pinson of the Court of Appeals of Georgia. Many thanks to Sam and Tippi Burch, members of the Piedmont Driving Club and of the State Bar of Georgia, for their continued support of this event.

YLD Legal Food Frenzy

Morgan Lyndall and Veronica Rogusky, Co-Chairs

The YLD Legal Food Frenzy Committee is still accepting additional regional representatives for the 2022 Georgia Legal Food Frenzy for the following regions: Athens, Augusta, Columbus, Dalton, Gainesville, Macon, Savannah/Brunswick, and Valdosta/Albany. If you are interested in becoming a regional representative, please reach out to Morgan Lyndall at morgan@butlerfirm.com or Veronica Rogusky at veronica.rogusky@eoc.gov.

YLD Public Interest Internship Program

Jamie Rush, Chair

The YLD Public Interest Internship Program (PIIP) Committee recognized the 2020 and 2021 grant recipients at the Pro Bono and Public Interest Awards Reception on Dec. 2. Georgia Legal Services Program's (GLSP) Executive Director Rick Rufolo also presented YLD President Elissa Haynes with an award honoring the 50-year partnership between the YLD and GLSP and the YLD's commitment to providing pro bono legal services to those in need. This event was sponsored by the State Bar Access to Justice Committee, the Pro Bono Resource Center and the Young Lawyers Division. On Saturday, Dec. 11, PIIP is partnering with the Atlanta Volunteer Lawyers Foundation to sponsor their Saturday Lawyer Program.

YLD William W. Daniel National Invitational Mock Trial Competition Committee

Matt Jones and Andy Navratil, Co-Chairs

Teams from University of Georgia School of Law, Georgia State University College of Law, Emory University School of Law and Mercer University Walter F. George School of Law competed in the 2021 William W. Daniel National Invitational Mock Trial Competition on Nov. 12-13. Due to concerns about COVID-19, the competition was limited to Georgia law schools. UGA and Emory advanced to the final round, with UGA winning the competition. Several YLD members volunteered as presiding judges or jurors during the trials, and Judge Trea Pipkin of the Court of Appeals of Georgia presided over the final round.

YLD Women in the Profession

Merry Layman and Lindsey Macon, Co-Chairs

The YLD Women in the Profession Committee, together with the YLD Criminal Law Committee held a joint event on Friday, Oct. 22, at Wright Square Café in Savannah. The panel, titled Just Desserts: Criminal Justice in Chatham and Surrounding Counties, featured Judge Lisa Colbert, Chatham County Superior Court; Chief Judge Rizza O'Connor, Toombs County Magistrate Court; and Judge Melissa Calhoun, Ogeechee Judicial Circuit Juvenile Court.

While our original plan had been to host a wills clinic for our committee members to offer pro bono services to those in need of advance directives this holiday season, the need was simply not there with our pro bono partner, Atlanta Legal Aid. We will look to host another wills clinic later in the 2021-22 Bar year.

Our committee plans to host an event in conjunction with the 2022 Midyear Meeting. We also have an event in the works in February with the YLD Legal Food Frenzy Committee.

YLD Workers' Compensation

Oliver Ladd and Liz Phrampus, Co-Chairs

On Nov. 8, the YLD Workers' Compensation Committee hosted the second installment of its recently launched Lunch & Learn series, featuring Judge Kimberly Boehm. The committee co-chairs asked Judge Boehm many questions over the one-hour session regarding her career and background, her opinions on hearing technique, preparing and utilizing mediation, and writing tips. The presentation was well received by attendees based on feedback received so far, and was approved for 1 hour of CLE credit. An additional installment is planned for early 2022. As the series progresses, the committee plans to move to an in-person format when possible and expand content to include multiple attorney panels, case law reviews and special topic sessions. The committee is also planning a wellness event for early 2022 to continue the YLD wellness initiative.

YLD AFFILIATES

The YLD currently has seven recognized active affiliates around the state: Young Lawyers of Augusta, Cobb County Younger Lawyers Division, Columbus YLD, Glynn County YLD, Houston County YLD, Macon YLD and Savannah YLD. Additionally, although the Western Circuit YLD has been inactive for a few years, we have received reports of interest in revitalizing this affiliate branch and will work to do so.

MEETINGS

Fall Meeting | Oct. 22-24 | Savannah, Georgia

The YLD Fall Meeting was held in conjunction with the State Bar's Fall Meeting at The Westin Savannah Harbor Golf & Spa and Savannah Convention Center. In addition to the YLD General Session, we are pleased that many of our members also attended the Board of Governors Meeting. The YLD Leadership Academy Committee also met to choose 10 new members for the 2022 Leadership Academy class which will be combined with our 2021 class.

Midyear Meeting | Jan. 6-8 | Atlanta, Georgia

The YLD Midyear Meeting will be held in conjunction with the State Bar's Midyear Meeting at The Westin Buckhead Atlanta. In addition to the YLD General Session, members will be encouraged to attend the Board of Governors Dinner and the Midyear Board of Governors Meeting. The 2022 YLD Leadership Academy will also kick off their year with their first session.

Spring Meeting | March 17-20 | Chattanooga, Tennessee

The YLD Spring Meeting will be held at The Westin Chattanooga which will also serve as Session 3 for the Leadership Academy. The YLD is planning a CLE, service project, a General Session meeting and a group dinner.. Stay tuned for more information.

Annual Meeting | June 2-5 | Fernandina Beach, Florida

The YLD Annual Meeting will be held in conjunction with the State Bar's Annual Meeting at Omni Amelia Island Resort. The YLD is planning a General Session, the annual Pool Party and Meet the Candidates Reception and the YLD Awards Dinner and Swearing-In Ceremony. The 2022 YLD Leadership Academy will have their closing session and graduation ceremony.

Thank you again for your continued support and we hope to see you at one of our events soon!

Sincerely,



Elissa B. Haynes
2021-22 YLD President



PAULA J. FREDERICK
General Counsel

MEMORANDUM

To: Members, Board of Governors

From: Paula Frederick

Date: December 8, 2021

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

Re: Draft amendments to Part VII of the Bar Rules

The Disciplinary Rules & Procedures Committee is considering extensive revisions to Part VII of the Bar Rules, *Information About Legal Services*. Part VII includes the rules that govern advertising and solicitation, topics that many lawyers feel very strongly about. The Rules Committee would therefore like to give members of the Bar the opportunity to comment on the draft proposals before finalizing them.

Although the proposed revisions are based on the ABA Model Rules of Professional Conduct, they retain Georgia's current provisions on lawyer referral services (7.2(b)(2-3)) and use of the term "specialist" (7.2c). The rules are reorganized to put similar concepts together, and some of the content that is currently part of the black-letter rule would become comments. For instance, our current rules 7.1 and 7.3 require specific disclaimers as specified in the body of the rules. The ABA Model leaves the issue of disclaimers to the comments of Rule 7.1 (comments 2ff.), explaining that there are times a disclaimer is necessary to make a communication "not misleading"—as in the need to include "advertisement" on a mailing that looks like a summons.

Proposed Rule 7.2 allows reciprocal referral arrangements (b)(6), and 7.2(b)(7) allows a lawyer to give nominal gifts as a thank-you for referrals. It also provides some guidance for use of online "lead generators" that refer business based on certain criteria (comment 5).

Finally, Rule 7.3 continues to ban in-person solicitation but creates a new exception allowing a lawyer to solicit business from a person who regularly uses lawyers in business (7.3(b)(3)). The rule also discusses "solicitation" in the context of online chat rooms (comment 2).

This draft is very much a work in progress. The Rules Committee intends to present a CLE program explaining the proposals, and welcomes other opportunities to explain their intent. If you have suggestions for the rules or if you would like someone to attend a local bar meeting to address questions, please contact me (paulaf@gabar.org), Committee Paralegal Kathy Jackson (kathyj@gabar.org), or DRPC Committee Chair Mike Bagley (mabagley@deflaw.com). The Committee hopes to finalize its recommendation at the Spring Meeting and to present its final proposal to the Board at the Annual meeting in June.

pjf

1 RULE 7.1: COMMUNICATIONS CONCERNING A ~~LAWYER'S~~LAWYER'S SERVICES

2 ~~a.~~ A lawyer shall not make a false or misleading communication about the lawyer or the
3 lawyer's services. ~~By way of illustration, but not limitation, a~~a communication is false or
4 misleading if it: contains a material misrepresentation of fact or law, or omits a fact necessary
5 to make the statement considered as a whole not materially misleading.

- 6 ~~1. contains a material misrepresentation of fact or law or omits a fact necessary to~~
7 ~~make the statement considered as a whole not materially misleading;~~
- 8 ~~2. is likely to create an unjustified expectation about results the lawyer can achieve,~~
9 ~~or states or implies that the lawyer can achieve results by means that violate the~~
10 ~~Georgia Rules of Professional Conduct or other law;~~
- 11 ~~3. compares the lawyer's services with other lawyers' services unless the~~
12 ~~comparison can be factually substantiated;~~
- 13 ~~4. fails to include the name of at least one lawyer responsible for its content; or~~
- 14 ~~5. contains any information regarding contingent fees, and fails to conspicuously~~
15 ~~present the following disclaimer:~~

16
17 ~~"Contingent attorneys' fees refers only to those fees charged by attorneys for~~
18 ~~their legal services. Such fees are not permitted in all types of cases. Court costs~~
19 ~~and other additional expenses of legal action usually must be paid by the client."~~

- 20 ~~6. contains the language "no fee unless you win or collect" or any similar phrase~~
21 ~~and fails to conspicuously present the following disclaimer:~~

22
23 ~~"No fee unless you win or collect" [or insert the similar language used in the~~
24 ~~communication] refers only to fees charged by the attorney. Court costs and~~
25 ~~other additional expenses of legal action usually must be paid by the client.~~
26 ~~Contingent fees are not permitted in all types of cases.~~

27 ~~b. A public communication for which a lawyer has given value must be identified as such~~
28 ~~unless it is apparent from the context that it is such a communication.~~

29 ~~c. A lawyer retains ultimate responsibility to insure that all communications concerning~~
30 ~~the lawyer or the lawyer's services comply with the Georgia Rules of Professional~~
31 ~~Conduct.~~

32
33 The maximum penalty for a violation of this rule is disbarment.

34

35 Comment

36 [1] This ~~rule~~Rule governs ~~the content of~~ all communications about a ~~lawyer's~~lawyer's services,
37 including ~~the various types of~~ advertising ~~permitted by Rules 7.3 through 7.5.~~ Whatever means
38 are used to make known a ~~lawyer's~~lawyer's services, statements about them ~~should~~must be
39 truthful.

40 [2] ~~The prohibition in sub-paragraph (a)(2) of this Rule 7.1: Communications Concerning a~~
41 ~~Lawyer's Services of~~ Misleading truthful statements that may create "unjustified
42 expectations" are prohibited by this Rule. A truthful statement is misleading if it omits a fact
43 necessary to make the lawyer's communication considered as a whole not materially
44 misleading. A truthful statement is misleading if a substantial likelihood exists that it will lead a
45 reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services
46 for which there is no reasonable factual foundation. A truthful statement is also misleading if
47 presented in a way that creates a substantial likelihood that a reasonable person would
48 ~~ordinarily preclude advertisements about results obtained~~ believe the lawyer's communication
49 requires that person to take further action when, in fact, no action is required.

50 [3] A communication that truthfully reports a lawyer's achievements on behalf of a client, such
51 as the amount of a damage award or the lawyer's record in obtaining favorable verdicts, and
52 advertisements containing client endorsements. Such information may create the clients or
53 former clients may be misleading if presented so as to lead a reasonable person to form an
54 unjustified expectation that the same results could be obtained for other clients in similar
55 results can be obtained for others matters without reference to the specific factual and legal
56 circumstances of each client's case. Similarly, an unsubstantiated claim about a lawyer's or law
57 firm's services or fees, or an unsubstantiated comparison of the lawyer's or law firm's services
58 or fees with those of other lawyers or law firms, may be misleading if presented with such
59 specificity as would lead a reasonable person to conclude that the comparison or claim can be
60 substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a
61 finding that a statement is likely to create unjustified expectations or otherwise mislead the
62 public.

63 **Affirmative Disclosure**

64 [3] In general, the intrusion on the First Amendment right of commercial speech resulting from
65 rationally-based affirmative disclosure requirements is minimal, and is therefore a preferable
66 form of regulation to absolute bans or other similar restrictions. For example, there is no
67 significant interest in failing to include the name of at least one accountable attorney in all
68 communications promoting the services of a lawyer or law firm as required by sub-paragraph
69 (a)(4) of Rule 7.1: Communications Concerning a Lawyer's Services. Nor is there any substantial
70 burden imposed as a result of the affirmative disclaimer requirement of sub-paragraph (a)(6)
71 upon a lawyer who wishes to make a claim in the nature of "no fee unless you win." Indeed, the
72 United States Supreme Court has specifically recognized that affirmative disclosure of a client's
73 liability for costs and expenses of litigation may be required to prevent consumer confusion
74 over the technical distinction between the meaning and effect of the use of such terms as
75 "fees" and "costs" in an advertisement.

76 [4] Certain promotional communications of a lawyer may, as a result of content or
77 circumstance, tend to mislead a consumer to mistakenly believe that the communication is
78 something other than a form of promotional communication for which the lawyer has paid.
79 Examples of such a communication might include advertisements for seminars on legal topics
80 directed to the lay public when such seminars are sponsored by the lawyer, or a newsletter or
81 newspaper column which appears to inform or to educate about the law. Paragraph (b) of this
82 Rule 7.1: Communications Concerning a Lawyer's Services would require affirmative disclosure
83 that a lawyer has given value in order to generate these types of public communications if such
84 is in fact the case.

85 **Accountability**

86 [5] Paragraph (c) makes explicit an advertising attorney's ultimate responsibility for all the
87 lawyer's promotional communications and would suggest that review by the lawyer prior to
88 dissemination is advisable if any doubts exist concerning conformity of the end product with
89 these Rules. Although prior review by disciplinary authorities is not required by these Rules,
90 lawyers are certainly encouraged to contact disciplinary authorities prior to authorizing a
91 promotional communication if there are any doubts concerning either an interpretation of
92 these Rules or their application to the communication.

93 [4] It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud,
94 deceit or misrepresentation. Rule 8.4(a)(4). See also Rule 8.4(a)(6) for the prohibition against
95 stating or implying an ability to improperly influence a government agency or official or to
96 achieve results by means that violate the Rules of Professional Conduct or other law.

97 [5] Firm names, letterhead and professional designations are communications concerning a
98 lawyer's services. A firm may be designated by the names of all or some of its current members,
99 by the names of deceased members where there has been a succession in the firm's identity or

100 by a trade name if it is not false or misleading. A lawyer or law firm also may be designated by a
101 distinctive website address, social media username or comparable professional designation
102 that is not misleading. A law firm name or designation is misleading if it implies a connection
103 with a government agency, with a deceased lawyer who was not a former member of the firm,
104 with a lawyer not associated with the firm or a predecessor firm, with a nonlawyer or with a
105 public or charitable legal services organization. If a firm uses a trade name that includes a
106 geographical name such as "Springfield Legal Clinic," an express statement explaining that it is
107 not a public legal aid organization may be required to avoid a misleading implication.

108 [6] A law firm with offices in more than one jurisdiction may use the same name or other
109 professional designation in each jurisdiction.

110 [7] Lawyers may not imply or hold themselves out as practicing together in one firm when they
111 are not a firm, as defined in Rule 1.0(c), because to do so would be false and misleading.

112 [8] It is misleading to use the name of a lawyer holding a public office in the name of a law
113 firm, or in communications on the law firm's behalf, during any substantial period in which the
114 lawyer is not actively and regularly practicing with the firm.

1 RULE 7.2: ADVERTISING COMMUNICATIONS CONCERNING A LAWYER'S SERVICES: SPECIFIC

2 RULES

3 ~~a. Subject to the requirements of Rules 7.1 and 7.3, (a) A lawyer may advertise/communicate~~
4 ~~information regarding the lawyer's services through: any media.~~

- 5 ~~1. public media, such as a telephone directory, legal directory, newspaper or other~~
6 ~~periodical;~~
7 ~~2. outdoor advertising;~~
8 ~~3. radio or television;~~
9 ~~4. written, electronic or recorded communication.~~

10 ~~b. A copy or recording of an advertisement or communication shall be kept for two years~~
11 ~~after its last dissemination along with a record of when and where it was used.~~

12 ~~c. Prominent disclosures. Any advertisement for legal services directed to potential clients~~
13 ~~in Georgia, or intended to solicit employment for delivery of any legal services in~~
14 ~~Georgia, must include prominent disclosures, clearly legible and capable of being read~~
15 ~~by the average person, if written, and clearly intelligible by an average person, if spoken~~
16 ~~aloud, of the following:~~

- 17
18 ~~1. Disclosure of identity and physical location of attorney. Any advertisement shall~~
19 ~~include the name, physical location and telephone number of each lawyer or law~~
20 ~~firm who paid for the advertisement and who takes full personal responsibility~~
21 ~~for the advertisement. In disclosing the physical location, the responsible lawyer~~
22 ~~shall state the full address of the location of the principal bona fide office of each~~
23 ~~lawyer who is prominently identified pursuant to this paragraph. For the~~
24 ~~purposes of this Rule, a bona fide office is defined as a physical location~~
25 ~~maintained by the lawyer or law firm from which the lawyer or law firm~~
26 ~~furnishes legal services on a regular and continuing basis. In the absence of a~~
27 ~~bona fide physical office, the lawyer shall prominently disclose the full address~~
28 ~~listed with the State Bar of Georgia or other Bar to which the lawyer is~~
29 ~~admitted. A lawyer who uses a referral service shall ensure that the service~~
30 ~~discloses the location of the lawyer's bona fide office, or the registered bar~~
31 ~~address, when a referral is made.~~
32 ~~2. Disclosure of referral practice. If the lawyer or law firm will refer the majority of~~
33 ~~callers to other attorneys, that fact must be disclosed and the lawyer or law firm~~
34 ~~must comply with the provisions of Rule 7.3(c) regarding referral services.~~
35 ~~3. Disclosure of spokespersons and portrayals. Any advertisement that includes a~~
36 ~~non-attorney spokesperson, portrayal of a lawyer by a non-lawyer, portrayal of a~~
37 ~~client by a non-client, or any paid testimonial or endorsement, shall include~~
38 ~~prominent disclosure of the use of a non-attorney spokesperson, portrayal of a~~
39 ~~lawyer by a non-lawyer, or of a client by a non-client.~~

40 4.—Disclosures regarding fees. A lawyer or law firm advertising any fixed fee for
41 specified legal services shall, at the time of fee publication, have available to the
42 public a written statement clearly describing the scope of each advertised
43 service, which statement shall be available to the client at the time of retainer
44 for any such service.

45 5.—Appearance of legal notices or pleadings. Any advertisement that includes any
46 representation that resembles a legal pleading, notice, contract or other legal
47 document shall include prominent disclosure that the document is an
48 advertisement rather than a legal document.
49

50 The maximum penalty for a violation of this Rule is a public reprimand.

51
52 **Comment**

53
54 ~~[1] To assist the public in obtaining legal services, lawyers should be allowed to make
55 known their services not only through reputation but also through organized
56 information campaigns in the form of advertising. Advertising involves an active quest
57 for clients, contrary to the tradition that a lawyer should not seek clientele. However,
58 the public's need to know about legal services can be fulfilled in part through
59 advertising. This need is particularly acute in the case of persons of moderate means
60 who have not made extensive use of legal services. The interest in expanding public
61 information about legal services ought to prevail over considerations of tradition.
62 Nevertheless, advertising by lawyers entails the risk of practices that are misleading or
63 overreaching.~~

64 -

65 ~~[2](b) A lawyer shall not compensate, give or promise anything of value to a person for
66 recommending the lawyer's services except that a lawyer may:~~

67 ~~(1) pay the reasonable costs of advertisements or communications permitted by this Rule;~~

68 ~~(2) pay the usual and reasonable fees or dues charged by a lawyer referral service, if the service
69 does not engage in conduct that would violate the Rules if engaged in by a lawyer;~~

70 ~~(3) pay the usual and reasonable fees or dues charged by a bar-operated non-profit referral
71 service, including a fee which is calculated as a percentage of the legal fees earned by the
72 lawyer to whom the service has referred a matter, provided such bar-operated non-profit
73 lawyer referral service meets the following criteria:~~

74 i. the lawyer referral service shall be operated in the public interest for the
75 purpose of referring prospective clients to lawyers, pro bono and public service legal programs,
76 and government, consumer or other agencies who can provide the assistance the clients need.
77 Such organization shall file annually with the Office of the General Counsel a report showing its
78 rules and regulations, its subscription charges, agreements with counsel, the number of lawyers
79 participating and the names and addresses of the lawyers participating in the service;

80 ii. the sponsoring bar association for the lawyer referral service must be open to all
81 lawyers licensed and eligible to practice in this state who maintain an office within the
82 geographical area served, and who meet reasonable objectively determinable experience
83 requirements established by the bar association;

84 iii. the combined fees charged by a lawyer and the lawyer referral service to a client
85 referred by such service shall not exceed the total charges which the client would have paid had
86 no service been involved; and

87 iv. a lawyer who is a member of the qualified lawyer referral service must maintain
88 in force a policy of errors and omissions insurance in an amount no less than \$100,000 per
89 occurrence and \$300,000 in the aggregate.

90 (4) pay the usual and reasonable fees to a qualified legal services plan or insurer providing legal
91 services insurance as authorized by law to promote the use of the lawyer's services, the
92 lawyer's partner or associates services so long as the communications of the organization are
93 not false, fraudulent, deceptive or misleading;

94 (5) pay for a law practice in accordance with Rule 1.17;

95 (6) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not
96 otherwise prohibited under these Rules that provides for the other person to refer clients or
97 customers to the lawyer, if:

98 (i) the reciprocal referral agreement is not exclusive; and

99 (ii) the client is informed of the existence and nature of the agreement; and
100 (7) give nominal gifts as an expression of appreciation that are neither intended nor reasonably
101 expected to be a form of compensation for recommending a lawyer's services.
102 (c) A lawyer may communicate the fact that the lawyer does or does not practice in particular
103 fields of law. A lawyer who is a specialist in a particular field of law by experience, specialized
104 training or education, or is certified by a recognized and bona fide professional entity, may
105 communicate such specialty or certification so long as the statement is not false or misleading.
106 (d) Any communication made under this Rule must include the name and contact information
107 of at least one lawyer or law firm responsible for its content.

108 The maximum penalty for a violation of this Rule is disbarment.
109

110 Comment

111 [1] This Rule permits public dissemination of information concerning a lawyer's namelawyer's
112 or firmlaw firm's name, address, email address, website, and telephone number; the kinds of
113 services the lawyer will undertake; the basis on which the lawyer'slawyer's fees are
114 determined, including prices for specific services and payment and credit arrangements; a
115 lawyer'slawyer's foreign language ability; names of references and, with their consent, names
116 of clients regularly represented; and other information that might invite the attention of those
117 seeking legal assistance.

118 [3] Questions of effectiveness and taste in advertising are matters of speculation and
119 subjective judgment. Some jurisdictions have had extensive prohibitions against
120 television advertising, against advertising going beyond specified facts about a lawyer,
121 or against "undignified" advertising. Television is now one of the most powerful media
122 for getting information to the public, particularly persons of low and moderate income;
123 prohibiting television advertising, therefore, would impede the flow of information
124 about legal services to many sectors of the public. Limiting the information that may be
125 advertised has a similar effect and assumes that the bar can accurately forecast the kind
126 of information that the public would regard as relevant.

127 [4] Neither this Rule nor Rule 7.3: Direct Contact with Prospective Clients prohibits
128 communications authorized by law, such as notice to members of a class in class action
129 litigation.

130 Record of Advertising

131 [5] Paragraph (b) requires that a record of the content and use of advertising be kept in
132 order to facilitate enforcement of this Rule.

133 -

134 Paying Others to Recommend a Lawyer

135 [2] Except as permitted under paragraphs (b)(1)-(b)(7), lawyers are not permitted to pay others
136 for recommending the lawyer's services. A communication contains a recommendation if it
137 endorses or vouches for a lawyer's credentials, abilities, competence, character, or other
138 professional qualities. Directory listings and group advertisements that list lawyers by practice
139 area, without more, do not constitute impermissible "recommendations."

140 [3] Paragraph (b)(1) allows a lawyer to pay for advertising and communications permitted by
141 this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads,
142 television and radio airtime, domain-name registrations, sponsorship fees, Internet-based
143 advertisements, and group advertising. A lawyer may compensate employees, agents and
144 vendors who are engaged to provide marketing or client development services, such as
145 publicists, public-relations personnel, business-development staff, television and radio station
146 employees or spokespersons and website designers.

147 [4] Paragraph (b)(7) permits lawyers to give nominal gifts as an expression of appreciation to a
148 person for recommending the lawyer's services or referring a prospective client. The gift may
149 not be more than a token item as might be given for holidays, or other ordinary social
150 hospitality. A gift is prohibited if offered or given in consideration of any promise, agreement
151 or understanding that such a gift would be forthcoming or that referrals would be made or
152 encouraged in the future.

153 [5] A lawyer may pay others for generating client leads, such as Internet-based client leads, as
154 long as the lead generator does not recommend the lawyer, any payment to the lead generator
155 is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the
156 lawyer), and the lead generator’s communications are consistent with Rule 7.1
157 (communications concerning a lawyer’s services). To comply with Rule 7.1, a lawyer must not
158 pay a lead generator that states, implies, or creates a reasonable impression that it is
159 recommending the lawyer, is making the referral without payment from the lawyer, or has
160 analyzed a person’s legal problems when determining which lawyer should receive the referral.
161 See Comment [2] (definition of “recommendation”). See also Rule 5.3 (duties of lawyers and
162 law firms with respect to the conduct of nonlawyers); Rule 8.4(a)(1) (duty to avoid violating the
163 Rules through the acts of another).

164 [6] A lawyer may pay the usual charges of a legal service plan or a lawyer referral service. A
165 legal service plan is a prepaid or group legal service plan or a similar delivery system that assists
166 people who seek to secure legal representation. A lawyer referral service, on the other hand, is
167 any organization that holds itself out to the public as a lawyer referral service.

168 [7] A lawyer who accepts assignments or referrals from a legal service plan or referrals from a
169 lawyer referral service must act reasonably to assure that the activities of the plan or service
170 are compatible with the lawyer’s professional obligations. Legal service plans and lawyer
171 referral services may communicate with the public, but such communication must be in
172 conformity with these Rules. Thus, advertising must not be false or misleading, as would be the
173 case if the communications of a group advertising program or a group legal services plan would
174 mislead the public to think that it was a lawyer referral service sponsored by a state agency or
175 bar association.

176 [8] A lawyer also may agree to refer clients to another lawyer or a nonlawyer professional, in
177 return for the undertaking of that person to refer clients or customers to the lawyer. Such
178 reciprocal referral arrangements must not interfere with the lawyer’s professional judgment as
179 to making referrals or as to providing substantive legal services. See Rules 2.1 and 5.4(c). Except

180 as provided in Rule 1.5(e), a lawyer who receives referrals from a lawyer or nonlawyer
181 professional must not pay anything solely for the referral, but the lawyer does not violate
182 paragraph (b) of this Rule by agreeing to refer clients to the other lawyer or nonlawyer
183 professional, so long as the reciprocal referral agreement is not exclusive and the client is
184 informed of the referral agreement. Conflicts of interest created by such arrangements are
185 governed by Rule 1.7. Reciprocal referral agreements should not be of indefinite duration and
186 should be reviewed periodically to determine whether they comply with these Rules. This Rule
187 does not restrict referrals or divisions of revenues or net income among lawyers within firms
188 comprised of multiple entities.

189 Communications about Fields of Practice

190 [9] Paragraph (c) of this Rule permits a lawyer to communicate that the lawyer does or does
191 not practice in particular areas of law. A lawyer is generally permitted to state that the lawyer
192 “concentrates in” or is a “specialist,” practices a “specialty,” or “specializes in” particular fields
193 based on the lawyer’s experience, specialized training or education, but such communications
194 are subject to the “false and misleading” standard applied in Rule 7.1 to communications
195 concerning a lawyer’s services.

196 [10] The Patent and Trademark Office has a long-established policy of designating lawyers
197 practicing before the Office. The designation of Admiralty practice also has a long historical
198 tradition associated with maritime commerce and the federal courts. A lawyer’s
199 communications about these practice areas are not prohibited by this Rule.

200 Required Contact Information

201 [11] This Rule requires that any communication about a lawyer or law firm’s services include
202 the name of, and contact information for, the lawyer or law firm. Contact information includes
203 a website address, a telephone number, an email address or a physical office location.

204

1 RULE 7.3 DIRECT CONTACT WITH PROSPECTIVE CLIENTS

2 ~~a. A lawyer shall not send, or knowingly permit to be sent, on behalf of the lawyer, the~~
3 ~~lawyer's firm, lawyer's partner, associate or any other lawyer affiliated with the lawyer or~~
4 ~~the lawyer's firm, a written communication to a prospective client for the purpose of~~
5 ~~obtaining professional employment if:~~

6 #Rule 7.3: Solicitation of Clients

7 (a) "Solicitation" or "solicit" denotes a communication initiated by or on behalf of a lawyer or
8 law firm that is directed to a specific person the lawyer knows or reasonably should know needs
9 legal services in a particular matter and that offers to provide, or reasonably can be understood
10 as offering to provide, legal services for that matter.

11 (b) A lawyer shall not solicit professional employment by live person-to-person contact when a
12 significant motive for the lawyer's doing so is the lawyer's or law firm's pecuniary gain, unless
13 the contact is with a:

14 (1) lawyer;

15 (2) person who has been a family, close personal, or prior business or professional relationship
16 with the lawyer or law firm; or

17 (3) person who routinely uses for business purposes the type of legal services offered by the
18 lawyer.

19 (c) A lawyer shall not solicit professional employment even when not otherwise prohibited by
20 paragraph (b), if:

21 ~~1-~~ (1) the target of the solicitation has made known to the lawyer that a person does not a
22 desire not to receive communications from be solicited by the lawyer; or

23 ~~2-~~ (2) the ~~communications~~solicitation involves coercion, duress, fraud, overreaching,
24 harassment, intimidation or undue influence; or

25 ~~3.~~ (3) the written communication concerns an action for personal injury or wrongful death
26 or otherwise relates to an accident or disaster involving the person to whom the
27 communication is addressed or a relative of that person, unless the accident or disaster
28 occurred more than 30 days prior to the mailing of the communication; or

29 4. (4) the lawyer knows or reasonably should know that the physical, emotional or mental
30 state of the person is such that the person could not exercise reasonable judgment in
31 employing a lawyer.

32 ~~b. Written communications to a prospective client, other than a close friend, relative, former~~
33 ~~client or one whom the lawyer reasonably believes is a former client, for the purpose of~~
34 ~~obtaining professional employment shall be plainly marked "Advertisement" on the face~~
35 ~~of the envelope and on the top of each page of the written communication in type size no~~
36 ~~smaller than the largest type size used in the body of the letter.~~

37 ~~e. A lawyer shall not compensate or give anything of value to a person or organization to~~
38 ~~recommend or secure the lawyer's employment by a client, or as a reward for having~~
39 ~~made a recommendation resulting in the lawyer's employment by a client; except that the~~
40 ~~lawyer may pay for public communications permitted by Rule 7.1 and except as follows:~~

41 ~~1. A lawyer may pay the usual and reasonable fees or dues charged by a lawyer~~
42 ~~referral service, if the service:~~
43 ~~i. does not engage in conduct that would violate the Rules if engaged in by a~~
44 ~~lawyer;~~
45 ~~ii. provides an explanation to the prospective client regarding how the~~
46 ~~lawyers are selected by the service to participate in the service; and~~
47 ~~iii. discloses to the prospective client how many lawyers are participating in~~
48 ~~the service and that those lawyers have paid the service a fee to participate~~
49 ~~in the service.~~

50 ~~2. A lawyer may pay the usual and reasonable fees or dues charged by a bar-~~
51 ~~operated non-profit lawyer referral service, including a fee which is calculated as~~
52 ~~a percentage of the legal fees earned by the lawyer to whom the service has~~
53 ~~referred a matter, provided such bar-operated non-profit lawyer referral service~~
54 ~~meets the following criteria:~~

55 ~~i. the lawyer referral service shall be operated in the public interest for the~~
56 ~~purpose of referring prospective clients to lawyers, pro bono and public~~
57 ~~service legal programs, and government, consumer or other agencies who~~
58 ~~can provide the assistance the clients need. Such organization shall file~~
59 ~~annually with the State Disciplinary Board a report showing its rules and~~
60 ~~regulations, its subscription charges, agreements with counsel, the number~~
61 ~~of lawyers participating and the names and addresses of the lawyers~~
62 ~~participating in the service;~~
63 ~~ii. the sponsoring bar association for the lawyer referral service must be open~~
64 ~~to all lawyers licensed and eligible to practice in this state who maintain~~

65 an office within the geographical area served, and who meet reasonable
66 objectively determinable experience requirements established by the bar
67 association;

68 ~~iii. the combined fees charged by a lawyer and the lawyer referral service to a
69 client referred by such service shall not exceed the total charges which the
70 client would have paid had no service been involved; and~~

71 ~~iv. a lawyer who is a member of the qualified lawyer referral service must
72 maintain in force a policy of errors and omissions insurance in an amount
73 no less than \$100,000 per occurrence and \$300,000 in the aggregate.~~

74 ~~3. A lawyer may pay the usual and reasonable fees to a qualified legal services plan
75 or insurer providing legal services insurance as authorized by law to promote the
76 use of the lawyer's services, the lawyer's partner or associates services so long as
77 the communications of the organization are not false, fraudulent, deceptive or
78 misleading;~~

79 ~~4. A lawyer may pay for a law practice in accordance with Rule 1.17.~~

80 ~~d. A lawyer shall not solicit professional employment as a private practitioner for the
81 lawyer, a partner or associate through direct personal contact or through live telephone
82 contact, with a nonlawyer who has not sought advice regarding employment of a lawyer.~~

83 ~~e. A lawyer shall not accept employment when the lawyer knows or reasonably should
84 know that the person who seeks to employ the lawyer does so as a result of conduct by
85 any person or organization that would violate these Rules if engage in by a lawyer.~~

86 (d) This Rule does not prohibit communications authorized by law or ordered by a court or
87 other tribunal.

88 (e) Notwithstanding the prohibitions in this Rule, a lawyer may participate with a prepaid or
89 group legal service plan operated by an organization not owned or directed by the lawyer that
90 uses live person-to-person contact to enroll members or sell subscriptions for the plan from
91 persons who are not known to need legal services in a particular matter covered by the plan.

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

94 Comment

95 *Direct Personal Contact*

96 [1] There is a potential for abuse inherent in Paragraph (b) prohibits a lawyer from soliciting
97 professional employment by live person-to-person contact when a significant motive for the
98 lawyer's doing so is the lawyer's or the law firm's pecuniary gain. A lawyer's communication is

99 not a solicitation if it is directed to the general public, such as through a billboard, an Internet
100 banner advertisement, a website or a television commercial, or if it is in response to a request
101 for information or is automatically generated in response to electronic searches.

102 [2] "Live person-to-person contact" means in-person, face-to-face, live telephone and other
103 real-time visual or auditory person-to-person communications where the person is subject to a
104 direct personal contact by a lawyer of prospective clients encounter without time for reflection.
105 Such person-to-person contact does not include chat rooms, text messages or other written
106 communications that recipients may easily disregard. A potential for overreaching exists when a
107 lawyer, seeking pecuniary gain, solicits a person known to be in need of legal services. This
108 form of contact subjects the lay person to the private importuning of the trained advocate, in
109 a direct interpersonal encounter. A prospective client often feels the person, who may already
110 feel overwhelmed by the situation-circumstances giving rise to the need for legal services, and
111 may have an impaired capacity for reason, may find it difficult to fully evaluate all available
112 alternatives with reasoned judgment and protective appropriate self-interest. Furthermore, in
113 the lawyer seeking face of the retainer lawyer's presence and insistence upon an immediate
114 response. The situation is fraught with a conflict stemming from the lawyer's own interest,
115 which may color the advice and representation offered the vulnerable prospect possibility of
116 undue influence, intimidation, and overreaching.

117 [2] The situation is therefore fraught with the possibility of undue influence, intimidation and
118 overreaching. [3] The potential for abuse overreaching inherent in solicitation of prospective
119 clients through personal live person-to-person contact justifies its prohibition, particularly since
120 the direct written contact permitted under paragraph (b) of this Rule offers an alternative means of
121 communicating conveying necessary information to those who may be in
122 need of legal services. Also included in the prohibited types of personal contact are direct,
123 personal contact through an intermediary and live contact by telephone.

124 *Direct Written Solicitation*

125 [3] Subject to the requirements of Rule 7.1 and paragraphs (b) and (c) of this Rule, promotional
126 communication by a lawyer through direct written contact is generally permissible. The public's
127 need to receive information concerning their legal rights and the availability of legal services has
128 been consistently recognized as a basis for permitting direct written communication since this
129 type of communication may often be the best and most effective means of informing. So long as
130 this stream of information flows cleanly, it will be permitted to flow freely.

131 ~~[4] Certain narrowly drawn restrictions on this type of communication are justified by a~~
132 ~~substantial state interest in facilitating the public's intelligent selection of counsel, including the~~
133 ~~restrictions of paragraphs (a) (3) and (a) (4) which proscribe direct mailings to persons such as an~~
134 ~~injured and hospitalized accident victim or the bereaved family of a deceased.~~

135 ~~[5]. In order to make it clear that the communication is commercial in nature, paragraph (b)~~
136 ~~requires inclusion of an appropriate affirmative "advertisement" disclaimer. Again, the~~
137 ~~traditional exception for contact with close friends, relatives and former clients is recognized and~~
138 ~~permits elimination of the disclaimer in direct written contact with these persons~~particular,
139 communications can be mailed or transmitted by email or other electronic means that do not
140 violate other laws. These forms of communications make it possible for the public to be
141 informed about the need for legal services, and about the qualifications of available lawyers
142 and law firms, without subjecting the public to live person-to-person persuasion that may
143 overwhelm a person's judgment.

144 ~~[6] This Rule does not prohibit communications~~~~[4] The contents of live person-to-person~~
145 contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are
146 much more likely to approach (and occasionally cross) the dividing line between accurate
147 representations and those that are false and misleading.

148 ~~[5] There is far less likelihood that a lawyer would engage in overreaching against a former~~
149 ~~client, or a person with whom the lawyer has a close personal, family, business or professional~~
150 ~~relationship, or in situations in which the lawyer is motivated by considerations other than the~~
151 ~~lawyer's pecuniary gain. Nor is there a serious potential for overreaching when the person~~
152 ~~contacted is a lawyer or is known to routinely use the type of legal services involved for~~
153 ~~business purposes. Examples include persons who routinely hire outside counsel to represent~~
154 ~~the entity; entrepreneurs who regularly engage business, employment law or intellectual~~
155 ~~property lawyers; small business proprietors who routinely hire lawyers for lease or contract~~
156 ~~issues; and other people who routinely retain lawyers for business transactions or formations.~~
157 Paragraph (b) is not intended to prohibit a lawyer from participating in constitutionally
158 protected activities of public or charitable legal-service organizations or bona fide political,

159 social, civic, fraternal, employee or trade organizations whose purposes include providing or
160 recommending legal services to their members or beneficiaries.

161 [6] A solicitation that contains false or misleading information within the meaning of Rule 7.1,
162 that involves coercion, duress, fraud, overreaching, harassment, intimidation or undue
163 influence within the meaning of Rule 7.3 (c)(2), or that involves contact with someone who has
164 made known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule
165 7.3(c)(1) is prohibited. Live, person-to-person contact of individuals who may be especially
166 vulnerable to coercion or duress is ordinarily not appropriate, for example, the elderly, those
167 whose first language is not English, or the disabled.

168 [7] This Rule does not prohibit a lawyer from contacting representatives of organizations or
169 groups that may be interested in establishing a group or prepaid legal plan for their members,
170 insureds, beneficiaries or other third parties for the purpose of informing such entities of the
171 availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm
172 is willing to offer. This form of communication is not directed to people who are seeking legal
173 services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary
174 capacity seeking a supplier of legal services for others who may, if they choose, become
175 prospective clients of the lawyer. Under these circumstances, the activity which the lawyer
176 undertakes in communicating with such representatives and the type of information
177 transmitted to the individual are functionally similar to and serve the same purpose as
178 advertising permitted under Rule 7.2.

179 [8] Communications authorized by law, such as or ordered by a court or tribunal include a
180 notice to potential members of a class in class action litigation.

181 *Paying Others to Recommend a Lawyer*

182 [7] A lawyer is allowed to pay for communications permitted by these Rules, but otherwise is not
183 permitted to pay another person for channeling professional work. This restriction does not
184 prevent an organization or person other than the lawyer from advertising or recommending the
185 lawyer's services. Thus, a legal aid agency, a prepaid legal services plan or prepaid legal
186 insurance organization may pay to advertise legal services provided under its auspices.

187 [9] Paragraph (e) of this Rule permits a lawyer to participate with an organization which uses
188 personal contact to enroll members for its group or prepaid legal service plan, provided that the
189 personal contact is not undertaken by any lawyer who would be a provider of legal services
190 through the plan. The organization must not be owned by or directed (whether as manager or
191 otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (e)
192 would not permit a lawyer to create an organization controlled directly or indirectly by the
193 lawyer and use the organization for the person-to-person solicitation of legal employment of
194 the lawyer through memberships in the plan or otherwise. The communication permitted by
195 these organizations must not be directed to a person known to need legal services in a
196 particular matter, but must be designed to inform potential plan members generally of another
197 means of affordable legal services. Lawyers who participate in a legal service plan must
198 reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3 (c).
199

1 RULE 7.1: COMMUNICATIONS CONCERNING A LAWYER'S SERVICES

2 A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's
3 services. A communication is false or misleading if it contains a material misrepresentation of
4 fact or law, or omits a fact necessary to make the statement considered as a whole not
5 materially misleading.

6

7 The maximum penalty for a violation of this rule is disbarment.

8

9 Comment

10 [1] This Rule governs all communications about a lawyer's services, including advertising.
11 Whatever means are used to make known a lawyer's services, statements about them must be
12 truthful.

13 [2] Misleading truthful statements are prohibited by this Rule. A truthful statement is
14 misleading if it omits a fact necessary to make the lawyer's communication considered as a
15 whole not materially misleading. A truthful statement is misleading if a substantial likelihood
16 exists that it will lead a reasonable person to formulate a specific conclusion about the lawyer
17 or the lawyer's services for which there is no reasonable factual foundation. A truthful
18 statement is also misleading if presented in a way that creates a substantial likelihood that a
19 reasonable person would believe the lawyer's communication requires that person to take
20 further action when, in fact, no action is required.

21 [3] A communication that truthfully reports a lawyer's achievements on behalf of clients or
22 former clients may be misleading if presented so as to lead a reasonable person to form an
23 unjustified expectation that the same results could be obtained for other clients in similar
24 matters without reference to the specific factual and legal circumstances of each client's case.
25 Similarly, an unsubstantiated claim about a lawyer's or law firm's services or fees, or an
26 unsubstantiated comparison of the lawyer's or law firm's services or fees with those of other

27 lawyers or law firms, may be misleading if presented with such specificity as would lead a
28 reasonable person to conclude that the comparison or claim can be substantiated. The
29 inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a
30 statement is likely to create unjustified expectations or otherwise mislead the public.

31 [4] It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud,
32 deceit or misrepresentation. Rule 8.4(a)(4). See also Rule 8.4(a)(6) for the prohibition against
33 stating or implying an ability to improperly influence a government agency or official or to
34 achieve results by means that violate the Rules of Professional Conduct or other law.

35 [5] Firm names, letterhead and professional designations are communications concerning a
36 lawyer's services. A firm may be designated by the names of all or some of its current members,
37 by the names of deceased members where there has been a succession in the firm's identity or
38 by a trade name if it is not false or misleading. A lawyer or law firm also may be designated by a
39 distinctive website address, social media username or comparable professional designation
40 that is not misleading. A law firm name or designation is misleading if it implies a connection
41 with a government agency, with a deceased lawyer who was not a former member of the firm,
42 with a lawyer not associated with the firm or a predecessor firm, with a nonlawyer or with a
43 public or charitable legal services organization. If a firm uses a trade name that includes a
44 geographical name such as "Springfield Legal Clinic," an express statement explaining that it is
45 not a public legal aid organization may be required to avoid a misleading implication.

46 [6] A law firm with offices in more than one jurisdiction may use the same name or other
47 professional designation in each jurisdiction.

48 [7] Lawyers may not imply or hold themselves out as practicing together in one firm when they
49 are not a firm, as defined in Rule 1.0(c), because to do so would be false and misleading.

50 [8] It is misleading to use the name of a lawyer holding a public office in the name of a law
51 firm, or in communications on the law firm's behalf, during any substantial period in which the
52 lawyer is not actively and regularly practicing with the firm.

1 RULE 7.2: COMMUNICATIONS CONCERNING A LAWYER'S SERVICES: SPECIFIC RULES

2 (a) A lawyer may communicate information regarding the lawyer's services through any media.

3 (b) A lawyer shall not compensate, give or promise anything of value to a person for

4 recommending the lawyer's services except that a lawyer may:

5 (1) pay the reasonable costs of advertisements or communications permitted by this Rule;

6 (2) pay the usual and reasonable fees or dues charged by a lawyer referral service, if the service

7 does not engage in conduct that would violate the Rules if engaged in by a lawyer;

8 (3) pay the usual and reasonable fees or dues charged by a bar-operated non-profit referral

9 service, including a fee which is calculated as a percentage of the legal fees earned by the

10 lawyer to whom the service has referred a matter, provided such bar-operated non-profit

11 lawyer referral service meets the following criteria:

12 i. the lawyer referral service shall be operated in the public interest for the
13 purpose of referring prospective clients to lawyers, pro bono and public service legal programs,
14 and government, consumer or other agencies who can provide the assistance the clients need.

15 Such organization shall file annually with the Office of the General Counsel a report showing its
16 rules and regulations, its subscription charges, agreements with counsel, the number of lawyers
17 participating and the names and addresses of the lawyers participating in the service;

18 ii. the sponsoring bar association for the lawyer referral service must be open to all
19 lawyers licensed and eligible to practice in this state who maintain an office within the
20 geographical area served, and who meet reasonable objectively determinable experience
21 requirements established by the bar association;

22 iii. the combined fees charged by a lawyer and the lawyer referral service to a client
23 referred by such service shall not exceed the total charges which the client would have paid had
24 no service been involved; and

25 iv. a lawyer who is a member of the qualified lawyer referral service must maintain
26 in force a policy of errors and omissions insurance in an amount no less than \$100,000 per
27 occurrence and \$300,000 in the aggregate.

28 (4) pay the usual and reasonable fees to a qualified legal services plan or insurer providing legal
29 services insurance as authorized by law to promote the use of the lawyer's services, the
30 lawyer's partner or associates services so long as the communications of the organization are
31 not false, fraudulent, deceptive or misleading;

32 (5) pay for a law practice in accordance with Rule 1.17;

33 (6) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not
34 otherwise prohibited under these Rules that provides for the other person to refer clients or
35 customers to the lawyer, if:

36 (i) the reciprocal referral agreement is not exclusive; and

37 (ii) the client is informed of the existence and nature of the agreement; and

38 (7) give nominal gifts as an expression of appreciation that are neither intended nor reasonably
39 expected to be a form of compensation for recommending a lawyer's services.

40 (c) A lawyer may communicate the fact that the lawyer does or does not practice in particular
41 fields of law. A lawyer who is a specialist in a particular field of law by experience, specialized
42 training or education, or is certified by a recognized and bona fide professional entity, may
43 communicate such specialty or certification so long as the statement is not false or misleading.

44 (d) Any communication made under this Rule must include the name and contact information
45 of at least one lawyer or law firm responsible for its content.

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

47

48 Comment

49 [1] This Rule permits public dissemination of information concerning a lawyer's or law firm's
50 name, address, email address, website, and telephone number; the kinds of services the lawyer
51 will undertake; the basis on which the lawyer's fees are determined, including prices for specific
52 services and payment and credit arrangements; a lawyer's foreign language ability; names of
53 references and, with their consent, names of clients regularly represented; and other
54 information that might invite the attention of those seeking legal assistance.

55 Paying Others to Recommend a Lawyer

56 [2] Except as permitted under paragraphs (b)(1)-(b)(7), lawyers are not permitted to pay others
57 for recommending the lawyer's services. A communication contains a recommendation if it
58 endorses or vouches for a lawyer's credentials, abilities, competence, character, or other
59 professional qualities. Directory listings and group advertisements that list lawyers by practice
60 area, without more, do not constitute impermissible "recommendations."

61 [3] Paragraph (b)(1) allows a lawyer to pay for advertising and communications permitted by
62 this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads,
63 television and radio airtime, domain-name registrations, sponsorship fees, Internet-based
64 advertisements, and group advertising. A lawyer may compensate employees, agents and
65 vendors who are engaged to provide marketing or client development services, such as
66 publicists, public-relations personnel, business-development staff, television and radio station
67 employees or spokespersons and website designers.

68 [4] Paragraph (b)(7) permits lawyers to give nominal gifts as an expression of appreciation to a
69 person for recommending the lawyer's services or referring a prospective client. The gift may
70 not be more than a token item as might be given for holidays, or other ordinary social
71 hospitality. A gift is prohibited if offered or given in consideration of any promise, agreement
72 or understanding that such a gift would be forthcoming or that referrals would be made or
73 encouraged in the future.

74 [5] A lawyer may pay others for generating client leads, such as Internet-based client leads, as
75 long as the lead generator does not recommend the lawyer, any payment to the lead generator
76 is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the
77 lawyer), and the lead generator's communications are consistent with Rule 7.1
78 (communications concerning a lawyer's services). To comply with Rule 7.1, a lawyer must not
79 pay a lead generator that states, implies, or creates a reasonable impression that it is
80 recommending the lawyer, is making the referral without payment from the lawyer, or has
81 analyzed a person's legal problems when determining which lawyer should receive the referral.
82 See Comment [2] (definition of "recommendation"). See also Rule 5.3 (duties of lawyers and
83 law firms with respect to the conduct of nonlawyers); Rule 8.4(a)(1) (duty to avoid violating the
84 Rules through the acts of another).

85 [6] A lawyer may pay the usual charges of a legal service plan or a lawyer referral service. A
86 legal service plan is a prepaid or group legal service plan or a similar delivery system that assists
87 people who seek to secure legal representation. A lawyer referral service, on the other hand, is
88 any organization that holds itself out to the public as a lawyer referral service.

89 [7] A lawyer who accepts assignments or referrals from a legal service plan or referrals from a
90 lawyer referral service must act reasonably to assure that the activities of the plan or service
91 are compatible with the lawyer's professional obligations. Legal service plans and lawyer
92 referral services may communicate with the public, but such communication must be in
93 conformity with these Rules. Thus, advertising must not be false or misleading, as would be the
94 case if the communications of a group advertising program or a group legal services plan would
95 mislead the public to think that it was a lawyer referral service sponsored by a state agency or
96 bar association.

97 [8] A lawyer also may agree to refer clients to another lawyer or a nonlawyer professional, in
98 return for the undertaking of that person to refer clients or customers to the lawyer. Such
99 reciprocal referral arrangements must not interfere with the lawyer's professional judgment as
100 to making referrals or as to providing substantive legal services. See Rules 2.1 and 5.4(c). Except

101 as provided in Rule 1.5(e), a lawyer who receives referrals from a lawyer or nonlawyer
102 professional must not pay anything solely for the referral, but the lawyer does not violate
103 paragraph (b) of this Rule by agreeing to refer clients to the other lawyer or nonlawyer
104 professional, so long as the reciprocal referral agreement is not exclusive and the client is
105 informed of the referral agreement. Conflicts of interest created by such arrangements are
106 governed by Rule 1.7. Reciprocal referral agreements should not be of indefinite duration and
107 should be reviewed periodically to determine whether they comply with these Rules. This Rule
108 does not restrict referrals or divisions of revenues or net income among lawyers within firms
109 comprised of multiple entities.

110 Communications about Fields of Practice

111 [9] Paragraph (c) of this Rule permits a lawyer to communicate that the lawyer does or does
112 not practice in particular areas of law. A lawyer is generally permitted to state that the lawyer
113 “concentrates in” or is a “specialist,” practices a “specialty,” or “specializes in” particular fields
114 based on the lawyer’s experience, specialized training or education, but such communications
115 are subject to the “false and misleading” standard applied in Rule 7.1 to communications
116 concerning a lawyer’s services.

117 [10] The Patent and Trademark Office has a long-established policy of designating lawyers
118 practicing before the Office. The designation of Admiralty practice also has a long historical
119 tradition associated with maritime commerce and the federal courts. A lawyer’s
120 communications about these practice areas are not prohibited by this Rule.

121 Required Contact Information

122 [11] This Rule requires that any communication about a lawyer or law firm’s services include
123 the name of, and contact information for, the lawyer or law firm. Contact information includes
124 a website address, a telephone number, an email address or a physical office location.

125

1 Rule 7.3: Solicitation of Clients

2 (a) "Solicitation" or "solicit" denotes a communication initiated by or on behalf of a lawyer or
3 law firm that is directed to a specific person the lawyer knows or reasonably should know needs
4 legal services in a particular matter and that offers to provide, or reasonably can be understood
5 as offering to provide, legal services for that matter.

6 (b) A lawyer shall not solicit professional employment by live person-to-person contact when a
7 significant motive for the lawyer's doing so is the lawyer's or law firm's pecuniary gain, unless
8 the contact is with a:

9 (1) lawyer;

10 (2) person who has a family, close personal, or prior business or professional relationship with
11 the lawyer or law firm; or

12 (3) person who routinely uses for business purposes the type of legal services offered by the
13 lawyer.

14 (c) A lawyer shall not solicit professional employment even when not otherwise prohibited by
15 paragraph (b), if:

16 (1) the target of the solicitation has made known to the lawyer a desire not to be solicited by
17 the lawyer; or

18 (2) the solicitation involves coercion, duress, fraud, overreaching, harassment, intimidation or
19 undue influence; or

20 (3) the written communication concerns an action for personal injury or wrongful death or
21 otherwise relates to an accident or disaster involving the person to whom the communication is
22 addressed or a relative of that person, unless the accident or disaster occurred more than 30
23 days prior to the communication; or

24 (4) the lawyer knows or reasonably should know that the physical, emotional or mental state of
25 the person is such that the person could not exercise reasonable judgment in employing a
26 lawyer.

27 (d) This Rule does not prohibit communications authorized by law or ordered by a court or
28 other tribunal.

29 (e) Notwithstanding the prohibitions in this Rule, a lawyer may participate with a prepaid or
30 group legal service plan operated by an organization not owned or directed by the lawyer that
31 uses live person-to-person contact to enroll members or sell subscriptions for the plan from
32 persons who are not known to need legal services in a particular matter covered by the plan.

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

34

35 Comment

36 [1] Paragraph (b) prohibits a lawyer from soliciting professional employment by live person-to-
37 person contact when a significant motive for the lawyer's doing so is the lawyer's or the law
38 firm's pecuniary gain. A lawyer's communication is not a solicitation if it is directed to the
39 general public, such as through a billboard, an Internet banner advertisement, a website or a
40 television commercial, or if it is in response to a request for information or is automatically
41 generated in response to electronic searches.

42 [2] "Live person-to-person contact" means in-person, face-to-face, live telephone and other
43 real-time visual or auditory person-to-person communications where the person is subject to a
44 direct personal encounter without time for reflection. Such person-to-person contact does not
45 include chat rooms, text messages or other written communications that recipients may easily
46 disregard. A potential for overreaching exists when a lawyer, seeking pecuniary gain, solicits a
47 person known to be in need of legal services. This form of contact subjects a person to the
48 private importuning of the trained advocate in a direct interpersonal encounter. The person,

49 who may already feel overwhelmed by the circumstances giving rise to the need for legal
50 services, may find it difficult to fully evaluate all available alternatives with reasoned judgment
51 and appropriate self-interest in the face of the lawyer's presence and insistence upon an
52 immediate response. The situation is fraught with the possibility of undue influence,
53 intimidation, and overreaching.

54 [3] The potential for overreaching inherent in live person-to-person contact justifies its
55 prohibition, since lawyers have alternative means of conveying necessary information. In
56 particular, communications can be mailed or transmitted by email or other electronic means
57 that do not violate other laws. These forms of communications make it possible for the public
58 to be informed about the need for legal services, and about the qualifications of available
59 lawyers and law firms, without subjecting the public to live person-to-person persuasion that
60 may overwhelm a person's judgment.

61 [4] The contents of live person-to-person contact can be disputed and may not be subject to
62 third-party scrutiny. Consequently, they are much more likely to approach (and occasionally
63 cross) the dividing line between accurate representations and those that are false and
64 misleading.

65 [5] There is far less likelihood that a lawyer would engage in overreaching against a former
66 client, or a person with whom the lawyer has a close personal, family, business or professional
67 relationship, or in situations in which the lawyer is motivated by considerations other than the
68 lawyer's pecuniary gain. Nor is there a serious potential for overreaching when the person
69 contacted is a lawyer or is known to routinely use the type of legal services involved for
70 business purposes. Examples include persons who routinely hire outside counsel to represent
71 the entity; entrepreneurs who regularly engage business, employment law or intellectual
72 property lawyers; small business proprietors who routinely hire lawyers for lease or contract
73 issues; and other people who routinely retain lawyers for business transactions or formations.
74 Paragraph (b) is not intended to prohibit a lawyer from participating in constitutionally
75 protected activities of public or charitable legal-service organizations or bona fide political,

76 social, civic, fraternal, employee or trade organizations whose purposes include providing or
77 recommending legal services to their members or beneficiaries.

78 [6] A solicitation that contains false or misleading information within the meaning of Rule 7.1,
79 that involves coercion, duress, fraud, overreaching, harassment, intimidation or undue
80 influence within the meaning of Rule 7.3 (c)(2), or that involves contact with someone who has
81 made known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule
82 7.3(c)(1) is prohibited. Live, person-to-person contact of individuals who may be especially
83 vulnerable to coercion or duress is ordinarily not appropriate, for example, the elderly, those
84 whose first language is not English, or the disabled.

85 [7] This Rule does not prohibit a lawyer from contacting representatives of organizations or
86 groups that may be interested in establishing a group or prepaid legal plan for their members,
87 insureds, beneficiaries or other third parties for the purpose of informing such entities of the
88 availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm
89 is willing to offer. This form of communication is not directed to people who are seeking legal
90 services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary
91 capacity seeking a supplier of legal services for others who may, if they choose, become
92 prospective clients of the lawyer. Under these circumstances, the activity which the lawyer
93 undertakes in communicating with such representatives and the type of information
94 transmitted to the individual are functionally similar to and serve the same purpose as
95 advertising permitted under Rule 7.2.

96 [8] Communications authorized by law or ordered by a court or tribunal include a notice to
97 potential members of a class in class action litigation.

98 [9] Paragraph (e) of this Rule permits a lawyer to participate with an organization which uses
99 personal contact to enroll members for its group or prepaid legal service plan, provided that the
100 personal contact is not undertaken by any lawyer who would be a provider of legal services
101 through the plan. The organization must not be owned by or directed (whether as manager or
102 otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (e)

103 would not permit a lawyer to create an organization controlled directly or indirectly by the
104 lawyer and use the organization for the person-to-person solicitation of legal employment of
105 the lawyer through memberships in the plan or otherwise. The communication permitted by
106 these organizations must not be directed to a person known to need legal services in a
107 particular matter, but must be designed to inform potential plan members generally of another
108 means of affordable legal services. Lawyers who participate in a legal service plan must
109 reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3 (c).

110

D-R-A-F-T
STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE EXTENDED MEETING
MINUTES
September 23, 2021 at 11 a.m.
Nathan Deal Justice Center
Hybrid Meeting

Members Participating

Elizabeth L. Fite, President; Sally B. Akins, President-Elect; Tony DelCampo, Treasurer; Ivy N. Cadle, Secretary; Dawn M. Jones, Immediate Past President; Elissa B. Haynes, YLD President; Ronald E. Daniels, YLD President-Elect; Bert D. Hummel, IV, YLD Immediate Past President; William C. Gentry; R. Javoyne Hicks; Shiriki Jones (via Zoom); David S. Lipscomb; Martin Valbuena; and Nicki N. Vaughan (via Zoom).

Members Absent

All were present.

Staff Participating

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

Call to Order

President Elizabeth L. Fite called the meeting to order at 11:05 a.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings Schedule

President Elizabeth L. Fite reviewed the Future Meetings Schedule. President-Elect Sally Akins reported that she has picked dates for her meetings and is working with Meetings Director Michelle Garner on locations and contracts. Senior Bar staff will continue to look at ways to decrease costs of meetings and will then share that information with upcoming officers, e.g., drink tickets at events, cash bar after a certain point, evaluate supplementing costs, etc.

Executive Committee Minutes

Secretary Ivy Cadle presented for approval the minutes of the August 20-21, 2021, Executive Committee meeting. By unanimous voice vote, the Executive Committee approved the minutes of August 20-21, 2021, as presented.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: Sanford Jeremy Roth-729108, Howard Douglas Hinson-356790, Nichole C. Milton-970969, Daniel Cornelius Gunter III-151119, Mark A. Hall-319209, Jessica Anne McArdle-738218, Nanette P. Harley-581911, Judith Jackson Chorlog-420510, Mark David Salisbury-622940, Mesheba Ann Rourk Veeder-616508, Elizabeth Carlin Benton-053351, Teri L. Powers-586579, Matthew Timothy Wood-375656, Laurence Benjamin Beckler-046213, Ingrid Elizabeth Nuss-548027, David Joel Metcalf-503270.

Disability Status

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

Member Status Appeals

The Executive Committee, by majority vote, approved the staff recommendation to deny Ruth Handley's request to waive the August Late Fee.

Officer and Executive Committee Expense and Reimbursement Policy

Chief Financial Officer Ron Turner presented proposed changes to the State Bar of Georgia Officer and Executive Committee Expense and Reimbursement Policy. After a lengthy discussion, it was decided that senior Bar staff will implement recommendations and add additional information for clarity, and the Executive Committee will discuss the policy further at a future meeting.

Strategic Plan

President Elizabeth L. Fite reported that many individuals spent years creating the 2016-2018 strategic plan, but then it was challenging to get volunteers to take up the individual sections of the plan and difficult for staff to find the metrics needed to measure the success of each item. Instead of allowing the plan to sit incomplete, the Executive Committee discussed its next course of action. There was a motion and a second to sunset the strategic plan, which failed by majority vote. After much discussion and acknowledgment that the strategic plan by its own language expired in 2018, it was decided that senior Bar staff will work on a closure document for the strategic plan that details the process and the outcomes. It will be presented to the Executive Committee at a later meeting.

Virtual Meeting and Electronic Voting

President Elizabeth L. Fite updated the Executive Committee regarding the plan for virtual meetings and electronic voting. Zoom will continue to be the platform for virtual meeting participation. She said given the agenda items at the Fall Meeting, it will be important to make sure voting is accurate. Chief Operating Officer Sarah Coole said that Bar staff had researched multiple options for electronic voting, and it was decided that TurningPoint will allow for the most flexibility to change polling questions in real time, as well as have everyone voting on the same platform, both in person and virtual participation. The Communications Department will make sure that all Board of Governors members are notified and have the proper instructions on how to utilize the new platform.

Committee Updates

The following committee updates were provided:

- Immediate Past President Dawn M. Jones reported the Seeking Equal Justice and Addressing Racism and Racial Bias Committee met Sept. 15. They are breaking into subcommittees to plan for programs and events. They were reminded to check with the Office of the General Counsel if they had questions regarding their agenda items and to ensure *Keller* compliance. The committee plans to continue their Courageous Conversations series in November with a program about white fragility.
- Jones reported the Committee to Promote Inclusion in the Profession met on Sept. 17. She said she reminded the committee that disabilities are included in their equality mission and goal, not just race, gender and sexual orientation.
- Jones reported that the Georgia Diversity Program will meet next week on Sept. 28 regarding their programming for the year. She also plans to reach out separately to the new executive director Halima White.
- Executive Committee Member Martin Valbuena reported the Programs Committee met on Sept. 20. They, along with Finance and Personnel, have started meeting earlier this year per President Fite, to make the budgeting process smoother. They began discussing the programs that they would like to have come back in and report on their program. They will meet again in November and December and give a final recommendation to the Finance Committee.

- Valbuena reported the Indigent Defense Committee met last Friday and will be sending a request to the Executive Committee at an upcoming meeting.
- Valbuena reported the Law Practice Management Committee has a meeting schedule for Oct. 22.
- Executive Committee Member David Lipscomb reported that the Professional Liability Insurance Committee sent their materials to the Board of Governors for further review and vote at the Fall Meeting.
- Executive Committee Member Javoyne Hicks reported the Attorney Wellness Committee met and talked about a lot of ideas, including the possibility of wellness becoming a section. They have a subcommittee looking into that. The program needs funding and becoming a section would be a way generate non-dues revenue. She said they would ask to remain a committee as well to show the importance of wellness. She said their “monthly touches” will begin again soon, and they are planning a CLE for 2022.
- Hicks reported that the Lawyer Assistance Program will meet on Sept. 24.
- The Suicide Prevention Committee is participating in the Out of the Darkness Walk on Nov. 7. They will have a team registered for the Bar for those who want to participate and walk with the group.
- Executive Committee Member Bill Gentry said the Children and the Courts Committee sent a survey to its members. They meet regularly and do a lot.
- Gentry said there will be a side bar in the October issue of the *Georgia Bar Journal* regarding the succession planning tool the Senior Lawyers Committee launched last year. President Fite said that her focus for the next Know Your Bar program will be the succession planning tool and the importance of naming a receiver.
- Gentry said the Advertising and Solicitation Committee has not yet met this year. Executive Committee Member Tony DelCampo said that while solicitation is a big problem, it’s hard to prosecute these cases.

ACL/Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported the Advisory Committee on Legislation met two weeks ago, and there was one item on the agenda: Support for Judicial Council Budget Request for FY 2023 Funding for Civil Legal Services Grants for Victims of Domestic Violence. She said she expects the Nov. 30 meeting to include more items after the committees and sections have had more time to meet and submit their requests.

Executive Director’s Report

Executive Director Damon Elmore reported on the activity of the ICLE department, including a review of upcoming programming, both in-person and livestreaming; changes in communication and marketing; and ICLE survey results and data related to in-person and virtual programming. He also provided a detailed report regarding the recent meeting of the CLE subcommittee of the Supreme Court’s Lawyer Competency Task Force.

Treasurer’s Report

Treasurer Tony DelCampo reported on the Bar’s finances and the Executive Committee reviewed the end of the year financials, ending June 30. In total, the Bar budgeted a profit of \$214,511 for the year ended June 30, 2021. This total budgeted profit for the Bar was calculated as a budgeted loss for the Bar of \$336,081 and a budgeted profit for Bar Center operations of \$550,592. Bar Center operations realized an actual profit of \$500,127 for the year. The Bar also realized a profit of \$466,171 instead of the budgeted loss of \$336,081. This difference of \$802,252 is comprised of the following six components: (1) savings in

salaries and related personnel costs of \$331,609, (2) savings in officer expenses (both Bar and YLD) of \$135,285, (3) savings in attorney, staff and investigator travel of \$127,919, (4) savings in meetings of \$115,676, (5) savings in contract special master costs of \$71,848, and (6) savings in YLD Committees expenses of \$70,591. The savings on these six items total \$852,928.

Treasurer DelCampo made a recommendation of increasing the \$100 variance on the line item variance explanation memo to a \$500 variance to save a significant amount of time for staff. There will be no effect on the audit, and Chief Financial Officer Ron Turner agreed with the recommendation. There was no formal vote, but the Executive Committee acknowledged that a \$500 variance threshold was more than sufficient.

Chief Financial Officer Turner reported the Finance Committee met on Sept. 22 and had a good discussion regarding the budgeting process and upcoming budgeting season.

Office of the General Counsel's Report

General Counsel Paula Frederick reported that at the president's request, she is working on updating many policies that will ready next month for review by the Executive Committee. She said the Disciplinary Board meets tomorrow, and there was a nationwide trend over the last 3-4 years where the number of grievances was falling, but right now, it is up for Georgia. She attributes that to lawyers and the public getting back to a normal pace after the pandemic. The Office of the General Counsel has also been testing an e-filing system for disciplinary cases that will be significant for the Bar and helpful for Georgia lawyers.

General Counsel Frederick said that the Disciplinary Rules Committee has been working on revising Part VII of the disciplinary rules, which deals with advertising and solicitation, bringing our rules more in line with the ABA model rules, although they won't be exactly the same. They are looking for feedback on what they have drafted, possibly a town hall at the Midyear Meeting, and then they will revise what they have done based on that feedback. If the timing does not work right now, the committee is willing to hold this item until a later date.

YLD Report

YLD President Elissa Haynes reported that she continues to work on the YLD buddy program, and she and Bill Gentry have both pledged \$500 to support a young lawyer attending YLD meetings. She will be sending materials to the Executive Committee regarding the program as well. The YLD is also working to pair lawyers who are thinking of retiring with young lawyers with the hope that the younger lawyers will take over those offices and clients. YLD President Haynes said she has planned visits to the YLD affiliates across the state, and the affiliates' contact information will be placed on the YLD website in an effort to connect the entire state.

Lawyer Competency Task Force

The Executive Committee discussed the Supreme Court's Lawyer Competency Task Force, and members reported on their specific subcommittees.

Topics of Discussion with the Supreme Court

The Executive Committee discussed topics of discussion for the joint meeting of the Supreme Court of Georgia, which directly followed this meeting.

President's Report

President Elizabeth L. Fite had no additional report.

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 2 p.m.

Ivy N. Cadle, Secretary

Approved:

Elizabeth L. Fite, President

D-R-A-F-T
STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE MEETING
MINUTES
Friday, November 5, 2021 at 1 p.m.
Zoom Meeting

Members Participating

Elizabeth L. Fite, President; Sally B. Akins, President-Elect; Tony DelCampo, Treasurer; Ivy N. Cadle, Secretary; Dawn M. Jones, Immediate Past President; Ronald E. Daniels, YLD President-Elect; Bert D. Hummel, IV, YLD Immediate Past President; William C. Gentry; R. Javoyne Hicks; Shiriki Jones; David S. Lipscomb; Martin Valbuena; and Nicki N. Vaughan.

Members Absent

Elissa B. Haynes, YLD President.

Staff Participating

Sarah Coole, Chief Operating Officer; Damon Elmore, Executive Director; Paula Frederick, General Counsel; Bill NeSmith, Deputy General Counsel; and Ron Turner, Chief Financial Officer.

Call to Order

President Elizabeth L. Fite called the meeting to order at 1:08 p.m. Members of the Executive Committee in attendance are indicated above. For the good of the order, President Fite recognized the Atlanta Braves winning the World Series. Go Braves!

Future Meetings Schedule

President Elizabeth L. Fite reviewed the Future Meetings Schedule. She announced the April 2022 meeting will be moving to April 14 to avoid a conflict with Good Friday. The pending contract for the 2022 Spring Meeting is almost complete. President-elect Sally Akins reported that there is no contract for the 2023 Annual Meeting yet, but tentative dates are June 7-11, 2023. President Fite reported there will be a clothing drive benefitting Canine Cellmates at the Midyear Meeting, an organization she volunteers with that is in need of gently used men's business and casual attire.

Executive Committee Minutes

Secretary Ivy Cadle presented for approval the minutes of the September 23, 2021, Executive Committee meeting, which were passed by unanimous voice vote as presented.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: Mark Dermot O'Mara-553115, Janelle Nicole Christian-891644, H. Owen Maddux-465516, Andrew Mourad Shenoda-490908, Erich Jason Schwerd-631329, Louis E. Brizzolara III-083550, Stephen Anthony Fern-259152, Rachel Marie Van Strayhorn-489564, Amy Cara Willis Aaron-674187, Robert Michael Bennison-052172, Arthur Greebler-306667, Maureen Malloy Calderara-102470, Tiffany Adair Timmerman-910484, Lisa Anne Ruff-619075, George L. Strobel II-688590.

Disability Status

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

Member Status Appeals

The Executive Committee, by unanimous voice vote, denied a request by James Matthew Bass for waiver of August late fees.

Amendments to Rules & Proposed Changes

Rule 1-501. License Fees

David Lipscomb made a motion to amend the proposed changes to Rule 1-501, License Fees, to Section (e), to add “(4) good cause for the delinquency.” The Executive Committee, by unanimous voice vote, approved the amendment, and by unanimous voice vote, approved the proposed amendments to Rule 1-501, License Fees. Deputy General Counsel Bill NeSmith will share the proposed changes with the Supreme Court of Georgia before the rules go to the Board of Governors for a vote.

Article III, Section 7. Honorary Members

The proposed changes to Article III, Section 7, Honorary Members, are in line with Robert’s Rules of Order, except for nominating members for the Executive Committee or an officer, which it is silent on. The Executive Committee, by majority vote, approved the amendments to Article III, Section 7, Honorary Members with the following changes: 1) Line 5: remove “er” from “younger”, and 2) Line 11: Add “however” at: “ascertaining a quorum; **however**, honorary members may nominate or second a member of the Bar to serve as a member of the Executive Committee or an officer of the State Bar of Georgia.” These proposed changes will now go to the membership of the State Bar of Georgia at the 2022 Midyear Meeting.

Standing Board Policy 600 (Conflicts of Interest)

Deputy General Counsel Bill NeSmith presented a revised version of Standing Board Policy 600, which deals with conflicts of interest for Bar volunteers. After discussion, the Executive Committee was asked to send further comments to General Counsel Paula Frederick and Deputy General Counsel Bill NeSmith.

Committee Updates

The following committee updates were provided:

- Executive Committee Member Javoyné Hicks reported the Attorney Wellness, Suicide Awareness and Lawyer Assistance Program committees are participating as a team for the Out of the Darkness Walk on Sunday, Nov. 7, and invited everyone to join them.
- Executive Committee Member David Lipscomb reported the Board of Governors voted to sunset the Professional Liability Insurance Committee.
- Executive Committee Member David Lipscomb reported the Disciplinary Rules and Procedures Committee met at the Fall Meeting.
- Executive Committee Member David Lipscomb reported the Board of Governors approved the amendments to the Fee Arbitration rules.
- Immediate Past President Dawn M. Jones said the Georgia Diversity Program has been active. They recently held a CLE focused on mediations and another CLE focused on disabilities and disabled members of the Bar, covering a broad range of topics.
- Immediate Past President Dawn M. Jones reported the Committee to Promote Inclusion in the Profession is also very active. Committee Member Ira Foster has been coordinating Road Map to Law School events at Fort Valley State and Savannah State University.
- Immediate Past President Dawn M. Jones said the Seeking Equal Justice and Addressing Racism and Racial Bias Committee rescheduled their meeting for next month.
- Immediate Past President Dawn M. Jones said the ICLE Board met but did not have a quorum to vote on who would be chairing next year and other items. They will take up those items at their next meeting.
- Executive Committee Member Martin Valbuena reported the Programs Committee will have

its second meeting of the Bar year next week, and they will hear reports on select programs.

- Executive Committee Member Martin Valbuena said the Formal Advisory Opinion Board recently held a meeting and discussed arguments in front of the Supreme Court of Georgia on the opinion that deals with whether a lawyer can contact former employee of a corporation.
- Executive Committee Member Martin Valbuena said the Law Practice Management Committee has created a series of Lunch and Learns through November. The new LPM director, Nkoyo Effiong, started on Oct. 18.
- Executive Committee Member Nicki Vaughan, on behalf of the Indigent Defense Committee, thanked President Fite and President-elect Akins for their interest in a project the committee is working on.
- Executive Committee Member Bill Gentry reported the Children and the Courts Committee is working on multiple legislative issues, including raising the age and equal parenting time.
- President Elizabeth Fite reported the Communications Committee is working on an RFP for a website redesign. The redesign is needed to better connect the separate databases where information is stored and displayed on the Bar's website.
- President Elizabeth Fite reported that the Finance, Personnel and Programs committees have already met and are getting an early start on the budget.
- Treasurer Tony DelCampo said the Investment Committee has been working on changes to the investment strategy.

ACL/Legislative Report

Executive Director Damon Elmore gave the legislative report. He reminded everyone the next meeting of the Advisory Committee on Legislation is on November 30. The deadline for committees or sections to submit proposals to be considered at that meeting is November 23.

Executive Director's Report

Executive Director Damon Elmore reported that the Investment Committee is considering changes to the investment policy, primarily modifying the asset allocation and prohibiting additional items like cryptocurrency. The Bar's fund manager will be invited to the December meeting to further explain the changes and recommendations. Executive Director Elmore said Bar staff has been focused on meetings and long-term planning and budgeting. He said leasing is a big topic right now with Bar Center tenants, and initial conversations have begun regarding securing a new space in Savannah to house the Coastal Georgia Office in an effort to save on rent and find more suitable space. He reported the Conference Center has been much busier with many groups utilizing the space.

Executive Director Elmore shared a draft of a memo that will serve as a closing report for the 2016-2018 strategic plan. He will contact Past President Bob Kauffman to get any additional input regarding the plan. Executive Committee Member Javoyne Hicks and Nicki Vaughan will work with Executive Director Elmore to add additional details to the closing report.

Treasurer's Report

Treasurer Tony DelCampo reported on the finances of the Bar and said everything is fiscally sound.

Office of the General Counsel Report

General Counsel Paula Frederick reported the General Counsel Office Overview Committee has had a rigorous meeting schedule this year, focused on a succession plan for the general counsel position, including setting a timeline and planning for overlap with the successor.

She said the Disciplinary Rules and Procedures Committee has been working on revising Part VII of the disciplinary rules, which deals with advertising and solicitation, bringing our rules more in line with the

ABA model rules. The committee is looking for feedback on what they have drafted. They will hold a 1-hour CLE at the Midyear Meeting to explain the changes, and then they will revise what they have done based on that feedback.

Following a motion, second, and unanimous voice vote, the Executive Committee met in Executive Session to discuss the litigation report. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

YLD Report

YLD President-elect Ron Daniels reported that he has started planning his presidency year and is touring the state meeting with affiliates. He said that YLD leadership were all happy with the joint BOG/YLD Fall Meeting in Savannah.

Lawyer Competency Task Force

President-elect Sally Akins reported that the Lawyer Competency Task Force subcommittees are continuing to meet and form their recommendations to present to the full committee by the end of the year. She said there will be a town hall at the Midyear Meeting with task force members present to answer questions.

President's Report

President Elizabeth Fite reported that she continues to attend local bar meetings when invited, including recent visits with the Columbus Bar, Gwinnett Bar and Savannah Bar. She said that she meets with senior Bar staff weekly to address concerns or any outstanding issues. President Fite also reported that she recorded a Lawyers Living Well podcast with Lawyer Assistance Program Committee Chair Lynn Garson that will be out soon.

Recap of BOG Fall Meeting

President Elizabeth Fite briefly recapped the Board of Governors Fall Meeting:

- The Board voted to keep everything status quo regarding the Professional Liability Insurance Committee's recommendation.
- The Clients' Security Fund \$15 annual assessment passed, along with the rules governing the fund. Those rules will be published on the Bar's website for a comment period and will then go to the Supreme Court of Georgia for their approval.
- The amended Fee Arbitration rules passed. Those rules will also be published on the Bar's website for a comment period and will then go to the Supreme Court of Georgia for their approval.

Old Business

There was no old business.

New Business

- GLSP Executive Director Rick Rufolo is retiring at the end of the year.
- YLD Immediate Past President Bert Hummel announced that he will be leaving Lewis Brisbois and joining a personal injury firm.
- Immediate Past President Dawn M. Jones said the State Disciplinary Review Board is hiring a part-time disciplinary counsel (independent contractor) and if anyone knows of someone who may be interested in the position to send resumes to Jack Long.
- Immediate Past President Dawn M. Jones said ICJE Director Doug Ashworth is retiring as of Feb. 1, 2022. She will provide the job description and further information by email.

Adjournment

There being no further business, the meeting was adjourned at 3:35 p.m.

Ivy N. Cadle, Secretary

Approved:

Elizabeth L. Fite, President

To: Members, Board of Governors

From: Rick Rufolo, Executive Director, Georgia Legal Services Program

Date: December 2021

Re: Update from Georgia Legal Service Program

Georgia Legal Services, like many so many successful organizations, came from humble beginnings. In 1968, the Young Lawyers Section (known now as the Young Lawyers Division or YLD) of the State Bar of Georgia initiated a study to address the civil legal needs of Georgians living in poverty in rural areas of the state. As a result of their report, the YLD created GLSP in 1971 “to provide legal services to indigent persons to the fullest extent possible.” From these humble beginnings 50 years ago, GLSP continues to provide civil legal services for persons with low incomes, creating equal access to justice and opportunities out of poverty.

On a balmy night in December, GLSP honored the Young Lawyers Division at the State Bar of Georgia’s Access to Justice Committee’s Pro Bono Award Ceremony. The event was sponsored by the State Bar of Georgia’s Access to Justice Center and the Pro Bono Resource Center. The Young Lawyers Division was the moving force behind the start of GLSP 50 years ago and without this young, driven group of attorneys and their desire to address the needs of Georgians living in poverty, we may not be here today representing clients like Anna.

Like many Georgians, Anna (client named changed) lost her job during the COVID-19 pandemic. Despite the CDC moratorium disallowing evictions during the COVID-19 pandemic, her landlord was seeking to evict her for non-payment of rent. The sheriff’s office served her an eviction notice for her to vacate the property which would have left Anna and her two children homeless. Through the help of our attorney and the financial assistance provided by Department of Community Affairs (DCA), Anna and her children were able to stay in their home. Our attorney was able to negotiate an agreement so that Anna was eligible to receive future rental assistance that allowed her to be current in her rent. Back on her feet now, Anna has a part-time job that allows her to pay her rent in a timely manner.

Since the beginning of the pandemic in March 2020, GLSP has closed greater than 14,500 cases. Of these, 34% (4,985 cases) involved housing issues including evictions, or those in need of rental assistance. 36% of GLSP's clients were assisted in domestic violence related cases. We helped 574 Georgians access more than \$7 million in medical and public benefits, such as Medicaid, MSP, SNAP, and prescription coverage. Georgia Legal Services Program (GLSP) provides access to justice and opportunities out of poverty for an eligible population of 2.5 million Georgians who reside outside metro Atlanta in 154 of Georgia's 159 counties. For 50 years, GLSP has been helping thousands, like Anna, attain access to justice.

GLSP and YLD may have had humble beginnings, but we owe our success to the shared principles of duty and service to the public. As we continue our commitment, I thank the State Bar of Georgia, the Board of Governors and the State Bar members for supporting our fight for justice for all. Each of us play a vital role in our community.



CHIEF JUSTICE’S COMMISSION ON PROFESSIONALISM

Members

The Honorable David E. Nahmias (Chair)
Chief Justice, Supreme Court of Georgia
Atlanta, Georgia

Ms. LaToya Simone Bell
Houston Circuit Public Defenders Office
Warner Robins, GA

Mr. Michael Scott Boone
Atlanta’s John Marshall Law School
Atlanta, Georgia

Mr. Christopher J. Chan
Eversheds Sutherland (US) LLP
Atlanta, Georgia

Professor Nathan S. Chapman
University of Georgia School of Law
Athens, Georgia

Professor Clark D. Cunningham
Georgia State University College of Law
Atlanta, Georgia

Ms. Elizabeth L. Fite
Rogers & Fite, LLC
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The Gillis Law Firm, LLC
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Davis Bozeman Johnson Law
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Professor Patrick E. Longan
Mercer University School of Law
Macon, Georgia

Mrs. Maria F. Mackay
Watkinsville, Georgia

The Honorable T. Russell McClelland III
State Court of Forsyth County
Cumming, Georgia

The Honorable Shondena Crews Morris
Superior Court of DeKalb County
Decatur, Georgia

The Honorable William M. Ray, II
U.S. District Court, Northern District of Georgia
Atlanta, Georgia

The Honorable Clyde L. Reese III
Court of Appeals of Georgia
Atlanta, Georgia

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Cox Enterprises, Inc.
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Mrs. Nicki Noel Vaughan
Northeastern Judicial Circuit Public Defender’s Office
Gainesville, Georgia

Dr. Monica Willis-Parker
Emory University School of Medicine
Atlanta, Georgia

Supreme Court of Georgia Advisor
The Honorable Justice Shawn Ellen LaGrue
Supreme Court of Georgia
Atlanta, Georgia

Staff
Karlise Y. Grier
Executive Director

TO: Board of Governors of the State Bar of Georgia
FROM: Karlise Yvette Grier
Executive Director, Chief Justice’s Commission on Professionalism
DATE: January 8, 2022
RE: Chief Justice’s Commission on Professionalism

The Chief Justice’s Commission on Professionalism (Commission), the first body of its kind in the nation, was created in 1989 by the Supreme Court of Georgia. The Commission’s primary charge is to enhance professionalism among Georgia’s judges and lawyers. **Chief Justice David E. Nahmias** serves as the current Chair of the Commission. Justice Shawn Ellen LaGrue serves as the Supreme Court Advisor to the Commission. A brief update regarding the Commission’s work as of December 3, 2021, is as follows.

NOMINATIONS FOR THE 22ND ANNUAL JUSTICE ROBERT BENHAM AWARDS FOR COMMUNITY SERVICE

The Commission accepted nominations for the 22nd Annual Justice Robert Benham Awards from October 22, 2021, until **November 30, 2021**. Planning for the 22nd Annual Justice Robert Benham Awards for Community Service awards ceremony is in its early stages, but **the Awards Ceremony is scheduled for Saturday, March 19, 2022**. The Commission will provide updates regarding the awards ceremony at <http://cjcpga.org/nominationsbenhamcsa/>.

COMMISSION GRANTS

The Commission’s Grants Committee led by Judge Susan Edlein accepted Grant Applications through July 15, 2021. The members of the Commission’s Grants Committee, including Judge Edlein, were Mr. Bert Hummel, Judge Andrew Pinson, Ms. Jennifer Davis Ward, and Dr. Monica Willis-Parker. The Commission awards grants for programs or projects that promote legal professionalism as set forth in the Commission’s Grant Criteria. The Commission received five completed grant applications. The Commission awarded four grants to organizations as follows: 1) Judicial Council/Administrative Office of the Courts GA Record Restriction/Expungement Clinics; 2) UGA Foundation/Fanning Institute Horace Johnson Peer Court Initiative; 3) Truancy Intervention Project Georgia, Inc. Cultural Competency for Volunteers; and 4) The Mediation Center of the Coastal Empire Mindful Conflict Management CLE. The Commission will distribute grant funds in January 2022.

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PROFESSIONALISM PAGE ARTICLES

One of the ways the Commission communicates with judges and lawyers is through its Professionalism Page that appears in each issue of the Georgia Bar Journal, which is published six times per year. The October 2021 Georgia Bar Journal Professionalism Page was entitled *2021 Law School Orientations on Professionalism* and is attached hereto as Exhibit A.

COMMISSION ASSISTANCE WITH BAR ASSOCIATION AND SECTION PROFESSIONALISM CLE PROGRAMS

The Commission's Executive Director is available to assist members of the State Bar of Georgia in planning Professionalism CLE programming. Please contact the Commission's Executive Director, Karlise Y. Grier, via e-mail at kygrier@cjcpga.org if you would like assistance in planning a professionalism CLE program.

Commission Website and Social Media

The Commission enjoys communicating with lawyers and judges about professionalism on the Commission's social media platforms and via its website. Tell us what #professionalism means to you and why it matters. Connect with us!

Professionalism 2U: <http://cjcpga.org/2u/>
Twitter: <https://twitter.com/CJCPGA>
LinkedIn: <https://www.linkedin.com/company/cjcpga/>
YouTube: <https://www.youtube.com/user/cjcpga/videos>



2021 Law School Orientations on Professionalism

The Commission thanks all of the lawyers and judges, including the 138 lawyers and judges who served as group leaders for helping to make the 2021 Law School Orientations on Professionalism a great success!

BY KARLISE Y. GRIER

Each year, the State Bar of Georgia Committee on Professionalism and the Chief Justice's Commission on Professionalism conduct a professionalism orientation at every law school in Georgia. This year, 2021, marked the 29th year of the program. The orientations are designed to provide incoming 1Ls with their first introduction to professionalism. As part of the orientations, schools also invited distinguished lawyers or judges to provide professionalism remarks during a plenary session and to administer a professionalism or honor code oath to the students.

Assistant U.S. Attorney for the Northern District of Georgia Michael Herskowitz, who chairs the State Bar subcommittee that organizes the orientations, explained why he volunteers, "Professionalism in the legal field should be embodied from the first day of law school—onwards. That is why I am proud to serve in a leadership role on the Professionalism Committee and work with new law students through-

out the state of Georgia to illustrate the importance of professionalism and integrity in the practice of law," he observed.

Although Chief Justice David E. Nahmias' schedule did not permit him to serve as a 2021 group leader, in a letter to the students he shared: "Over the years, I have enjoyed serving as a group leader at several Professionalism Orientations. I truly believe that judges and lawyers need to emphasize the importance of professionalism to law students from the very start of your legal careers to help you avoid disciplinary issues, but even more to teach that you are part of a professional community. You are now a member of your law school community, and you will eventually be a member of the Bar. You will often interact with one another in stressful, chaotic environments that are designed to be adversarial. But you should never put aside the moral compass that you brought with you to law school or forget that we are all colleagues in a noble profession."





PHOTO BY THE UNIVERSITY OF GEORGIA COMMUNICATIONS DEPT.

Justice Verda M. Colvin addresses students at the University of Georgia School of Law.

State Bar of Georgia President Elizabeth L. Fite, shared in a letter she wrote to the students:

“Beginning with your first moments as a law student, it is important that you establish solid professional and social relationships with your classmates because this is one of the foundational elements of professionalism. While you may not realize it yet, the relationships that you establish with your peers will benefit you throughout your entire professional life. The persons who now share your classroom space will be your professional colleagues once you formally enter the practice of law. Whether you decide to practice law in Georgia or not, the reputation that you build among your classmates will follow you into your professional pursuits.”



PHOTO BY GEORGIA STATE UNIVERSITY COMMUNICATIONS DEPT.

State Bar of Georgia Committee on Professionalism chair and repeat volunteer Josh Bosin (podium) addresses a group of Georgia State College of Law students.

Three of the justices of the Supreme Court of Georgia administered professionalism oaths to the students. Justice Shawn Ellen LaGrue returned to her alma mater, Georgia State University College of Law, to give brief remarks and administer the professionalism oath. During her remarks, Justice LaGrue highlighted the importance of developing professional friendships with other lawyers. She also talked to students about the significance of developing their professional identity at the start of their law school careers. Students at the University of Georgia School of Law also had an opportunity to hear from one of their alumna, Justice Verda M. Colvin. Justice Colvin told students: “From today, your first day of law



PHOTO PROVIDED BY THE SUPREME COURT OF GEORGIA

Justice Carla Wong McMillian virtually administered the professionalism oath to Emory University School of Law students.

PHOTO PROVIDED BY THE SUPREME COURT OF GEORGIA



Justice Shawn Ellen LaGrúa served as a keynote speaker for law students at Georgia State University College of Law.



PHOTO BY THE UNIVERSITY OF GEORGIA COMMUNICATIONS DEPT.

Chief Justice's Commission on Professionalism member and first-time volunteer Francys Johnson spends time with students at the University of Georgia School of Law.

school and for the rest of your life after obtaining your license to practice law, you represent the legal profession for the good and hopefully never for the bad." She also told students no matter your background, demographic, philosophical, political or religious beliefs, you are citizens that have a special responsibility for the quality of justice. "The quality of justice will rest in your hands as our future legal minds and scholars," she said. Justice Carla Wong McMillian, although not an alumna, administered the professionalism oath at the Emory University School of Law. During her remarks to the students, Justice McMillian summarized professionalism as encompassing the 4 C's: competence, character, civility and commitment to the public good.

The heart of the professionalism orientation is the breakout session, during which Georgia lawyers and judges serve

as group leaders and guide students through a discussion of several hypothetical problems. The hypothetical problems are designed to highlight professionalism challenges the students might face in law school or in legal practice. During the 2021 professionalism orientations, all but one of the law schools used hypothetical problems developed by a team of lawyers, judges, law school professors and administrators, and law students, who volunteered with the law school orientations subcommittee of the State Bar's Committee on Professionalism. The volunteer lawyers and judges who served as group leaders attended a training to discuss the hypothetical problems and the relevant professionalism concepts problems before facilitating the discussion with the students.

While the professionalism orientations have traditionally been conducted in

person, this year both Emory University and Atlanta's John Marshall Law School held their professionalism orientations virtually for a second year. It is always exciting to see volunteers who return each year, such as Joshua I. Bosin, chair of the State Bar of Georgia Committee on Professionalism, and volunteers who participate for the first time, such as Chief Justice's Commission on Professionalism member Francys Johnson. The Commission thanks all of the lawyers and judges, including the 138 lawyers and judges who served as group leaders for helping to make the 2021 Law School Orientations on Professionalism a great success! ●



Karlise Y. Grier

Executive Director
Chief Justice's Commission
on Professionalism
kgrier@cjcpga.org

2021 Law School Orientation on Professionalism Group Leader Volunteers

David Addleton	Ramona Condell	Francys Johnson	Bob Norman
Kimberly Aiken	Lawrence Cooper	Eric Johnson	Benjamin Pearlman
Denise Allen	Michael Cross	Carole Jones	Jonathan Pierce
Crighton Allen	Willie Davis	Beth Jones	Polly Price
Amber Arnette	Theodore Davis	Kendall Kerew	Megan Pulsts
Robert Arrington	J. Anderson Davis	Erin King	Kristen Quinton
Bryan Babcock	Luke Donohue	Deborah Krotenberg	Maurice Riden
Spenser Berrios	Ashley Drake	David Krugler	Mark Rogers
Jamal Bethune	Jim Elliott	Kevin Kwashnak	Jennifer Romig
Phill Bettis	David Emadi	Shawn LaGrua	Sana Rupani
William Black	Gary Freed	Eric Lang	Claudia Saari
Mara Block	Frank Gaddy	John Larkins	Jessica Seares
Joshua Bosin	Tiana Garner	Aimee LaTourette	Robert Smalley
Stephen Boswell	Megan Glimmerveen	Brittany Lavalley	Robert Smith
Charles Bowen	Mindy Goldstein	Robert Lavender	Matthew Stoddard
Eric Brewton	Karlise Grier	Thomas Lavender	Meg Strickler
Suzette Broderick	Tom Griner	Katherine Lumsden	Donald SuesSmith
Dean Bucci	James Hays	Alexander Lurey	Henry Tharpe
Brian Burgoon	Beau Hays	Corey Martin	John Thielman
James Butler	Adam L. Hebbard	Nicole Massiah	Torin Togut
Scott Cahalan	Michael Herskowitz	Kevin Maxim	Zack Tumlin
James Carlson	Corey Hirokawa	David McCain	Priscilla Upshaw
Vanessa Carroll	Elizabeth Hodges	Ruth McMullin	Randee Waldman
J. Wickliffe Cauthorn	Stephen Hodges	Michael Melonakos	Thomas Walker
Christopher Chan	David Hoot	Eleanor Mixon Attwood	Kathleen Wasch
David Cheng	Jennifer Hubbard	Leighton Moore	Julayaun Waters
Antoinette Clarington	Shukura Ingram	Ron Mullins	Maria Waters
Lara Ortega Clark	Deborah Jackson	Trish Murphy	Stephen Weyer
Valerie Cochran	Philip Jackson	Bill NeSmith	
Darryl Cohen	LeRoy Jennings	Titus Nichols	

2021 Law School Orientation on Professionalism Keynote Speakers

Atlanta's John Marshall Law School
Judge Eric Richardson

Emory University School of Law
Nora Benavidez
Justice Carla Wong McMillian
(Administration of Professionalism Oath)

**Georgia State University
College of Law**
Justice Shawn Ellen LaGrua

Mercer University School of Law
Judge Sarah S. Harris

University of Georgia School of Law
Justice Verda M. Colvin

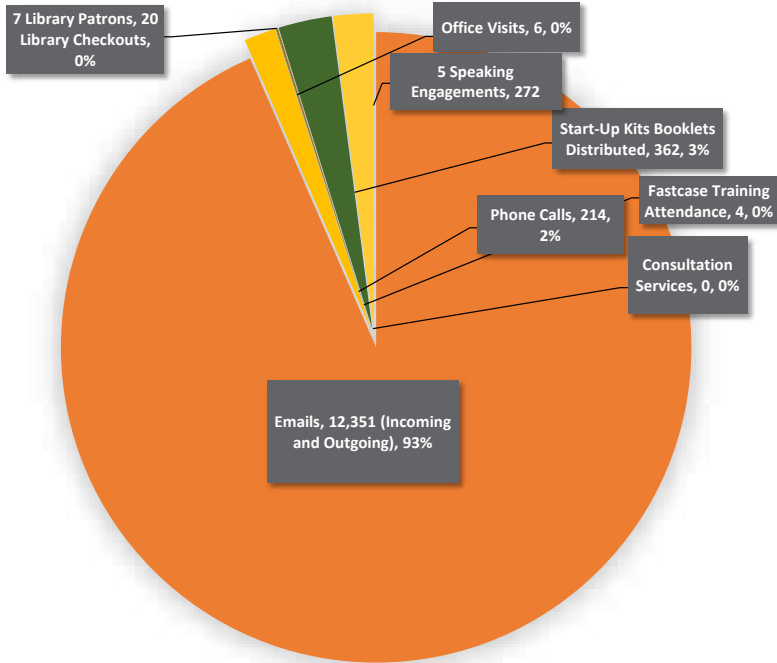
Law Practice Management Program

(Abbreviated report for the 2021-2022 Bar Year)

Members Served by LPMP

Total Number of Members Served 13,216

July 1, 2021 –November 30, 2021



Office Visits/Phone Calls/Emails

A total of **6** member visited LPMP. There were **0** startup discussions, **6** walk-in visits, and **0** visits to the software library conducted by the Program. In addition, LPM distributed **362** *Starting Your Georgia Law Practice* booklets as requested by attorneys, as well as, answered and responded to **214** phone calls and **12,351** emails to and from members.

Consultations

There were **0** general consultation virtual visits during this period due to this service being temporarily suspended. The program resumed scheduling consultations the week of November 29, 2021. During the hiatus, a total of **10** members requested a consultation service.

Resource Library

Our lending library has a grand total of **1,653** 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 **20** items checked out by **7** patrons.

Speaking Engagements

There were a total of **3** completed and scheduled programs during this period. The Program's staff has given **1** 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 **17** Georgia Bar members and law students. **2** programs are scheduled at a future date.

LPMP Advisory Committee "Social Media Made Simple 101" Four-Part Series Webinar CLE Report

There were a total of **4** completed and scheduled programs during this period. The LPMP Advisory Committee has given **4** continuing legal education Zoom webinars. Members can attain 1 general CLE credit per session. Recordings of the webinar will be online at a later date for members to view. Below is a breakout of the sessions:

Date	Webinar Title	Registered	Attended Live Session
11/2/2021	<i>Social Media 101, Part 1: Everything You Wanted to Know About Marketing Your Law Practice ... But Were Too Afraid to Ask ... How to Get Started</i> Speakers: Pamela Peynado, Crystal Kesler and Rodolfo Ruiz Sosa	167	94
11/9/2021	<i>Social Media 101, Part 2: Everything You Wanted to Know About Marketing Your Law Practice ... But Were Too Afraid to Ask ... I think I'm getting the hang of it. Am I doing this right?</i> Speakers: Pamela Peynado, Crystal Kesler and Rodolfo Ruiz Sosa	121	61
11/16/2021	<i>Social Media 101, Part 3: Everything You Wanted to Know About Marketing Your Law Practice ... But Were Too Afraid to Ask ... Becoming a Pro</i> Speakers: Pamela Peynado, Crystal Kesler and Rodolfo Ruiz Sosa	107	58
11/30/2021	<i>Social Media 101, Part 4: Everything You Wanted to Know About Marketing Your Law Practice ... But Were Too Afraid to Ask ... Ethical Issues and Social Media</i> Speaker: Pam Peynado and Leigh Burgess	111	42
Total		506	255

Fastcase Report

Since implementation, **29,562** members have logged on at least once with an increase of **105** first time users this period: Over 50% of our members have used **Fastcase** since it was available as a bar member benefit. There were a total of **21,267** logins since July 1, 2021.

Since implementation, **2,511** attorneys and **114** staff members have attended Fastcase live training. Others have taken advantage of webinar training.

Update on the Fastcase /Casemaker Union

The big project for the first half of the year was to get our Casemaker partners ready to move into the Fastcase platform. With that, all bar associations will be fully transitioned to Fastcase by October 1st, with half already moved. Parallel to that, we have begun moving over data that was only available in Casemaker into the Fastcase platform. This includes pre-1950 caselaw in many jurisdictions, court rule libraries, tribal law from many tribes and much more. Expect a larger update towards the end of the year.

During 2022, bar members can expect a significant improvement to our search and citator within the platform.

Fastcase Reported Issues/Problems	
Issue Reported	Response
Sheila, SBOG Member Benefits Coordinator-9/2/2021: Negative citing cases appeared in the timeline view but quickly disappeared from the screen.	Fastcase Response-9/2/2021: Suggested the development team would have to check into this issue. Most likely, the merge with Casemaker data caused a temporary problem.
Sheila, SBOG Member Benefits Coordinator-11/30/2021: Other calls and emails during this period have to do with user error or forgotten credentials. The Fastcase app is in desperate need of updating. It is very unstable, crashing easily.	Fastcase Response-11/30/2021: The Fastcase App will be getting a major update but no date given.

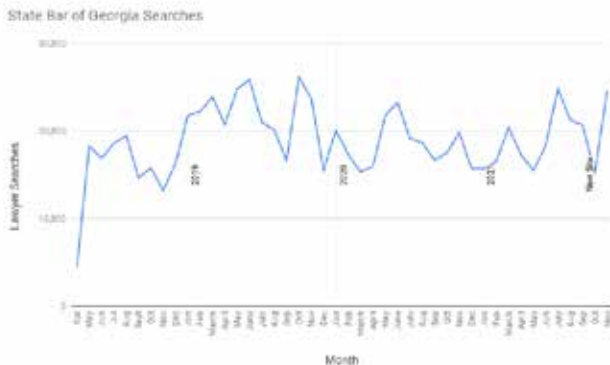
Fastcase Partner Usage Report

	July	Aug	Sept	Oct	Total
First Time Logins	62	43	57	55	217
Total Logins	10,266	11,001	10,482	10,641	42,390
Total Users Who Logged In	2,763	2,846	2,788	2,805	11,202
Searches Conducted	35,772	40,305	36,921	38,894	151,892
Documents Viewed	127,776	146,610	138,343	136,924	549,653
Documents Printed	27,703	30,645	35,286	29,085	122,719
Total Transactions	204,342	231,450	223,877	218,404	878,073

CloudLawyers/ReliaGuide Report

The launch of the new [Find A Lawyer](#) directory is going well. Since the last board update, there have been more than **43,000** site searches. Additionally, there have been **44,998** interactions with member information including **1,011** completed contact form requests and **2,824** clicks on phone numbers and emails.

The bar association is working with [ReliaGuide](#) to spearhead a marketing campaign to raise awareness of the new site and new features available to bar members. Since the last board update, there have been **725** sign in's, **268** members edited their profile and **31** members signed up for Profile Plus (the enhanced profile). The new awareness campaign will include email and social media marketing to increase member engagement, add member content and showcase legal services that are available across Georgia.



State Bar of Georgia – Private Health Insurance Exchange Report
November 19, 2021

WEBSITE ANALYTICS	
Total Users	57,842
Total Sessions	80,071
Total Pageviews	220,052
INDIVIDUAL ENROLLMENTS	
Total Enrollments	4,814
• Medical	1,949
• Medicare Supplement	25
• Dental	683
• Vision	354
• Telehealth	481
• ID Theft Protection	43
• Life/AD&D	988
• Disability	224
• Long-Term Care Enrollments	67
EMPLOYER ENROLLMENTS	
Total Enrollments	1,066
• Medical	597
• Ancillary	295
• Workers' Comp	14
• Professional Liability	158
• Cyber Security	2

PUBLISHED ARTICLES 2021-2022			Headline	Circulation
Date	Newspaper			
5/5/2021	Valdosta Daily Times		Congratulations to new Municipal Court judge	6,215
5/12/2021	Jeff Davis Ledger, Hazlehurst		Congratulations to new solicitor	3,112
5/26/2021	Adel News-Tribune		Congratulations to Chase Studstill on appointment as District Attorney	2,490
5/26/2021	Clinch County News, Homerville		State Bar President congratulates Studstill on appointment as DA	1,350
5/26/2021	Lanier County Advocate, Lakeland		State Bar President congratulates Studstill on appointment as DA	1,250
5/27/2021	Darien News		Sam Oliver appointed to Public Defenders Supervisory Panel for Atlantic Circuit	2,415
6/1/2021	Times Georglian, Carrollton		Swindle reelected to State Bar board	3,504
6/3/2021	Haralson County Gateway-Beacon, Bremen		Swindle re-elected to Board of Governors	1,000
6/18/2021	Daily Report		State Bar Mourns Loss of Clay C. Long	2,243
6/22/2021	Americus Times-Recorder		Judge Rucker Smith Re-Elected to Board of Governors of State Bar of Georgia	2,065
6/22/2021	Covington News		Covington attorney reelected to State Bar of Georgia Board of Governors	3,132
6/22/2021	Jackson Herald, Jefferson		King re-elected to Board of Governors of State Bar of Georgia	4,376
6/23/2021	Albany Herald		Trey Underwood reelected to State Bar Board of Governors	5,271
6/23/2021	Cordele Dispatch		James Hurt Re-Elected to Board of Governors of State Bar of Georgia	2,268
6/23/2021	Champion, Decatur		Georgia legal community mourns loss of Sissie Rary	494
6/23/2021	Jeff Davis Ledger, Hazlehurst		Tiliman elected to State Bar Board	3,112
6/23/2021	Meiter Advertiser		Jerry Cadle is elected to State Bar Board of Governors	1,627
6/23/2021	Walton Tribune, Monroe		Geoffroy reelected to State Bar's board	4,249
6/23/2021	Forest-Blade, Swainsboro		Cadle elected to Board of Governors of State Bar of Georgia	3,938
6/23/2021	News-Reporter, Washington		Hammond elected to State Bar of Ga. For Toombs Circuit	1,987
6/24/2021	Toccoa Record		Irvin re-elected	3,444
6/26/2021	Daily Tribune News, Cartersville		Mroczko re-elected to State Bar of Georgia's board of governors	4,986
6/26/2021	Daily Citizen-News, Dalton		Smalley re-elected to State Bar of Georgia Board of Governors	5,320
6/26/2021	Henry Herald, McDonough		Judge Amanda Flora elected to Board of Governors of State Bar of Georgia	1,250
6/28/2021	Gwinnett Daily Post, Lawrenceville		Gwinnett County Bar Association honored by State Bar of Georgia	50,011
6/30/2021	Blackshear Times		Strickland re-elected to Board of Govs of State Bar of GA	2,469
6/30/2021	Elberton Star		Higginbotham elected to board	2,531
7/1/2021	Log Cabin Democrat, Conway (AR)		Hendrix College graduate elected President of Georgia State Bar	3,925
7/1/2021	Pickens County Progress, Jasper		Pickett re-elected to Board of State Bar of Georgia	4,286
7/1/2021	Press-Sentinel, Jesup		Tiliman elected to Board of Governors, State Bar of Georgia	4,055
7/1/2021	Gwinnett Daily Post, Lawrenceville		Gwinnett County attorneys re-elected to State Bar of Georgia leadership posts	50,011
7/7/2021	Cairo Messenger		Payne re-elected to board of State Bar	6,083
7/7/2021	Monroe County Reporter, Forsyth		Forsyth's Jenkins re-elected to lead State Bar of Georgia	3,920
7/14/2021	Dahlonega Nugget		Jerry Bruce appointed as Georgia child advocate	3,994
7/15/2021	Clayton Tribune		McNatt remembered for courtroom eloquence	3,480

7/16/2021	Jackson Herald, Jefferson	Congratulations to new Piedmont Circuit Bar Association officers	4,376
7/21/2021	Covington News	State Bar congratulates scholarship winners	3,132
7/21/2021	Moultrie Observer	Legal community mourns Schwall	2,947
7/22/2021	Daily Tribune News, Cartersville	Bar offers its condolences on loss of Ed Clary	4,986
7/24/2021	Walton Tribune, Monroe	Congratulations to New Rock scholar winners	4,249
7/28/2021	Walton Tribune, Monroe	Daily earns Bar Leadership Award	4,249
7/29/2021	Clayton Tribune	Congratulations to Rickman	3,480
8/2/2021	Coastal Courier, Hinesville	Luke Moses Honored by State Bar of Georgia's Young Lawyers Division	3,100
8/5/2021	Gwinnett Daily Post, Lawrenceville	Duluth attorneys honored by State Bar of Georgia's Young Lawyers Division	50,011
8/10/2021	Griffin Daily News	State Bar of Georgia congratulates Kreuziger	3,331
8/11/2021	Daily Report	Ga. Legal Community Mourns Loss of John T. Marshall	2,243
8/11/2021	Walton Tribune, Monroe	Legal Precedents: Walton's first 2 female attorneys set a path	4,249
8/25/2021	Atlanta Daily World	Congrats to Georgia State University Law Dean	1,000
10/12/2021	Union Recorder, Milledgeville	Congratulations to new Georgia College & State University President Cathy Co	4,353
10/13/2021	Savannah Tribune	Congratulations to Judge Colbert on Appointment to State Commission	4,000
11/20/2021	Albany Herald	Attorney Patrick Flynn recognized for state appointment	5,271
11/23/2021	Marietta Daily Journal	Cobb attorneys congratulated	9,515
11/26/2021	Champion, Decatur	Congratulations to DeKalb judge, attorney on appointments to state commissio	494
12/3/2021	Brunswick News	State Bar remembers Brunswick lawyer	10,009
		TOTAL CIRCULATION	324,643

