

# Board Book

State Bar of Georgia  
Board of Governors  
Agenda Book



2014 Midyear Meeting  
Atlanta, Ga.



**STATE BAR OF GEORGIA**

**250<sup>th</sup> BOARD OF GOVERNORS MEETING**

**Saturday, January 11, 2014**

**9:00 a.m.–12:00 p.m.**

InterContinental Buckhead

Atlanta, Georgia

*Dress: Casual*

**AGENDA**

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

- a) **Welcome and Call to Order** .....Buck Ruffin, President
- b) **Recognition of Former Presidents, Judges** .....Buck Ruffin  
**And Special Guests**
- c) **Roll Call (by signature)** .....Rita Sheffey .....1-7  
Secretary

**2) CONSENT AGENDA**

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

- a) **Minutes of the 249<sup>th</sup> Meeting** .....Rita Sheffey .....8-12  
**of the Board of Governors**
- b) **Executive Committee Minutes (information)** .....Rita Sheffey .....13-26  
(1) September 13, 2013  
(2) October 21, 2013
- c) **Future Meetings Schedule (information)** .....Buck Ruffin .....27-28
- d) **Judicial Qualifications Commission** .....Buck Ruffin  
Appointment of James B. Franklin, 2013-2017

### 3) Members Meeting (All active members of the State Bar may vote.)

- a) Deletion of Resolutions Committee.....Bob McCormack..... 29  
Bylaw Article II, Section 5

### 4) LEGISLATION

- a) Legislation .....Buck Ruffin, Rusty Sewell  
Jim Collins, Roy Robinson  
Meredith Weaver  
Thomas Worthy, Zac Johnson
- b) Advisory Committee on Legislation .....Dan Snipes, Chair ..... 30-31  
Recommendations from Dec. 5, 2013 Meeting  
(action)
- (1) Unauthorized Practice of Law Proposal..... Jeffrey Schneider, Chair ....32-34  
Real Property Law Section
- (2) Support of HB 674..... Nicki Vaughan ..... 35-39  
State Funded Positions for Juvenile Court Indigent Defense Committee
- c) 2014 General Assembly Preview.....Rusty Sewell
- d) 2014 Legislative Forum .....Buck Ruffin

### 5) ACTION

- a) Civil Legal Services Task Force.....Rita Sheffey..... 40-55
- (1) IOLTA Rate Comparability Randy Evans  
Proposed Amendments to Bar Rule 1.15 Paula Frederick  
and New Part XV
- b) New Section Requests:.....Bob McCormack
- (1) Law and Economics Section..... John Cole ..... 56-60  
John Kennedy
- (2) E-Discovery & Use of Technology Section..... Rachel Zichella ..... 61-69

c) <b>New Members Dues Proration</b> .....	Bob McCormack.....	70
d) <b>Resolution Honoring Officer James Neal Bowers</b> ..	Buck Ruffin.....	71-72

## 6) ELECTIONS

a) <b>Nominations of State Bar Officers</b> .....	Buck Ruffin.....	73-78
<b>(nominations = 5 minutes, seconds = 2 minutes)</b>		
1 year terms 2014-2015		
(1) Office of Treasurer		
(2) Office of Secretary		
(3) Office of President-elect		
b) <b>Nominations of ABA Delegates</b> .....	Buck Ruffin	
<b>2 year terms September 2014- August 2016</b>		
(1) Post 1 to succeed Rudolph N. Patterson		
(2) Post 3 to succeed Cubbedge Snow Jr.		
(3) Post 7 to succeed Gerald Edenfield		

## 7) INFORMATIONAL REPORTS

a) <b>President’s Report</b> .....	Buck Ruffin	
b) <b>Young Lawyers Division Report</b> .....	Darrell Sutton. ....	79-97
	YLD President	
c) <b>Treasurer’s Report</b> .....	Bob Kauffman .....	98-102
	Treasurer	
(1) 2014-2015 Budget Timetable.....		103
d) <b>ABA Report</b> .....	Paula Frederick	
e) <b>Long Range Planning Committee Report</b> .....	Pat O’Connor .....	104-105
f) <b>Law Day 2013 Report</b> .....	Rita Sheffey.....	106-109

## **8) WRITTEN REPORTS**

a) Office of General Counsel Report .....	110-113
b) Military Legal Assistance Program Report .....	114-123
c) Law Practice Management Program Report .....	124-126
d) Consumer Assistance Program Report.....	127-128
e) South Georgia Office Usage Report .....	129-130
f) Coastal Georgia Office Usage Report .....	131-132
g) Medical Malpractice Reform Article .....	133-135
h) July 2013 Georgia Bar Examination General Statistics Summary .....	136
i) Spring Street Viaduct Replacement Project .....	137

## **9) CLOSING**

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

**Board of Governors Attendance Record**

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

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

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



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

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	Myrtle	Myrtle	ATL	Jekyll	ATL	Oconee	Sav	Sav	Jekyll	ATL	Oconee	HH	HH	Jekyll
Ronald A. Lowry	•	•			•		•	•		•	e	•	•	
Samuel M. Matchett		•	•	e	•					•	•		•	e
William R. McCracken	•	•		•	•	•			•	•	e		•	•
Brian A. McDaniel					•	•	e	e		•				•
Letitia A. McDonald	e	e	•	e	•	•		•	•	•	•	•	•	e
Brad J. McFall		e			•	•				•	•			e
A. Dionne McGee	n/a	•	•	e	•	•	•	•	e	•	•	e	e	e
Ashley McLaughlin	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•						
Michael D. McRae			•		•	•				•				•
Terry L. Miller	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•
W. Benjamin Mitcham, Jr	•	•		•	•		•	•	•	•	•		•	•
Jeffery O'Neal Monroe			•	•	•		•	•		•				•
G.B. Moore III	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	e	•	•	•	•	e
Laura J. Murphree	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	e
Gwyn P. Newsom	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•	•	•
Sam G. Nicholson	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Dennis C. O'Brien	•	•	•		•	e	•	•	•	•	•	•	•	e
Pat O'Connor	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Samuel S. O lens			•		•								•	
Jonathan B. Pannell	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•
Carson Dane Perkins					•	•						•	•	•
Patrise Perkins-Hooker	•	•	•	•	•	•	•	•	•	•	•	•	•	•
R. Chris Phelps		•	•	•	•	•			•		•		•	•

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

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

**D-R-A-F-T**  
**STATE BAR OF GEORGIA**  
**BOARD OF GOVERNORS**  
**MINUTES**  
**November 2, 2013**  
**Jekyll Island Club/Jekyll Island, GA**

The 249<sup>th</sup> meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Charles L. Ruffin, President, presided.

Special Recognition

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

Roll Call

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

Special Resolution

President Ruffin presented a resolution (Exhibit B) to former Chief Justice and now Presiding Justice Carol Hunstein for her numerous contributions to the rule of law, to the justice system and the people of Georgia, and to the State Bar of Georgia.

Special Recognition

Cliff Brashier was recognized for attending his 175<sup>th</sup> consecutive meeting of the Board of Governors.

Consent Agenda

President Ruffin presented the Consent Agenda. Following a request to remove item number 4) on the consent agenda, and there being no objections to any of the other items remaining on it, a motion was made and seconded to approve the remaining items:

- 1) Board of Governors Minutes  
The minutes of the June 21, 2013, and the June 22, 2013, Board of Governors Minutes, as presented.
- 2) Executive Committee Minutes (information)  
The minutes of the May 23, 2013, June 26, 2013, and July 2, 2013 Executive Committee Minutes, as presented.
- 3) Future Meetings Schedule (information)  
The Future Meeting Schedule, as presented.
- 4) Judicial Qualifications Commission  
The appointment of Graham A. Thorpe for a four-year term (2013-2017).
- 5) Commission on Continuing Lawyer Competency  
The reappointment of Robin Frazer Clark and R. Javoyne Hicks White for three-year terms (2014-2016).

The Board of Governors, by unanimous voice vote, approved the Consent Agenda with the exception of the following matter that was removed from it for separate discussion:

### Judicial Qualifications Commission

Following a discussion on the appointment of Graham A. Thorpe to the Judicial Qualifications Commission, the Board of Governors, by majority hand vote, approved a motion to table the issue.

### Civil Legal Services Task Force

Randy Evans, Secretary Sheffey, and Paula Frederick, on behalf of the Civil Legal Services Task Force that is charged with helping garner more funds for civil indigent legal services programs, presented proposed revisions to Bar Rule 1.15 (Parts I, II and III), and a newly created Part XV consisting of rules for the Georgia Bar Foundation designed to establish IOLTA rate comparability. The Board of Governors, by majority hand vote, approved a motion to table the issue so as to allow further review of the proposed revisions.

Randy Evans and Secretary Sheffey reported that the Task Force is also looking at raising pro hac vice fees for the Superior Courts and implementing fees at all levels of the courts in Georgia. It is considering a fee of \$75 for each application for pro hac vice admission, and a \$200 annual registration fee regardless of the number of pro hac vice admissions, with net fees over expenses paid to the Georgia Bar Foundation to support civil legal services. The Task Force plans to present a proposal for consideration at the Midyear Meeting, but asked the Board to approve the concept in principle. The Board of Governors, by majority voice vote, approved in principle the concept of using pro hac vice fees to help support civil legal services funding.

Randy Evans and Secretary Sheffey asked the Board members to let the Task Force know of any other ideas they might have to help increase funding for civil indigent defense.

### Legislation

Following a report by Dan Snipes, the Board of Governors took the following action on proposed legislation:

<u>Legislative Proposal</u>	<u>Germane to Purposes Of the Bar</u>	<u>Support on Merits 2/3 Majority</u>
Committee to Promote Inclusion in the Profession		
1) Funding Request for Victims of Domestic Violence (\$2.5 million)	Passed by unanimous voice vote	Passed by 2/3 <sup>rd</sup> 's voice vote
2) Georgia Resource Center Funding (\$800,000) for 2014 Fiscal Year	Passed by unanimous voice vote	Passed by 2/3 <sup>rd</sup> 's voice vote

Dan Snipes announced that the Advisory Committee on Legislation will next meet at the State Bar Building on December 5, 2013, and there is still time to get legislative proposals on the agenda.

### Citizens' Advisory Council

Past President Lester Tate reported on the Citizens' Advisory Council, a voluntary coalition of non-lawyer community business leaders from around the state whose members are nominated by the Board of Governors. There will be an orientation reception and other events held during the Midyear Meeting for the Council members. The deadline for Board members to submit their nominations is December 1.

### Grass Roots Legislative Events

Rusty Sewell provided an update on the State Bar's grass roots legislative efforts. It was suggested that in addition to working with the local bar presidents and the State Bar Sections, that it also connect with the

Board of Governors members around the state who can be a valuable resource in helping to further promote the program.

#### 2013 Final Legislative Report

Rusty Sewell reported on last year's legislative session and carry over legislation that will be considered this year. He stated that the 2014 legislative session is expected to move quickly due to the changes in the state's elections schedule. The Board of Governors received the Annual Report on the Legislative Activities of the State Bar of Georgia for 2013.

#### New Section Request – Law and Economics Section

This item was deferred to the next Board of Governors meeting.

#### President's Report

President Ruffin reported on the State Bar's 50<sup>th</sup> Anniversary Celebration. The program includes guest speaker Governor Nathan Deal, a discussion on the benefits of a unified Bar, a humorous segment by Past Presidents Bill Barwick and Bob Brinson, and a replay of portions of the Walk Down Memory Lane video. There will also be a CLE program on Friday morning moderated by Justice Benham on the unification of the State Bar.

President Ruffin provided an update on the National Constitutional Law Symposium, March 12-14, 2014, celebrating the 225<sup>th</sup> anniversary of the U.S. Constitution's ratification. Participants will include U.S. Supreme Court Justice Antonin Scalia and either Justice Stephen Breyer or Justice Elena Kagan, David Oedel, and other distinguished guests.

President Ruffin reported that he has met with the Secretary of State to discuss the continuing problems with its website and also plans to meet with the Governor's office. While some of the issues have been corrected, many problems remain that need to be resolved.

#### Treasurer's Report

Treasurer Bob Kauffman reported on the Bar's finances and investments. The Board of Governors also received a summary report of the State Bar of Georgia Revenues and Expenditures Report as of August 31, 2013, the Income Statement YTD for the two months ending August 31, 2013, the State Bar Balance Sheet as of August 31, 2013, and the State Bar of Georgia Revenues and Expenditures Report for the Bar Center as of August 31, 2013.

#### YLD Report

YLD President Darrell Sutton reported on the activities of the YLD. One of his goals this year is to secure permanent funding for the Public Interest Internship Program (PIIP). He is hoping to establish an endowment and raise \$150,000 for the program this year. The program will also be the beneficiary of the 8<sup>th</sup> Annual Signature Fundraiser that will be held on February 8, 2014, and he encouraged Board members to consider one of the sponsorship opportunities and to attend the event. He referred the Board members to the written report outlining his other initiatives and other activities of the YLD committees.

#### Real Estate Task Force

President-elect Patrise Perkins-Hooker provided an update on the activities of the Real Estate Task Force.

#### ABA Report

Paula Frederick reported on the activities of the ABA House of Delegates at the August ABA Annual Meeting.

Private Insurance Exchange

Treasurer Bob Kauffman reported on a private insurance exchange that will be offered to Bar members by Member Benefits, Inc. (formerly BPC Financial) that is the broker recommended by the State Bar for health, dental and vision insurance plans. The exchange is an on-line market place designed to assist individual members and employer groups in securing health insurance coverage.

Elections Committee: New Elections Policy

Thomas Burnside reported on a new Standing Executive Committee Policy 1000 concerning State Bar elections.

SOLACE Program

Past President Ken Shigley reported on the activities of the SOLACE Program.

Long-Range Planning and Bar Governance Committee

Pat O'Connor provided an update on the activities of the Long-Range Planning and Bar Governance Committee and referred the Board of Governors to the committee's written report. He announced that the committee is sponsoring a CLE at the Midyear Meeting on Thursday morning, January 9, 2014, on the future of the practice of law. Panelists include Past President Linda Klein, Bucky Askew and Allan Tanenbaum.

Chief Justice's Commission on Professionalism

Dawn Jones reported that the Chief Justice's Commission on Professionalism is celebrating the 25<sup>th</sup> Anniversary of the Chief Justice's Commission on Professionalism. The Commission is also accepting nominations for the 15<sup>th</sup> Annual Justice Benham Community Service Awards Program. The Board of Governors received a written report on all of the activities of the Chief Justice's Commission on Professionalism.

Annual Meeting Survey

The Board of Governors received a copy of the results of the 2013 Annual Meeting Survey.

Suicide Awareness Campaign "How to Save a Life"

The Board of Governors received a copy of the written materials that will accompany the suicide prevention video as part of the State Bar's suicide awareness campaign.

Office of General Counsel

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

Military Legal Assistance Program

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

Consumer Assistance Program

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

Law Practice Management Program

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

BASICS

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



ABA 2013 Charles Dorsey Award (Steve Gottlieb)

The Board of Governors received information about Steve Gottlieb being chosen as the recipient of the ABA Government and Public Section Lawyers Division's 2013 Dorsey Award.

Old Business

There was no old business.

New Business

There was no new business.

Remarks, Questions/Answers, Comments and Suggestions

The President opened up the meeting for questions and comments.

Adjournment

There being no further business, the meeting was adjourned.

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Rita A. Sheffey, Secretary

Approved:

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Charles L. Ruffin, President

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES**

**Friday and Saturday, September 13-14, 2013  
Planters Inn/Charleston, South Carolina**

Members Present:

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

Members Absent:

Phyllis Holmen.

Staff Participating:

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

Recognition of New Executive Committee Members

President Buck Ruffin recognized the two new Executive Committee members, YLD President-elect Sharri Edenfield and Member-at-Large Ken Hodges.

Consent Agenda

President Ruffin presented the Consent Agenda. Requests were made to remove the following five items from the Consent Agenda: the May 23, 2013 Executive Committee Minutes, and Members' Requests from Brandon White, Michael Hession, Jeannine Novack, and Sharon Wichter. There being no objection to any of the remaining items, a motion was made and seconded to approve the remaining Consent Agenda items:

- a) Previous Executive Committee Minutes of May 23, 2013, June 26, 2013, and July 2, 2013 (Current Versions)
- b) Future Meetings Schedule (Current Version)
- c) Georgia Legal Services Programs Board of Directors Appointment – Stan Jones 2013-15
- d) Members Requesting Resignation (approve): Lisa P. Wilcox, 758527; Valerie Nicole Teal, 504890; Julie Marburger, 196461; Gary Parker, 562350; James Donnell Bolton, 66212; Eleanor M. Maccorkle, 462935; John Robert White Jr., 754350; Thadeus Matthew Creech, 533164; John S. Graettinger Jr., 304075; Otis E. Sain Jr., 622225; David Paul Bains, 32455; Bruce Canetti, 842656; Julie M. Clifford, 170162; Cecil G. Foster, 270475; Howard Atkins, 26640; Elizabeth J. Barry, 40337; Terry S. McRae, 499175; Matthew T. Butler, 548089; Mark Ehrlich, 234255; Vickie G. Sachs, 307775; Nicholas Farrell, 140977; Dwayne A. Morris, 557663; Michael D. Simpson, 648150; Courtney M. Taylor, 148055; G. Brinson Williams, 761700; Edgar B. Williams Jr., 761510; Brian P. Turcott, 718643; William R. Lawrence, 439930; Ann Talman, 779650; Steven J. Hirsch, 357250; Jennifer W. Adams, 749655; Courtney Dunbar Jones, 141540; Renee V. Cooper, 142068; Terence J. Centner, 118193; Martha L. Fox, 519631; John Wesley Fudge Jr., 217058; Ridney C. Floyd, 266425; J. Elizabeth Dobbs, 223455; Larry Estridge,

250700; Corey R. Amundson, 16109; Jeffrey M. Blankenship, 62552; J. Patrick Sutton, 693786; Adam J. Long, 422575; Madeline Johnston, 396710; Linton K. Crawford Jr., 194156; Joseph A. Pachnowski, 558552; Julie A. Chambers, 119350; Andrea J. Vaughn, 324117; Diane Griffin Holland, 310765; Melody Bock, 65125; Thomas Muehleek, 527887; Roger Wood, 775732; Livia Santschi, 106139; Caitlin Lee Decatur, 215480; Richard P. Schultz, 630375; LaShanda Taylor, 700715; Russell Scott Buhite, 93944; Shona Narula Singer, 142144; Geoffrey H. Cederholm, 118035; Eva P. Cederholm, 561186; Bradley Jason McGiboney, 326626; Barry F. Shea, 638650; Kimberly Jean Potter, 585624; Effie Teresa Miller, 506572; Daniel A. Blumenthal, 64064; Cristina M. Meneses, 420144; C. McBrier Maloney, 468105; Ira Cohen, 174378; Solomon H. Ashby Jr., 24447; Frederick Tanne, 697527; Robert Skidmore, 650395

- e) Members Filing Petition for Disability (approve): Carolyn A. Baer, 003035; Patsy L. Young, 782598; Karen K. O’Riordan, 140939; Patrick Scott Reid, 599966
  
- f) Approval of Members’ Requests:
  - 1) Athens-Clark County Solicitor General’s Office: Ryan S. Hope, William Fleenor, Keenan Howard, Janna Landreth, Lauren Ellison, Carroll Chisholm, Jr., Barbara Quilliams (waive all)
  - 2) Andrea Baird (waive)
  - 3) Juniata Ford (waive and refund)
  - 4) Sara Beth Myers (waive)
  - 5) Sara Jones (deny)
  - 6) Harris S. Fried (waive and extension to Oct. 15)
  - 7) Brandon White (deny appeal to waive Fitness)
  - 8) Nancy O’Quinn (waive Fitness requirement)
  - 9) Michael Hession (waive Fitness requirement)
  - 10) Susan Bronston Sullivan (deny appeal for Fitness waiver)
  - 11) Jeannine Novack (deny appeal to waive Fitness, retake exam)
  - 12) Walter Ruiz (grant military dues waiver)
  - 13) Sharon Wichter (deny military dues waiver)
  - 14) Robert Lay Martin (grant military dues waiver)
  - 15) Shornden G. McCloud (waive Fitness requirement)

The Executive Committee, by unanimous voice vote, approved all of the above items on the Consent Agenda with the exception of the following matters that were removed from it for separate discussion:

Executive Committee Minutes

The Executive Committee, by majority voice vote, approved as revised the minutes of the May 23, 2013 Executive Committee meeting. President-elect Patrise Perkins-Hooker abstained.

Approval of Members’ Requests

The Executive Committee took the following action on four Members’ Requests:

- 1) Brandon White – approved, by unanimous voice vote, to waive the Fitness requirement.
- 2) Michael Hession – approved, by majority voice vote, to waive the Fitness requirement.
- 3) Jeannine Novack – approved, by unanimous voice vote, to send a recommendation to the Board of Bar Examiners that it consider only requiring her to go through the Fitness requirement, but not require her to retake the Bar exam. The Executive Committee asked Paula Frederick to relay

this recommendation to the Board of Bar Examiners and report its decision back to Executive Committee.

- 4) Sharon Wichter – approved, by unanimous voice vote, her request for a military dues waiver.

#### 2013-2014 Legislative Representation

Following a report by President Ruffin, the Executive Committee, by unanimous voice vote, approved the recommendation of the Legislative Representation Committee to retain Capitol Partners (Rusty Sewell and Wanda Segars) for the 2013-14 Bar year at a cost of \$183,000. The cost will be paid out of the voluntary contributions in the Legislative and Public Advocacy Fund.

#### 2013 Grass Roots Legislative Events

President Ruffin and Zach Johnson provided a report on the Bar's legislative grass roots efforts. The Executive Committee received a list of upcoming Grass Roots Legislative Events for November and December 2013.

#### Citizens Advisory Council

President Ruffin and Past President Lester Tate provided a report on the Citizens Advisory Council (CAC). CAC, which previously was called the Presidents' Advisory Council, is a voluntary coalition of non-lawyer, "grass-top" business leaders from around the state of Georgia whose members are nominated by the Board of Governors. A new Standing Committee is being proposed to oversee the CAC. It will be comprised of the current president and the preceding eight presidents, and chaired by Past President Tate.

#### 2013 Final Legislative Report

The Executive Committee received a written Annual Report on the Legislative Activities of the State Bar of Georgia for 2013.

#### 2014 Legislative Update

The Executive Committee received information on the upcoming legislative session. The House Judiciary Committee, chaired by Wendell Willard, has held the first of several meetings on proposed legislation regulating e-discovery. The first meeting of the Advisory Committee on Legislation will be September 27, 2013. Legislative proposals to be considered at that meeting include: 1) a domestic violence funding request of \$2,500,000 for the 2015 fiscal year by the Committee to Promote Inclusion in the Profession, 2) a Resource Center Funding request of \$800,000, and 3) the Franchise and Distribution Law Section's proposed amendments to OGCA §10-1-410.

#### Resolution for Chief Justice Carol Hunstein

Following a report by President Ruffin, the Executive Committee, by unanimous voice vote, approved as revised (Exhibit A), a Resolution Recognizing Chief Justice Carol W. Hunstein for Outstanding Service to the Justice System of the State of Georgia.

#### Private Insurance Exchange by Member Benefits

Treasurer Bob Kauffman provided a report on a private insurance exchange being set up by Member Benefits, Inc. (formerly PBC Financial) that the Bar's Member Benefits Committee is recommending be considered as a recommended exchange for Bar members. Chip Telfry and Nick Telfry of Member Benefits, Inc. made a presentation on the private Health Insurance Exchange they have designed to assist individual members and employer groups in securing health insurance coverage. The Florida Bar will provide the Member Benefits, Inc. exchange to Florida Bar members beginning October 1, 2013. Thereafter, the Executive Committee, by unanimous voice vote, approved recommending the Member Benefits, Inc.'s Health Insurance Exchange to members of the State Bar of Georgia as a preferred

provider of a private insurance exchange. The exchange should be branded as the Member Benefits, Inc.'s Health Insurance Exchange and not the State Bar of Georgia's Exchange.

The Executive Committee received a Member Benefits, Inc. Insurance Summary Report for the period of January through August 2013.

#### Real Estate Task Force

Following a motion, second, and unanimous voice vote, the Executive Committee went into Executive Session. Thereafter, a motion was made, seconded, and unanimously approved by voice vote to move out of Executive Session.

#### Proposed New Election Rules, Bylaws & Policies

Following a report by Secretary Rita Sheffey, the Executive Committee, by unanimous voice vote, approved a new Standing Executive Committee Policy regarding State Bar of Georgia Elections (Exhibit B). The Executive Committee also discussed having the Elections Committee consider Executive Committee elections by post instead of group, Board elections by majority instead of plurality, a declaration of intent to re-run or run for the Executive Committee in advance of the Annual Meeting, and setting minimum qualifications for officer positions. There was also some interest in having officer candidates speak in lieu of nominations.

#### State Bar Credit Cards

Following a report by President-elect Patrise Perkins-Hooker, and after distributing a draft Bar Officer Corporate Credit Card Policy for Executive Committee review, the Executive Committee, by unanimous voice vote, 1) approved State Bar credit cards for six Officers (President, President-elect, Immediate Past President, YLD President, YLD President-elect, and YLD Immediate Past President), each with a \$5,000 limit that can only be replenished after the officer provides receipts for their charges, and 2) approved a limit increase from \$10,000 to \$20,000 for the Director of Meetings. The Executive Committee asked that the Bar Officer Corporate Credit Card Policy be amended to state what happens in the event an Officer makes improper charges, and that in doing so, the use of the credit card is subject to revocation. For the record, President Ruffin, Immediate Past President Robin Frazer Clark, and YLD President Darrell Sutton stated they do not want a State Bar credit card. President-elect Patrise Perkins-Hooker noted that she does want a State Bar credit card.

#### Pro-rated Dues/Assessments for New Attorneys

YLD President Darrell Sutton and Treasurer Bob Kauffman provided a report on pro-rating Bar dues. The idea is that whenever a lawyer initially joins the State Bar, his or her annual dues would be pro-rated by the number of months remaining in the Bar year. While the current Membership database has monthly proration as a feature, there will be a small amount of programming needed to implement the change, which can be done this winter when the Bar reworks the online payment system. Following that, the Executive Committee asked that Bob McCormack draft a proposal that pro-rates Bar dues on a monthly basis for the next Executive Committee meeting.

#### Sponsorship Request – 2014 Conference of Chief Justices

Treasurer Kauffman provided a report on a sponsorship request from the Administrative Office of the Courts for the Conference of Chief Justices that will be at Sea Island in January 2014. Since the amount to be requested has not yet been determined no action was taken on the request. The Executive Committee asked that Treasurer Kauffman explore what other State Bars have contributed for past conferences.

#### Resolutions Committee, Bylaw Article II, Section 5

Following a report by Bob McCormack, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the dissolution of the Memorials/Resolution Committee.

#### New Section Request – Law and Economics

Following a report by President Ruffin, the Executive Committee, by majority voice vote, approved recommending to the Board of Governors the creation of a Law and Economics Section, subject to Executive Committee oversight and prior review and approval of any proposed subject of study or article to be published. The purpose of the section is to increase awareness of the economic impact of statutes, regulations, and case-law decisions by bringing together lawyers and scholars to discuss and study such issues. Since Sections' bylaws state that only Bar members in good standing may be members of Sections, any non-lawyer scholars will be advisors to this new Section.

#### Presidents' Report

President Ruffin reported on the State Bar's 50<sup>th</sup> Anniversary Celebration that will take place in conjunction with the 2014 Midyear Board of Governors meeting in Atlanta. The celebration will take place in lieu of the traditional dinner for the Board of Governors. It will feature Governor Nathan Deal as the guest speaker and a special awards ceremony recognizing members who have made major contributions to the Bar over the last 50 years. Linton Johnson is working on a desk book about the history of the legal profession in Georgia as part of the celebration.

President Ruffin also gave a report on the National Constitutional Law Symposium, March 12-14, 2014, to celebrate the 225<sup>th</sup> anniversary of the U.S. Constitution's ratification. Participants will include U.S. Supreme Court Justice Antonin Scalia and either Justice Stephen Breyer or Justice Elena Kagan, Georgia Supreme Court Justice David Nahmias, Georgia Attorney General Sam Olens, Pulitzer Prize winner and Medal of Freedom recipient David McCullough, and other prominent national legal scholars and historians. As the program is being finalized, President Ruffin will prepare a budget for the Executive Committee's information. The program's costs are to be paid out of the Cornerstones of Freedom budget.

Immediate Past President Clark reported that the Suicide Prevention video is finalized and will soon be shown at CLE's.

President Ruffin reported that the Secretary of State's website is still experiencing many problems. He and Rusty Sewell will meet with Secretary of State Brian Kemp and the Governor's staff to discuss these issues.

President Ruffin reported that ICLE, working with the Military/Veterans Law Section and the Military Legal Assistance Program, is exploring the feasibility of a CLE trip to Normandy in celebration of the 70<sup>th</sup> anniversary of the D-Day invasion.

#### Treasurer's Report

Treasurer Kauffman provided a report on the Bar's finances. He reported that the SOLACE materials are included as an informational item. While SOLACE is not designed to cost any money, Chair Ken Shigley had offered the amount remaining in his State Bar expense budget; however, it was noted that that is not the purpose of an officer's expense budget. Mr. Kauffman announced that the State Bar co-sponsored a reception for incoming Chief Justice Hugh Thompson in the amount of \$1,000 that was paid out of the Conference Sponsorship budget. The Resource Center funding was also an informational item. He reported that while the \$2 or \$1 dues overpayments last Bar year were to be credited back on next year's due statement, he will come back to the Executive Committee with another proposal for its consideration. There are approximately 4,000 Bar members who overpaid their dues by those amounts. He stated that

this year's proposed deficit may be close to the projection depending on how much is spent out of the Cornerstones of Freedom budget, and the percentage increase for the Bar's health insurance cost.

The Executive Committee received copies of the Revenues and Expenditures, Income Statement YTD, Balance Sheet, and Bar Center Revenues and Expenditures Executive Summary for the twelve months ending June 30, 2013.

#### Civil Legal Services Task Force

President Ruffin provided a brief report on the Civil Legal Services Task Force that will explore options and make recommendations to the Executive Committee and Board of Governors for securing reliable and adequate funding for civil legal services to the poor.

#### Real Estate Task Force (continued)

President-elect Perkins-Hooker provided an update on the activities of the Real Estate Task Force.

#### YLD Report

YLD President Darrell Sutton provided a report on the numerous activities of the Young Lawyers Division. He announced that the Law School Fellows Program is up and running and there should be representatives from all five of Georgia's law schools at the Fall YLD Meeting. In conjunction with the Local Affiliate Outreach Program, the YLD visited with members of the Cobb Bar's YLD in August, and the Conasauga Bar YLD is petitioning for affiliation. The YLD Officers will meet this year with YLD affiliates in Macon, DeKalb, Augusta, Savannah, Albany, Columbus, Glynn County, Gwinnett County, Western Circuit Bar, Rome, and Valdosta. In addition, the YLD is using its Multi-Bar Leadership Council Representatives to partner with local YLD's for joint programming. He is expanding the YLD Leadership Academy this year by increasing the number of scholarships available to young lawyers who qualify for participation but otherwise cannot afford its tuition. He reported that he is working on identifying and obtaining permanent funding for the Public Interest Internship Program. The Program will be the beneficiary of the YLD's Annual Signature Fundraiser. In conjunction with the State Bar's legislative lobbying team, the YLD is working to recruit more young lawyers to run for elected office, and he has appointed Will Fagan to head up these efforts. State Bar Lobbyist Jim Collins and Grass Roots Coordinator Zach Johnson spoke at the YLD's Executive Committee Retreat, and a YLD Day at the Capitol is being planned. He reported that Brandon Elijah and Katie Willett are heading an effort to organize and implement a Wills Clinic for first responders. The Fall Meeting will be held in Chattanooga the weekend of October 4-6.

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

#### Office of General Counsel Report

Paula Frederick provided a report on the activities of the Office of General Counsel. She announced that the Supreme Court of Georgia approved Rule 6.5 in June (pro bono conflicts) that had been requested by the Atlanta Legal Aid Society and Georgia Legal Services Program to help recruit pro bono volunteers. She reported that they are receiving comments on FAO 10-R2 as relates to witness only closings. Once revisions are made to it, the Real Estate Task Force will be provided a copy for review and comment. She provided a report on FAO 10-1 (Public Defender Conflicts). She also announced that the Spring Street Viaduct condemnation case was settled.

Upon a motion and second, approved by unanimous voice vote, the Executive Committee went into Executive Session to discuss pending litigation. Thereafter, a motion was made and seconded, and approved by unanimous voice vote, to move out of Executive Session.

She reported that suits in other states against Avvo ratings of lawyers on the internet have been dismissed due to first amendment rights. She is preparing a memo on Keller and related cases for the Executive Committee's information. She announced that the ABA's Guidelines for an International Regulatory Information Exchange were approved at the ABA's Annual Meeting, and the State Bar intends to share information with the regulators abroad. Lastly she reported that her office is being sent boxes of a lawyer's files found by a bank in a home during a foreclosure. Her office will determine whether or not the cases have been closed or if a receiver will need to be appointed.

The Executive Committee received a written Report of the Office of the General Counsel, a Daily Report article on pro bono recruitment (new Bar Rule 6.5), the State Bar's response to the Supreme Court regarding the Georgia Public Defender Standards Council letter regarding FAO 10-1 and the Supreme Court's approval of FAO 10-1, the Spring Street Viaduct Settlement Agreement.

#### Long-Range Planning Committee

Pat O'Connor reported that the Long-Range Planning and Bar Governance Committee met last week to discuss its plans to make a presentation at the Midyear Meeting on the trends, challenges and issues facing the legal profession. The committee suggested that breakout sessions follow the presentation so as to solicit feedback from the Board members. ICLE has also offered to present CLE's on Friday addressing these topics and Board members would be encouraged to attend. The committee will submit a written report at the Fall Board meeting and will announce whatever plans are decided upon for the Midyear Meeting. It was the general consensus of the Executive Committee that there will not be enough time on the Midyear Meeting agenda for breakout sessions; however, an oral report to the Board and CLE's on Friday would be fine.

#### Reciprocity/Bar Admissions

Following a report by President Ruffin on reciprocity, the Executive Committee asked Bob McCormack to talk to the Office of Bar Admissions to find out its policy with respect to why attorneys coming to Georgia from reciprocal states that require Georgia attorneys to take the multi-state exams are not required to take the multi-state exam in Georgia. The Executive Committee received a list of reciprocal states.

#### Washington State Bar's Limited License Legal Technician

The Executive Committee received a copy of an article on the Washington State Bar's admittance of another level of practitioner, the Limited License Legal Technician (LLLT). LLLT's are non-attorneys with certain levels of education, training and certification to provide technical help on simple legal matter such as selecting and completing court forms, informing clients of procedures and timeliness, explaining pleadings, and identifying additional documents that may be needed in a court proceeding. The new position will help Washington provide another path for accessing justice to many thousands of limited income persons who cannot afford attorneys, as well as help courts staggering under the weight of pro se litigants.

#### State of Arizona's Law License for the "Fracture of Law"

The Executive Committee received information on a legislative proposal wherein attorneys would not be required to be a member of any organization to become or remain a licensed attorney in Arizona. The proposal failed to pass in the Arizona legislature.



Report and Recommendations of the State Bar of California Governance in the Public Interest Task Force  
The Executive Committee received a copy of the Report and Recommendations of the State Bar of California Governance in the Public Interest Task Force regarding the restructuring of the Bar's governance model.

California's Bar Admissions of Illegal Immigrants

The Executive Committee received a copy of an article about the California's Supreme Court's consideration of whether an illegal immigrant is eligible for a license to practice law in the State. The California attorney general is in support of the license, but the U.S. Justice Department argues that federal law prohibits the immigrant from receiving a law license.

North Carolina's Dental Board v. FCC

The Executive Committee received information on the North Carolina Bar's concern in the case cited above wherein the Fourth Circuit declared that State Action Immunity was unavailable to members of the North Carolina Dental Board in regard to the FTC's claim that they had acted anti-competitively in violation of the Sherman Act by seeking to restrain the activities of non-licensed "teeth-whiteners" operating out of kiosks in shopping malls.

2013 Southern Conference and National Conference of Bar Presidents Midyear Meetings

President-elect Perkins-Hooker and Secretary Sheffey provided an update on the 2013 Southern Conference and National Conference of Bar Presidents Midyear Meetings. Paula Frederick reported that a summary of resolutions passed by the ABA House of Delegates will be distributed to the Executive Committee.

Board of Governors Minutes

The Executive Committee received a copy of the June 21, 2013, Board of Governors Minutes.

The Center for Public Integrity re Judicial Financial Disclosure

The Executive Committee received information from The Center for Public Integrity, a non-profit news organization in Washington D.C. It has collected and analyzed financial disclosures filed by Supreme Court justices in all 50 states and the District of Columbia in an effort to determine the scope and quality of each state's financial disclosure requirements and developed a grading system per state on its disclosure requirements.

Consumer Assistance Program

The Executive Committee received a report on the activities of the Consumer Assistance Program for the month of August 2013.

BASICS

The Executive Committee received a report on the activities of the BASICS Program for the 2012-13 Bar year.

ABA 2013 Charles Dorsey Award

The Executive Committee received information on Steve Gottlieb receiving the ABA's 2013 Charles H. Dorsey, Jr. Award. The award recognizes exceptional work by a legal aid lawyer and is given as a tribute to the late Mr. Dorsey, whom the ABA refers as a "champion of the poor."

Bill Barwick's History of the Younger Lawyers Section

The Executive Committee received a copy of the 20-year old History of the Young Lawyers Section that was authored by Past President Bill Barwick for the *Georgia Bar Journal*.

Military Legal Assistance Program

The Executive Committee received information on the activities of the Military Legal Assistance Program.

Business Court

The Executive Committee received a copy of the Business Court 2012 Annual Report.

Homes of the State Bar of Georgia

The Executive Committee received a list of current and previous offices of the State Bar of Georgia.

2013 Annual Meeting Survey Results

The Executive Committee received a copy of the 2013 Annual Meeting survey results.

Old Business

There was no old business.

New Business


Ken Hodges inquired whether or not the State Bar has ever considered the issue of mandatory legal malpractice insurance.

Adjournment

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

  
\_\_\_\_\_  
Rita A. Sheffey, Secretary

Approved:

  
\_\_\_\_\_  
Charles L. Ruffin, President

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
October 21, 2013  
State Bar Building/Atlanta, GA**

Members Present:

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

Members Absent:

Rita A. Sheffey, Secretary.

Staff Participating:

Cliff Brashier, Executive Director; Sharon L. Bryant, Chief Operating Officer; Paula Frederick, General Counsel; and Bob McCormack, Deputy General Counsel.

Consent Agenda

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

- a) Previous Executive Committee Minutes of September 13, 2013 (Current Versions)
- b) Future Meetings Schedule (Current Version)
- c) Members Requesting Resignation (approve): Christopher A. Swartz, 697320; Jack VanWoerkom, 854708; Desiree Laster Hayes, 142678; Craig B. Jones, 399450; Leah E. Garland, 108235; Shannon Hassler, 647471; Thomas D. Buchanan, 142107; Robert Skidmore, 650395; Kyung H. Chang, 120690; David Ley Hamilton, 320875; Shang Cao, 681411; Charles L. Squadrito, 673275; Dan Eley White, 753025; Norman R. Miller, 508150; Charles Whitney, 756654; E. Clarke Dummit, 232678; Harry Lembeck, 446299; Scott Kasten, 202499; Mark A. Crawford, 190106; Wendy M. Warren, 319442; John M. Harmon, 327400
- d) Members Filing Petition for Disability (approve): Elizabeth Floyd Revelry 601315
- e) Approval of Members' Requests:
  - 1) Dianne Coleman (waive late fee request)
  - 2) Ana Alexandra (deny appeal to waive fitness requirement)
  - 3) Holley Morris Maycumber (waive fitness requirement but require reinstatement fees)
  - 4) Court Appointed Professionals: James E. Holmes (refer to the Council of Superior Court Judges the prohibition of comment during pending cases)

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

### Civil Legal Services Task Force

President Ruffin announced that the Executive Committee would be taking up Civil Legal Services Task Force issues. Since it would ultimately be voting on items that relate to raising certain fees to help with civil indigent legal services funding, he asked that Phyllis Holmen excuse herself from that portion of the meeting. Before doing so, she was provided an opportunity to report that her staff is down by half of what it was in 2008 and it is losing capacity to deal with its ever increasing caseload. GLSP is working hard to diversify its funding sources and has had some success, but a stable predictable source of funds is needed to serve survivors of domestic violence, people being denied Medicaid, people losing their housing, disabled children, and many other client situations. She stated that Georgia had the 4<sup>th</sup> greatest increase in poverty of all the states over the last decade so the need to provide legal services is getting greater rather than less. Thereafter, Phyllis Holmen excused herself from the room.

President Ruffin provided a report on meetings with the Supreme Court of Georgia and the subsequent formation of the Civil Legal Services Task Force, which Randy Evans and Rita Sheffey chair and cochair, respectively. In discussions with the Court, one of the issues raised was IOLTA rate comparability. The Georgia Bar Foundation believes rate comparability will raise an additional \$250,000 now, but as interest rates go up, it will generate substantially more than that. There have been several versions of rate comparability circulating back and forth between the General Counsel's office and the Georgia Bar Foundation on that issue.

Paula Frederick provided copies of proposed revisions to Bar Rule 1.15 (trust accounts and IOLTA, and trust account overdraft notification) and a newly created Part XV, a new part of the Bar's and the Georgia Bar Foundation's rules. She stated that the proposed revisions have not yet been reviewed by the Disciplinary Rules & Procedures Committee, but are in keeping with the intention of the Georgia Bar Foundation's desire for rate comparability. A motion and second to approve the proposed revisions to Rule 1.15 and its sub sections, and to approve the creation of Part XV with Rules 15.101 and 15.102 only, contingent on any changes from the Disciplinary Rules and Procedures Committee and the Civil Legal Service Task Force prior to presentation to the Board of Governors, was amended. The amended motion, to accept all of the proposed language in Rule 1.15 (Exhibit A), as revised, and in Part XV (Exhibit B), with opportunity for review and comment by the Disciplinary Rules and Procedures Committee and the Civil Legal Services Task Force, was approved by majority voice vote. Board of Governors action on this matter is expected at its next meeting on November 2, 2013. President Ruffin also reported that Randy Evans, Representative Wendell Willard, Senator Judson Hill, and BJ Pak are planning to meet with the Georgia Banking Commission to address rate comparability as a matter of public policy. At the request of Pat O'Connor, they will also be asked to meet with the appropriate community banking association.

President Ruffin reported that it has been suggested that another way to raise money for civil indigent legal services organizations in Georgia is increasing pro hac vice fees, and Paula Frederick distributed some fee proposals. The Office of General Counsel, which administers the pro hac vice program, would retain approximately \$60,000 annually to administer the program, but the net proceeds that now are approximately \$90,000, plus proceeds from any fee increase, would be turned over to the Georgia Bar Foundation. The Executive Committee, by unanimous voice vote, approved in principle the raising of pro hac vice fees to support civil legal indigent services. The Task Force will be working through several issues such as an annual fee, sliding scale fee, or per case fee.

Thereafter, Phyllis Holmen rejoined the Executive Committee Meeting.

The Executive Committee received a copy of the minutes of the October 10, 2013 meeting of the Civil Legal Services Task Force.

### Legislative Program

President Buck Ruffin provided a report on the Advisory Committee on Legislation's (ACL) meeting on September 27, 2013. Agenda items included funding for The Resource Center (\$800,000) and Victims of Domestic Violence (\$2.5 million). State FY 2014 budget talking points for possible future judicial salary increases were distributed. The Executive Committee received a copy of the minutes of the September 27, 2013 meeting of the ACL.

President Ruffin reported that the Legislative Representation Committee met and unanimously recommended the hiring of an in-house Director of Governmental Affairs. Thereafter, the Executive Committee, by unanimous voice, approved the recommendation of the Legislative Representation Committee to hire an in-house Director of Governmental Affairs and gave President Ruffin the authority to negotiate a salary and benefits that will be brought back to the Executive Committee for consideration. The salary and benefits costs are to be paid out of the Bar's Legislative and Public Advocacy fund.

### Sponsorship Request – Urban League of Greater Atlanta

Following a request by Ken Hodges for a \$3500 sponsorship for the Urban League of Greater Atlanta's November 16<sup>th</sup> dinner gala, the Executive Committee, by unanimous voice vote, approved the request. The amount will be paid out of the Conference Sponsorship fund.

### Presidents' Report

President Ruffin reported on the State Bar's 50<sup>th</sup> Anniversary Celebration. He stated that Linton Johnson has put together a great desk book on the history of the legal profession in Georgia. The program includes guest speaker Governor Nathan Deal, a humorous segment by Past Presidents Bill Barwick and Bob Brinson, and a replay of portions of the *Walk Down Memory Lane* video. Awards may also be given recognizing members who have made major contributions to the Bar over the last 50 years.

President Ruffin also gave a report on the National Constitutional Law Symposium, March 12-14, 2014, to celebrate the 225<sup>th</sup> anniversary of the U.S. Constitution's ratification. Participants will include U.S. Supreme Court Justice Antonin Scalia and either Justice Stephen Breyer or Justice Elena Kagan. Supreme Court of Georgia Justice David Nahmias, who has been instrumental in securing the U.S. Justices, will also be on the program along with other distinguished guests. President Ruffin announced that Governor Deal has agreed to host a reception at the Governor's mansion in honor of the U.S. Justices, but details are not yet finalized.

President Ruffin reported that he met today with the Secretary of State to discuss the problems with its website. While some of the issues have been resolved, many remain to be fixed.

### Long-Range Planning and Bar Governance Committee

Pat O'Connor referred the Executive Committee to the Long Range Planning Committee's CLE handout. The committee is sponsoring a forum on Thursday morning at the Midyear Meeting on the Future of the Practice of Law and Access to Justice in Georgia. Speakers include Past President Linda Klein, Bucky Askew, and Allan Tanenbaum. Members are encouraged to attend, and Board members may attend free of charge. ICLE will sponsor this CLE event which is approved for MCLE credit.

### YLD Report

YLD President Darrell Sutton provided a report on the numerous activities of the Young Lawyers Division. He announced that seven law students are now members of Law School Fellows Program and six were able to attend the Fall YLD meeting. The Local Affiliate Outreach Program continues to be successful and an updated Affiliates Outreach schedule is included in the YLD written report. The

Leadership Academy, which is expanding its recruitment through scholarships, will kick off at the Midyear Meeting. In seeking permanent funding for the PIIP, plans for an endowment are being put into place. The PIIP is also the beneficiary of the 2014 Annual Signature Fundraiser. The YLD continues to ramp up its Legislative Recruitment Program. It has created a database of young lawyers who hold elected office or who are running for office, and is working on formulating a programming and mentoring program for young lawyers with political aspirations. He reported that the Fall Meeting in Chattanooga was very well attended and members of the Chattanooga and Dalton YLD's were invited to the Friday evening activities. Lastly, he reported that the chairs of the Wills Clinic are hoping to schedule their first clinic in Augusta in mid-December.

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

#### Citizens Advisory Council

President Ruffin reminded the Executive Committee members to submit their nominations for the Citizens Advisory Council.

#### Treasurer's Report

Treasurer Kauffman provided a report on the Bar's finances.

The Executive Committee received copies of the Revenues and Expenditures, Income Statement YTD, Balance Sheet, and Bar Center Revenues and Expenditures Executive Summary for the two months ending August 31, 2013, and a copy of the 2014-15 Budget Timetable.

#### Office of General Counsel Report

Paula Frederick referred the Executive Committee to the written report on the activities of the Office of General Counsel.

#### Law and Economics Section

President Ruffin reported that the Law and Economics Section that was approved at the last Executive Committee Meeting, subject to the requisite number of number of members applying for the section, had the required number signing onto the section. John Cole is going to chair the section.

#### Private Insurance Exchange by Member Benefits

President Ruffin reported that Member Benefits Inc. has not provided any further information on its private insurance exchange that was approved at the last Executive Committee meeting. It is to be announced at the Fall Board meeting. The Executive Committee also received a proposed press release for the Bar's web site announcing the exchange for State Bar members.

#### Real Estate Task Force

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

#### Jeannine Novak

In the case of Jeannine Novak where the Executive Committee recommended that she not have to retake the Bar exam but only go through fitness, Paula Frederick reported that the Board of Bar Examiners contacted Ms. Novak to let her know that she needed to send an appeal to the Board of Bar Examiners, but so far she has not provided a response.

ABA's Legal Access Job Corps

The Executive Committee received information on the ABA's Legal Access Job Corps Task Force that will propose possibilities for providing legal services to underserved populations while offering work and experience to lawyers who are now entering legal practice. As part of its work, the task force will review existing initiatives that may be adopted as national models. State Bar member Allan Tanenbaum is serving as a cochair on the task force.

New York's Preadmission 50 Hour Pro Bono Requirement

The Executive Committee received information on New York's 50-hour Preadmission Pro Bono Rule: Weighing the Potential Pros and Cons, that was presented by the ABA Standing Committee on Pro Bono and Public Service. New York is the first jurisdiction in the U.S. to require pro bono service as a condition for bar applicants to become licensed for law practice.

SOLACE's First Request

President Ruffin recognized the work being done by SOLACE under Past President Ken Shigley as chair. The Executive Committee received a copy SOLACE's first request to the SOLACE list serve.

Old Business

There was no old business.

New Business

There was no new business.

Adjournment

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

  
Rita A. Sheffey, Secretary

Approved:

  
Charles L. Ruffin, President

# Future Meetings Schedule

(12/16/2013)



## **Executive Committee**

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Feb. 21-23, 2014	Supreme Court Retreat, Lodge at Sea Island, St. Simons Island, GA
April 10, 2014	Thomasville, GA
May 15, 2014	Atlanta

## **Board of Governors**

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Midyear 2014	January 9-11, 2014	InterContinental Buckhead, Atlanta, GA
Spring 2014	March 20-23, 2014	Ritz Carlton, Reynolds Plantation, Greensboro, GA
Annual 2014	June 5-8, 2014	Omni Amelia Island, Amelia Island, FL
Fall 2014 (joint with YLD)	Oct. 31-Nov. 2, 2014	Jekyll Island Club, Jekyll Island, GA (contract pending)
Spring 2015	April 17-19, 2015	Brasstown Valley Resort, Young Harris, GA

## **Young Lawyers Division**

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Midyear 2014	January 9-11, 2014	InterContinental Buckhead, Atlanta, GA
Spring 2014	May 15-18, 2014	Ballantyne Hotel & Lodge, Charlotte, NC
Annual 2014	June 5-8, 2014	Omni Amelia Island, Amelia Island, FL
Fall 2014 (joint with Big Bar)	Oct. 31-Nov. 2, 2014	Jekyll Island Club, Jekyll Island, GA (contract pending)



**American Bar Association Meetings**

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Midyear 2014	February 5-11, 2014	Chicago, IL
Annual 2014	August 7-12, 2014	Boston, MA
Midyear 2015	February 4-10, 2015	Houston, TX
Annual 2015	July 30 – Aug. 5, 2015	Chicago, IL
Midyear 2016	February 3-9, 2016	San Diego, CA
Annual 2016	August 4-9, 2016	San Francisco, CA

**Southern Conference Meetings**

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

**BYLAWS OF THE  
STATE BAR OF GEORGIA**

**ARTICLE II  
MEETINGS OF MEMBERS**

**Section 5. Resolutions Committee.**

The President shall appoint annually a committee on resolutions consisting of not less than five members. Each resolution proposed to be presented for consideration by the membership at any annual, mid-year or special meeting and which is offered by an individual member shall first be referred to this Committee. The Committee shall meet during the first day of the State Bar meeting at a place and time which shall be described in the official program of the meeting. At that published time and place, the Committee shall hold a public hearing on any resolution or resolutions submitted to it and shall report those resolutions, together with the Committee's recommendations, at the next plenary session scheduled for that meeting.

## ADVISORY COMMITTEE ON LEGISLATION

2013-2014

MINUTES OF MEETING NO. 2

December 5, 2013

State Bar Headquarters, Atlanta Georgia

The second meeting of the 2013-2014 State Bar of Georgia Advisory Committee on Legislation (“ACL”) was held on December 5, 2013, at the State Bar of Georgia Headquarters in Atlanta, Ga.

### ATTENDANCE

The following members and liaisons were present: Dan Snipes (Chair), Dawn Jones (Vice Chair), Dennis Cathey, Bill Clark, Michael Geoffroy, Patti Gorham, Steven Gottlieb, Seth Harp, Lawton Heard, Harris Hines, Phyllis Holmen, Amy Howell, Eric John, Mary Margaret Oliver, Jon Pannell, Buck Rogers, Buck Ruffin, Dennis Sanders, Frank Strickland, John Taylor, Nancy Whaley, and Wendell Willard.

The following members and liaisons participated via conference call: Louisa Abbot, Ivy Cadle, Joe Dent, Foy Devine, Adele Grubbs, Donna Hix, Kelly Koelker, Pat O'Connor, Jason Shepherd, Carl Varndoe, and Henry Walker. Meredith Weaver, one of the Bar’s legislative representatives, also attended via phone.

Others present included: Patrise Perkins-Hooker, Bob Kauffman, Michael Cuccaro, Tracy Mason, Shannon Weathers, Sandy Lee, Debra Nesbit, Bob Bray, Kathleen Joyner, Zach Johnson, Jim Collins, Nicki Vaughan, Jeff Schneider, Paula Frederick, Bob McCormack, Jeb Butler, John Collar, Buck Daniel, Darrell Sutton, Wanda Segars, Rusty Sewell, and Roy Robinson.

### CALL TO ORDER

Chair Dan Snipes called the meeting to order. Persons attending the meeting, including those participating by phone, introduced themselves.

### APPROVAL OF MINUTES

The minutes of the fall 2013 meeting were approved.

### KELLER REVIEW

Paula Frederick, General Counsel for the State Bar, presented a brief Keller review.

### LEGISLATIVE MATTERS

The ACL reviewed the following proposals. All proposals approved by the ACL will be considered by the Board of Governors at its upcoming mid-year meeting on January 11, 2014.

1. **Unauthorized Practice of Law.** Jeff Schneider of the Real Property Section presented this proposal which would provide a private right of action for persons who are harmed by the

unauthorized practice of law in a number of settings, including residential real estate closings. This proposed legislation was modeled after the law in North Carolina. Jeff, and other committee members who practice real estate law and bankruptcy law, noted that this has become a growing concern and that 11 other states have already adopted similar legislation. This proposal passed on germaneness and on merit. The Board of Governors will consider the proposal at its meeting on January 11.

- 2. Support of HB 674 re: State Funded Positions for Juvenile Court.** Nicki Vaughan presented this proposal at the request of Indigent Defense Committee Chair Mike Cranford. This legislation came about as a result of the major Juvenile Code revision that passed the legislature in 2013. The ACL discussed the need for legal representation of juveniles and the associated cost to counties. It was noted that Governor Deal has put \$5M in next year's budget as "seed money" for local governments to provide this legal service, but that is only part of the total funds that are needed. HB 674 requests state funding for prosecuting attorneys and public defenders but notes that the requests are subject to availability of funding. Rusty Sewell noted that the Bar has always shown support of the Juvenile Code revision and that this legislation is a continuation of that support. This proposal passed on germaneness and on merit. ACL member Seth Harp abstained from voting. The Board of Governors will consider the proposal at its meeting on January 11.

## **E-DISCOVERY LEGISLATION, HB 643**

Rep. Wendell Willard, House Civil Judiciary Chairman and sponsor of HB 643, reviewed the bill. Various members of the ACL discussed points, along with Chairman Willard, of issues being debated with regard to this legislation. Chairman Willard noted that he will have legislative committee hearings on the bill during the 2014 General Assembly session.

## **ADMINISTRATIVE ITEMS**

Rusty Sewell informed the ACL that the State Bar has worked with local bars in hosting several successful Pre-legislative Forums across the state. These forums are attended by local bar members and legislators whose districts are within those local bar areas. Zach Johnson, who is responsible for grassroots development at the Bar, said the Bar will have hosted a dozen forums by year end. Rusty noted that the Bar is holding a Legislative Forum on January 9 at the mid-year Board of Governors meeting. Also, he anticipates more local bar members visiting the Capitol during the legislative session.

## **UPDATE FROM THE COURTS**

President Justice Harris Hines expressed appreciation for the State Bar, the ACL, and the legislators who are serving. Mike Cuccaro, speaking for the Judicial Council, said they are considering assessing court technology fees on criminal and civil case filings. There were a number of comments from members about their concerns regarding any additional fees on filings. Bob Bray said the State Court Judges are looking at private probation services.

## **CLOSING**

With no further business before the committee, the meeting was adjourned.

## REQUEST FOR CONSIDERATION OF PROPOSED LEGISLATION

TO: Charles L. Ruffin, Georgia Bar President  
[cruffin@bakerdonelson.com](mailto:cruffin@bakerdonelson.com)

Daniel B. Snipes, Chair, Advisory Committee on Legislation  
[dsnipes@ftrsm.com](mailto:dsnipes@ftrsm.com)

Rusty Sewell  
[rusty@gacapitolpartners.com](mailto:rusty@gacapitolpartners.com)

FROM: Jeffrey Schneider, Chair, Executive Committee, Real Property Law Section  
[jeffs@wncwlaw.com](mailto:jeffs@wncwlaw.com)

RE: Proposed Bill to provide a private cause of action for the unauthorized practice of law.

DATE: November 20, 2013

\* \* \*

The Executive Committee, Real Property Law Section, submits this Request pursuant to Section 1.02 (a) (1) of Standing Board Policy 100, as follows:

**(A) Private Cause of Action for the Unauthorized Practice of Law**

**(i) The specific legislation, if any, which is pending or proposed:**

The attached proposed legislation would provide a private cause of action for anyone harmed by the unauthorized practice of law. It is modeled after North Carolina General Statute 84-10.1.

**(ii) A statement of the issues addressed by the legislation:**

Georgians have little or no recourse against lay persons who have caused harm through the giving of bad legal advice or poor legal services. A number of states, including North Carolina, Alabama, Arkansas, Illinois, Washington, Michigan, Ohio, West Virginia, Missouri, District of Columbia, and New Mexico, have adopted statutorily or by common law, a private cause of action for the unauthorized practice of law. This legislation will provide a legal remedy to those harmed by the unauthorized practice of law in a number of settings including residential real estate closings, preparation of legal documents, and assistance in immigration matters.

**(iii) A summary of the existing law:**

O.C.G.A. § 15-19-50, et seq. provides the legislative definition for the practice of law; identifies those acts constituting the unauthorized practice law; sets forth allowable exceptions; and establishes avenues for recourse for violations of the Code section. Currently, a violation of the Code section is a misdemeanor, and civil remedies are limited to injunctive relief sought by the State Bar of Georgia. Private citizens damaged by those acting in violation of this Code section are for all intents and purposes barred from seeking redress through Georgia courts. The proposed legislation would provide a civil remedy to anyone harmed by the unauthorized practice of law.

**(iv) Principal known proponents or opponents of the legislation and, if possible, a brief statement of the reasons for opposition or support by the other interests:**

This legislation provides the public greater access to the justice system, and in so doing, furthers a fundamental objective of the State Bar. The legislation is also consistent with the notion the public interest is best served when legal services are provided by qualified persons. Proponents include residential real estate closing attorneys and the Georgia Trial Lawyers Association. Opponents would include non-attorney settlement companies, title insurance underwriters, notaries public, and providers of legal forms such as LegalZoom and Lexis.

**(v) A listing of any other committees or sections which may have an interest in the legislation and a certification that any such committees have been provided a copy of the proposal simultaneous to its transmission to the Advisory Committee on Legislation:**

As of November 4, 2013, GTLA has agreed to support this piece of legislation. The Immigration Law Section and Bankruptcy Law Section have been made aware and their support is sought.

**(vi) The position which the committee, section or group recommends be adopted by the State Bar:**

The Executive Committee of the Real Property Law Section requests that the State Bar take up this legislation and present it as a bill in the 2014 General Assembly. This legislation was originally part of SB 365 originating in the Senate Judiciary Committee during the 2011-2012 regular session. It was dropped from consideration after receiving significant opposition from creators of legal forms and documents, ie LegalZoom and Lexis.

Proposed Legislation:

Ga. Code § 15-19-59 Private Cause of Action

Any person damaged by a person, firm, or corporation acting in violation of this Article or other law regarding the unauthorized practice of law shall be entitled to maintain a private cause of action to recover damages and reasonable attorney's fees.

(Note – this is modeled after NC Senate Bill 349 which was recently signed into law by the NC Governor. See G.S. § 84-10.1)

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**From:** Nicki Vaughan (Public Defender) <nvaughan@halscourty.org>  
**Sent:** Wednesday, November 20, 2013 2:13 PM  
**To:** wanda@gacapitolpartners.com  
**Subject:** Request to be placed on the ACL Agenda for December 5, 2013  
**Attachments:** 1018\_001.pdf

Dear Wanda:

As you know, I am the Chief Assistant Public Defender in the Northeastern Judicial Circuit, which circuit I have represented on the Board of Governors for the past six years. I have served on the Indigent Defense Committee for the past six years, and I am also the Chairman of the Child Protection and Advocacy Section. I am currently Chairman of the Legislative Sub-Committee of the Indigent Defense Committee.

The Indigent Defense Committee, as well as our Section, is interested in getting the State Bar to support HB 674, a copy of which is attached. This bill was introduced last session, on the suggestion of the ACCG, to seek additional funding for Juvenile Court attorneys in compliance with the new Juvenile Code that takes effect January 1, 2014. Currently, HB 674 seeks state funding for additional prosecutors and public defenders in Juvenile Courts. Our Section will likely want to talk to the bill's sponsors and the Governor's Office to expand the scope of the bill to include funding for child advocate attorneys to represent children in dependency cases, who were never before parties to these cases and, therefore, not entitled to attorneys, but who are required to have attorneys under the new Code. However, even without such modification, we support the bill.

At a CLE co-sponsored by our section last week, Thomas Worthy, Gov. Deal's point-person regarding the Juvenile Code, suggested that the Governor's Office is supportive of the bill. Eric Ballinger, an ACL member who is on the Indigent Defense Committee, is supportive of our efforts. I have not had direct contact with the Criminal Law Section, although Mike Cranford, the Chair of the Indigent Defense Committee, is the Vice-Chair of the Criminal Law Section, and he will address that section about supporting the bill. I imagine that the Prosecuting Attorneys Council would also support it, as it is an effort to provide a state appropriation for both prosecutors and defense lawyers.

This letter is a request to place this matter on the agenda for the December 5, 2013 ACL meeting. Thank you for your assistance. Please let me know if there is anything else I need to do.

Nicki Vaughan, 770-718-5523; 678-283-5177 (c)



House Bill 674

By: Representatives Walch of the 110<sup>th</sup>, Caldwell of the 131<sup>st</sup>, and Weldon of the 3<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Sections 15-18-14 and 17-12-27 of the Official Code of Georgia Annotated,  
2 relating to the appointment of assistant district attorneys and assistant public defenders,  
3 respectively, so as to provide for state funded positions for juvenile court; to amend Chapters  
4 11 and 18 Title 15 of the Official Code of Georgia Annotated, relating to juvenile  
5 proceedings and prosecuting attorneys, respectively, so as provide for conforming  
6 amendments to HB 242 as enacted during the 2013-2014 biennium of the General Assembly;  
7 to provide for related matters; to provide an effective date; to provide for conditional  
8 automatic repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 PART I  
11 SECTION 1-1.

12 Code Section 15-18-14 of the Official Code of Georgia Annotated, relating to the  
13 appointment of assistant district attorneys, is amended by revising paragraph (1) of  
14 subsection (a) as follows:

15 "(a)(1) Subject to the provisions of this Code section, the district attorney in each judicial  
16 circuit is authorized to appoint:

- 17 (A)(i) One ~~assistant district attorney~~ for each superior court judge authorized for the  
18 circuit, excluding senior judges, plus one additional ~~assistant district attorney~~ to assist  
19 the district attorney in the performance of the duties of the district attorney's office  
20 and consistent with their constitutional and statutory duties to protect the rights of  
21 victims of crimes as now or in the future may be defined by applicable law; and  
22 (ii) ~~Assistant district attorneys to perform the duties of prosecuting attorney in the~~  
23 juvenile court for the circuit. The number of assistant district attorneys shall depend  
24 on the number of superior court judges authorized for the circuit. If there are one or  
25 two superior court judges for the circuit, there shall be one assistant district attorney

H. B. 674

- 1 -

26 appointed. If there are at least three but fewer than seven superior court judges for the  
 27 circuit, there shall be two assistant district attorneys appointed. If there are at least  
 28 seven but fewer than ten superior court judges for the circuit, there shall be three  
 29 assistant district attorneys appointed. If there are ten or more superior court judges  
 30 for the circuit, there shall be four assistant district attorneys appointed;

31 (B) Subject to the availability of funding and at the option of the Department of Human  
 32 Services, at least one assistant district attorney to perform duties described specifically  
 33 under Code Sections 19-11-23 and 19-11-53 and generally under Article 1 of Chapter  
 34 11 of Title 19, the 'Child Support Recovery Act,' Article 2 of Chapter 11 of Title 19, the  
 35 'Uniform Reciprocal Enforcement of Support Act,' and Article 3 of Chapter 11 of Title  
 36 19, the 'Uniform Interstate Family Support Act.' The district attorney retains the  
 37 authority to appoint one or more assistant district attorneys, who shall be county  
 38 employees, to perform the aforementioned statutory duties, so long as such  
 39 appointments are pursuant to a contract for such services with the Department of  
 40 Human Services. Once the election to make this position a state position is made, under  
 41 this statutory provision, it shall be irrevocable. Committal funds shall be paid by the  
 42 Department of Human Services to the Prosecuting Attorneys' Council of the State of  
 43 Georgia in accordance with the compensation provisions of this Code section, or at the  
 44 election of the appointed attorney, to the appointed attorney's judicial circuit, in  
 45 accordance with the compensation provisions of that judicial circuit; and

46 (C) Subject to funds being appropriated by the General Assembly or otherwise  
 47 available for such purpose, such additional assistant district attorneys as may be  
 48 authorized by the Prosecuting Attorneys' Council of the State of Georgia. In  
 49 authorizing additional assistant district attorneys, the Prosecuting Attorneys' Council  
 50 of the State of Georgia shall consider the case load, present staff, and resources  
 51 available to each district attorney, and shall make such authorizations as will contribute  
 52 to the efficiency of individual district attorneys and the effectiveness of prosecuting  
 53 attorneys throughout the state in their efforts against criminal activity in the state.<sup>4</sup>

54

## SECTION 1-2.

55 Code Section 17-12-27 of the Official Code of Georgia Annotated, relating to the  
 56 appointment of assistant public defenders, is amended by revising subsection (a) as follows:

57 (a) Subject to the provisions of this Code section, the circuit public defender in each  
 58 judicial circuit is authorized to appoint:

59 (1) ~~(A)~~ One assistant public defender for each superior court judge authorized for the  
 60 circuit, excluding the chief judge and senior judges; and

61 (B) Assistant public defenders to represent indigent persons in the juvenile court for  
 62 the circuit. The number of assistant public defenders shall depend on the number of  
 63 superior court judges authorized for the circuit. If there are one or two superior court  
 64 judges for the circuit, there shall be one assistant public defender appointed. If there  
 65 are at least three but fewer than seven superior court judges for the circuit, there shall  
 66 be two assistant public defenders appointed. If there are at least seven but fewer than  
 67 ten superior court judges for the circuit, there shall be three assistant public defenders  
 68 appointed. If there are ten or more superior court judges for the circuit, there shall be  
 69 four assistant public defenders appointed; and

70 (2) Subject to funds being appropriated by the General Assembly or otherwise available,  
 71 additional assistant public defenders as may be authorized by the council. In authorizing  
 72 additional assistant public defenders, the council shall consider the caseload, present staff,  
 73 and resources available to each circuit public defender and shall make authorizations as  
 74 will contribute to the efficiency of individual circuit public defenders and the  
 75 effectiveness of providing adequate legal defense for indigent defendants.\*

76

## PART II

77

## SECTION 2-1.

78 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile  
 79 proceedings, is amended by repealing paragraph (59) of Code Section 15-11-2, relating to  
 80 definitions, as enacted by HB 242, substantially revising, superseding, and modernizing  
 81 provisions relating to juvenile proceedings during the 2013-2014 biennium of the General  
 82 Assembly, and enacting a new paragraph (59) to read as follows:

83 “(59) ‘Prosecuting attorney’ means an attorney designated by the district attorney of the  
 84 judicial circuit in which juvenile proceedings are instituted.”

85

## SECTION 2-2.

86 Said chapter is further amended by repealing Code Section 15-11-520, relating to who files  
 87 a petition alleging delinquency, as enacted by HB 242, substantially revising, superseding,  
 88 and modernizing provisions relating to juvenile proceedings during the 2013-2014 biennium  
 89 of the General Assembly, and enacting a new Code Section 15-11-520 to read as follows:

90 “15-11-520.

91 A petition alleging delinquency shall be filed by a prosecuting attorney.”

92

**SECTION 2-3.**

93 Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to prosecuting  
 94 attorneys, is amended by repealing Code Section 15-18-6.1, relating to prosecuting attorneys  
 95 in juvenile court, as enacted by HB 242, substantially revising, superseding, and modernizing  
 96 provisions relating to juvenile proceedings during the 2013-2014 biennium of the General  
 97 Assembly, and enacting a new Code Section 15-18-6.1 to read as follows:

98 15-18-6.1.

99 (a) The district attorney shall be responsible for representing the state in any appeal from  
 100 the juvenile court. The district attorney shall be responsible for appointing assistant district  
 101 attorneys to represent the state in juvenile court as provided in Code Section 15-18-14. The  
 102 district attorney may designate investigators, victim and witness assistance personnel, and  
 103 other employees to assist in juvenile court.

104 (b) In counties with a solicitor-general for the state court, the solicitor-general may, with  
 105 the approval of the district attorney, represent the state in prosecution of juvenile traffic  
 106 offenses and in any delinquency case arising out of the operation of a motor vehicle or a  
 107 watercraft.\*

108

**PART III**

109

**SECTION 3-1.**

110 This Act shall become effective on July 1, 2014, only if HB 242, substantially revising,  
 111 superseding, and modernizing provisions relating to juvenile proceedings, is enacted during  
 112 the 2013-2014 biennium of the General Assembly and becomes law not later than July 1,  
 113 2014. If said HB 242 does not become law on or before July 1, 2014, then this Act shall  
 114 stand repealed on July 1, 2014.

115

**SECTION 3-2.**

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

# STATE BAR OF GEORGIA

Charles L. Ruffin  
President, 2013-2014



*Lawyers Serving the Public and the Justice System*

Dear Member of the Board of Governors:

The Bar's Civil Legal Services Task Force is exploring options for securing reliable funding for civil legal services to the poor in Georgia. The Task Force is recommending "interest rate parity" for Georgia IOLTA accounts-- that Georgia lawyers be required to have their escrow accounts at banks that agree to pay interest rates as high as those offered on comparable accounts. Thirty-three states have a similar rule and all of them report a significant increase in the amount of money generated from IOLTA accounts.

Bar Rules 1.15 (I), (II) and (III) will need to be amended to accomplish interest rate parity. As you know, those rules currently require a lawyer to hold fiduciary funds in a separate bank account at an institution that has been "approved" by the Bar. The new proposal creates a second level of approved banks called "eligible institutions." An eligible institution is one that is approved, but that also agrees to interest rate parity for IOLTA accounts. The new rule will require that a lawyer's IOLTA account be in an "eligible" bank. Other trust accounts, such as those set up for a particular client with the interest paid to the client, could remain in banks that are "approved"—whether or not the bank meets the additional requirements for being designated "eligible." A copy of the proposed rule is attached to this email.

The Georgia Bar Foundation has assured members of the Task Force that it expects the vast majority of banks to agree to the additional requirements for an "eligible institution," in part based upon the experience in the 33 other states with a rule substantially similar to the one proposed here. The Georgia proposal includes a waiver provision for the rare situation where a Georgia lawyer is not able to comply with the new requirement.

The attached Frequently Asked Questions will answer many of your questions, but feel free to contact the Task Force chair and vice chair, Randy Evans ([revans@mckennalong.com](mailto:revans@mckennalong.com)) and Rita Sheffey ([rsheffey@hunton.com](mailto:rsheffey@hunton.com)), for more information. The Office of the General Counsel is also available to answer your questions about the proposed new rule; please contact Paula Frederick or Bob McCormack at (404)527-8720.

Thank you for your consideration.

Yours truly,

A handwritten signature in cursive script that reads "Charles L. Ruffin".

Charles L. Ruffin

CLR/dw

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

2

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

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

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

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

15 i. A statutory lien;

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

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

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

21

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

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

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

35 Comment

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

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

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

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

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

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

63

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

65

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

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

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

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

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

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

94

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

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



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

144 service charges or fees applied, and the amount of the net interest  
145 remittance;

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

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

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

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

164 Comment

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

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

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

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

184 e.) the capability of financial institutions, lawyers, or law firms to calculate and  
185 pay earnings to individual clients; and  
186 f.) any other circumstances that affect the ability of the funds to earn a net return  
187 for the client or other beneficiary.

188  
189 [4] The lawyer or law firm should review the IOLTA Account at reasonable intervals to  
190 determine whether changed circumstances require further action with respect to the funds of any  
191 client or third party.  
192

193 RULE 1.15(III) RECORD KEEPING; TRUST ACCOUNT OVERDRAFT NOTIFICATION;  
194 EXAMINATION OF RECORDS  
195

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

204 b. Description of Accounts:

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

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

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

218 c. Procedure:

219 1. Approved Institutions:

220 i. A lawyer shall maintain his or her trust account only in a financial  
221 institution approved by the State Bar of Georgia, which shall annually  
222 publish a list of approved institutions. Such institutions shall be located  
223 within the State of Georgia, within the state where the lawyer's office is  
224 located, or elsewhere with the written consent and at the written request of  
225 the client or third person. The institution shall be authorized by federal or  
226 state law to do business in the jurisdiction where located and shall be  
227 federally insured. A financial institution shall be approved as a depository  
228 for lawyer trust accounts if it abides by an agreement to report to the ~~State~~  
229 ~~Disciplinary Board Office of the General Counsel~~ whenever any properly  
230 payable instrument is presented against a lawyer trust account containing  
231 insufficient funds, and the instrument is not honored. The agreement shall  
232 apply to all branches of the financial institution and shall not be canceled

- 233 except upon thirty days' notice in writing to the State Disciplinary Board.  
 234 The agreement shall be filed with the Office of General Counsel on a form  
 235 approved by the State Disciplinary Board. The agreement shall provide  
 236 that all reports made by the financial institution shall be in writing and  
 237 shall include the same information customarily forwarded to the depositor  
 238 when an instrument is presented against insufficient funds. If the financial  
 239 institution is located outside of the State of Georgia, it shall also agree in  
 240 writing to honor any properly issued State Bar of Georgia subpoena.
- 241 ii. ~~The Investigative Panel of the State Disciplinary Board shall establish~~  
 242 ~~procedures for a lawyer or law firm to be excused from~~ may waive  
 243 ~~requirements provisions~~ of this Rule in whole or in part if ~~the~~ a lawyer or  
 244 law firm has its principal office in a county where no bank, credit union,  
 245 or savings and loan association ~~will agree~~ has agreed to comply with the  
 246 provisions of this Rule, or for other good cause shown.
- 247 2. Eligible Institutions: A lawyer shall maintain his or her IOLTA account or  
 248 accounts only in a financial institution designated as eligible by the Georgia Bar  
 249 Foundation. To be designated eligible, a financial institution must be an approved  
 250 institution under the requirement of Rule 1.15(III)(c)(1) and must offer IOLTA  
 251 accounts in compliance with the additional requirements set out in the Part XV of  
 252 the Rules of the State Bar of Georgia.
- 253 3. Timing of Reports:
- 254 i. The financial institution shall file a report with the Office of General  
 255 Counsel of the State Bar of Georgia in every instance where a properly  
 256 payable instrument is presented against a lawyer trust account containing  
 257 insufficient funds and said instrument is not honored within three business  
 258 days of presentation.
- 259 ii. The report shall be filed with the Office of General Counsel within fifteen  
 260 days of the date of the presentation of the instrument, even if the  
 261 instrument is subsequently honored after the three business days provided  
 262 in the preceding paragraph.
- 263 4. Nothing shall preclude a financial institution from charging a particular lawyer or  
 264 law firm for the reasonable cost of producing the reports and records required by  
 265 this Rule.
- 266 5. Every lawyer and law firm maintaining a trust account as provided by these Rules  
 267 is hereby and shall be conclusively deemed to have consented to the reporting and  
 268 production requirements mandated by this Rule and shall indemnify and hold  
 269 harmless each financial institution for its compliance with the aforesaid reporting  
 270 and production requirements.
- 271 d. Effect on Financial Institution of Compliance: The agreement by a financial institution to  
 272 offer accounts pursuant to this Rule shall be a procedure to advise the State Disciplinary

273 Board of conduct by attorneys and shall not be deemed to create a duty to exercise a  
274 standard of care or a contract with third parties that may sustain a loss as a result of  
275 lawyers overdrawing attorney trust accounts.

276 e. Availability of Records: A lawyer shall not fail to produce any of the records required to  
277 be maintained by these ~~Standards~~ Rules at the request of the Investigative Panel of the  
278 State Disciplinary Board or the Supreme Court. This obligation shall be in addition to and  
279 not in lieu of the procedures contained in Part IV of these Rules for the production of  
280 documents and evidence.

281 f. Audit for Cause: A lawyer shall not fail to submit to an Audit for Cause conducted by the  
282 State Disciplinary Board pursuant to Bar Rule 4-111.

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

284  
285 Comment

286  
287 [1] Each financial institution wishing to be approved as a depository of client trust funds must  
288 file an overdraft notification agreement with the ~~State Disciplinary Board~~ Office of the General  
289 Counsel of the State Bar of Georgia. The State Bar of Georgia will publish a list of approved  
290 institutions at least annually.

291  
292 [2] The overdraft agreement requires that all overdrafts be reported to the Office of General  
293 Counsel of the State Bar of Georgia whether or not the instrument is honored. It is improper for a  
294 lawyer to accept "overdraft privileges" or any other arrangement for a personal loan on a client  
295 trust account, particularly in exchange for the institution's promise to delay or not to report an  
296 overdraft. The institution must notify the Office of General Counsel of all overdrafts even where  
297 the institution is certain that its own error caused the overdraft or that the matter could have been  
298 resolved between the institution and the lawyer within a reasonable period of time.  
299

300 [3] The overdraft notification provision is not intended to result in the discipline of every lawyer  
301 who overdraws a trust account. The lawyer or institution may explain occasional errors. The  
302 provision merely intends that the Office of General Counsel receive an early warning of  
303 improprieties so that corrective action, including audits for cause, may be taken.

304 Waiver

305 [4] A lawyer may seek to have the provisions of this Rule waived if there is no eligible bank  
306 within a reasonable distance from the lawyer or law firm's principal office. Other grounds for  
307 waiver include significant financial or business harm to the lawyer or law firm, such as where the  
308 ineligible bank is a client of the lawyer or law firm, or where the lawyer serves on the board of  
309 the ineligible bank.

310 [5] The request for waiver should be in writing, sent to the Investigative Panel of the State  
311 Disciplinary Board c/o the Office of the General Counsel, and should include sufficient  
312 information to establish good cause for the requested waiver.

313 [6] The Panel may request additional information from the lawyer or law firm if necessary to  
314 determine good cause. A lawyer or law firm may appeal the decision of the Investigative Panel  
315 to the Executive Committee of the State Bar of Georgia.  
316

#### 317 Audits

318  
319 [47] Every lawyer's financial records and trust account records are required records and therefore  
320 are properly subject to audit for cause. The audit provisions are intended to uncover errors and  
321 omissions before the public is harmed, to deter those lawyers who may be tempted to misuse  
322 client's funds and to educate and instruct lawyers as to proper trust accounting methods.  
323 Although the auditors will be employed by the Office of General Counsel of the State Bar of  
324 Georgia, it is intended that disciplinary proceedings will be brought only when the auditors have  
325 reasonable cause to believe discrepancies or irregularities exist. Otherwise, the auditors should  
326 only educate the lawyer and the lawyer's staff as to proper trust accounting methods.  
327

328 [58] An audit for cause may be conducted at any time and without advance notice if the Office of  
329 General Counsel receives sufficient evidence that a lawyer poses a threat of harm to clients or the  
330 public. The Office of General Counsel must have the written approval of the Chairman of the  
331 Investigative Panel of the State Disciplinary Board and the President-elect of the State Bar of  
332 Georgia to conduct an audit for cause.

333

334

335

## PART XV

336

## GEORGIA BAR FOUNDATION

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**Preamble**

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

344

**Chapter 1**

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**IOLTA ACCOUNTS****Rule 15-101. Bank Accounts.**

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

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

**Rule 15-102. Definitions.**

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

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



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

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

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

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

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

388 (3) to transmit to the depositing lawyer or law firm periodic reports or statements  
389 in accordance with the eligible institution’s normal procedures for reporting to  
390 depositors.

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

393 (c) “Allowable reasonable fees” for IOLTA accounts are per check charges, per deposit  
394 charges, a fee in lieu of a minimum balance, Federal deposit insurance fees, and sweep fees.  
395 (“Allowable reasonable fees” do not include check printing charges, NSF charges, overdraft  
396 interest charges, account reconciliation charges, stop payment charges, wire transfer fees, and  
397 courier fees. Such listing of excluded fees is not intended to be all inclusive.) All other fees are  
398 the responsibility of, and may be charged to, the lawyer maintaining the IOLTA account. Fees  
399 or charges in excess of the earnings accrued on the account for any month or quarter shall not be

400 taken from earnings accrued on other IOLTA accounts ~~or from the principal of the account.~~  
401 Eligible financial institutions may elect to waive any or all fees on IOLTA accounts.

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

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

405 (a) not less than the highest interest rate or dividend generally available from the eligible  
406 institution to its non-IOLTA customers for each IOLTA Account that meets the same minimum  
407 balance or other eligibility qualifications, if any. In determining the highest interest rate or  
408 dividend generally available from the institution to its non-IOLTA customers, the institution may  
409 consider factors, in addition to the IOLTA Account balance, customarily considered by the  
410 institution when setting interest rates or dividends for its customers if such factors do not  
411 discriminate between IOLTA Accounts and accounts of non-IOLTA customers. The institution  
412 also shall consider all product option types that it offers to its non-IOLTA customers, as noted at  
413 Rule 15-102(a), for an IOLTA Account by either establishing the applicable product as an  
414 IOLTA Account or paying the comparable interest rate or dividend on the IOLTA Account in  
415 lieu of actually establishing the comparable highest interest rate or dividend product; or

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

422 (c) Eligible institutions may choose to pay rates higher than comparable rates discussed  
423 above.

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**Chapter 2**

425

**INTERNAL RULES**

426 **Rule 15-201. Management and Disbursement of IOLTA Funds; Internal Procedures of**  
427 **Foundation**

428 (a) Mandatory Grants. The Georgia Bar Foundation, Inc. (the “Foundation”), which is  
429 the charitable arm of the Supreme Court of Georgia, is the named recipient of IOLTA funds.  
430 The Foundation shall pay to the Georgia Civil Justice Foundation (“GCJF”) a grant of ten  
431 percent (10%) of all IOLTA revenues received, less administrative costs, during the immediately  
432 preceding calendar quarter. GCJF must maintain its tax-exempt charitable/educational status

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433 under Sections 115 and 170(C)(1) or under Section 501(c)(3) of the Internal Revenue Code, and  
434 the purposes and activities of the organization must remain consistent with the exempt purposes  
435 of the Foundation. If GCJF is determined either by the Internal Revenue Service or by the  
436 Georgia Department of Revenue to be a taxable entity at any time, or its purposes and activities  
437 become inconsistent with the exempt purposes of the Foundation, then the Foundation shall  
438 retain all IOLTA funds which would have been granted to GCJF.

439

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

444

445 (c) Discretionary Grants. The Foundation shall develop procedures for regularly  
446 soliciting, evaluating, and funding grant applications from worthy law-related organizations that  
447 seek to provide civil legal assistance to needful Georgians, to improve the working and the  
448 efficiency of the judicial system, to provide legal education to Georgia's children, to provide  
449 assistance to children who are involved with the legal system, to provide educational programs  
450 for adults intended to promote a better understanding of our democratic system of government,  
451 or to foster professionalism in the practice of law.

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

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## Frequently Asked Questions about IOLTA rate comparability

### **1. How will I know whether my bank is eligible for IOLTA accounts?**

Within six months after issuance of the final rule by the Supreme Court of Georgia, the Georgia Bar Foundation will compile a list of eligible banks and provide the State Bar of Georgia with the list. The Bar will notify all Bar members through the newsletter and also will publish the list on its website at the following link: <http://www.gabar.org/attorneyresources/ioltaapprovedbanks.cfm>

The Georgia Bar Foundation also will maintain the list and can be contacted at 404-588-2239 to ask whether a particular bank is on the list.

### **2. What if my bank is not on the list of “eligible” banks?**

If you have non-IOLTA trust accounts, you may leave them in any approved bank; however, you must move your IOLTA account(s) to an eligible bank unless you have good cause to request a waiver.

### **3. How much time will I have to comply if I need to move my accounts?**

The Bar will ask the Supreme Court to give lawyers at least six months from the time any rules change takes effect to make the necessary changes to their bank accounts or to seek a waiver, if appropriate.

### **4. What constitutes “good cause” for a waiver?**

Comment 4 to Rule 1.15 (III) lists two reasons for a waiver: when there is no eligible bank within a reasonable distance from the lawyer’s office, or when complying with the rule will cause the lawyer significant financial or business harm. Other circumstances may also constitute good cause, such as where the ineligible bank is a client of the lawyer or law firm, or where the lawyer serves on the board of the bank. The Investigative Panel of the State Disciplinary Board will make a case-by-case determination of whether your circumstances justify a waiver.

### **5. How do I request a waiver?**

You may request a waiver by writing a letter to the Investigative Panel of the State Disciplinary Board stating your specific grounds for the request. Requests for waiver should be sent to bar headquarters addressed to the Investigative Panel c/o the Clerk of the State Disciplinary Board, 104 Marietta Street, NW Suite 100, Atlanta GA 30303. See Comment 5 to Rule 1.15(III).

### **6. What if the bank decides to increase the fees that it charges to maintain my account? Do I have to pay?**

Rule 15-102(c) provides that only “allowable reasonable fees” may be deducted from the interest that the account earns. Per check charges, per deposit charges, a fee in lieu of a minimum balance, federal deposit insurance fees, and sweep fees are examples of fees that are “allowable” and that may be deducted from the interest on the account. Other fees, such as check printing charges, NSF charges, overdraft interest charges, account reconciliation charges, stop payment charges, wire transfer fees, and courier fees are NOT allowable reasonable fees, and must be paid by the lawyer.

**PLEASE CONTACT PAULA FREDERICK OR ROBERT MCCORMACK IN THE OFFICE OF THE GENERAL COUNSEL ((404)527-8720; [paulaf@gabar.org](mailto:paulaf@gabar.org); [robertmc@gabar.org](mailto:robertmc@gabar.org)) IF YOU HAVE OTHER QUESTIONS.**

**LAW AND ECONOMICS SECTION  
STATE BAR OF GEORGIA  
Bylaws dated Sept. 4, 2013**

**ARTICLE I**

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

**Section 2:** The purpose of this Section shall be to increase awareness of the economic impact of statutes, regulations, and case-law decisions by bringing together lawyers and scholars to discuss and study such issues and to study the impact on the practice of law.

**ARTICLE II**

**Membership and Dues**

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

**ARTICLE III**

**Officers**

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

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

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

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

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

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

## ARTICLE IV

### Meetings of the Section

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

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

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

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

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

## ARTICLE V

### Executive Committee

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

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

## ARTICLE VI

### Elections

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

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

## ARTICLE VII

### Finances

**Section 1:** Funds of the Section shall be deposited in the treasury of the State Bar of Georgia and shall be disbursed by the treasurer of the State Bar of Georgia to pay bills of the Section

which have been approved for payment by any Officer of the Section.

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

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

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

## ARTICLE VIII

### Miscellaneous

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

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

## ARTICLE IX

### Effective Date and Amendment

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

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

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



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**Witness**

Approved by the Board of Governors  
the \_\_\_\_\_ day of \_\_\_\_\_,  
2013.

---

**CHAIRPERSON**

---

**PRESIDENT**

---

**SECRETARY**

December 4, 2013

By electronic mail to: [derricks@gabar.org](mailto:derricks@gabar.org)

Mr. Derrick Stanley  
Section Liaison  
State Bar of Georgia  
104 Marietta St. NW, Suite 100  
Atlanta, Georgia 30303

Re: *Petition for the Establishment of the "E-Discovery and Use of Technology Section" of the State Bar of Georgia*

Dear Derrick:

As you are aware, Lacreia Cade, General Counsel of Morehouse College, Scott Hilsen of KPMG, Mia Parrish of KPMG, and I, Rachael Zichella of Taylor English Duma, LLP, would like to establish a Section of the State Bar of Georgia dedicated to providing education and training to lawyers across practice areas about all facets of legal technology and e-discovery, including tools and applications for use in managing practices and in conducting e-discovery; best practices and procedures; applicable rules and laws; and ethical considerations. We propose that the Section be called, the "E-Discovery and Use of Technology Section" (the "Proposed Section").

On October 29, 2013, we submitted to you Draft Bylaws for the Proposed Section. Today, we submit the instant petition in support of the Draft Bylaws and the Proposed Section (the "Petition"). We have solicited by email fifty-eight (58) signatures to the Petition from the following members of the Georgia Bar (including ourselves and listed by firm or corporate affiliate):

- Alston & Bird LLP
  - Jessica Corley
  - Susan Hurd
  - Brian Stinson
- Arrow Exterminators
  - Steven Welch, General Counsel
- Baker Donelson LLP
  - Betsy Neal Burns
  - Scott Sherman
- Balch & Bingham LLP

Taylor English Duma LLP

1600 Parkwood Circle, Suite 400 Atlanta, GA 30339 p 770.434.6868 f 770.434.7376

- Chris Anulewicz
  - Alex Khoury
- Ballard Spahr LLP
  - Ethan Cohen
  - BJay Pak
- Barrett & Farahany LLP
  - Amanda Farahany
  - Abigail Larimer
- Bryan Cave LLP
  - John Bielema
  - Joey Burby
- Carlock, Copeland, & Stair LLP
  - John C. Rogers
- Crawford & Company
  - Elizabeth A. Robertson, Chief Litigation Counsel
- Jones Day LLP
  - Jean-Paul Boulee
  - Lillian N. Caudle
  - Joseph Finley
- Kilpatrick Townsend LLP
  - Michael J. Breslin
  - John Jett
- King & Spalding LLP
  - Jamea Richardson
- KPMG
  - Scott Hilsen
  - Mia Parrish
- Martenson, Hasbrouck & Simon LLP
  - Lisa Knottek Simpson
- Morehouse College
  - Lacreacia Cade, General Counsel
- Meyer Moser Lang LLP
  - Ted Solley
- Newell Rubbermaid
  - Robyn Wilensky Farmer, Chief Labor and Employment Counsel/ Chief Ethics and Compliance Officer
- Oldcastle Law Group
  - Meredith Wilson Sutton
- Rafuse Hill LLP
  - Stan Hill
- Rogers & Hardin LLP
  - Stephen D. Councill
- Sutherland, Asbill & Brennan LLP
  - Patricia Gorham

Mr. Derrick Stanley  
December 4, 2013  
Page 3

- Keith Barnett
- Taylor English Duma LLP
  - Alison Ballard
  - Wade Buser
  - Don Boyle
  - Scott Blews
  - Mark Florak
  - John Gross
  - Al Hill
  - Todd Jones
  - Deborah Livesay
  - Amy Loggins
  - Natalie Mark
  - Jay Patton
  - Scott Porter
  - Ann Schildhammer
  - Joseph Sullivan
  - Seth Trimble
  - Amy Weber
  - Tobi Wiseman
  - Stephen Wright
  - Rachael Zichella
- Troutman Sanders LLP
  - Thomas Bosch
  - Alison Grounds
  - Tim Mast
  - Jason McLarry
- YKK Corporation of America
  - Key A. Wynn

For your records, we have attached hereto the emails received from the above-referenced attorneys in support of this Petition.

We very much appreciate the information you have provided to us about the processes and procedures governing the establishment of a new Section of the State Bar. Please let us know if the Bar requires any additional information about the Proposed Section, or if we may answer any questions you might have about our submission. We hope to continue working with you in the future as members of the Proposed Section.

Kind regards,



Rachael Lee Zichella  
Taylor English Duma LLP

Mr. Derrick Stanley  
December 4, 2013  
Page 4

cc: Lacreia Cade  
Scott Hilsen  
Mia Parrish

# E-DISCOVERY AND USE OF TECHNOLOGY SECTION BYLAWS

## STATE BAR OF GEORGIA

### ARTICLE I

**Section 1:** The name of this Section shall be the " **E-Discovery and Use of Technology Section.**"

**Section 2:** The purpose of this Section shall be to provide education and training to lawyers across practice areas about all facets of legal technology and e-discovery, including the tools and applications; best practices and procedures; applicable rules and laws; and ethical considerations.

### ARTICLE II

#### Membership and Dues

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

### ARTICLE III

#### Officers

**Section 1:** The Officers of the Section shall be two Co-Chairpersons, a Vice Chairperson of Operations, and a Vice Chairperson of Programming, all of whom shall be members in good standing of the Section.

**Section 2:** Each Officer shall hold office for a term beginning at the close of the annual meeting of the Section at which he or she is elected and ending at the close of the next succeeding annual meeting of the Section and until his or her successor shall have been elected and qualified. If a vacancy shall arise in the office of a Co-Chairperson, one of the Vice Chairpersons shall become Co-Chairperson for the unexpired term. If a vacancy shall arise in the office of the Co-Chairperson and neither of the two Vice Chairpersons is available to fill the vacancy, the President of the State Bar of Georgia shall appoint a successor Co-Chairperson for

the unexpired term.

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

**Section 4:** The Vice Chairpersons shall assist the Co-Chairpersons and in the absence or disability of both of the Co-Chairpersons, shall perform the duties of the Co-Chairpersons.

**Section 5:** The Vice Chairman of Operations shall keep minutes of all meetings of the Section, maintain the permanent records, give notices of meetings and perform such other duties as may be prescribed by the Co-Chairpersons.

**Section 6:** Upon the organization of the Section, the President of the State Bar shall appoint two Co-Chairpersons, a Vice Chairperson of Operations, and a Vice Chairperson of Programming to serve until the close of the next annual meeting of the State Bar.

## ARTICLE IV

### Meetings of the Section

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

**Section 2:** A Special Meeting of the Section may be called by at least one of the Co-Chairpersons to be convened at such time and place and with such program and order of business as may be fixed by the Co-Chairperson(s).

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

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

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

## ARTICLE V

### Executive Committee

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

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

## ARTICLE VI

### Elections

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

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

## ARTICLE VII

### Finances

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



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

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

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

**Section 5:** To avoid the appearance of bias or endorsement, the Section shall not be financially sponsored by any firm, company, organization, vendor, or individual. Section meetings may be sponsored or hosted by firms, companies, organizations, vendors, or individuals; however, a particular firm, company, organization, vendor, or individual may not sponsor or host more than two (2) Section meetings in a twelve (12) month period.

## ARTICLE VIII

### Miscellaneous

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

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

## ARTICLE IX

### Effective Date and Amendment

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

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

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

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

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

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

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

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

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## State Bar of Georgia Bylaws

### ARTICLE I MEMBERS

#### **Section 1. Registration of Members.**

Persons admitted by the courts to the practice of law shall, within sixty days after admission to the bar of the Superior Court, register with the State Bar and pay ~~the a~~ monthly pro-rated dues amount calculated from the date of Superior Court admission through the remainder of the State Bar's ~~for the~~ fiscal year ~~of the date~~ of admission. ~~If the date of admission is less than six months before the expiration of that fiscal year, the member shall pay one half of the dues for that year. If the date of admission is on or after May 15, the member shall not be required to pay any dues for that fiscal year.~~

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

**State Bar of Georgia**  
**Resolution**  
**Recognizing the Service and Honoring the Memory of**  
**Officer James Neal Bowers**

WHEREAS, James Neal Bowers, a native of Greenville, South Carolina, graduated from Auburn University with a Bachelor's degree in political science and from Columbus College with a Bachelor's degree in criminal justice; and

WHEREAS, James Neal Bowers was a U.S. Air Force veteran of the Vietnam War and was serving as a law enforcement officer with the Columbus, Georgia, Police Department when he gave his life in the line of duty on April 4, 1979; and

WHEREAS, while working full time as a Columbus Police Officer, James Neal Bowers attended night classes at Woodrow Wilson Law School in Atlanta for three years; and

WHEREAS, Officer Bowers met all requirements for graduation and posthumously received a Juris Doctor of Law degree, attaining *magna cum laude* honors, on June 16, 1979, from Woodrow Wilson Law School, which dedicated the graduation ceremony to Officer Bowers; and

WHEREAS, in February 1979, Officer Bowers had taken and passed the Georgia Bar Exam; however, he never knew that he passed because the results were not received in the mail until shortly after his death; and

WHEREAS, in 1980, Georgia Governor George Busbee signed into law legislation that had been sponsored by then-State Representative Sanford Bishop of Columbus in memory of Officer Bowers, which paid funds to the families of law enforcement officers killed in the line of duty and made those funds tax exempt;

WHEREAS, Officer Neal Bowers demonstrated outstanding character, dedication and great promise; and

WHEREAS, when the life of Officer Bowers was tragically taken at age 32 in the line of duty, the public and the justice system were deprived of his service during what would have undoubtedly been a bright future career in the legal profession; and

WHEREAS, the 45,000-plus members of the State Bar of Georgia join his family, friends, fellow law enforcement officers and the Columbus community in mourning the loss of Officer Neal Bowers.

NOW THEREFORE BE IT RESOLVED, the Board of Governors of the State Bar of Georgia recognizes the service and honors the life and memory of Officer James Neal Bowers, who met all of the qualifications to be a member of the State Bar of Georgia except for the fact his life was taken before he could be sworn in.

BE IT FURTHER RESOLVED that the Executive Director of the State Bar of Georgia is authorized and directed to transmit an appropriate copy of this resolution to the family of Officer James Neal Bowers.

This 11th day of January 2014.

A handwritten signature in cursive script that reads "Charles L. Ruffin". The signature is written in black ink and is positioned above the printed name.

Charles L. Ruffin, President  
State Bar of Georgia

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December 9, 2013

FILE NO: 99997.029201 [47944305 V1]

Candidate for Treasurer, State Bar of Georgia

Dear:

I write to formally announce my candidacy for Treasurer of the State Bar of Georgia for 2014-2015. I expect my name will be placed in nomination during our Mid-Year Meeting on January 11, 2014. I ask for your vote and your support. This will be an open seat since the current Treasurer has announced plans to run for President-Elect.

It has been a privilege and a pleasure to serve as your Secretary this year, as a member of your Executive Committee since 2011, and as a member of the Board of Governors since 2008. I have attended and actively participated in numerous meetings, not only of the Executive Committee and the Board of Governors, but also as EC liaison to and/or a member of numerous State Bar Committees and Boards:

- Chief Justice's Commission on Professionalism
- Civil Legal Services Task Force (vice-chair)
- Commission on Continuing Lawyer Competency
- Elections (EC liaison; past chair)
- Georgia Diversity Program (EC liaison)
- Institute of Continuing Education Board of Trustees
- Local & Voluntary Bars Committee
- Long Range Planning
- Magna Carta 800<sup>th</sup> Anniversary Commemoration Committee
- Member Benefits Committee
- Personnel Committee
- Programs Committee
- State Bar of Georgia Foundation
- Technology Advisory Committee

Through this as well as other bar service and my conversations with many members of our State Bar, I understand many of the issues facing our profession. My sole agenda is what is in the best interests of our 44,000 members and our profession.

December 9, 2013

Page 2

I have practiced law with Hunton & Williams for my entire 26 years as a lawyer, focusing on complex environmental as well as patent and trademark infringement litigation, drawing on my Ph.D. in Chemistry. A substantial portion of my practice and professional career also has consisted of pro bono and public interest work. My passion for this work and our colleagues who have dedicated their careers to doing this work full-time gives me a keen perspective of the important role lawyers play in society, ensuring access to justice for many who otherwise could not afford the assistance of a lawyer.

With respect to the duties of the State Bar Treasurer, I have served as Treasurer of numerous non-profit organizations, including the Atlanta Legal Aid Society, the Atlanta Volunteer Lawyers Foundation, and the Atlanta Bar, among others, so I am very familiar with the duties and responsibilities of a treasurer. As a member of the State Bar Executive Committee, I have become familiar with the State Bar's finances. I feel strongly about ensuring that we are good stewards of and use our members' dues wisely. This experience combined with my technical background and education positions me well for assuming the duties of State Bar Treasurer. In that role, I assure you I am eager, willing and able to perform these duties, if elected.

I sincerely appreciate everyone who has reached out to me to offer assistance and ideas. I am eager to talk with you about my candidacy for Treasurer, including my qualifications and experience. As a dedicated member of your Executive Committee and the Board of Governors, I invite you to share with me your thoughts about the future of our State Bar and our profession, to help me continue to be an effective representative. I would be honored to have your support and assistance in my campaign and to serve you as Treasurer for 2014-2015.

With best wishes for the holidays, I am

Sincerely yours,

Rita A. Sheffey



WILLIAM P. FRANKLIN, JR.  
 DAVID H. DICKEY  
 I. GREGORY HODGES  
 ROBERT W. SCHIVERA (GA & NC)  
 PATRICK T. O'CONNOR  
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TWIGGS & OLIVER  
 1897-1905

OLIVER & OLIVER  
 1906-1941

OLIVER, OLIVER & DAVIS  
 1942-1955

OLIVER, DAVIS & MANER  
 1955-1963

OLIVER & MANER  
 1963-1967

OLIVER MANER & GRAY LLP  
 1967-2008

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JULIAN R. FRIEDMAN (GA & SC)  
 OF COUNSEL

December 16, 2013

State Board of Governors  
 State Bar of Georgia  
 104 Marietta St. NW, Suite 100  
 Atlanta, Ga 30303-2743

Re: State Bar Service; Candidacy for Bar Secretary

Dear Fellow Board Member:

After serving more than eight years as a member of the Board of Governors, representing the Eastern Judicial Circuit, Post 3, I have decided to announce my candidacy for Secretary of the State Bar of Georgia for 2014-2015. Service on the Board of Governors and, for the last two years, on the Executive Committee, has been a privilege and an honor, and I look forward to continuing my service as Secretary if elected. Please accept this letter as a request for your vote and for your support.

I have practiced law in Savannah since graduating from law school in 1981. I have been active in bar matters, both at a local and state level, over my entire career. I was privileged to serve a president of the Savannah Bar Association in 1995 - 1996 and since then I have been privileged to serve on various State Bar Committees and now as a member of the Board of Governors. Some of the highlights of my Bar service include the following Committees:

- Advisory Committee on Legislation (2007 – Current)
- Bench & Bar Committee (2005-2011, Co-Chair 2007-2011)
- Commission on Continuing Lawyer Competency (2005-2010)
- Disciplinary Rules & Procedures (2007-Current)
- Member Benefits (2009-2011 – Co-Chair)
- Long Range Planning and Bar Governance (2008-Current, Chair 2011-Current)



Service at the local and state levels has solidified my belief that we are members of a noble profession, that we are privileged to be licensed to practice law in this state, and that we need – more than ever – to give of our time and talents in support of the profession and the public. In addition, I am convinced that our system of justice, the public, and members of our profession are best served by maintaining Bar governance through the Supreme Court of Georgia rather than through the legislature.

Many gifted, experienced and selfless people have come before me as leaders of our Bar. The historic importance of prior leadership cannot be overstated. In this respect, I see service to the Bar and to the profession as a privilege and a responsibility and I hope that you will support my efforts to continue serving the Bar in the office of Secretary.

I look forward to personally discussing issues of importance to the Bar with you. I will try to be accessible at all times to hear your concerns, questions, and input.

Thank you for your consideration, your time and your service to the Bar.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick T. O'Connor", written over a circular stamp or mark.

Patrick T. O'Connor

PTO/prc

HARTLEY, ROWE & FOWLER, P.C.

ATTORNEYS AT LAW

ROBERT J. KAUFFMAN

DIRECT DIAL: 770/920-2004  
EMAIL: RKAUFFMAN@HRFLEGAL.COM

6622 EAST BROAD STREET  
POST OFFICE BOX 489

DOUGLASVILLE, GEORGIA 30133-0489

TELEPHONE: 770/920-2000  
FAX: 770/920-9119

December 3, 2013

Dear Fellow Member of the Board of Governors:

As you know, I am presently serving as Treasurer of the State Bar for the 2013-2014 term. As your Treasurer, your Secretary last year, and during my prior years as a member of the Executive Committee, I have attended and been an active participant in every meeting of the Executive Committee. While I have enjoyed my role as Treasurer, I now seek the office of President-Elect for the 2014-2015 term.

As many of you know, I have been a partner practicing in a small firm just outside Metro Atlanta for over twenty-five years. During this time, and in addition to church and community activities, I have been active at our local bar association, working on various committees and also serving as its President for consecutive terms. Further, as a member of the Board of Governors since 2004 and the Executive Committee since 2010, I have had the opportunity to serve the State Bar on the following committees:

- \*Chair/Communications/Cornerstone of Freedom Committee (2 years)
- \*Advisory Committee on Legislation
- \*Trustee, Institute Continuing Legal Education
- \*Law Related Education Committee
- \*Finance Committee

- \*Bar Center Committee
- \*Main Street Lawyers Committee
- \*Member Benefits Committee
- \*Personnel Committee
- \*Continuity of Law Practice Committee
- \*Law Practice Management Committee
- \*Trustee, State Bar of Georgia Foundation

These experiences, along with my networking with many of you, including those members now serving on the Executive Committee, have given me a "hands on" understanding of the matters of importance to our membership. These matters include such issues as judicial funding, challenges associated with the practice of law, lawyer advertising, and our relationship with the Legislature.

As a result of my personal, local and statewide experience, I am on top of the issues facing the members of our bar and the judicial branch as a whole. I pledge to use this knowledge with energy, integrity and discernment as your President-Elect. Accordingly, I would be honored and privileged to receive your consideration and vote for my continued service on the Executive Committee as your President-Elect. I hope you will join the enclosed list of supporters that have offered their support to me.

If you should have any questions or would like to speak with me about my interest in this position or ways that you can help, please feel free to call or email me at any time. Thank you for your time and consideration.

Very truly yours,

HARTLEY, ROWE & FOWLER, P.C.



Robert J. Kauffman

December 2, 2013

Dear Fellow Bar Member:

We request that you cast your vote in favor of Robert J. Kauffman of Douglasville for President of the State Bar of Georgia.

S. Lester Tate, III Akin & Tate Cartersville BOG Member Past President, State Bar of Georgia	Kenneth Shigley Chambers, Aholt & Rickard, LLP Atlanta BOG Member Past President, State Bar of Georgia	Bryan M. Cavan Miller & Martin, PLLC Atlanta BOG Member Past President, State Bar of Georgia	Jeffrey Bramlett, Boudurant, Mixon & Elmore, LLP Atlanta BOG Member Past President, State Bar of Georgia
Michael Geoffrey The Geoffrey Firm Covington Past President YLD	John Christopher Clark Clark & Smith Law Firm Macon BOG Member Past President GTLA	Damon Erik Elmore NAPA Rayloc Atlanta BOG Member Past President YLD	Phillip D. Wilkins Tisinger & Vance Carrollton Past President GRECAA
N. Harvey Weitz Weiner, Sherouse, Weitz, Greenberg & Shawe, LLP Savannah BOG Member	David Martin Calhoun Morris Manning & Martin Atlanta	Kenneth R. Bernard, Jr. Sherrod & Bernard Douglasville BOG Member	Nancy J. Whaley Standing Chapter 13 Trustee Atlanta BOG Member
Thomas W. Herman Westmoreland, Patterson, Moseley & Hinson Macon BOG Member	Donna S. Hix Law Office of Donna S. Hix Columbus BOG Member	Hon. William C. Rumer Chattahoochee Judicial Court Columbus BOG Member	J. Marcus Edward Howard Pope & Howard Atlanta BOG Member
John Flanders Kennedy James Bates, LLP Macon BOG Member	Seth D. Kirschenbaum Davis, Zipperman, Kirschenbaum & Lotito, LLP Atlanta BOG Member	Dennis C. O'Brien Dennis C. O'Brien, Attorney at Law Marietta BOG Member	H. Craig Stafford Arnold Stafford Randolph Hinesville BOG Member
Martin Enrique Valbuena Martin Enrique Valbuena PC Dallas BOG Member	J. Henry Walker, IV Kilpatrick Townsend & Stockton, LLP Atlanta BOG Member	Frank Winn Attorney at Law Douglasville	Sherri Kelley Attorney at Law Douglasville
Honorable Peggy Walker Douglas Co. Juvenile Court Douglasville	David N. Dorough, Jr. Dorough & Dorough Decatur	Nick Winn Attorney at Law Douglasville	Carol V. Clark Carol Clark Law Atlanta

299076.1



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

**January 11, 2013  
Atlanta, GA**

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

**1. Law School Fellows Program**

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

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

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

Update

- Four of Georgia’s five law schools have signed-on to participate in this program (updated roster of the Inaugural Class of YLD Law School Fellows is attached).

- Fellows from Emory University, John Marshall Law School, and Mercer University attended the YLD Fall Meeting in Chattanooga, Tennessee (picture attached).

## **2. Local Affiliate Outreach**

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

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

### Update

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

## **3. Leadership Academy Expansion**

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

### Update

- Fifty-five young lawyers (out of 140 applications!) have been admitted to the 2014 YLD Leadership Academy Class (roster attached).

- Thanks to your generosity, 11 of these young lawyers received scholarships in order to participate in the 2014 YLD Leadership Academy.
- Members of the 2014 Leadership Academy class were able to meet and mingle with Leadership Academy alumni, Justices from the Georgia Supreme Court, representatives of the United States District Court for the Northern District of Georgia, members of the State Bar of Georgia Executive Committee, and the YLD officers at the 6<sup>th</sup> Annual YLD Leadership Academy Alumni luncheon on December 12, 2013 (picture attached).

- **Session 1: Becoming a Leader in the Bar and YLD** - January 10 & 11, 2014, Atlanta, GA  
The session on January 10 will start at the Bar Center and will consist of speakers from the State Bar Executive Committee, as well as a tour of the Bar Center. The Academy class will also attend the YLD General Session at the InterContinental Hotel.

The session on January 11 will be a half-day session with activities designed to help class members become familiar with each other. First, the class will break into pairs and prepare introductions for their partner. Then the class will break into smaller groups of 10 and play a trivia game designed around interesting facts about their classmates.

- **Session 2: Lawyers as Leaders in State Government** - February 20, 2014, Atlanta, GA  
This session will begin with a meeting at the Coverdale Legislative Office Building between the Academy class and the State's lawyer-legislators. Will Fagan, chair of the YLD Legislative Recruitment Program, will address the class before they observe a session of the House of Representatives. The class will then travel to the Sloppy Floyd Building for lunch and an address by the Governor or Speaker of the House. After lunch, the Academy class will travel to the Supreme Court and Court of Appeals, where they will be addressed by Justice Nahmias and Judge Ellington.
- **Session 3: Community Service** –March 21-22, 2014, Augusta, GA  
While this session is still being planned, it will be an overnight meeting and feature a signature community service or pro bono project, as well as activities with the Augusta YLD.
- **Session 4: Pro Bono and Diversity** – April 17, 2014, Atlanta, GA  
This session will focus on pro bono and diversity. Representatives from Georgia Legal Services and Atlanta Legal Aid will be invited to speak about the opportunities for pro bono service offered by these organizations. This session will also feature a diversity workshop and will conclude at a dinner with the Judges of the Court of Appeals of Georgia and Superior Court Judge Dax Lopez.
- **Session 5: Professionalism** – May 16-18, Charlotte, NC  
This session will be held in conjunction with the YLD Spring Meeting, and Doug Ashworth will be invited to present his backpack professionalism program. This session will take place in conjunction with the YLD's Spring Meeting.
- **Session 6: Closing Session and Graduation**- June 5-8, Amelia Island, FL  
This session will feature a graduation and YLD events in conjunction with the Annual Meeting of the State Bar of Georgia.

#### **4. Permanent Funding for PIIP**

The brain-child of YLD Past-President Amy Howell, PIIP was founded during the 2009-10 Bar year to help alleviate a coinciding decrease in the number of legal employment opportunities for young lawyers and a decrease in staffing at Georgia's public interest legal organizations. PIIP does this by providing law students and new lawyers with funding to pursue internships at these organizations. These decreases have only continued since PIIP's inception, so the need for PIIP is as great now as it has ever been.

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

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

#### Update

- PIIP has been chosen as beneficiary of the 2014 Signature Fundraiser. The Fundraiser (see attached advertisement) will be held the evening of February 8, 2014, at the Atlanta Biltmore in Midtown Atlanta. To make donations to the Fundraiser or purchase tickets, visit <http://www.georgiabar.org/FundInitialbarnumber.asp>
- Taylor English, King & Spalding, and LexisNexis have all signed-on as Four-of-a-Kind (\$5,000) sponsors of the Signature Fundraiser.
- Plan to use funds secured by Signature Fundraiser to pursue other sources of funding (for example, CCLC grant).
- In anticipation of these funds, plans for endowment of PIIP are being put into place with the assistance of Bar CFO Steve Laine. This includes the establishment of a long-term growth fund model for the Program.
- A reception to honor the 2013 PIIP Interns will be held on January 16 at the Bar Center. All past interns and public interest organizations have been invited as well as the Executive Committees of the YLD and the State Bar.

#### **5. Legislative Recruitment**

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

### Update

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

In addition, we will continue our regular meetings and events, and we will continue to be distinguished by our committees and special projects.

### **Meetings**

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

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

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

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



Saturday evening, attendees walked to Gino's East Pizzeria and sampled Chicago's finest deep dish pizza.

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

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

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

### **Special Projects**

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

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

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

### **Committees and Programs**

The YLD is routinely referred to as the "service arm" of the Bar. The YLD's 28 committees offer a wide range of service opportunities—to the profession, the public and otherwise. Through the

involvement and leadership of young lawyers, these committees have produced programming that has routinely garnered the YLD national recognition.

- **Advocates for Students with Disabilities**

- **Co-Chairs: Emma Hetherington & Laurice Rutledge**

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

- **Appellate Admissions**

- **Co-Chairs: Kristen Cawley & Bryan Schivera**

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

- **Aspiring Youth Program**

- **Co-Chairs: Lindy Kerr & Tamika Sykes**

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

- **Business Law**

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

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

- **Community Service Projects**

- **Co-Chairs: Deepa Subramanian & Kristi Wilson**

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

- **Criminal Law**

- **Co-Chairs: Amanda Clark Palmer & Rebekah Shelnett**

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

- **Disaster Legal Assistance**  
**Co-Chairs: Monica Kinene & Jessica Reece**  
 This committee coordinates emergency legal assistance for victims of disasters who are located in Georgia.
- **Ethics and Professionalism**  
**Co-Chairs: Kristy Offitt & Raj Shah**  
 This committee develops programs to assist lawyers in achieving the ethical and professional standards set forth for the legal profession and to make the public aware that lawyers are striving to meet and exceed these standards. This committee works directly with the Chief Justice's Commission on Professionalism to develop programs designed to promote these standards for lawyers who have recently entered the profession. Each year, the committee recognizes one exceptional young lawyer who has demonstrated outstanding professionalism with its Ethics & Professionalism Award.
- **Family Law**  
**Co-Chairs: Jamie Perez & Kelly Reese**  
 This committee provides educational and networking opportunities to young lawyers whose practice involves family law. The committee sponsors a networking reception as part of the annual Family Law Institute, as well as hosting The Supreme Cork, an annual fundraising event to raise money and awareness for causes involving family related issues in Georgia.
- **High School Mock Trial**  
**Chairs: Kevin Epps, Lee Ann Feeley & Righton Johnson**  
 This committee provides educational litigation experience to hundreds of high school students by sponsoring a statewide mock trial competition, sending a team to the national competition and holding an intensive weekend law academy. Young lawyers, judges and teachers throughout Georgia are involved in all levels of the competition as coaches, judges and committee members.
- **Intellectual Property**  
**Co-Chairs: Liz Wheeler & Clark Wilson**  
 This committee promotes communication among young lawyers practicing in the various areas of intellectual property law as well as networking with other practice groups to enhance the availability of business opportunities. The committee provides CLE programs as well as social activities that promote networking and Bar participation.
- **Intrastate Moot Court Competition**  
**Co-Chairs: Kathleen Sullivan Dod & Emelia Walker**  
 This committee sponsors the annual Intrastate Moot Court Competition among students from Georgia law schools. It organizes and conducts all aspects of the competition.
- **Judicial Law Clerk**  
**Co-Chairs: Margaret Head & Elise Myers**  
 This committee serves the professional needs of, and addresses issues specific to, young lawyers serving as staff attorneys or judicial law clerks in either state or federal courts throughout the state. In this regard, the committee monitors and addresses legal developments and issues

facing the courts. Moreover, the committee provides a forum for young, practicing lawyers to gain insight from other young lawyers serving in the courts. The committee also sponsors CLE programs, covering topics of interest to staff attorneys and judicial law clerks, and offers networking events throughout the year.

- **Juvenile Law**

**Co-Chairs: Donald Lee & Stephanie Mason**

This committee is responsible for studying and recommending changes in the areas of juvenile law, facilities and rehabilitation. The committee encourages and celebrates excellence in juvenile law practice across Georgia through sponsorship of an annual CLE event and child advocate awards. The committee organizes and co-sponsors the Celebration of Excellence, a graduation ceremony for youth in the state foster care system. In addition, the committee recently drafted comprehensive recommended revisions to Georgia's Juvenile Code and provided technical support to turn the recommendations into legislation.

- **Labor & Employment Law**

**Co-Chairs: Allison Ballard, Stan Hill & Abby Larimer**

This committee provides educational and networking opportunities by: (1) enhancing the role and skill of young lawyers engaged in the practice of labor and employment through the development and dissemination of materials and discussion on subjects of interest to young labor and employment law practitioners; (2) assisting in the formation, administration and implementation of programs, forums and other activities for the education of members in matters pertaining to labor and employment; and (3) recognizing and discussing means of improving the practice of law in the field of labor and employment through meetings and other social events.

- **Leadership Academy**

**Co-Chairs: Ivy Cadle, Rachel Fields & Yari Lawson**

Founded in 2006, the Young Lawyers Division Leadership Academy of the State Bar of Georgia is a program for young lawyers who are interested in developing their leadership skills as well as learning more about their profession, their communities and their state. The Leadership Academy counts more than 300 alumni. Those alumni members include solo practitioners, judicial law clerks, partners in large and small law firms, assistant district attorneys, public defenders, non-profit lawyers, ADR specialists and in-house counsel for Fortune 500 companies.

- **Legal Food Frenzy**

**Chair: Jonathan Poole**

The Legal Food Frenzy was started in 2012 when Georgia's Attorney General partnered with the Young Lawyers Division and the Georgia Food Bank Association to recreate a program born in Virginia. This is a friendly competition between law firms, corporate law offices and legal organizations to help families who need food assistance in our state. The winner receives the "Attorney General's Cup" from Georgia's Attorney General Sam Olens. Awards are also given in sole proprietor, small firm, medium firm, large firm, legal organization and corporate law firm divisions. Any firm in the state can win since the awards are based on a per person average (pounds raised divided by the number of employees in the firm). For more information, please visit [www.galegalfoodfrenzy.org](http://www.galegalfoodfrenzy.org).

- **Legislative Affairs**  
**Co-Chairs: Clint Bearden, Leslie Powell & David Werner**  
 This committee serves as the clearinghouse for YLD-initiated legislation and aids legislators and other YLD committees in various matters. The committee also holds an annual legislative luncheon.
- **Litigation**  
**Co-Chairs: John Jett & Brandon Smith**  
 This committee addresses the needs of younger litigators by sponsoring litigation themed Lunch and Learns, CLEs and socials. The committee also places an emphasis on social activities as well as service to the community, fostering networking among its members.
- **Minorities in the Profession**  
**Co-Chairs: Yennifer Delgado & Morgan Clemons**  
 This committee encourages increased participation by minorities in the Bar and the YLD, examines the problems affecting the minority lawyer and expands the opportunities for minority lawyers within the profession.
- **National Moot Court Competition**  
**Co-Chairs: Cara Convery, April Holloway & Bert Hummel**  
 This committee conducts the Region V competition of the National Moot Court Competition.
- **Non-Traditional Legal Careers Committee**  
**Chair: Taylor Sellers**  
 Newly created, this committee will work to maintain professional identity and engagement of young lawyers who work in settings other than traditional law practice.
- **Public Interest Internship Program**  
**Co-Chairs: Jennifer Fleeman & Kerry Nicholson**  
 This committee oversees the Public Interest Internship Program and acts as liaison to other public interest organizations.
- **Real Estate**  
**Co-Chairs: Sarah Madden & Matt Schectman**  
 This committee promotes communication among young lawyers practicing in the various areas of real estate law as well as networking with other practice groups to enhance the availability of business opportunities. The committee provides CLE programs as well as social activities that promote networking and Bar participation.
- **Signature Fundraiser**  
**Co-Chairs: Jessica Sabbath & Meredith Sutton**  
 This committee organizes and orchestrates an annual fundraising event to raise money to support nonprofits.

- **Solo Practice/Small Firm**

- **Co-Chairs: Soo Hong, Dar'shun Kendrick & Tracy Rhodes**

- This committee seeks to provide opportunities for and support to solo practitioners and young lawyers who work in small firms. Recognizing that the economy and many other factors contribute to young lawyers hanging their own shingles, this committee focuses on providing discounted CLEs, organizing networking events and creating projects aimed at sharpening the skills and increasing the success of its members.

- **William Daniel National Invitation Mock Trial**

- **Chair: Matt Jones**

- This committee hosts an annual criminal mock jury trial competition among law students in November. The competitors are law students from schools across the country. Georgia law schools are also invited to participate. Every summer, the committee sends applications to ABA accredited law schools. Only 18 schools are invited to compete in this distinguished national mock trial competition.

- **Women in the Profession**

- **Co-Chairs: Nadia Deans & Jennifer Nichols**

- This committee's mission is to ensure the success of women attorneys just beginning their legal careers by providing a forum for the exchange of dialogue and ideas on concerns of women, sponsoring programs directed to business and professional development of women attorneys, organizing networking activities, and supporting organizations and causes which advance the status and progress of women in society.



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



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



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



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



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

## 2013-14 Law Student Fellows Roster

School	2L Fellow	3L Fellow
Emory University	Mark A. Weaver 1121 Glen Way, NE Atlanta, GA 30319 (478) 335-8290 <a href="mailto:Mark.allen.weaver@emory.edu">Mark.allen.weaver@emory.edu</a>	Yu-Hsuan "Allen" Chang 10610 Stonefield Landing Duluth, GA 30097 (404) 713-0108 <a href="mailto:Ychan52@emory.edu">Ychan52@emory.edu</a>
Georgia State University	Wayne Satterfield 335 Eppington Drive Atlanta, GA 30327 (706) 247-0321 <a href="mailto:Ews1325@gmail.com">Ews1325@gmail.com</a>	Christopher L. Collier 870 Virginia Ave. NE Atlanta, GA 30306 (706) 499-0083 <a href="mailto:C1c1487@gmail.com">C1c1487@gmail.com</a>
John Marshall Law School	Charles H. Yang 2415 Camellia Lane Apartment 1401 Atlanta, GA 30324 (703) 798-1443 <a href="mailto:mrcharlesyang@gmail.com">mrcharlesyang@gmail.com</a>	Rachel R. Morelli 11285 West Road Roswell, GA 30075 (404) 312-9388 <a href="mailto:rrmorelli@johnmarshall.edu">rrmorelli@johnmarshall.edu</a>
Mercer University	Erin Bittick 546 Poplar Street, Unit 1 Macon, GA 31201 (775) 287-4237 <a href="mailto:Ebittick15@lawmail.mercer.edu">Ebittick15@lawmail.mercer.edu</a>	Steven Pruitt 1027 Bond Street Macon, GA 31201 (706) 331-9774 <a href="mailto:Steven.L.pruitt@gmail.com">Steven.L.pruitt@gmail.com</a>
University of Georgia	Rachel Etheridge (229) 869-7979	David Dove (706) 296-9360



## 2013-14 Affiliate Outreach Schedule

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

## 2014 Leadership Academy Participants

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

September 24, 2013



Dear Friend of the YLD,

The Young Lawyers Division (YLD) of the State Bar of Georgia is pleased to announce that its **8<sup>th</sup> Annual Signature Fundraiser** will be held on February 8, 2014, at the historic Atlanta Biltmore Hotel in the heart of Midtown Atlanta. We hope you will join us for the return of the Black Tie & Blackjack theme and an evening of dinner and dancing, casino games, live music, open bar and silent auction. The YLD will also present its Signature Service Award to honor a Georgia attorney who embodies the YLD's mission: service to the profession and the public.

It was in order to fulfill this mission that the YLD established the Signature Fundraiser eight years ago. Through the seven previous Fundraisers, Georgia's young lawyers have served their fellow Georgians by raising funds and support for non-profit organizations throughout the state. For example, the proceeds of the 2009 Signature Fundraiser, the first Black Tie & Blackjack, resulted in the donation of approximately 185,670 meals to Kids Against Hunger. And the 2011 and 2012 Fundraisers allowed the YLD to donate nearly \$120,000 to the Georgia Legal Services Program (GLSP)! In between, the 2010 Fundraiser funded 10 stipends for the inaugural Public Interest Internship Program (PIIP) class.

We are proud to announce that the Public Interest Internship Program will again be the Fundraiser beneficiary this year. The brain-child of YLD Past President Amy Howell, PIIP was founded to help alleviate a coinciding decrease in the number of legal employment opportunities for young lawyers and a decrease in staffing at Georgia's public interest legal organizations by providing law students and new lawyers with funding to pursue internships at these organizations. Seeing that these decreases have only continued since PIIP's inception, it is YLD President Darrell Sutton's goal to see that this program is funded for the foreseeable future so that the service it provides to both Georgia's current and future young lawyers and their fellow Georgians will continue. Consider this: in only four Bar years since PIIP's inception, 24 PIIP interns (out of 274 applicants!) have provided legal services at GLSP, the Atlanta Legal Aid Society, the U.S. Department of Housing & Urban Development, the DeKalb County Public Defender's Office, the DeKalb County Child Advocacy Center, the Federal Defender Program, Gideon's Promise, and the Augusta District Attorney's Office. Imagine what the interns whose internships will be funded as a result of this Fundraiser can do!

This is where you come in. The success of the YLD's Signature Fundraiser and its beneficiaries, including PIIP, would not be possible without our generous sponsors, who year in and year out lend their names and financial support to make the Signature Fundraiser a success. On behalf of the nearly 10,000 Georgia young lawyers, we invite you to partner with us again this year and become a sponsor of the 2014 YLD Black Tie & Blackjack Signature Fundraiser. By participating as a sponsor, your organization will benefit from extended exposure through media campaigns and other promotion of this philanthropic event, which is attended each year by hundreds of Georgians – attorneys, judges, legislative representatives and law school students alike. As you can see from the enclosed sponsorship form, we offer four levels of sponsorship, each bringing with it a different package of benefits. While we hope you will choose to sponsor at one of these sponsorship levels, we would appreciate a donation of any sort.

If you have any questions or would like additional information on sponsorship opportunities, please contact Sponsorship Committee Chair Brantley Rowlen: (404) 348-8585 or [Brantley.Rowlen@lewisbrisois.com](mailto:Brantley.Rowlen@lewisbrisois.com). The YLD and the many Georgians we serve each year thank you for your support of the 2014 YLD Black Tie & Blackjack Signature Fundraiser.

Sincerely,

Handwritten signature of Jessica Sabbath in black ink.

Jessica Sabbath

2014 YLD Signature Fundraiser Committee Co-Chairs

Handwritten signature of Meredith Sutton in black ink.

Meredith Sutton





# Sponsorship Opportunities

Thank you for considering sponsorship of the 2014 YLD Signature Fundraiser. The four sponsorship levels are outlined below. Your decision to sponsor this event will make a significant impact on Georgians statewide by assisting the YLD's effort to permanently fund its Public Interest Internship Program so that Georgia's current and future young lawyers can continue their legacy of service to the state's public interest legal organizations.

## **Four of a Kind - \$5,000**

- ♣ Recognition as Event Sponsor in all Publicity Materials
- ♣ Sponsor's Signage displayed at Event
- ♣ (16) Signature Fundraiser tickets
- ♣ (16) VIP Reception tickets
- ♣ Recognition as a Sponsor in Event Brochure

## **Full House - \$2,500**

- ♦ Sponsor's Signage at Event
- ♦ (8) Signature Fundraiser tickets
- ♦ (8) VIP Reception tickets
- ♦ Recognition as a Sponsor in Event Brochure

## **Three of A Kind - \$1,000**

- ♠ (4) Signature Fundraiser Tickets
- ♠ (4) VIP Reception tickets
- ♠ Recognition as a Sponsor in Event Brochure

## **Two Pair - \$500**

- ♥ (2) Signature Fundraiser Tickets
- ♥ Recognition as a Sponsor in Event Brochure

To become a sponsor of the Signature Fundraiser, please visit:

<http://www.georgiabar.org/FundInitialbarnumber.asp>

OR

make your check payable to:

**State Bar of Georgia Foundation** and send to

Young Lawyers Division

104 Marietta Street, N.W., Suite 100

Atlanta, Georgia 30303

For additional information, please contact 2014 Black Tie & Blackjack Fundraiser Co-Chairs:

Jessica Sabbath, Esq. – [jsabbath@kslaw.com](mailto:jsabbath@kslaw.com)

Meredith Sutton, Esq. – [meredith.sutton@oldcastlelaw.com](mailto:meredith.sutton@oldcastlelaw.com)

*Please consult with your accountant or attorney regarding whether all or part of your donation may be tax deductible.*

12/17/2013

## State Bar of Georgia Revenues and Expenditures as of November 30, 2013

Activity	2013-14 Net Dues	Actual YTD 2013-14			Budget 2013-14	
		# Memb.	Amount	% of Bud	# Memb.	Amount
Active	\$244	36,031	\$8,754,960	98.6%	36,375	\$8,875,500
Inactive	\$122	8,346	\$1,032,359	99.3%	8,525	\$1,040,050
Associates	\$100	19	\$1,850	102.8%	18	\$1,800
Foreign Legal Cnslt	\$244	5	\$1,220	125.0%	4	\$976
Students	\$0	85	\$0	0.0%	100	\$0
Emeritus	\$0	1,367	\$0	0.0%	1,325	\$0
Late Fees			\$215,753	116.6%		\$185,000
Prior Years Dues			\$3,845	76.9%		\$5,000
<b>Total License &amp; Dues</b>		<b>44,486</b>	<b>\$10,009,987</b>	<b>99.0%</b>	<b>45,022</b>	<b>\$10,108,326</b>
Alloc. Section Fees			\$106,665	100.1%		\$106,610
CSF Expense Reimb.			\$30,417	41.7%		\$73,000
Advertising & Sales			\$47,438	37.6%		\$126,200
Membership Income			\$103,819	45.5%		\$228,000
Interest Income			(\$1,105)	-1.6%		\$70,000
Miscellaneous			\$1,288	32.2%		\$4,000
<b>Total Revenue</b>			<b>\$10,298,509</b>	<b>96.1%</b>		<b>\$10,716,136</b>
<b>Total Expenses</b>			<b>\$4,591,656</b>	<b>37.9%</b>		<b>\$12,116,862</b>
<b>Net Gain (Loss)</b>			<b>\$5,706,853</b>			<b>(\$1,400,726)</b>

## Board Designated Amounts (Excluding Sections, and Restricted Funds)

Operating	\$2,750,000
Bar Center	2,000,000
Board Designated Litigation Reserve	250,000
<b>Total</b>	<b>\$5,000,000</b>

## Projected

Undesignated Unrestricted Surplus 6/30/13--Cash	\$6,793,271
(Includes Operating and Bar Center)	

**State Bar of Georgia**  
**Summary of Selected Payment Information**  
**For the Periods through November 30, 2013, November 30, 2012 and November 30, 2011**

Total Number of Members at Apr 30 of prev Bar year (active and inactive)	<u>44,044</u>	<u>42,858</u>	<u>42,271</u>
	<b>Through November 30, 2013</b>	<b>Through November 30, 2012</b>	<b>Through November 30, 2011</b>
<b>Dues</b>			
Active - Number Paid	36,036	35,034	34,128
Inactive - Number Paid	<u>8,346</u>	<u>8,227</u>	<u>8,139</u>
Total Number Paid (Estimated)	<u>44,382</u>	<u>43,261</u>	<u>42,267</u>
Percent Paid	<u>100.77%</u>	<u>100.94%</u>	<u>99.99%</u>
Total Amount Paid - Active and Inactive	<u>9,788,915</u>	<u>9,382,172</u>	<u>9,101,530</u>

**Georgia Legal Services**

Number Paid (Estimated)	<u>2,206</u>	<u>2,313</u>	<u>2,310</u>
Percent of Total Members Paid as of November 30	<u>4.97%</u>	<u>5.35%</u>	<u>5.47%</u>
Amount Paid	<u>239,786</u>	<u>242,557</u>	<u>239,408</u>
Average Amount Paid	<u>\$ 109</u>	<u>\$ 105</u>	<u>\$ 104</u>

**Legislative**

Number Paid (Estimated)	<u>7,209</u>	<u>7,155</u>	<u>6,967</u>
Percent of Total Members Paid as of November 30	<u>16.24%</u>	<u>16.54%</u>	<u>16.48%</u>
Amount Paid	<u>679,516</u>	<u>659,073</u>	<u>634,763</u>
Average Amount Paid	<u>\$ 94</u>	<u>\$ 92</u>	<u>\$ 91</u>

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

<b>Georgia Legal Services</b>	<u>\$ 244,000</u>
<b>Legislative</b>	<u>\$ 690,000</u>

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



December 17, 2013

**State Bar of Georgia**  
**Income Statement YTD**  
**For the Five Months Ending November 30, 2013**

	YTD Actual	Annual Budget	Ytd % of Bud	Last Year
<b>Revenues</b>				
Dues - Active	\$ 8,756,180	\$ 8,875,500	98.66	8,539,088
Dues - Inactive	1,032,359	1,040,050	99.26	1,017,001
Dues - Misc. Types	1,850	2,776	66.64	2,600
Dues - Late Fees	219,598	190,000	115.58	213,550
	<hr/>	<hr/>		<hr/>
<b>Total Dues &amp; Licenses</b>	<b>10,009,987</b>	<b>10,108,326</b>	<b>99.03</b>	<b>9,772,239</b>
Section Expense Reimb.	106,665	106,610	100.05	96,963
CSF Expense Reimb.	30,417	73,000	41.67	73,000
Advertising and Sales	47,438	126,200	37.59	130,842
Membership Income	103,819	228,000	45.53	252,275
Savannah Misc Income	350	0	0.00	350
Interest Income	(1,105)	70,000	(1.58)	52,005
Miscellaneous Revenues	938	4,000	23.45	2,789
	<hr/>	<hr/>		<hr/>
<b>Total Revenues</b>	<b>10,298,509</b>	<b>10,716,136</b>	<b>96.10</b>	<b>10,380,463</b>
<b>Expenses</b>				
Administration	783,649	1,993,411	39.31	1,879,841
Management Info Systems	173,780	409,781	42.41	356,478
General Counsel	1,379,455	3,426,666	40.26	3,233,658
Consumer Assistance Pgm.	218,138	530,832	41.09	507,417
Communications	301,399	1,295,853	23.26	782,564
Fee Arbitration	166,190	438,010	37.94	331,660
Law Related Education	94,765	238,288	39.77	226,076
Law Practice Management	164,228	410,219	40.03	383,863
Coastal Georgia Office	76,550	187,361	40.86	175,630
South Georgia Office	63,934	180,560	35.41	155,638
Younger Lawyers Division	172,863	440,400	39.25	391,045
Unauthorized Practice of Law	301,268	733,691	41.06	725,534
Standards of the Profession	76,303	187,774	40.64	187,046
High School Mock Trial	25,906	105,120	24.64	112,019
Sections	41,388	106,665	38.80	96,963
Lawyer's Assistance Pgm	22,917	55,000	41.67	38,850
Pro Bono	87,117	209,080	41.67	205,787
Fastcase	72,775	186,000	39.13	183,078
Officers' Expenses	61,863	183,271	33.75	108,178
Telephone System Project	0	0	0.00	158,661
BASICS Program Contribution	140,000	140,000	100.00	140,000
Resource Center Contribution	108,701	108,701	100.00	106,989
Military/Vets Pro Bono	34,115	100,500	33.95	94,691
Other Expenses	24,352	511,505	4.76	242,861
	<hr/>	<hr/>		<hr/>
<b>Total Expenses</b>	<b>4,591,656</b>	<b>12,178,688</b>	<b>37.70</b>	<b>10,824,527</b>
	<hr/>	<hr/>		<hr/>
<b>Net Income</b>	<b>\$ 5,706,853</b>	<b>\$ (1,462,552)</b>	<b>(390.20)</b>	<b>(444,064)</b>

12/18/2013

**State Bar of Georgia - Bar Center**  
**Revenues and Expenditures - Executive Summary**  
**For the Five Months Ended November 30, 2013**

Activity	YTD 11/30/13		Budget
	Actual	% Budget	FY 14
<b>Income and Cash Receipts</b>			
CCLC Contribution	\$29,963	2.5%	\$1,200,000
Interest Income	\$1,628	27.1%	\$6,000
Member Assessment	\$248,122	85.6%	\$290,000
Room Rentals and Various Charges	\$8,703	34.9%	\$24,957
Parking Revenues	\$81,315	36.4%	\$223,157
Rental Income	\$489,909	42.3%	\$1,157,797
Operating Budget Transfer	\$236,743	41.7%	\$568,184
Unrealized Gain (Loss) on Interest Rate Swap	\$0	0.0%	\$0
<b>Total Income and Operating Budget Transfers</b>	<b>\$1,096,383</b>	<b>31.6%</b>	<b>\$3,470,095</b>
<b>Total Income and Cash Receipts</b>	<b>\$1,096,383</b>	<b>31.6%</b>	<b>\$3,470,095</b>
<b>Expenses and Cash Disbursements</b>			
Building Rehabilitation	\$31,843	0.0%	\$25,000
Conference Floor Renovations	\$0	0.0%	\$5,000
Tenant Improvements	\$40,409	808.2%	\$5,000
Sub-Basement Buildout	\$0	0.0%	\$0
Second Floor Attorney Buildout	\$0	0.0%	\$0
Furniture and Equipment	\$0	0.0%	\$0
Design Fees	\$0	0.0%	\$0
Lease Commissions	\$0	0.0%	\$0
Median and Landscaping	\$0	0.0%	\$5,000
Woodrow Wilson Exhibit and Law Museum	\$0	0.0%	\$5,000
President's Conference Room	\$505	10.1%	\$5,000
Law Related Education	\$17,500	33.0%	\$53,000
Conference Center Operating Expenses	\$174,749	38.4%	\$454,497
Third Floor Contingency	\$0	0.0%	\$25,000
Building Operating Expenses	\$646,407	37.7%	\$1,713,065
Parking Deck Operating Expenses	\$84,929	36.9%	\$230,172
Legal, Due Diligence and Closing Fees	\$0	0.0%	\$0
<b>Total Expenses and Cash Disbursements</b>	<b>\$996,342</b>	<b>39.4%</b>	<b>\$2,525,734</b>
<b>Net Cash Flow</b>	<b>\$100,041</b>		<b>\$944,361</b>
<b>Board Designated Amounts (Excludes Sections and Restricted Funds)</b>			
<b>1. Board Designated Reserves</b>			
Operating	\$2,750,000		
Bar Center	\$2,000,000		
Litigation	\$250,000		
<b>Total</b>	<b>\$5,000,000</b>		
<b>2. Projected Undesignated Unrestricted Surplus 6/30/13 (Includes Operating and Bar Center)</b>			
	<b>\$6,793,271</b>		

**State Bar of Georgia**  
**Balance Sheet**  
**November 30, 2013**

ASSETS - Current Assets

Total Cash & Short-Term Investments	14,558,994
Investment - Merrill Lynch	9,557,062
Investment - Fidelity	9
Total Long-Term Investments	9,557,071
Accounts Receivable	47,486
Accrued Interest Receivable	12,153
Due from Related Orgs/Emp	(158,645)
Prepaid Expenses	318,289
Bar Center Prepaid Expenses	19,914
Total Other Assets	239,197
Total Current Assets	24,355,262

Fixed Assets

Furniture & Equipment	4,944,353
Bar Center	26,517,197
Accum. Depreciation	(15,366,501)
Total Fixed Assets	16,095,049

Total Assets	\$ 40,450,311
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LIABILITIES AND CAPITAL

Accounts Payable	\$ 132,579
Other Current Liabilities	449,042
Vacation & Pers Day Accrual	450,954
Due to Client Security Fund	2,440,757
Deferred Income	5,810
C&W - Cushman Accounts Payable	28,043
BC-Accrued Expenses	22,487
C&W - Deferred Rent Income	27,947
Total Current Liabilities	3,557,619
Total Long Term Liabilities	0

Fund Balances - Beg. of Year

Total Fund Balances - Beg. of Year	30,075,924
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YTD Activity	6,816,763
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Total Liabilities & Capital	\$ 40,450,306
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## State Bar of Georgia 2014-2015 Budget Timetable

(Unless otherwise noted, all meetings are at the State Bar Building, 104 Marietta Street, Atlanta)

12/2/13

- Week of Dec. 2, 2013** The Budget Timetable and the Budget Request Forms are sent to President-elect, YLD President-elect, Section Chairs, Committee Chairs, and Bar staff.
- Wed. - Jan. 8, 2014** **Deadline** for submission of all new budget requests to be submitted to Executive Director, Chief Operating Officer or Chief Financial Officer. **Non-emergency requests received after this date will be held for consideration in the 2015-2016 budget cycle.**
- Thrs. - Jan. 16, 2014 **Programs Committee** reviews any new budget requests from existing State Bar programs, and any requests for new programs. Proponents are requested to appear to orally present and justify their requests.
- Fri. - Jan. 24, 2014 **Personnel Committee** reviews any new staffing and compensation change requests. Proponents are requested to appear to orally present and justify their requests.
- Fri. - January 31, 2014 **Finance Committee** reviews the recommendations of the Programs and Personnel Committees (the review is limited to their financial impact on dues and budget) and recommends the 2014-2015 dues level to the Executive Committee. Proponents, having already been heard, do not attend.

(dates below are subject to Exec. Comm. meeting schedule & subject to change)

- Thrs. - Feb. 21, 2014 **Executive Committee** receives the recommendations of the Programs and Personnel Committees, and the Finance Committee's draft budget (including its report on the financial impact of those recommendations) and recommends the 2014-2015 dues level to the Board of Governors for the March 22 Board meeting. (Note: Board agenda deadline is March 3 – the Executive Comm. next meets on *April 10, 2014*, after the deadline).
- Sat. - March 22, 2014 **Board of Governors** sets the 2014-2015 dues level at the Spring Board Meeting (Greensboro, GA).
- Fri. - March 28, 2014 **Finance Committee** recommends the final draft budget to the Executive Committee.
- Thrs. - April 10, 2014 or  
May 15, 2014 **Executive Committee** receives final draft budget for its review and recommendation to the Board of Governors. (Note: Board agenda deadline is May 19)
- Sat. - June 7, 2014 **Board of Governors** receives 2014-2015 final draft budget for approval at the Annual Board Meeting (Amelia Island, FL).

### Overview of the Budget Process:

1. Personnel Committee recommends staffing for **existing programs** to the Executive Committee.
2. Programs Committee recommends **substantial program changes** (additions, changes, or deletions) to the Executive Committee.
3. Finance Committee recommends a draft budget, including the financial impact of the recommendations of the Programs and Personnel Committees, to the Executive Committee. (It does not hear from proponents or repeat the work of the Programs and Personnel Committees, but it does advise on the financial results of their work.)
4. Executive Committee reviews the recommendations of all three committees and suggests dues level and budget to the Board of Governors.
5. Board of Governors sets the dues level, check-offs, and section fees at its Spring Meeting, and sets the 2014-2015 budget at its Annual Meeting after a hearing open to all members.

12/17/13

**GEORGIA BAR LONG-RANGE PLANNING COMMITTEE SEMINAR,**  
Thursday, January 9, 2014, 9:00 a.m. – 12 p.m.

Program

Coordinator: *Patrick T. O'Connor*, Chair, Long-Range Planning Committee,  
Member of the Executive Committee and Board of Governors, State  
Bar of Georgia; Oliver Maner LLP, Savannah

Title: **THE FUTURE OF THE PRACTICE OF LAW AND ACCESS  
TO JUSTICE IN GEORGIA: “An Open Forum”**

About the  
Seminar:

**There will be open discussion and plenty of opportunity  
for questions. The three panelists are preeminent leaders  
in the profession, each of whom has focused in recent  
years on the future of the practice of law. (Members of  
the Board of Governors, State Bar of Georgia are  
especially invited to attend on a complementary basis.)**

Moderator: *Patrick T. O'Connor*

Panelists: *Linda A. Klein*, Past President of the State Bar of Georgia; Past  
Chair of the ABA’s House of Delegates and Life Member of the  
ABA’s House of Delegates; Baker Donelson Bearman Caldwell &  
Berkowitz, P.C., Atlanta

*Hulett H. “Bucky” Askew*, Former Director of the Georgia Office of  
Bar Admissions; Consultant on Legal Education to the American  
Bar Association; Legal Education Consultant, Georgia State  
University College of Law, Atlanta

*Allan J. Tanenbaum*, Former Chair of the ABA’s Division of Public  
Education; Current Co-Chair of the ABA’s Legal Access Job Corps;  
Quicorp Partners, LLC, Atlanta

Credit: 3 Hours, including 1 Ethics Hour and 1 Professionalism Hour\*  
(\*Professionalism credit is self-reporting, using the optional self-report  
form)

Co-Sponsor: Long-Range Planning Committee, State Bar of Georgia

## 2013 - 2014

### Long Range Planning & Bar Governance

This standing committee shall identify issues and trends affecting the practice of law and the operation of the State Bar of Georgia. It shall make recommendations to the Executive Committee and the Board of Governors to ensure the well-being and efficiency of the State Bar of Georgia.

#### Chairperson

Patrick T. O'Connor, Savannah 2014

#### Vice Chairperson

Allegra J. Lawrence, Atlanta 2015

#### Member

Harold T. Daniel Jr., Atlanta 2014

Michael G. Geoffroy, Covington 2015

Stephen James Harper, Athens 2014

Amy Viera Howell, Atlanta 2016

Lawrence F. Jones, Athens 2014

Elena Kaplan, Atlanta 2016

Jeffrey Ray Kuester, Atlanta 2014

Rita Arlene Sheffey, Atlanta 2014

Kenneth L. Shigley, Atlanta 2016

Derek Jerome White, Pooler 2015

#### Advisor

Phyllis J. Holmen, Atlanta 2014

C. Len Horton, Atlanta 2014

#### Staff Liaison

Sharon L. Bryant, Atlanta 2014



**FOR IMMEDIATE RELEASE**

December 9, 2013

**CONTACT:** Patrise Perkins-Hooker, President-Elect  
State Bar of Georgia  
404-477-3690 [pperkinshooker@atlbeltline.org](mailto:pperkinshooker@atlbeltline.org)

Rita Sheffey, Past President  
Atlanta Bar Association  
404-888-4053 [rsheffey@hunton.com](mailto:rsheffey@hunton.com)

Latasha Smith, Director of Communications  
National Center for Civil and Human Rights  
404-991-6977 [smith@civilandhumanrights.org](mailto:smith@civilandhumanrights.org)

## **Georgia's Law Day 2013 'Dream Team' earns ABA Outstanding Activity Award**

ATLANTA – A collaborative effort between Georgia's legal community and the National Center for Civil and Human Rights will be honored with a Law Day 2013 Outstanding Activity Award from the American Bar Association (ABA).

The national honor recognizes the successful efforts of a 13-organization, affectionately referred to as the "Dream Team", to enable widespread Law Day participation through the state. In partnership with the Atlanta Public Schools, the organizations hosted Youth Talk, a peer-led discussion that was focused on greater involvement by the next generation in civil and human rights issues.

More than 100 high school students from the Atlanta Public Schools participated on-site April 22, 2013 at the State Bar of Georgia Conference Center, and more than 30 additional students engaged in the conversion via live feed to the State Bar's South Georgia Office in Tifton. In an effort to impact adults within the community, the event also included a public conversation among civil and human rights leaders from older and younger generations on issues of equality, immigration and human trafficking.

The organizations making up the "Dream Team" included the following:

- Atlanta Bar Association
- Atlanta Public Schools
- Chief Justice's Commission on Professionalism
- Gate City Bar Association
- Georgia Asian Pacific American Bar Association
- Georgia Association for Women Lawyers

- Georgia Association of Black Women Attorneys
- Georgia Hispanic Bar Association
- Multi-Bar Leadership Council
- National Center for Civil & Human Rights
- South Asian Bar Association of Georgia
- State Bar of Georgia
- Stonewall Bar Association

The Youth Talk discussion was one of several presentations included in the day-long “Realizing the Dream: Equality for All” event, observing the 2013 anniversaries of the 1863 issuance of the Emancipation Proclamation by President Abraham Lincoln and the 1963 “I Have a Dream” speech by Dr. Martin Luther King Jr. in front of the Lincoln Memorial.

Among the featured speakers were Rev. Andrew Young, former U.S. ambassador to the United Nations and mayor of Atlanta; Sally Quillian Yates, U.S. attorney for the Northern District of Georgia; Jessica Colotl, local Georgia dreamer and immigration activist; and Georgia State Sens. Jason Carter and Nan Orrock.

Patrise Perkins-Hooker, president-elect of the State Bar of Georgia, said, “The program leveraged the combined resources and relationships of the diverse bar associations to pull together a panel of stellar subject matter experts. This program is exactly what bar associations should do in order to help educate and inform the public about the myriad of legal issues which involve civil and human rights.”

“Our program’s impact already has extended beyond Law Day through re-broadcast of a portion of the program to students in all social studies classes in the Atlanta Public Schools, as well as to students in two independent schools,” said State Bar of Georgia Secretary Rita A. Sheffey, who is also a past president of the Atlanta Bar Association. “We plan to distribute a DVD of the program to additional schools for use during the next school year. In addition, we are creating video highlights for the Dream Team partners and to promote Law Day 2014.”

“Not only are we proud to have been part of such an amazing, substantive program, but we are also particularly proud to have facilitated such an incredible collaboration,” Atlanta Bar Association President Wade Watson, Immediate Past President Lynn Roberson and Atlanta Bar Association Law Day Chair Melody Richardson said in a joint statement. “Reaching out not only within the legal profession, but also outside of it enabled us to have an even greater impact than any one or several of us could have had alone.”

Deborah Richardson, executive vice president of the National Center for Civil & Human Rights, said of the event, “The partnership forged for this Law Day activity provided the Center an indispensable opportunity to align with our mission and promote civil and human rights education within schools, the legal community and the public. As civil and human rights struggles are constantly pertinent in our



nation and the world, opportunities such as this program aid individuals to understand the connection between the civil and human rights struggles that have hindered and continue to hinder the world today.”

Avarita L. Hanson, executive director of the Chief Justice’s Commission on Professionalism, said, “Clearly, this program more than delivered an outstanding educational experience developed around the Law Day theme. It expanded an appreciation and awareness by the public of the rule of law.”

Lynnette D. Espy-Williams, president of the Gate City Bar Association, said the program “was inspiring to those that attended and encouraged each participant to get involved in their communities and learn more about what they and/or their organizations can do to positively impact our society.”

Jacqueline Bunn, president of the Georgia Association of Black Women Attorneys, added, “The Dream Team’s united effort to expand the public awareness of the rule of law in such a dynamic way speaks volumes about how much closer we are moving toward the dream of equality for all. The impact of this program will continue to be felt in the months to come – statewide.”

According to Robert M. Lewis Jr., immediate past president of the Stonewall Bar Association, “the program represented the fruits of meaningful and effective collaboration among all the various bar associations, connecting us in ways we’ve never been before. Every organization had a co-equal voice in the creation and execution of the program, providing input during numerous conference calls with and among representatives of all sponsoring organizations, crafting and fine-tuning the program itself, and working cohesively on the logistical details to ensure the program was well-organized and the environment was hospitable to our guest and fellow attendees.”

“The quality and passion of the speakers at the reception and the student engagement will be a special memory for many volunteers and students,” said Susan A. Campbell, immediate past president of the Georgia Association for Women Lawyers. “Partnerships that inspire us to realize the dream served as the basis for many of our legal organizations years ago, and that still motivates us today.”

The award will be presented in February in Chicago at the ABA Mid-Year Meeting, during the luncheon of the National Conference of Bar Presidents, National Association of Bar Executives and the National Conference of Bar Foundations.

-end-

***The National Center for Civil and Human Rights** is a cultural institution coming to Atlanta in spring of 2014. The Center provides exhibitions, designated event spaces, a broadcast studio, and educational forums that share the courageous fight of all people to secure equality for African Americans in the modern American Civil Rights Movement, and its fundamental impact and inspiration on contemporary movements for human rights globally. The Center will be the only public place in the world displaying the Morehouse College Martin Luther King Jr. Collection (King Papers) and his historic “I Have a Dream Speech”. Visitors will be immersed in an interactive storytelling experience in each exhibit. The facilities will also serve as a hub for ongoing dialogue — attracting world-*

renowned speakers and artists who work on a variety of human rights topics. For more information, visit [www.civilandhumanrights.org](http://www.civilandhumanrights.org).

*The State Bar of Georgia, with offices in Atlanta, Savannah and Tifton, was established in 1964 by Georgia's Supreme Court as the successor to the voluntary Georgia Bar Association, founded in 1884. All lawyers licensed to practice in Georgia belong to the State Bar. Its more than 45,000 members work together to strengthen the constitutional promise of justice for all, promote principles of duty and public service among Georgia's lawyers, and administer a strict code of legal ethics. For more information, visit [www.gabar.org](http://www.gabar.org).*

**Photo Attached:**

Law Day 2013 'Dream Team' (L-R): **Patrise Perkins-Hooker**, Law Day 2013 Dream Team Co-Chair and President-Elect, State Bar of Georgia; **Deborah Richardson**, Executive Vice President, National Center for Civil & Human Rights; Session III Moderator **Jason Carter**, Senator, Georgia State Senate; Session IV Speaker **Maria Saporta**, Columnist, Atlanta Business Chronicle; Session IV Moderator **Andrew Young**, Former U.S. Ambassador to the United Nations; Session IV Speaker **Andrea Young**, Executive Director, Andrew Young Foundation; Session IV Speaker **Nan Orrock**, Senator, Georgia State Senate; Session IV Speaker **Nefertari Kirkman-Bey**, Fellow, National Center for Civil & Human Rights and Law Day 2013 Dream Team Co-Chair; Session I Moderator **Rita A. Sheffey**, Law Day 2013 Dream Team Co-Chair, Past President, Atlanta Bar Association and Secretary, State Bar of Georgia; and **Melody Z. Richardson**, Atlanta Bar Association Law Day Chair.



# STATE BAR OF GEORGIA

## OFFICE OF THE GENERAL COUNSEL

**PAULA J. FREDERICK**  
General Counsel

**WILLIAM P. SMITH, III**  
Ethics Counsel

**Bar Counsel**  
**ROBERT E. McCORMACK**  
Deputy General Counsel  
**JOHN J. SHIPTENKO**  
Assistant General Counsel



**Disciplinary Counsel**  
**JENNY K. MITTELMAN**  
Deputy General Counsel

**JONATHAN HEWETT**  
Sr. Assistant General Counsel

**REBECCA A. HALL**  
**A.M. CHRISTINA PETRIG**  
**WILLIAM J. COBB**  
Assistant General Counsel

**CARMEN ROJAS RAFTER**  
Grievance Counsel

Memorandum to: Members, Board of Governors  
From: Paula Frederick, General Counsel  
Date: December, 2013  
Re: Report of the Office of the General Counsel

The OGC reports the following activity since the 2013 Fall meeting of the Board:

Discipline: During October and November 2013 the OGC sent 555 Grievance forms to members of the public and received 314 filed Grievances. The Court entered orders in 19 disciplinary cases during October and November. The Year-to-Date Report on Lawyer Regulation (covering the period May 1, 2013 through October 31, 2013) appears at page 4 of this memorandum.

### Rules Changes:

Several proposed rules changes are still pending:

- Proposed additions to Rule 7.2(c)1-5 would require additional disclosures in certain advertisements.
- Proposed revisions to Rule 7.3(a)(5) would prohibit a lawyer from sending a letter soliciting representation before confirming that the recipient has been served with process in the matter.
- New comments 8 and 9 to Rule 7.3 would prohibit a lawyer from bidding for case referrals from a lawyer referral service.
- Proposed revisions to Rule 4-219 create a process for volunteer lawyers who agree to serve as receiver to close the practice of a dead, disabled or disbarred attorney; the rule also provides for reimbursement of expenses for receivers in some circumstances.
- Proposed revisions to Rule 9.4(b) would require the OGC to file a reciprocal discipline case only when the Georgia lawyer's suspension in another jurisdiction is for a period of over six months.

Formal Advisory Opinion Board: The Board met October 23, 2013. The following opinions are pending:

- FAO 13-1; propriety of participating in a piecemeal element of a Georgia residential real estate transaction where no Georgia lawyer will supervise the other aspects of the closing

process. The Board has finalized the opinion and it will be re-published in the December 2013 *Georgia Bar Journal*.

- FAO 11-R-1, propriety of a lawyer as a condition of settlement agreeing to indemnify the opposing party from claims by third persons to the settlement funds. The opinion will be published for comment in an upcoming issue of the *Bar Journal*.
- The board has completed its review of all existing opinions to determine whether they should be withdrawn or amended in light of recent revisions to the Rules of Professional Conduct. As a result of the review the board has amended Formal Advisory Opinion Nos. 10-2 (obligations of a lawyer serving as legal counsel and guardian *ad litem* for a child) and 03-2 (confidences and secrets of jointly represented clients). The opinions will be published for comment in the *Bar Journal*.

Lawsuits: The Bar has prevailed in all of the litigation pending against it in the trial courts. One plaintiff has appealed the dismissal of her case; that appeal is pending. We also reached a settlement in the condemnation matter involving DOT's planned replacement of the Spring Street viaduct at the northwest corner of the Bar building. Counsel can provide more information about any of these matters upon request.

Continuing Legal Education: Staff from the OGC have presented the following CLE programs since my last report:

- *Ethics Panel*, GTLA Holiday Seminar;
- *Alcohol and the Bar*, Asian American Law Students' Association, GSU School of Law;
- *Ethics for Guardians*, Guardian ad Litem Program;
- *Mentoring breakfast*, Atlanta Council of Younger Lawyers;
- *Ethics for Real Estate Practitioners*, Atlanta Bar Real Estate Section;
- *Ethics for Labor & Employment Practitioners*, Labor & Employment Law Section;
- *How to Avoid Grievances*, Cobb County Bar Family Law Section;
- *How the Bar Works*, ICJE program for visiting Brazilian judges;
- *Red Flags and Lawyer Trust Accounts*, an in-house training program for the money laundering investigators at SunTrust bank.

Committees and Other Projects:

- The Continuity of Practice Committee is working on a Handbook for Receivers and plans to conduct training to educate lawyers about the receivership rules once they are approved.
- The International Transactions in Legal Services (ITILS) Committee asked the Bar's Executive Committee to approve a protocol for the Office of the General Counsel to share information with foreign jurisdictions about lawyers licensed in Georgia but practicing abroad, or vice versa.

- The Fair Market Practices Committee met in November to consider additional strategies to combat lawyers' use of runners.
- The Disciplinary Rules and Procedures Committee will meet in conjunction with the Bar's midyear meeting.

**Year-to-Date Report on Lawyer Regulation  
 May 1, 2013 through October 31, 2013**

Grievance forms requested and sent to public .....	1,616	
Grievance forms sent back to Office of General Counsel for screening .....	1,016	
Grievances pending as of 4/30/2013 .....	<u>397</u>	
	<b><i>TOTAL</i></b>	<b><i>1,413</i></b>
Grievances referred to State Disciplinary Board members .....	106	
Grievances being screened by Grievance Counsel (GC) .....	433	
Grievances closed by Grievance Counsel .....	865	
Grievances moved to moot status by GC after attorney was disbarred .....	<u>9</u>	
	<b><i>TOTAL</i></b>	<b><i>1,413</i></b>

**Regulatory Action May 1, 2013 through October 31, 2013**

	<u>Attorneys</u>	<u>Cases</u>
Letters of Admonition Accepted	10	10
Investigative Panel Reprimands Administered	5	7
Review Panel Reprimands	4	4
Public Reprimand	1	1
Suspensions	14	18
Disbarments/Voluntary Surrenders	<u>14</u>	<u>23</u>
	48	63
Reinstatements Granted	5	
Reinstatements Denied	0	

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

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

**DATE: December 7, 2013**

**SUBJECT Status of the Military Legal Assistance Program**

**Background and Overview of Work:** Today marks the fourth year anniversary since the founding of the Military Legal Assistance Program (MLAP) by the State Bar of Georgia, first under the aegis of Georgia Legal Services and then as its own separate entity. Since then, a **total of 1,106** connections have been made between a Georgia lawyer with a service member or veteran located throughout the State or from other places throughout the world, provided that jurisdiction of the case lies in a state or a federal court in Georgia, as summarized by category below.

In addition to processing requests for legal assistance, the program through oversight by the Military Legal Assistance Program Committee, also initiated or served as facilitator for other legal assistance-related activities to include the following:

- 1) Established an award, designated as the Marshall-Tuttle Award, now being given annually to an attorney who is deemed to be the outstanding lawyer providing *pro bono* or reduced-fee services and significant support to military service members and veterans. The inaugural award was presented to Drew N. Early in 2011, the second award in 2012 to H. Lane Dennard, Jr., and the third award to Cary S. King. The fourth award is scheduled to be presented to William John Camp of Warner Robbins at the meeting of the Board of Governors on January 11, 2014.
  
- 2) CLE Programs and Conferences. In collaboration with the Military and Veterans Law Section, a 6.5-hour Continuing Legal Education Program concerned with veterans law and military family law was presented October 16, 2013 (**Exhibit A**). This CLE program leads to the accreditation or re-accreditation (required biennially) of lawyers to practice before the United States Department of Veterans Affairs. Chief Judge Bruce E. Kasold of the United States Court of Appeals for Veterans Claims took part in this year's program along with Patricia Hooks, Regional General Counsel of the VA in Atlanta.
  
- 3) **Lawyers' Trip to Normandy, France.** At the suggestion of Charles (Buck) Ruffin, plans are moving forward to sponsor and conduct a trip to Normandy and Paris, France, over the period May 1-9, 2014. This trip, in part, commemorates the 70<sup>th</sup> anniversary of the World War II D-Day

Landings. Together with GA ICLE, the Military and Veterans Law Section, and the MLAP Committee, a Request for Proposal (RFP) was distributed in late September to 14 destination management (tour) companies. Following analysis of four firms responding to the RFP by a lawyers' Exploratory Committee, the Road Scholar firm of Boston, Massachusetts, was selected to conduct and lead this tour. Information about this trip is scheduled to be circulated before year's end to the more than 32,000 lawyers maintained on ListServe rosters of GA ICLE, the principal itinerary features of which are shown in **Exhibit B**.

- 4) **Possible Legislative Matters.** Working in conjunction with the Military and Veterans Law Section, the MLAP Committee has been considering the recommendation of two possible legislative proposals: one concerns the Uniform Deployed Parents Custody and Visitation Act (UDPCVA) and one concerns the creation of enabling authority for veterans courts. As and when appropriate, the Law Section and the MLAP Committee may make recommendations to the Executive Committee of the BOG and to the Advisory Committee on Legislation in accordance with standing policies prescribed in the State Bar of Georgia's Bylaws.
  
- 5) **MOU with Augusta VAMC.** Following the signing of a Memorandum of Understanding with the Veterans Administration Medical Center (VAMC) in Decatur in January 2013, plans began to recruit volunteer lawyers with support from the Augusta Bar Association and to execute a similar MOU with the VAMC in Augusta. Under the Decatur MOU a team of volunteer lawyer led Cary King provides legal assistance to veterans at the VAMC, some of which are referred to the MLAP. It now appears that a similar MOU and referral process will be signed in January 2014 in Augusta.
  
- 6) **Cases Processed.** Below is a summary of the number and types of legal assistance cases thus far received and referred to lawyers under the State Bar's Military Legal Assistance Program. Under the program, including the cases processed prior to its formal inception in 2009, **a total of 1,106 cases have been processed.** Further, a total of 21 additional cases are in process (i.e., in the pipeline), awaiting agreement authorizations from potential clients (14) or agreements from attorneys (7) to accept a case. Further, although the program does not handle criminal cases, about 140 inquiries have been received from veterans or service members seeking help on a criminal law matter (which are typically referred to the applicable county public defender or to a local bar association).

Family Law	540
Contested Divorce	190



Uncontested Divorce	17
Divorce Enforcement	9
Child Support	73
Guardianship/Adoption	52
Visitation	24
Child Custody	116
Consumer Law	83
Housing/Property	65
Foreclosure	17
Veterans Benefits/Disability	145
Wills/Estates/Probate	51
Employment/USERRA/SCRA	33
Bankruptcy	16
Insurance	16
Personal Injury	31
Property Damage	3
Worker's Compensation	2
Contract	4
Medical Malpractice	5
Toxic Substances	5
Other	<u>90</u>
	1,106

**Exhibits:**

- A) Georgia ICLE Flyer – “GA Military Law and VA Accreditation”, October 16, 2013.
- B) Draft Brochure from Road Scholar concerning the travel to Normandy, France, over the period May 1-9, 2014.

# VA ACCREDITATION

6.5 CLE Hours including • 1.5 Trial Practice Hours

## DISTINGUISHED GUEST SPEAKERS



**Chief Judge Bruce E. Kasold** was appointed as a Judge of the United States Court of Appeals for Veterans Claims by the President of the United States on December 13, 2003. Judge Kasold took the oath of office on December 31, 2003. He became Chief Judge on August 7, 2010.

Before his appointment to the bench, Judge Kasold served as Chief Counsel for the Secretary of the Senate and Senate Sergeant at Arms. In that non-partisan position, he advised Senate leaders on general legal matters and issues at the forefront of the nation's political landscape, including the electoral college, impeachment of the President, and historical management of an evenly divided Senate.

Prior to working in the Senate, Judge Kasold was a commercial and government contracts litigation attorney with the law firm Holland & Knight. Judge Kasold is also a retired United States Army Lieutenant Colonel, with service in the Air Defense Artillery and Judge Advocate General's Corps.



**Patricia A. Hooks, JD** serves as Regional Counsel for Region 5, which is comprised of Georgia and South Carolina. She provides leadership and direction for a team of 17 attorneys and support staff. Ms. Hooks leads her team providing quality legal advice, representation and training for five Veterans Health Administration medical centers, two Veterans Benefits Association Regional Offices and other VA facilities and operations within Region 5.

From 2004 through 2007, Ms. Hooks served as Regional Director of the Southeast Region, U.S. Department of the Interior, NPS. In that role, she provided leadership, direction and supervision for legal, policy and management issues for approximately 3,000 employees and managed a budget of over \$300 million. Ms. Hooks collaborated closely and spoke publicly on programs with Federal, state and local elected officials for nine southeastern states, the U.S. Virgin Islands and Puerto Rico.

Co-sponsored by:



**Military Legal Assistance Program, State Bar of Georgia**

**Military/Veterans Law Section State Bar of Georgia**

## PREREQUISITE FORM

If you have not already done so, attendees must complete and submit a **VA Form 21a** to the Department of Veterans Affairs as a prerequisite of the accreditation process. Simply go online and print a copy of the form for your use at:

<http://www.va.gov/vaforms/va/pdf/VA21a.pdf>



### CANCELLATION POLICY

Cancellations reaching ICLE by 5:00 p.m. the day before the seminar date will receive a registration fee refund less a \$15.00 administrative fee. Otherwise, the registrant will be considered a "no show" and will not receive a registration fee refund. Program materials will be shipped after the program to every "no show." Designated substitutes may take the place of registrants unable to attend.

### SEMINAR REGISTRATION POLICY

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

## Seminar will be held at these locations:

### IN PERSON:

#### STATE BAR OF GEORGIA HEADQUARTERS

104 Marietta Street NW  
Atlanta, Georgia 30303

FOR DIRECTIONS PLEASE VISIT

[HTTP://WWW.GABAR.ORG](http://WWW.GABAR.ORG)

### VIA VIDEO CONFERENCE:

#### COASTAL GEORGIA State Bar of Georgia

18 E. Bay Street  
Savannah, Georgia 31401

SPACE LIMITED TO 30 ATTENDEES

### VIA VIDEO CONFERENCE:

#### SOUTH GEORGIA State Bar Of Georgia

244 E. Second Street  
Tifton, Georgia 31794

SPACE LIMITED TO 15 ATTENDEES

# AGENDA

The registration fee for all seminars held at the State Bar of Georgia has been reduced by ICLE in recognition of the Bar's service to Georgia attorneys.

Presiding: *Drew N. Early*, Program Co-Chair; Chair Military/Veterans Law Section, State Bar of Georgia; Shewmaker & Shewmaker LLC, Atlanta  
*Patricia D. Shewmaker*; Program Co-Chair; Shewmaker & Shewmaker, LLC, Atlanta  
*Norman E. Zoller*, Program Co-Chair, Coordinating Attorney, Military Legal Assistance Program, State Bar of Georgia, Atlanta

7:15 **REGISTRATION AND CONTINENTAL BREAKFAST**  
 (All attendees must check in upon arrival. A jacket or sweater is recommended.)

8:00 **WELCOME AND PROGRAM OVERVIEW**  
*Drew N. Early*  
*Patricia D. Shewmaker*  
*Norman E. Zoller*

8:30 **REPRESENTATION BEFORE THE VETERANS ADMINISTRATION**  
*George E. Bradford, Jr.*, Office of Regional Counsel, U.S. Department of Veterans Affairs, Decatur

9:00 **BASIC ELIGIBILITY FOR VA BENEFITS**  
*George E. Bradford, Jr.*

9:30 **VA CLAIMS PROCEDURES, APPEALS, AND VA ATTORNEYS FEES**  
*Douglas Sullivan*, McElreath & Stevens, LLC, Atlanta

10:30 **BREAK**

10:45 **DEPENDENCY AND INDEMNITY COMPENSATION**  
*Victoria L. Collier*, The Elder & Disability Law Firm of Victoria L. Collier, P.C., Decatur

11:15 **UPDATE FROM THE COURT OF APPEALS FOR VETERANS CLAIMS**  
*Hon. Bruce E. Kasold*, Chief Judge, U.S. Court of Appeals for Veterans Claims, Washington, DC

12:00 **LUNCH** (Included in registration fee)

12:30 **LEGAL CLINIC OVERVIEW AND UPDATE**  
*Cary S. King*, Jacobs & King, LLC, Atlanta

12:45 **STATUS OF GENERAL COUNSEL OPERATIONS AT VA**

*Patricia A. Hooks*, Regional Counsel, Georgia and South Carolina, U.S. Department of Veterans Affairs, Office of Regional Counsel, Decatur

1:00 **OVERVIEW OF GEORGIA DEPARTMENT OF VETERANS SERVICES**  
*GA DVS Representative*

1:20 **MLAP OVERVIEW AND UPDATE**  
*Norman Zoller*

1:35 **CASE LAW AND STATUTE UPDATE**  
*Drew N. Early*

2:05 **BREAK**

2:15 **BREAKOUT SESSION I**

**Disability Compensation and VA Rating Tables**  
*Drew N. Early*

**Structuring a VA Practice**  
*Douglas Sullivan*

2:50 **BREAKOUT SESSION II**

**VA Pension**  
*Patty Elrod Hill*, The Elrod-Hill Law Firm, LLC, Peachtree Corners

**Other VA Benefits**  
*Victoria H. Watkins*, Attorney at Law, Marietta

3:20 **QUESTION AND ANSWER SESSION**

3:30 **ADJOURN**

**THREE WAYS TO REGISTER:** check the ICLE schedule on the web at [www.iclega.org](http://www.iclega.org)  
**Mail:** ICLE • P.O. Box 1885 • Athens, GA 30603-1885 (make check payable to ICLE)  
**Fax:** 706-354-4190 (credit card payment must accompany fax to be processed)  
**Online:** [iclega.org](http://iclega.org) (credit card payment only)

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

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**Questions? Call ICLE Atlanta Area: 770-466-0886 • Athens Area: 706-369-5664 • Toll Free: 1-800-422-0893**

## VA ACCREDITATION • October 16, 2013 • 8312

**EARLY REGISTRATION: \$145**  
**ON-SITE REGISTRATION: \$165**

**I WILL ATTEND:**

- ATLANTA (IN PERSON)
- SAVANNAH (VIDEO CONFERENCE)
- TIFTON (VIDEO CONFERENCE)

I am unable to attend. Please send ICLE program materials and bill me for the cost of materials only.

**Early registrations must be received 48 hours before the seminar.**

NAME \_\_\_\_\_ GEORGIA BAR # \_\_\_\_\_

FIRM/COMPANY \_\_\_\_\_ OFFICE PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

*(for registration confirmation and email notification of seminars, no postcard or brochures will be sent)*

MAILING ADDRESS \_\_\_\_\_ ZIP + 4 \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ ZIP + 4 \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_

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

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

Account #:           /

Expiration Date:

Signature:

# ROAD SCHOLAR

**ICLE in Georgia and the State Bar of Georgia Announce an Exclusive Travel and Learning Adventure to France for Georgia Lawyers**

**- Historic Normandy and Paris -**

**Thursday, May 01 to Friday, May 09, 2014**

**Program # 20589**

**Program Overview:** Experience two faces of France

This educational journey led by Road Scholar experts has it all – from authentic visits to the Beaches of Normandy to the wonders and allure of Paris.

Discover Normandy and its Celtic-influenced culture, medieval history, natural beauty and tantalizing cuisine and experience the sobering magnitude of the D-Day landing beaches on-site and in period military vehicles. Then continue on to experience Paris's grand boulevards, Gothic architecture and world-class museums with plenty of time for independent discoveries. Two half-day, morning CLE courses will be offered in Paris.

**Program Highlights:**

- Learn the story of the Allied Invasion of Normandy and explore the landing beaches in period military vehicles.
- Discover the picturesque town of Honfleur on foot.
- Explore Paris's markets, museums and cafés and take a field trip to the opulent Palace of Versailles.

**Program Price:**

**Category 1 – All 4 star hotels (Paris - and Caen)**

- Double Occupancy Land Only: \$2,699
- Single Occupancy Land Only: \$3,349
- Double Occupancy with Air from Atlanta: \$3,799
- Single Occupancy with Air from Atlanta: \$4,449

**Category 2 – 4 star Paris and 3 star Caen hotels**

- Double Occupancy Land Only: \$2,499
- Single Occupancy Land Only: \$2,959
- Double Occupancy with Air from Atlanta: \$3,599
- Single Occupancy with Air from Atlanta: \$4,059

**Program Price Includes:**

- 7 nights accommodations
- 16 meals: 7 breakfasts, 5 lunches, 4 dinners
- 2 Expert-led lectures
- 14 Field trips
- A Group Leader to accompany you throughout the program
- All gratuities, taxes and destination fees
- The Road Scholar Emergency and Travel Assistance Plan, including 24-hour assistance for medical and other emergencies

**Accommodations in Caen:**

**Category 1:**

- Hotel in Caen for category one- Best Western Malherbes or the Best Western Moderne, both are 4 star rated hotels

**Category 2:**

- Ibis Caen Centre for category two - A 3 star rated hotel. Smaller rooms with private bath.

**Accommodations in Paris:**

- The Crown Plaza Paris – A 4 star rated hotel which occupies a fully renovated 19th-century Neo-Baroque building.

**Daily Schedule:**

**Thursday, May 01 - Departures from the U.S.**

## **Friday, May 02 - Arrival in Paris, Transfer to Caen and Orientation**

**Arrival:** Individual arrivals into Paris and transfer to hotels

## **Saturday, May 03 - Mont Saint Michel and the Bayeux Tapestry**

**Note:** *Walking on cobbled stone streets and a steep incline to the top of Mont St Michel is required.*

**Breakfast:** Breakfast buffet at the hotel

**Morning:** Field Trip: Visit and explore the UNESCO World Heritage Site of Mont St. Michel. This tiny tidal island houses the majestic St. Michel Monastery.

**Lunch:** Lunch at a local farmhouse inn featuring typical local Normandy specialties

**Afternoon:** Excursion: Discover the famous Bayeux Tapestry.

**Dinner:** Dinner on your own in Caen

## **Sunday, May 04 - WWII in Normandy, the Landing Beaches and the US WWII Cemetery**

**Breakfast:** Breakfast buffet at the hotel

**Morning:** Field Trip: This morning we explore the landing sites of WWII in a very unique way --- using period vehicles. Start the morning at Point du Hoc to learn about the preparations leading up to D-Day and the bombing preceding the troop arrivals. We continue the morning on the landing beach of Omaha and learn how the beach head was taken with great sacrifice of US troops. We see and discuss many of the remaining gun positions that still survive today. We leave Omaha beach and pay our respects to the fallen soldiers at the US WWII Cemetery. Here we have a brief ceremony. The morning ends in Arromanches to see the remnants of the artificial harbor built by the troops to unload the equipment that won the war for the Allies.

**Lunch:** Lunch in Arromanches

**Afternoon:** Excursion: Calvados and Cheese - Normandy's Pride: Sample the region's renowned apple brandy at the Chateau d'Englesqueville, where the first US monument to WWII soldiers was built.

**Dinner:** Dinner on your own in Caen

## **Monday, May 05 - Honfleur, Rouen and the Cathedral of Rouen**

**Note:** *Walking about 2 miles on cobblestone streets and some incline*

**Breakfast:** Breakfast buffet at the hotel

**Morning:** Check out of your hotel and depart by coach for Honfleur. Field Trip: This morning, led by your Study Leader, explore the picturesque town of Honfleur on foot.

**Lunch:** Lunch on your own in Honfleur

**Afternoon:** Field Trip: In the afternoon, explore historic Rouen, led by your Study Leader. Start at the Cathedral of Rouen, which was painted multiple times by Monet as he studied the impact of light. Rouen is also a city that offers outstanding examples of half-timbered houses. We arrive in Paris and check into your hotel in the early evening.

**Dinner:** Dinner near the hotel

**Evening:** Field Trip: See the lights and highlights of the city on an evening bus tour.

## **Tuesday, May 06 - Meetings (optional Opera Garnier), the Ile de la Cite and Notre Dame Cathedral**

**Breakfast:** Breakfast buffet at the hotel

**Morning:** This morning, there will be a CLE meeting for all participating lawyers. Optional Field Trip for partners, spouses, and non-participating lawyers: Discover the beautiful Paris Opera House (Opera Garnier) and enjoy some time to explore the area around the Opera, famous for les Grands Magasins (the French stores Printemps and the Gallery Lafayette).

**Lunch:** Lunch near les Halles

**Afternoon:** Field Trip: This afternoon we will explore the heart of Paris: Ile de la Cite. Discover the flower markets and the Sainte-Chapelle, one of the most beautiful specimens of Gothic architecture. End the afternoon at Notre Dame Cathedral.

**Dinner:** Dinner on your own in Paris

## **Wednesday, May 07 - Meetings (optional Parisian market and the Musee d'Orsay) and Montmartre**

**Breakfast:** Breakfast buffet at the hotel

**Morning:** This morning, there will be a CLE meeting for all participating lawyers. Optional Field Trip for partners, spouses, and non-participating lawyers: Explore the life cadence of a typical Parisian. Led by your Study Leader, visit the morning market and enjoy some opportunities to taste local cheese, breads and specialties. Continue the morning at the Orsay museum for a self-guided visit using the museum's audio guide system. Orsay has the largest collection of Impressionist masterpieces in the world.

**Lunch:** Lunch near the museum

**Afternoon:** Field Trip: This afternoon, led by your Study Leader, we will explore Montmartre, the neighborhood that was made famous by artists and that continues to this day to be popular with Parisian artists and writers. See Sacre Coeur and Place du Tertre, and also explore the back and side

streets of this well-known neighborhood.

**Dinner:** Dinner on your own in Paris

**Thursday, May 08 - Monet's Gardens at Giverny and the Chateau of Versailles**

**Breakfast:** Breakfast buffet at the hotel

**Morning:** Field Trip: This morning explore the beautiful gardens of Claude Monet at Giverny.

**Lunch:** Lunch in Giverny on your own

**Afternoon:** Field Trip: This afternoon we will visit the Chateau of Versailles and the Fountain Gardens.

**Dinner:** Festive Farewell Dinner near the hotel

**Friday, May 09 - Return to the U.S.**

**Breakfast:** Breakfast buffet at the hotel

**Morning:** Transfers to the airport to return to the U.S. or continue on with independent arrangements.



## **Law Practice Management Program**

*(Abbreviated report for the 2013-2014 Bar Year)*

This is a summary of program events scheduled and completed during the period July 1 – December 13, 2013.

<b>Consultations by City</b>	<b>#</b>	<b>Types of Consultations</b>	<b>#</b>	<b>Size of Firms</b>	<b>#</b>
Atlanta:	12	General:	3	1 Attorney (Solo):	3
Conyers:	1	Technical:	11	2-4 Attorneys:	4
Decatur:	1			5-8 Attorneys:	7
				9-15 Attorneys:	0
				16+ Attorneys:	0

**Total Number of Consultations = 14**

### **Speaking Engagements:**

There are a total of **21** completed and scheduled programs during this period. The Program's staff has given **14** continuing legal education and special presentations to Georgia lawyers and other related groups. These presentations have been held in various local and national venues. **7** programs are scheduled for future dates.

American Bar Association (ABA) Teleseminar CLE: *Bad Check Fraud: How You Can Avoid Being Duped* (Co-Presenters: Natalie Kelly and Dan Pimington), July 1, 2013.

Solo and Small Firm Summer CLE Seminar (sponsored by LPM), *Advanced Fastcase Tips and Tricks* (Sheila Baldwin), *Solo and Small Firm Financial Management* (Natalie Kelly), *Selecting Software for the Solo and Small Firm* (Natalie Kelly), State Bar of Georgia State Bar of Georgia Conference Center, Atlanta, Georgia, August 15, 2013, *34 attendees*.

Cobb County Women of the Bar Section Luncheon CLE, *Law Office Technology* (Natalie Kelly), Shillings on the Square Restaurant, Marietta, Georgia, September 20, 2013, *17 attendees*.

Blue Ridge Bar Association, *Fastcase* (Sheila Baldwin), Cherokee County Conference Center, Canton, Georgia, October 9, 2013, *40 attendees*.

Basic Fiduciary Practice CLE, *Law Practice Management* (Sheila Baldwin), Mercer University Law School, October 18, 2013, *60 attendees*.

National Association of Legal Secretaries (NALS) 62<sup>nd</sup> Annual Education Conference and National Forum, *Solo and Small Firm Finances* (Natalie Kelly), Atlanta Marriott Perimeter Center, Atlanta, Georgia, October 18, 2013.

Cobb County Bar Solo and Small Firm Section Luncheon CLE, *Law Office Technology and Marketing* (Natalie Kelly), Sutherland, Atlanta, Georgia, October 24, 2013, *14 attendees*.

GABWA Professional Development Academy, *Law Practice Management* (Natalie Kelly), Sutherland, Atlanta, Georgia, October 26, 2013, *26 attendees*.

Solo and Small Firm Fall CLE Seminar (sponsored by LPM), *iPad and Other Gizmos and Useful Apps for the Lawyer* (Co-Presenters: Sheila Baldwin and Eric Ballinger), State Bar of Georgia Headquarters, Atlanta, Georgia, October 31, 2013, *39 attendees*.

John Marshall Law School Solo Practitioner Bootcamp, *Client Development (Social Media) and State Bar Resources* (Natalie Kelly), John Marshall Law School, Atlanta, Georgia, November 5, 2013, *30 attendees*.

ABA 7<sup>th</sup> Annual Labor & Employment Law Conference, *Apps for Lawyers* (Co-Presenters: Natalie Kelly, Jeff Richardson, and Jeff Taylor), Hilton New Orleans, New Orleans, Louisiana, November 7, 2013.

Cobb County Bar CCLPA Winter CLE, *Fastcase and Member Benefits Program* (Sheila Baldwin), Cobb County Central Library, Marietta, Georgia, November 8, 2013, *35 attendees*.

Georgia State University Law School, *Overview of Attorney Resources at the State Bar Office* (Natalie Kelly), Atlanta, Georgia, November 15, 2013, *10 attendees*.

Corporate Counsel Institute CLE, *Paperless Productivity and 40 Tech Tips in 40 Minutes* (Co-Presenters: Natalie Kelly and Steve Best), Grand Hyatt Buckhead, Atlanta, Georgia, December 13, 2013.

Upcoming Speaking Engagements:

State Bar of Georgia Midyear Meeting CLE: iPad for Lawyers (sponsored by LPM), iPad and Other Gizmos and Useful Apps for the Lawyer (Co-Presenters: Sheila Baldwin and Eric Ballinger), Intercontinental Buckhead, Atlanta, Georgia, January 14, 2014.

Cobb County Bar Annual Solo and Small Firm CLE, Fastcase (Sheila Baldwin), Willie Rae’s, Marietta, Georgia, January 23, 2014.

Georgia ABA TECHSHOW Roadshow, State Bar of Georgia State Bar of Georgia Conference Center, Atlanta, Georgia, February 14, 2014.

Group Mentoring, Ways the State Bar Enhances Your Career, State Bar of Georgia Conference Center, Atlanta, Georgia, March 11, 2014. Columbus Bar Association Luncheon CLE, Location to be Determined, Columbus, Georgia, March 20, 2014.

ABA 2014 TECHSHOW, (Planning Board Chair, Natalie Kelly), Hilton Chicago, Chicago, Illinois, March 27-29, 2014.

Solo and Small Firm Spring CLE Seminar (sponsored by LPM), State Bar of Georgia Conference Center, Atlanta, Georgia, April 25, 2014.

Virginia State Bar ABA TECHSHOW Roadshow, Time, Billing & Accounting Case Management Software (Co-Presenters Natalie Kelly and Britt Burney) and The Virtual Lawyer (Natalie Kelly), May 19, 2014.

**Resource Library:**

Our lending library has a grand total of 1,251 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 306 checkouts by 93 patrons.

**Software Library:**

The Program has a Software Library that consists of complete, working copies of software applications. Many of these products are legal specific, and require more guidance when being demonstrated than general applications. During this period, 4 visits were made to look at software programs in the Software Library.

**Office Visits:**

LPM distributed 270 booklets (Starting Your Georgia Law Practice) as requested by attorneys. There were 38 startup discussions conducted by the Program via office visits.

**Fastcase Report:**

During this period, a grand total of 66 members have attended Fastcase CLE seminars.

Since the decision was made to transition to Fastcase, 1088 attorneys and 58 staff members have attended Fastcase live training. Others have taken advantage of webinar training.

Fastcase Reported Problems	
Issue	Resolution
<b>09/20/13</b> <b>Member Reported:</b> GA. Code 16-13-30 and it is listed twice.	<b>09/23/13</b> <b>FC Response:</b> Editorial mistake, appreciated our member letting them know, it was fixed immediately.
<b>10/4/13</b> <b>Member Reported:</b> Couldn't get into Fastcase, no access.	<b>10/4/13</b> <b>FC Response:</b> Problem was our website was down; Fastcase offered an alternate way to access the site.
<b>11/18/13</b> <b>Member Reported:</b> The screen will not stay open. It flashes with the 'search' screen and then goes blank.	<b>11/18/13</b> <b>FC Response:</b> Member needs to update flash on computer.

### Fastcase Usage Report

Partner Usage Report For State Bar of Georgia From 12/1/2010 to 12/13/2013

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	
First Time Logins	2010	0	0	0	0	0	0	0	0	0	0	6	6	
	2011	5,594	1,607	1,274	1,414	556	593	425	485	349	359	355	13,367	
	2012	411	455	502	275	225	269	250	213	181	191	202	217	3,391
	2013	300	279	254	228	144	202	180	190	150	155	176	47	2,305
Total Logins	2010	0	0	0	0	0	0	0	0	0	0	11	11	
	2011	22,559	20,630	22,257	18,197	17,523	18,294	17,199	20,056	17,758	18,566	16,890	15,899	225,828
	2012	18,804	19,965	19,992	17,911	17,923	17,679	16,869	19,140	16,072	18,143	15,426	13,298	211,222
	2013	18,584	17,776	18,736	18,558	17,870	16,527	17,720	19,016	17,748	19,901	16,147	3,573	202,156
Total Users Who Logged In	2010	0	0	0	0	0	0	0	0	0	0	6	6	
	2011	5,598	4,487	4,863	5,159	4,046	4,241	3,984	4,317	3,996	4,097	4,043	3,897	52,728
	2012	4,309	4,417	4,583	4,153	4,019	4,065	3,918	4,075	3,711	3,977	3,732	3,503	48,462
	2013	4,120	4,122	4,295	4,167	3,938	3,860	3,912	4,048	3,954	4,069	3,836	1,755	46,076
New Premium Subscriptions	2010	0	0	0	0	0	0	0	0	0	0	0	0	
	2011	0	0	0	0	0	0	0	0	0	0	0	0	
	2012	0	0	0	0	0	0	0	0	0	0	0	0	
	2013	0	0	0	0	0	0	0	0	0	0	0	0	
Searches Conducted	2010	0	0	0	0	0	0	0	0	0	0	9	9	
	2011	62,837	58,021	70,424	57,017	56,689	61,542	60,391	61,987	56,444	61,009	54,726	50,293	711,380
	2012	59,411	62,588	61,323	54,780	54,417	53,292	51,196	57,415	50,585	56,245	47,017	39,735	648,004
	2013	55,731	53,488	54,381	53,275	51,382	47,166	94,310	100,091	99,340	108,527	89,299	19,931	826,921
Documents Viewed	2010	0	0	0	0	0	0	0	0	0	0	17	17	
	2011	225,094	138,848	168,464	140,187	138,639	138,753	137,845	155,018	146,913	145,395	128,508	120,850	1,784,514
	2012	147,806	160,548	156,593	137,240	137,603	148,466	144,033	174,781	142,462	160,610	140,763	112,806	1,763,711
	2013	164,989	157,620	163,334	161,149	156,073	138,337	154,034	160,488	153,820	168,659	137,893	30,665	1,747,061
Documents Printed	2010	0	0	0	0	0	0	0	0	0	0	0	0	
	2011	13,718	13,941	17,297	14,390	14,524	15,050	13,368	15,959	15,054	16,514	14,772	12,978	177,565
	2012	15,318	16,338	16,098	13,572	13,722	14,002	13,673	15,500	13,353	14,867	12,651	10,622	169,716
	2013	16,146	15,170	16,812	16,180	16,917	14,361	14,640	16,295	15,232	17,336	14,048	3,376	176,513
Total Transactions	2010	0	0	0	0	0	0	0	0	0	0	26	26	
	2011	301,649	210,810	256,185	211,594	209,852	215,345	211,604	232,964	218,411	222,918	198,006	184,121	2,673,459
	2012	222,535	239,474	234,014	205,592	205,742	215,760	208,902	247,696	206,400	231,722	200,431	163,163	2,581,431
	2013	236,866	226,278	234,527	230,604	224,372	199,864	262,984	276,874	268,392	294,522	241,240	53,972	2,750,495

## **CONSUMER ASSISTANCE PROGRAM**

### **STATE BAR OF GEORGIA**

December 13, 2013

The Consumer Assistance Program (CAP) continues to serve both the public and members of the Bar, as it has since 1995. So far during the first half of this fiscal year (2012-2013) CAP has handled around 5,147 new or “unique” contacts (calls, letters, emails, faxes, and rare walk-ins). This does not include repeat calls, letters, emails, or follow-up contacts. CAP itself has handled 77.87% of these contacts. The remaining 22.13% have been referred to the Office of General Counsel (OGC) for investigation by way of grievances sent to persons with complaints of possibly serious attorney misconduct. It is beyond the scope of CAP’s responsibility to investigate or handle allegations of serious violations of the Georgia Rules of Professional Conduct and ethical misconduct.

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

CAP’s two attorneys often contact members of the Bar by telephone, fax, or letter, at the request of clients. It is often helpful for attorneys to receive a confidential, non-disciplinary courtesy call, letting the attorneys know that their clients have contacted the Bar with various concerns or complaints. In order to facilitate communication between clients and attorneys, CAP notifies attorneys that their clients wish to hear from them, do not understand what is happening on their cases, need updates on case status, or, in the case of former clients, need their files. Realizing that CAP has heard only one side of the situation, CAP does not presume to advise attorneys on how to practice law or assert the client’s position is true and correct. Each CAP call is just a “heads-up” or courtesy call to the attorney. None of CAP’s actions in this regard reach attorneys’ permanent records, and all are confidential. CAP’s actions are not disciplinary.

CAP is the contact point of the Bar for persons complaining about attorneys who are delinquent in paying their court ordered child support. Under OCGA 19-6-28.1 an attorney obligated to pay child support can be administratively suspended from the practice of law, if the custodial parent submits a certified copy of an order verifying the arrearage. The suspension is lifted once certain requirements are met in accordance with the Code and Bar rules. There has been no case involving child support so far this fiscal year.

CAP is also a contact point for the Judicial District Professionalism Program (JDPP). This involves inquiries from lawyers or judges concerning unprofessional conduct and incivility among peers. This program is private, confidential, voluntary, and non-disciplinary in nature. Its purpose is to open channels of communication by the informal use of local peer influence. During this fiscal year there has been one JDPP case.

CAP remains within its annual budget of \$530,832, and it is anticipated that it will continue to do so.

State Bar of Georgia South Georgia Office Statistics January 2012 to December 2012

Month	Client/Misc Meetings	Depositions	Mediations	Walk-ins	CLE and Training	Total Events	Total Using Office
Jan. 2012	7	7		1	4	19	105
Feb.	5	4			9	18	113
March	5	3	1		12	21	143
April	4	10	1	3		18	147
May	8	1	3	4	1	17	106
June	7	5	2	2	3	19	108
July	6	3	5			14	89
Aug.	8	4	1		1	14	72
Sept.	5	3	2	1	4	15	137
Oct.	8	4		1	3	16	158
Nov.	5	6	2	4	7	24	128
Dec.	6	2	3	2	5	18	77
Year Total	74	52	20	18	49	213	1395

\*Does not include those served on the telephone and by mail.

State Bar of Georgia South Georgia Office Statistics January 2013 to November 2013

Month	Client/Misc Meetings	Depositions	Mediations	Walk-ins	CLE and Training	Total Events	Total Using Office
Jan. 2013	3	2	2	3	4	14	85
Feb.	4	5	3	6	9	27	104
March	2	5	2	3	11	23	98
April	4	3	1	6	2	16	110
May	3	4	2	5	3	17	103
June	3	6	2	6	3	20	93
July	2	5	4	2	1	14	84
Aug.	4	5	2	3	1	15	87
Sept.	3	4	1	6	3	17	94
Oct.	5	6	3	2	7	23	112
Nov.	2	1	3	2	8	16	78
Total							1048

\*Does not include those served on the telephone and by mail.

Some of the locations of attorneys served by the Tifton office:

**Georgia:**

Albany, Americus, Ashburn, Athens, Atlanta, Augusta, Bainbridge, Blackshear, Blakely, Bonaire, Brunswick, Buford, Byron, Cairo, Camilla, Canton, Cartersville, Columbus, Conyers, Cordele, Covington, Decatur, Dixie, Douglas, Douglasville, Eastman, Fayetteville, Fort Valley, Gray, Hahira, Homerville, Jonesboro, Kingsland, Lawrenceville, Leesburg, Lexington, Lions, Macon, Marietta,

Moultrie, Nashville, Ochlocknee, Ocilla, Pearson, Perry Quitman, Savannah, Soperton, St. Simons, Sylvania, Sylvester, Thomasville, Tifton, Tucker, Valdosta, Vidalia, Vienna, Warner Robins, Waycross, Whigham.

**Florida:**

Jacksonville, Miami, Pensacola, Seminole, Lakeland, Tallahassee, Tampa

**Cities in other states:**

Chicago, Dallas, Little Rock, Minneapolis, Charleston

**State Bar of Georgia Coastal Georgia Office Statistics January 2012 to November 2013**

Month	Client/Misc Mtgs	Depositions	Mediation/ Arbitration	Walk-ins	CLE Opportunities/ Training	Total Events	Total Number of People Using Facility (Clients and Attorneys)
Jan-12	9	3	3	0	6	21	132
February	2	1-VC	6	0	9 3-VC	18	115
March	5	7	1	0	9 3-VC	22	187
April	4 1-VC	4	9	0	1 1-VC	18	126
May	12	3 1-VC	3	0	1 1-VC	19	78
June	11 1-VC	2 2-VC	1	0	2	16	125
July	1	1 1-VC	1	0	2	5	78*
August	6	3	7	1	1	18	94
September	2	4 5 2-VC	3	5	1 1-VC	15	101
October	4	4 1-VC	4	2	2 6 1-VC	17	147
November	3	4 1-VC	3	1	4	17	92
December	2	4 1-VC	3	1	4	15	80
<b>Year Total:</b>	<b>61</b>	<b>41</b>	<b>44</b>	<b>10</b>	<b>44</b>	<b>201</b>	<b>1355</b>

**Attorney Locations For 2012:** Savannah, Atlanta, Marietta, Augusta, Waycross, Alabama, Statesboro, Brunswick, Alpharetta, Vidalia, Lawrenceville, Metter, Albany, Glennville, Texas, Macon, Richmond Hill, Hilton Head (SC), Moultrie, Hinesville (SC), Rincon, Cartersville, Charleston (SC), Tifton, Decatur, St. Simons Is., Ocala (FL), Columbus

\* There were two large CLE's held in this month.



Month	Client/Misc Mtgs	Depositions	Mediation/ Arbitration	Walk-ins	CLE Opportunities/ Training	Total Events	Total Number of People Using Facility (Clients and Attorneys)
Jan-13	10	4	2	0	6 3-VC	22	127
February	8 2-VC	4 1-VC	3	2	6	23	139
March	3	8 2-VC	0	0	10 2-VC	21	161
April	3	8	3	0	2	16	125
May	6	8 1-VC	3	1	2 1-VC	20	122
June	5	4 1-VC	4	3	0	16	79
July	5	5 1-VC	5	0	1	16	118
August	6 2-VC	10 2-VC	3	0	4	23	145
September	4	4	5	0	1 1-VC	14	73
October	6	3	2	0	8 5-VC	12	121
November	4	3	4	0	7 1-VC	18	122
December	TBD						
<b>Year Total:</b>	<b>60</b>	<b>61</b>	<b>34</b>	<b>6</b>	<b>47</b>	<b>201</b>	<b>1332</b>
<b>Attorney Locations For 2013:</b> Savannah, Atlanta, Marietta, Augusta, Waycross, Mobile(AL), Statesboro, Brunswick, Lawrenceville, Metter, Albany, Macon, Richmond Hill, Hinesville (SC), St. Simons Is., Pooler, Valdosta, Buford(SC), Dunwoody, Watkinsville, Wyche(PA), Tampa(FL), Lyons, Dahlonega, Blue Ridge, Greenville(SC), Sylvania, Bogart, Royal Oak (MI)							

## Medical Malpractice Reform

(<http://blogs.ajc.com/atlanta-forward/2013/12/03/medical-malpractice-reform/>)

December 3, 2013

### Moderated by Rick Badie

Today's issue: medical malpractice tort reform. Home Depot co-founder Bernie Marcus supports a compensation system that would take claims out of civil courts and wants the Legislature to adopt it. Meanwhile, William E. Silver, president of the Medical Association of Georgia, says such a system would prove even more costly to the health care profession.

### Reform medical malpractice

by Bernie Marcus

President Barack Obama is scrambling to keep promises he made to Americans when he sold us the Affordable Care Act. But what happened to his pledge to reform the medical malpractice system?

Our current liability system drives costs far higher and denies compensation to patients harmed by doctors. It's expensive and unfair, and the new law ignores the issue completely.

Reforming the way this nation compensates injured patients affects everyone. By not addressing the issue, Obamacare will cost American dearly – particularly doctors and patients – while protecting the profits of trial lawyers and malpractice insurers.

Today, doctors often order unnecessary medical tests, procedures or consultations to protect themselves from lawsuits. Defensive medicine accounts for \$200 billion to \$650 billion of the nation's annual health care tab.

Cut this waste, and President Obama's "cost curve" will bend considerably. Health care costs would drop. The Affordable Care Act would be far more affordable.

Instead, under Obamacare, doctors will be told not to order expensive tests and penalized for patients' frequent care and hospital visits. And they will still be liable for outcomes.

The result: Doctors will refuse to see the sickest patients, leaving fewer doctors to take care of more patients.

Today, nearly 80 percent of injured patients have no legal recourse. According to an Emory University School of Law survey, most lawyers sniff at cases without a \$500,000 potential award. The vast majority of medical malpractice cases never go forward. Without a lawyer on contingency, few patients can afford to pursue litigation.

According to Towers Watson, an actuarial firm, only 17 percent of the \$8.75 billion in U.S. Medical liability policies annually goes to harmed patients. Another 17 percent goes to trial lawyers. Insurance companies actually keep 65 percent; it's the most profitable product they sell.

Today the Georgia and Florida legislatures are considering solutions for a new way – a patients compensation system (PCS). A mash-up of workers’ compensation and no-fault insurance, it would be run by a public-private board. Medical professionals would review claims, taking the process out of the civil courts and issue awards predetermined by medical actuaries.

Without fear of malpractice lawsuits, few doctors would practice defensive medicine. There would be more claims, but awards would be smaller. Total payouts would dramatically decrease. Most importantly, 80 percent of the awards would go to patients, not lawyers or insurance companies.

Surprisingly, the medical associations of Georgia and Florida oppose this reform. Perhaps it’s because both have financial stakes in their states’ largest medical malpractice insurance companies. According to Oppenheim Research, 95 percent of Georgia physicians support the new proposal.

Today, all eyes are on Georgia. If our legislators pass long overdue medical malpractice reform, other states will follow suit. With Georgia’s leadership, national health care costs can be cut dramatically, and both doctors and patients will get real justice.

Bernie Marcus is co-founder and former chairman and CEO of Home Depot. Founder of the Job Creators Alliance and founder and chairman of the Marcus Foundation.

### **No silver bullet solution**

**By William E. Silver**

With three abstentions, the Medical Association of Georgia’s board of directors unanimously rejected the medical malpractice administrative tort system concept that was under consideration in the state when the General Assembly met in January of this year.

These physicians were asked to buy into a silver bullet solution that proponents say would “lower premiums and save tax dollars and pay injured patients quicker.” But having given both pro and con perspectives full and equal time and consideration, the leaders of the leading voice for the medical profession in Georgia concluded the “Patients’ Compensation Act” (S.B.141) would simply represent a new tax on physicians and other health care providers.

The association determined S.B. 141 would increase the number of claims that are filed, increase costs for physicians and other health care providers, and repeal provisions of the tort reform bill (S.B. 3) that passed in Georgia in 2005, which has proven to be instrumental in creating a better medical practice environment.

A study conducted by Aon Risk Solutions for the Patients for Fair Compensation organization found that S.B. 141 would result in a 1,700 percent increase in claims for insignificant injuries like lacerations, bruises, minor scars and rashes. Aon also calculated costs would increase by 13 percent, while the professional services company Towers Watson estimated costs could grow between 35 percent and 105 percent.

Noteworthy, too, is that former Georgia Attorney General Michael Bowers called S.B. 141 unconstitutional. The Medical Association of Georgia - the largest physician advocacy organization in the state with more than 7,400 members – spent more than a year evaluating S.B. 141, which has no

proven track record in the U.S. I simply don't believe you'll find a more credible group to weigh in on this issue than the association's board of directors because it is comprised of physicians from across the state who care for patients in a wide range of medical specialties and practice settings.

I have the privilege of interacting with some of these individuals on a regular basis as association president. From Savannah to Columbus to Atlanta, this talented and caring group agrees we need to continue to look for ways to improve Georgia's tort system so they can allocate more time to patients and in delivering the best medical care in the world.

Yet these same physicians – having heard both sides of the argument – are also convinced that S.B. 141 is an unsustainable and losing proposition. In fact, the adage "If it sounds too good to be true..." has never been more apropos.

William E. Silver is president of the Medical Association of Georgia.

## July 2013 Georgia Bar Examination General Statistics Summary

**Total of All Taking Examination – 1393**

- 1111 or 79.7% Passed
- 1225 First Timers Took Exam and 1050 or 85.7% Passed
- 0168 Repeaters Took Exam and 0061 or 36.3% Passed

**Total of Lawyers Admitted in Another State Taking Examination – 0114**

- 0101 or 88.5% Passed

**Georgia Law Schools Approved by The American Bar Association – 0814**

- 0765 First Timers Took Exam and 0680 or 88.8% Passed
- 0049 Repeaters Took Exam and 0022 or 44.8% Passed

**Law Schools Approved by The Board of Bar Examiners – 0018**

- 0001 First Timers Took Exam and 0000 or 0.0% Passed
- 0017 Repeaters Took Exam and 0001 or 5.8% Passed

**Out of State Law School Approved by The American Bar Association – 0558**

- 0457 First Timers Took Exam and 0370 or 80.9% Passed
- 0101 Repeaters Took Exam and 0038 or 37.6% Passed

**Educational Waivers – 0003**

- 0002 First Timers Took Exam and 0000 or 0.0% Passed
- 0001 Repeaters Took Exam and 0000 or 0.0% Passed

ABA Approved Schools in Georgia							
	All Applicants			First Timers			AVE MBE
	#Took	#Pass	%Pass	#Took	#Pass	%Pass	
Mercer Law School	136	115	84.5	131	114	87.0	144.9
Emory University	143	138	96.5	143	138	96.5	151.5
University of Georgia	202	190	94.0	193	186	96.3	151.7
Georgia State University	154	145	94.1	152	144	94.7	149.8
John Marshall Law School	179	114	63.6	146	98	67.1	137.2
<b>TOTALS</b>	<b>0814</b>	<b>0702</b>	<b>86.2</b>	<b>0765</b>	<b>0680</b>	<b>88.8</b>	<b>147.0</b>

Board of Examiners Approved Schools							
	All Applicants			First Timers			AVE MBE
	#Took	#Pass	%Pass	#Took	#Pass	%Pass	
Atlanta Law School	0004	0000	0.0	0000	0000	0.0	126.0
Woodrow Wilson College of Law	0001	0001	100.0	0000	0000	0.0	136.5
John Marshall Law School	0013	0000	0.0	0001	0000	0.0	114.2
<b>TOTALS</b>	<b>0018</b>	<b>0001</b>	<b>5.5</b>	<b>0001</b>	<b>0000</b>	<b>0.0</b>	<b>125.5</b>

Educational Waivers							
	All Applicants			First Timers			AVE MBE
	#Took	#Pass	%Pass	#Took	#Pass	%Pass	
Foreign Legal Education	0003	0000	0.0	0002	0000	0.0	134.4
USA-Non-ABA Law School	0000	0000	0.0	0000	0000	0.0	0.0
<b>TOTALS</b>	<b>0003</b>	<b>0000</b>	<b>0.0</b>	<b>0002</b>	<b>0000</b>	<b>0.0</b>	<b>134.4</b>

## **Emails about the Spring Street Viaduct Replacement Project**

**December 12, 2013**

Georgia DOT has held initial meetings with representatives for the company awarded the contract for the Spring Street Viaduct Replacement Project. , and we are pleased to provide you with an update on their work plan. The contractor indicates that no detours will be in place until September 2014 to allow time for utility relocations and fabrication of steel and concrete bridge elements. Please know that Georgia DOT will use this additional time to develop and implement an outreach plan that pro-actively informs employers, commuters and visitors about the project detours that will be in place next fall. We will begin in earnest next summer, but please feel free to contact me with questions if needed. Thank you for your continuing support

Lillian Jackson, Community Relations Manager, Georgia DOT

**November 6, 2013**

Georgia DOT is pleased to announce that the Spring Street Viaduct Replacement project has recently been awarded to contract. Georgia DOT staff and the contractors will soon meet to determine the schedule for this three-year project, located between Mitchell Street and Marietta Street, including Martin Luther King Jr. Drive between Forsyth Street and Spring Street.

Please know that we do understand and appreciate the potential impacts of the construction to employers, commuters and visitors to this vibrant part of downtown Atlanta. We are in close coordination with the City of Atlanta, whose staff has determined the detour routes related to the construction, and with all the key municipal, business and recreational venue stakeholders in the immediate project area.

As we get closer to construction, our communication efforts will expand to reach as many of your employees, customer and members as possible to pro-actively help them plan their travel through and around the construction detours. We also encourage you to share our project information with your respective constituencies. Project information will be updated on our webpage, the link is provided below.

[www.dot.ga.gov/Projects/activeprojects/stateRoute/Pages/SpringStDetours.aspx](http://www.dot.ga.gov/Projects/activeprojects/stateRoute/Pages/SpringStDetours.aspx)

We thank you in advance for your role in informing your constituents about this project and related detours in downtown Atlanta.

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