

# Board Book

State Bar of Georgia  
Board of Governors  
Agenda Book



2017 Spring Meeting  
Greensboro, Ga.



# State Bar of Georgia

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

Saturday, April 1, 2017

9:00 a.m.–12:00 p.m.

The Ritz-Carlton Reynolds at Lake Oconee  
Greensboro, Georgia

*Dress: Business Casual*

## AGENDA

| <u>Topics</u>                                     | <u>Presenter</u>                   | <u>Page No.</u> |
|---|------------------------------------|-----------------|
| <b>1) ADMINISTRATION</b>                          |                                    |                 |
| a) Welcome and Call to Order.....                 | Pat O'Connor, President.....       | 1-4             |
| b) Pledge of Allegiance and Invocation .....      | Hon. Shondeana Morris              |                 |
| c) Recognition of Former Presidents, Judges ..... | Pat O'Connor<br>And Special Guests |                 |
| d) Roll Call (by signature) .....                 | Darrell Sutton, Secretary.....     | 5-11            |
| e) Future Meetings Schedule .....                 | Pat O'Connor .....                 | 12-13           |
| <b>2) INFORMATIONAL REPORTS</b>                   |                                    |                 |
| a) President's Report .....                       | Pat O'Connor                       |                 |
| b) Treasurer's Report .....                       | Ken Hodges, Treasurer .....        | 14-21           |
| (1) 2017-2018 Budget Timeline .....               |                                    | 22              |
| c) Young Lawyers Division.....                    | Jennifer Mock .....                | 23-28           |
|   | YLD President                      |                 |
| d) JQC Task Force Update .....                    | Buck Rogers                        |                 |

| <u>Topics</u>                                      | <u>Presenter</u>         | <u>Page No.</u> |
|--|--------------------------|-----------------|
| e) Board of Bar Examiners Report .....             | Tom Cauthorn             |                 |
| f) Access to Justice Committee Report .....        | Hon. Jill Pryor, Chair   |                 |
| g) BASICS Committee Report .....                   | Seth Kirschenbaum, Chair |                 |
| h) Law Related Education (LRE) Program Report..... | Deborah Craytor          |                 |

### 3) ACTION

|   |                                |       |
|---|--------------------------------|-------|
| a) Minutes of the 266 <sup>th</sup> Meeting of the .....  | Darrell Sutton, Secretary..... | 29-35 |
| Board of Governors on January 7, 2017   |                                |       |
| b) Dues 2017-2018.....  | Ken Hodges, Treasurer.....     | 36-43 |
|   | Buck Rogers, President Elect   |       |
| (1) Finance Committee Minutes   |                                |       |
| (2) Recommendation  |                                |       |
| <ul style="list-style-type: none"> <li>• Recommendations of the Finance, Programs and Personnel Committees</li> <li>• Recommendations of the Executive Committee</li> </ul>   |                                |       |
| <b>Active Dues \$250</b>  |                                |       |
| <b>Inactive Dues \$125</b>  |                                |       |
| (3) Approval of Other Bar Dues Statement Items  |                                |       |
| <ul style="list-style-type: none"> <li>• Section Dues (\$10 to \$35 opt in)</li> <li>• Assessments Required by Bar Rules <ul style="list-style-type: none"> <li>Clients' Security Fund (\$100 @ \$25/year)</li> <li>Bar Center (\$200 @ \$50/year)</li> </ul> </li> <li>• Checkoffs <ul style="list-style-type: none"> <li>Legislative and Public Education Fund Contribution <ul style="list-style-type: none"> <li>\$100 opt out (no change from 2006-07 through 2015-16)</li> </ul> </li> <li>Georgia Legal Services Program <ul style="list-style-type: none"> <li>\$300 opt in suggested individual contribution</li> <li>\$100 opt in suggested contribution for YLD</li> </ul> </li> </ul> </li> </ul> |                                |       |
| c) Approval 2015-2016 Annual Audit .....  | Pat O'Connor .....             | 44-95 |
| d) Zeekbeek (Enhanced Membership Directory) .....   | John Kennedy .....             | 96-98 |
|   | Natalie Kelly                  |       |

| <u>Topics</u>                                      | <u>Presenter</u>       | <u>Page No.</u> |
|--|------------------------|-----------------|
| e) Disciplinary Rules & Procedures Committee ..... | John Haubenreich ..... | 99-190          |
|  | Chair                  |                 |

#### 4) LEGISLATION

|                                  |                                   |  |
|----------------------------------|-----------------------------------|--|
| a) 2017 Legislation Update ..... | Christine Butcher<br>Rusty Sewell |  |
|----------------------------------|-----------------------------------|--|

#### 5) WRITTEN REPORTS

|   |  |         |
|---|--|---------|
| a) Executive Committee Minutes                  |  |         |
| (1) December 15, 2016.....                      |  | 191-195 |
| (2) December 22, 2016.....                      |  | 196-197 |
| (3) January 26, 2017.....                       |  | 198-202 |
| b) Lawyers For Equal Justice Report.....        |  | 203-207 |
| c) Office of the General Counsel Report .....   |  | 208-210 |
| d) Military Legal Assistance Program .....      |  | 211-236 |
| e) Consumer Assistance Program.....             |  | 237-238 |
| f) Law Practice Management Program .....        |  | 239-243 |
| g) Communications Update and Media Report ..... |  | 244-262 |

#### 6) CLOSING

|  |   |  |
|--|---|--|
| a) Old Business.....                             | Pat O'Connor  |  |
| b) New Business.....                             | Pat O'Connor  |  |
| c) Questions/Answers; Comments/Suggestions ..... | Board of Governors<br>Officers/Executive Committee<br>Executive Director<br>General Counsel |  |
| d) Adjournment .....                             | Pat O'Connor  |  |

# 2017 SPRING BOARD OF GOVERNORS MEETING

THE RITZ-CARLTON REYNOLDS, LAKE OCONEE | GREENSBORO, GA | MARCH 31-APRIL 2

HOTEL CUT-OFF: FRIDAY, FEB. 24 | REGISTRATION CUT-OFF: FRIDAY, MARCH 24



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 State Bar  
of Georgia



PHOTOS COURTESY OF THE RITZ-CARLTON REYNOLDS LAKE OCONEE

## SCHEDULE OF EVENTS

### FRIDAY, MARCH 31

10 a.m. – 3 p.m.

Investigative Panel

10:30 a.m. – 12:30 p.m.

Joint Meeting of the Military/Veterans Law Section Executive Committee and the Military Legal Assistance Program Committee

11 a.m. – 12 p.m.

Commission on Continuing Lawyer Competency

12 – 1:30 p.m.

ICLE Board of Trustees

12 – 3 p.m.

Clients' Security Fund

12 – 3 p.m.

ICJE Board of Trustees

12 – 4 p.m.

Review Panel

1 – 3 p.m.

CLE: Ethics of Wellness 

3 – 4 p.m.

Personnel Committee

3:30 – 5 p.m.

Member Benefits Committee

6:30 – 9:30 p.m.

Board of Governors Dinner Honoring William P. "Bill" Smith III

### SATURDAY, APRIL 1

7 – 8 a.m.

Fun Run/Walk 

8:15 – 8:55 a.m.

SOLACE Committee

9 a.m. – 12 p.m.

Board of Governors Meeting

#### CLE: Ethics of Wellness

Friday, March 31 | 1 – 3 p.m.

2 CLE Hours, including 1 Professionalism and 1 Ethics

Co-Chairs | **Ken Hodges**, *Ken Hodges Law & Avarita Hanson*, Executive Director, Chief Justice's Commission on Professionalism

Presenters | **Stacey Dougan**, JD, LLM, *The Anxiety & Stress Management Institute* & **Anne Brafford**, JD, MAPP, Chair, ABA Attorney Well-Being Committee

This two-hour interactive CLE will review recent research and trends in attorney wellness. Recognizing the role of "Lawyer as Counselor," the American Counseling Association's ethical requirement of "self-care" will be used to understand how stress and other psychological issues can cause career dissatisfaction and affirmative harm to clients. All CLE registrants will be entered into a drawing to receive a \$150 spa gift certificate.

#### Board of Governors Dinner

Friday, March 31 | 6:30 – 9:30 p.m.

Please join us for Friday night's Board of Governors dinner in honor of William P. "Bill" Smith III. We will celebrate Bill's 32-year career with the Office of the General Counsel and thank him for his dedicated service to the State Bar of Georgia as a committee chair, Board member and General Counsel.

#### Fun Run/Walk

Saturday, April 1 | 7 – 8 a.m.

We are pleased to offer meeting attendees the opportunity to participate in a fun run/walk on Saturday morning prior to the Board Meeting. Please meet in the lobby.

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



### HOTEL ACCOMMODATIONS

Cut-off date is Friday, Feb. 24

The Ritz-Carlton Reynolds, Lake Oconee  
1 Lake Oconee Trail  
Greensboro, GA 30642  
706-467-0600 | FAX 706-467-7124

The Ritz-Carlton Reynolds, Lake Oconee, will be our host hotel offering discounted room rates. A block of hotel rooms has been reserved for the meeting. Our room rate is \$219 single/double plus applicable taxes. To make reservations and receive our special rate, call our dedicated group desk at 800-944-5884. Please reference the group name State Bar of Georgia Spring Board of Governors Meeting when making reservations or you may register online at <https://aws.passkey.com/e/14418619>.

Reservations must be made by Friday, Feb. 24, as rooms will be on a space and rate availability basis after this date.

Valet parking is \$18 per day.

Hotel check-in is 4 p.m.  
Hotel check-out is 12 p.m.

### ATTIRE

Business casual

### GOLF

With the storied Augusta National Golf Course, home of the Masters Golf Tournament, nearby, inspired play comes naturally on the five golf courses at The Ritz-Carlton Reynolds, Lake Oconee. Tucked away in the natural beauty of towering Georgia oaks, fragrant magnolias, flowering native dogwoods and the pristine waters of Lake Oconee, the resort's 99 holes of golf are designed by the game's best known architects: Rees Jones, Jack Nicklaus, Tom Fazio and Bob Cupp.

Please call the resort at 706-467-7135 to set up your tee times and speak to them about The Reynolds Kingdom of Golf Presented by TaylorMade, as well as the Quick 6 Experience.

### SPA

Drawing inspiration from its surroundings, our luxury spa offers a menu infused with native Georgia ingredients, water-themed therapies and lodge-like space with windows overlooking the lake. Sprawling across 27,600 square feet, our resort spa includes relaxation lounges, a traditional barber shop space, a dedicated nail treatment room, 24-hour fitness center and indoor pool.

Please call the spa at 706-467-7185 to schedule your appointment. State Bar of Georgia attendees will receive a 10 percent discount off the full-priced spa menu (not available with any other discounts or spa packages) during your stay.

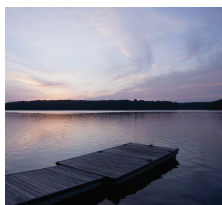
### THANK YOU CORPORATE SPONSORS

5 GAVEL



2 GAVEL





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## REGISTRATION FORM

Please complete and remit the enclosed registration form by Friday, March 24, 2017. Please use this form to register by checking all events you plan to attend. Registration is required for all events, including "no charge" functions.

### Attendee Information

Bar Number \_\_\_\_\_

Name \_\_\_\_\_

Nickname \_\_\_\_\_

Spouse/Guest Name (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone/Fax \_\_\_\_\_

Email \_\_\_\_\_

### Special Needs

Dietary Restrictions \_\_\_\_\_

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

### Cancellation/Refund Policy

Cancellation of registration must be received in writing no later than Friday, March 24, 2017. Cancellations will receive a refund, less a \$25 administrative charge. Absolutely no refunds will be made after Friday, March 24. Requests should be mailed to State Bar of Georgia, Attn: Michelle Garner, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303; faxed to 404-527-8717 or emailed to michelleg@gabar.org.

**REGISTER ONLINE AT [WWW.GABAR.ORG](http://WWW.GABAR.ORG)**

### Events

- Board of Governors Dinner (Fri.) \_\_\_\_\_ \$95
- Board of Governors Meeting (Sat.) \_\_\_\_\_ N/C
- CLE (Fri.) \_\_\_\_\_ \$75
- Fun Run/Walk (Sat.) \_\_\_\_\_ N/C

### Committee Meetings

- CCLC (Fri.) \_\_\_\_\_ N/C
- ICLE Board of Trustees (Fri.) \_\_\_\_\_ N/C
- Joint Military/Veterans Law Section & MLAP Committee (Fri.) \_\_\_\_\_ N/C
- Member Benefits Committee (Fri.) \_\_\_\_\_ N/C
- SOLACE Committee (Sat.) \_\_\_\_\_ N/C

### Related Organization

- ICJE Board of Trustees (Fri.) \_\_\_\_\_ N/C

Total Enclosed \$ \_\_\_\_\_

### Credit Card Information

Please bill my  Visa  MasterCard  AmEx

Credit Card Number \_\_\_\_\_

Expiration Date \_\_\_\_\_

Name as it appears on the card (Please print) \_\_\_\_\_

Signature \_\_\_\_\_

### Payment Information

Registrations will be processed on a first-come, first-served basis. Visa, MasterCard and AmEx are accepted. Please make checks payable to State Bar of Georgia and mail to:

Michelle Garner, Director of Meetings  
Spring Board of Governors Meeting  
104 Marietta St. NW, Suite 100  
Atlanta, GA 30303

You may fax your registration with credit card payment information to 404-527-8717.



## Board of Governors Attendance Record

|                        | 6-14   | 11-14  | 1-15 | 4-15  | 6-15     | 6-15     | 10-15 | 1-16   | 1-16          | 5-16 | 6-16   | 6-16   | 10-16    | 1-17 |
|------------------------|--------|--------|------|-------|----------|----------|-------|--------|---------------|------|--------|--------|----------|------|
|                        | Sat.   | Jekyll | ATL  | Brass | Fri.     | StoneMtn | Sav   | Buford | phone/<br>ATL | ATL  | Fri.   | Sat.   | Callaway | ATL  |
|                        | Amelia |        |      | e     | StoneMtn | StoneMtn |       | e      |               |      | Amelia | Amelia | e        |      |
| Sarah Brown Akins      | •      | •      | •    | e     | •        | •        | •     | e      | •             | •    | •      | •      | e        | e    |
| Mark W. Alexander      | •      | •      | •    | •     | •        | •        | •     | •      | •             | •    | e      | e      | •        | •    |
| Kent Edward Altom      | n/a    | n/a    | n/a  | n/a   | n/a      | •        | •     | •      | •             | •    | •      | •      | •        | •    |
| Anthony B. Askew       | •      | •      | •    | •     | •        | •        | •     | •      | •             | •    | •      | •      | •        | e    |
| Eric A. Ballinger      | •      | •      | •    | •     | •        | •        | •     | •      | •             | •    | •      | •      | e        | •    |
| Donna G. Barwick       | •      | •      | •    | •     | e        | e        | •     | •      | •             | •    | •      | •      | •        | •    |
| Joshua C. Bell         | •      | •      | •    | •     | •        | •        | e     | •      | •             | •    | •      | •      | •        | e    |
| Tracee R. Benzo        | n/a    | n/a    | n/a  | n/a   | n/a      | n/a      | n/a   | n/a    | n/a           | n/a  | n/a    | •      | •        | •    |
| Diane E. Bessen        | •      | •      | •    | e     | e        | •        | •     | •      | •             | •    | •      | •      | •        | e    |
| Sherry Boston          | •      | e      | •    | •     | •        | •        | e     | •      | •             | e    | •      | •      | •        | •    |
| Jeb T. Branham         | •      | •      | •    | •     | e        | e        | •     | •      | •             | •    | •      | •      | •        | •    |
| Thomas Neal Brunt      | •      | •      | •    | •     | •        | •        | e     | •      | •             | •    | •      | •      | •        | e    |
| Thomas R. Burnside     | •      | •      | •    | •     | •        | •        | •     | •      | •             | •    | •      | •      | •        | •    |
| Stephanie D. Burton    | •      | e      | •    | e     | •        | •        | •     | •      | •             | e    | •      | •      | •        | •    |
| JaDawnya C. Butler     | •      | •      | •    | •     | •        | •        | e     | •      | •             | e    | •      | •      | •        | •    |
| Richard D. Campbell    | n/a    | n/a    | n/a  | n/a   | n/a      | n/a      | n/a   | n/a    | n/a           | n/a  | n/a    | •      | •        | •    |
| David L. Cannon        | •      | •      | •    | •     | •        | •        | •     | •      | •             | •    | •      | •      | •        | •    |
| Carl S. Cansino        | n/a    | n/a    | n/a  | n/a   | n/a      | n/a      | n/a   | n/a    | n/a           | n/a  | n/a    | •      | •        | •    |
| Paul Todd Carroll, III | •      | •      | •    | •     | •        | •        | e     | •      | •             | •    | •      | •      | •        | •    |
| Carol V. Clark         | •      | •      | •    | e     | e        | •        | e     | •      | •             | •    | •      | •      | •        | •    |
| Chris Clark            | •      | •      | •    | e     | •        | •        | •     | •      | •             | •    | •      | •      | •        | e    |
| Edward R. Collier      | •      | •      | •    | e     | e        | e        | •     | •      | •             | •    | •      | •      | •        | •    |
| Martin L. Cowen III    | •      | •      | •    | •     | •        | •        | •     | •      | •             | •    | •      | •      | •        | •    |
| Susan W. Cox           | •      | •      | •    | •     | •        | •        | •     | •      | •             | •    | •      | •      | •        | •    |

To request an excused absence, please email Secretary Darrell Sutton (dis@sutton-law-group.com)

### Board of Governors Attendance Record

|                      | 6-14   | 11-14  | 1-15 | 4-15  | 6-15      | 6-15 | 10-15 | 1-16   | 1-16          | 5-16 | 6-16   | 6-16   | 10-16    | 1-17 |
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|                      | Amelia |        |      |       |           |      |       |        |               |      | Amelia | Amelia |          |      |
| Terrence Lee Croft   |        | e      |      |       | e         |      |       |        |               | e    | e      | e      |          |      |
| Matthew B. Crowder   |        |        |      |       |           |      |       |        |               |      |        |        |          |      |
| David P. Darden      | e      | e      |      |       |           |      |       |        |               | e    |        |        |          | e    |
| Gerald Davidson Jr.  | e      |        | e    | e     |           |      |       |        |               |      |        |        |          | e    |
| J. Anderson Davis    | e      |        | e    | e     |           |      |       |        |               | e    | e      | e      |          |      |
| Randall H. Davis     |        |        |      |       |           |      |       |        |               |      |        |        |          |      |
| J. Antonio Delcampo  |        |        |      |       |           |      | e     |        |               |      |        |        |          |      |
| Scott Dewitt Delius  |        |        |      |       |           |      |       |        |               |      |        |        |          | e    |
| Joseph W. Dent       |        |        |      |       |           |      |       |        |               |      | e      | e      |          |      |
| Foy R. Devine        |        |        |      |       |           |      | e     |        |               |      |        |        |          |      |
| Thomas V. Duck, III  |        |        |      |       |           |      |       |        |               |      |        |        |          |      |
| Susan E. Edlein      | n/a    | n/a    | n/a  | n/a   | n/a       | n/a  | n/a   | n/a    | n/a           | n/a  | n/a    |        |          | e    |
| Damon E. Elmore      |        |        |      |       |           |      |       |        |               |      |        |        |          |      |
| Archibald A. Farrar  |        |        |      |       |           |      | e     |        |               |      |        |        |          |      |
| D. Kirk Farrar       |        |        | e    |       |           |      |       | e      |               |      |        |        |          |      |
| Elizabeth L. Fite    | e      |        |      |       |           | e    |       |        |               |      |        |        |          |      |
| John A. Fitzner III  |        | e      |      | e     |           |      |       |        |               |      |        |        |          |      |
| Gary Stuart Freed    | n/a    | n/a    | n/a  | n/a   | n/a       | n/a  |       |        |               |      |        |        |          |      |
| Gregory A. Futch     |        |        |      |       |           |      |       |        |               |      |        |        |          |      |
| William Gil Gainer   |        |        |      |       |           |      |       |        |               |      |        |        |          |      |
| Laverne L. Gaskins   |        |        | e    |       |           |      |       |        |               |      |        |        |          |      |
| William C. Gentry    | e      |        |      |       |           |      |       |        |               |      |        |        |          |      |
| Walter J. Gordon Sr. |        | e      | e    |       |           |      |       |        |               |      | e      | e      |          | e    |
| Patricia A. Gorham   |        |        |      |       |           |      | e     |        |               |      |        |        |          |      |

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|                        | Amelia |        |      |       | Stone Mtn | Stone Mtn |       |        |               |      | Amelia | Amelia |          |      |
| Karlise Y. Grier       | •      | •      | •    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | •    |
| Thomas F. Gristina     | •      | e      | •    | •     | •         | •         | •     | e      | •             | •    | •      | •      | •        | e    |
| John Kendall Gross     | •      | e      | e    | e     | •         | •         | •     | •      | •             | e    | •      | •      | •        | •    |
| John Haubenreich       | •      | •      | •    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | •    |
| Patrick H. Head        | •      | •      | •    | •     | •         | •         | •     | •      | •             | e    | e      | e      | e        | •    |
| Lawton C. Heard, Jr.   | •      | •      | •    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | e    |
| Render M. Heard Jr.    | •      | •      | •    | e     | •         | •         | •     | •      | •             | •    | •      | •      | •        | •    |
| Thomas W. Herman       | •      | e      | •    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | •    |
| R. Javoyne Hicks       | •      | e      | •    | e     | •         | •         | •     | •      | •             | •    | •      | •      | •        | •    |
| Donna S. Hix           | •      | •      | •    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | e    |
| Michael D. Hobbs       | •      | e      | •    | •     | •         | •         | e     | •      | •             | e    | •      | •      | e        | •    |
| Kenneth B. Hodges      | •      | •      | •    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | •    |
| Phyllis J. Holmen      | •      | •      | •    | e     | •         | •         | •     | •      | •             | •    | •      | •      | •        | e    |
| J. Marcus E. Howard    | •      | e      | e    | •     | •         | •         | e     | •      | •             | •    | •      | •      | •        | •    |
| Amy V. Howell          | •      | e      | •    | e     | •         | •         | •     | •      | •             | •    | •      | •      | •        | •    |
| Roy B. Huff Jr.        | e      | •      | •    | •     | •         | •         | e     | •      | •             | •    | e      | e      | •        | •    |
| James W. Hurt          | •      | •      | •    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | e    |
| Christopher Huskins    |        |        |      |       |           |           |       |        |               |      |        |        |          | •    |
| Stacey K. Hydrick      | n/a    | n/a    | n/a  | n/a   | n/a       | n/a       | n/a   | n/a    | n/a           | n/a  | n/a    | •      | •        | •    |
| James T. Irvin         | •      | •      | e    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | e    |
| William Dixon James    | e      | •      | •    | •     | •         | •         | e     | •      | •             | •    | •      | •      | •        | •    |
| Curtis S. Jenkins      | •      | •      | •    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | •    |
| Lester B. Johnson, III | •      | •      | •    | •     | •         | •         | •     | •      | •             | •    | •      | •      | •        | e    |
| Dawn M. Jones          | •      | •      | •    | e     | •         | •         | •     | •      | •             | •    | •      | •      | •        | •    |

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**Board of Governors Attendance Record**

|                       | 6-14           | 11-14  | 1-15 | 4-15  | 6-15              | 10-15 | 1-16   | 1-16          | 5-16 | 6-16           | 6-16           | 10-16    | 1-17 |
|-----------------------|----------------|--------|------|-------|-------------------|-------|--------|---------------|------|----------------|----------------|----------|------|
|                       | Sat.<br>Amelia | Jekyll | ATL  | Brass | Stone Mtn<br>Fri. | Sav   | Buford | phone/<br>ATL | ATL  | Fri.<br>Amelia | Sat.<br>Amelia | Callaway | ATL  |
| Michael R. Jones, Sr. |                | •      |      | •     |                   | •     |        |               | •    |                |                | •        | e    |
| Jennifer A. Jordan    | n/a            | n/a    | n/a  | n/a   | n/a               | n/a   | n/a    | n/a           | n/a  | n/a            | •              | •        | e    |
| Elena Kaplan          | •              | e      | •    | •     | •                 | •     | •      | •             | e    | •              | •              | •        | •    |
| Robert J. Kauffman    | •              | e      | •    | e     | •                 | •     | •      | •             | •    | •              | •              | •        | •    |
| John F. Kennedy       | •              | e      | •    | e     | •                 | •     | •      | •             | •    | •              | •              | •        | •    |
| William J. Keogh, III | •              | e      | •    | •     | •                 | •     | •      | •             | •    | •              | •              | •        | e    |
| Barry E. King         | •              | e      | •    | •     | •                 | •     | •      | •             | •    | •              | •              | •        | e    |
| Judy C. King          | •              | e      | •    | •     | •                 | •     | •      | •             | •    | •              | •              | •        | •    |
| Seth Kirschenbaum     | •              | •      | •    | •     | •                 | •     | •      | •             | •    | •              | •              | •        | •    |
| Catherine Koura       | e              | e      | •    | •     | e                 | •     | •      | •             | •    | •              | •              | e        | •    |
| Edward B. Krugman     | •              | •      | •    | e     | •                 | •     | •      | •             | •    | •              | •              | •        | •    |
| Jeffrey R. Kuester    | •              | e      | •    | •     | •                 | e     | •      | •             | •    | •              | •              | •        | •    |
| Allegra Lawrence      | •              | e      | •    | e     | •                 | •     | •      | •             | •    | •              | •              | •        | •    |
| J. Alvin Leaphart     | •              | •      | •    | •     | •                 | •     | •      | •             | •    | e              | e              | •        | •    |
| Nicole C. Leet        | n/a            | n/a    | n/a  | n/a   | n/a               | n/a   | n/a    | n/a           | n/a  | n/a            | •              | •        | •    |
| Ryan R. Leonard       | n/a            | n/a    | n/a  | n/a   | n/a               | n/a   | n/a    | n/a           | n/a  | n/a            | •              | •        | •    |
| Dawn Renee Levine     | •              | •      | •    | •     | •                 | •     | •      | •             | •    | •              | •              | •        | •    |
| David S. Lipscomb     | •              | •      | •    | •     | •                 | •     | •      | •             | •    | •              | •              | •        | •    |
| Dax Eric Lopez        | n/a            | n/a    | n/a  | n/a   | n/a               | •     | •      | •             | •    | •              | •              | •        | •    |
| John Ryd Bush Long    | •              | •      | •    | •     | •                 | •     | •      | •             | •    | •              | •              | •        | •    |
| Ronald A. Lowry       | •              | e      | e    | •     | •                 | •     | •      | e             | •    | •              | •              | •        | •    |
| John Bell Manly       | n/a            | n/a    | n/a  | n/a   | n/a               | •     | •      | •             | •    | •              | •              | •        | •    |
| Samuel M. Matchett    | e              | •      | •    | •     | e                 | e     | •      | e             | •    | e              | •              | e        | •    |
| William R. McCracken  | •              | •      | e    | •     | e                 | e     | •      | •             | •    | e              | e              | •        | e    |

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### Board of Governors Attendance Record

|                      | 6-14   | 11-14  | 1-15 | 4-15  | 6-15      | 10-15     | 1-16 | 1-16   | 5-16          | 6-16   | 6-16   | 10-16    | 1-17 |
|----------------------|--------|--------|------|-------|-----------|-----------|------|--------|---------------|--------|--------|----------|------|
|                      | Sat.   | Jekyll | ATL  | Brass | Fri.      | Stone Mtn | Sav  | Buford | phone/<br>ATL | ATL    | Fri.   | Callaway |      |
|                      | Amelia |        |      | e     | Stone Mtn | Stone Mtn |      |        |               | Amelia | Amelia |          | ATL  |
| Letitia A. McDonald  | .      | .      | .    | e     | .         | .         | .    | .      | .             | .      | .      | .        | .    |
| Brad J. McFall       | .      | .      | .    | e     | .         | .         | .    | .      | e             | .      | .      | e        | .    |
| Ashley W. McLaughlin | .      | e      | .    | e     | .         | e         | .    | .      | e             | .      | .      | .        | .    |
| Michael D. McRae     | e      | .      | .    | .     | .         | .         | .    | .      | e             | .      | .      | .        | .    |
| Terry L. Miller      | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | .    |
| W. Benjamin Mitcham  | .      | e      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | e    |
| Jennifer C. Mock     | n/a    | n/a    | n/a  | n/a   | n/a       | .         | .    | .      | .             | .      | .      | .        | .    |
| William J. Monahan   | n/a    | n/a    | n/a  | n/a   | n/a       | n/a       | n/a  | n/a    | n/a           | n/a    | .      | .        | e    |
| Shondeana Morris     | n/a    | n/a    | n/a  | n/a   | n/a       | .         | .    | .      | .             | .      | .      | .        | .    |
| Laura J. Murphree    | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | e    |
| Sam G. Nicholson     | .      | .      | .    | .     | .         | .         | .    | .      | e             | .      | .      | .        | .    |
| Dennis C. O'Brien    | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | e        | e    |
| Patrick T. O'Connor  | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | .    |
| Samuel S. Olens      | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | .    |
| Jonathan B. Pannell  | .      | .      | .    | e     | .         | .         | .    | .      | .             | .      | .      | .        | .    |
| Joy Renea Parks      | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | e    |
| Carson Dane Perkins  | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | .    |
| Will H. Pickett, Jr. | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | .    |
| W. Gregory Pope      | n/a    | n/a    | n/a  | n/a   | n/a       | .         | .    | .      | .             | .      | .      | .        | e    |
| Jill Pryor           | e      | .      | .    | e     | e         | e         | e    | e      | .             | e      | e      | .        | .    |
| William M. Ragland   | .      | e      | .    | .     | e         | e         | .    | .      | .             | .      | .      | e        | .    |
| Robert V. Rodatus    | e      | .      | .    | .     | e         | e         | .    | .      | e             | .      | .      | e        | e    |
| Tina S. Roddenbery   | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | .    |
| Buck Rogers          | .      | .      | .    | .     | .         | .         | .    | .      | .             | .      | .      | .        | .    |

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### Board of Governors Attendance Record

|                        | 6-14           | 11-14  | 1-15 | 4-15  | 6-15              | 10-15            | 1-16   | 1-16          | 5-16 | 6-16           | 6-16           | 10-16    | 1-17 |
|------------------------|----------------|--------|------|-------|-------------------|------------------|--------|---------------|------|----------------|----------------|----------|------|
|                        | Sat.<br>Amelia | Jekyll | ATL  | Brass | Fri.<br>Stone Mtn | Sav<br>Stone Mtn | Buford | phone/<br>ATL | ATL  | Fri.<br>Amelia | Sat.<br>Amelia | Callaway | ATL  |
| Joseph Roseborough     | .              |        |      | .     | .                 | .                | .      |               | .    | .              | .              |          | .    |
| William C. Rumer       | .              | e      | .    | e     | e                 | .                | .      |               | .    | .              | .              | e        | .    |
| Claudia S. Saari       | .              | .      | .    | e     | e                 | .                | .      |               | .    | .              | .              | .        | .    |
| Aimee P. Sanders       | n/a            | n/a    | n/a  | n/a   | n/a               | .                | e      | .             | .    | .              | .              |          | .    |
| Dennis C. Sanders      | .              | e      | .    | .     | .                 | .                | .      | .             | .    | .              | .              | e        | .    |
| H. Burke Sherwood      | .              | .      | .    | .     | .                 | .                | .      | .             | .    | .              | .              | .        | e    |
| Robert H. Smalley, III | .              | .      | .    | .     | e                 | e                | .      | .             | .    | .              | .              | .        | .    |
| Philip C. Smith        | .              | .      | .    | .     | .                 | .                | .      | .             | .    | .              | .              |          | .    |
| R. Rucker Smith        | .              | .      | .    | .     | .                 | .                | .      | .             | .    | .              | .              | .        | .    |
| Daniel B. Snipes       | .              | .      | e    | .     | .                 | .                | e      | .             | .    | e              | e              | .        | .    |
| R. Gary Spencer        | n/a            | n/a    | n/a  | n/a   | n/a               | .                | .      | .             | .    | .              | .              | e        | .    |
| H. Craig Stafford      | .              | .      | .    | .     | .                 | e                | .      | .             | .    | .              | .              | e        | .    |
| Lawrence A. Staggs     | .              | .      | .    | .     | .                 | .                | .      | .             | .    | .              | .              |          | .    |
| Lawton E. Stephens     | .              | e      | .    | .     | .                 | e                | .      | .             | .    | .              | .              | .        | e    |
| C. Deen Strickland     | .              | .      | .    | e     | .                 | e                | .      | .             | e    | .              | .              | e        | .    |
| Frank B. Strickland    | .              | e      | e    | e     | e                 | .                | .      | e             | .    | .              | .              | e        | .    |
| Joseph C. Sumner, Jr.  | n/a            | n/a    | n/a  | n/a   | n/a               | .                | .      | .             | .    | .              | .              | .        | .    |
| Darrell Sutton         |                |        |      |       |                   |                  |        |               |      |                |                |          | .    |
| Michael B. Terry       | .              | .      | .    | .     | .                 | .                | .      | .             | .    | .              | .              | e        | .    |
| Anita W. Thomas        | .              | .      | .    | .     | .                 | .                | .      | .             | .    | .              | .              | e        | .    |
| Dwight L. Thomas       | .              | .      | .    | e     | .                 | e                | .      | .             | .    | .              | .              | e        | .    |
| Edward D. Tolley       |                |        | .    |       |                   |                  | .      |               | .    | .              | .              | .        | .    |
| Clayton Tomlinson      | .              | .      | .    | e     | .                 | .                | .      | .             | .    | .              | .              | .        | e    |
| Martin E. Valbuena     | .              | .      | .    | .     | .                 | .                | .      | .             | .    | .              | .              | .        | .    |

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**Board of Governors Attendance Record**

|                             | 6-14   | 11-14  | 1-15 | 4-15                    | 6-15      | 10-15 | 1-16   | 1-16          | 5-16                       | 6-16   | 6-16     | 10-16 | 1-17 |
|-----------------------------|--------|--------|------|-------------------------|-----------|-------|--------|---------------|----------------------------|--------|----------|-------|------|
|                             | Sat.   | Jekyll | ATL  | Brass                   | Fri.      | Sav   | Buford | phone/<br>ATL | ATL                        | Fri.   | Sat.     |       |      |
|                             | Amelia |        |      | Stone Mtn               | Stone Mtn |       |        |               | Amelia                     | Amelia | Callaway | ATL   |      |
| Carl R. Varnedoe            | •      | •      | •    | •                       | •         | •     | •      | •             | •                          | •      | •        | •     | •    |
| Nicki N. Vaughan            | •      | •      | •    | •                       | •         | •     | •      | •             | •                          | •      | •        | •     | •    |
| Carl A. Veline, Jr.         | •      | •      | •    | •                       | •         | •     | •      | •             | •                          | •      | •        | •     | •    |
| J. Henry Walker             | •      | •      | •    | e                       | •         | •     | •      | •             | •                          | •      | •        | •     | •    |
| Janice M. Wallace           | •      | •      | •    | •                       | •         | •     | •      | •             | e                          | •      | •        | •     | •    |
| Amy Carol Walters           | n/a    | n/a    | n/a  | n/a                     | n/a       | n/a   | n/a    | n/a           | n/a                        | n/a    | •        | •     | e    |
| Jeffrey S. Ward             | •      | •      | •    | •                       | •         | •     | •      | •             | e                          | •      | •        | •     | •    |
| Harold B. Watts             | •      | e      | •    | •                       | •         | •     | •      | •             | •                          | •      | •        | •     | •    |
| John P. Webb                | •      | •      | •    | •                       | •         | •     | •      | •             | •                          | •      | •        | •     | •    |
| Christopher F. West         | n/a    | n/a    | n/a  | n/a                     | n/a       | n/a   | n/a    | n/a           | n/a                        | n/a    | •        | •     | •    |
| Nancy J. Whaley             | •      | •      | •    | e                       | •         | •     | •      | •             | •                          | •      | •        | •     | •    |
| Paige R. Whitaker           | n/a    | n/a    | n/a  | n/a                     | n/a       | n/a   | n/a    | n/a           | n/a                        | n/a    | •        | •     | •    |
| Sandra Wisenbaker           | •      | e      | •    | •                       | •         | •     | •      | •             | •                          | e      | e        | •     | •    |
| Kathleen Womack             | •      | •      | •    | •                       | •         | •     | •      | •             | •                          | •      | •        | •     | •    |
| Douglas Woodruff            | •      | •      | •    | •                       | e         | e     | •      | •             | •                          | •      | •        | •     | e    |
| Gerald P. Word              | •      | •      | •    | e                       | e         | •     | e      | e             | •                          | •      | •        | •     | e    |
| Fried A. Zimmerman          | •      | •      | •    | •                       | •         | •     | •      | •             | •                          | •      | •        | •     | •    |
| <b>• - attended meeting</b> |        |        |      | <b>n/a - not on BOG</b> |           |       |        |               | <b>e - excused absence</b> |        |          |       |      |

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# Future Meetings Schedule

(3/7/2017)



## Executive Committee

|                    |  |
|--------------------|--|
| April 20-23, 2017  | Executive Cmte. Meeting, Hyatt Regency, Washington, DC                                 |
| May 11 or 12, 2017 | Tentative conference call  |
| April 13-15, 2018  | Joint meeting with Supreme Court/Executive Committee, Barnsley Resort, Adairsville, GA |

## Board of Governors

|              |                  |   |
|--------------|------------------|---|
| Annual 2017  | June 8-11, 2017  | Jekyll Island, GA                           |
| Fall 2017    | Oct. 27-29, 2017 | Westin, Jekyll Island, GA                   |
| Midyear 2018 | Jan. 4-6, 2018   | Westin Atlanta Perimeter North, Atlanta, GA |
| Spring 2018  | March 9-11, 2018 | Ritz at Lake Oconee, Greensboro, GA         |
| Annual 2018  | June 7-10, 2018  | Omni Amelia Island, Amelia Island, FL       |

## Young Lawyers Division

|              |                 |   |
|--------------|-----------------|---|
| Annual 2017  | June 8-11, 2017 | Jekyll Island, GA                               |
| Summer 2017  | Aug. 3-6, 2017  | InterContinental, Austin, TX                    |
| Fall 2017    | Nov. 9-12, 2017 | Brasstown Valley Resort & Spa, Young Harris, GA |
| Midyear 2018 | Jan. 4-6, 2018  | Westin Atlanta Perimeter North, Atlanta, GA     |
| Annual 2018  | June 7-10, 2018 | Omni Amelia Island, Amelia Island, FL           |



### **American Bar Association Meetings**

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

### **Southern Conference Meetings**

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|      |              |           |
|------|--------------|-----------|
| 2017 | October 2017 | Tennessee |
| 2018 | October 2018 | Louisiana |
| 2019 | October 2019 | Georgia   |
| 2020 | October 2020 | Florida   |

3/9/2017

**State Bar of Georgia Consolidated Revenues and Expenditures as of January 31, 2017  
Operations and Bar Center**

| Activity                        | 2016-17<br>Net Dues | Actual YTD 2016-17 |                     |              | Budget 2016-17 |                      |
|---------------------------------|---------------------|--------------------|---------------------|--------------|----------------|----------------------|
|                                 |                     | # Memb.            | Amount              | % of Bud     | # Memb.        | Amount               |
| Active                          | \$248               | 38,472             | \$9,428,283         | 99.5%        | 38,560         | \$9,476,080          |
| Inactive                        | \$124               | 8,799              | \$1,108,300         | 100.5%       | 8,890          | \$1,103,060          |
| Associates                      | \$100               | 14                 | \$1,300             | 65.0%        | 20             | \$2,000              |
| Foreign Legal Cnsit             | \$248               | 8                  | \$1,984             | 100.0%       | 8              | \$1,984              |
| Students                        | \$0                 | 161                | \$0                 | 0.0%         | 170            | \$0                  |
| Emeritus                        | \$0                 | 1,872              | \$0                 | 0.0%         | 1,650          | \$0                  |
| Late Fees                       |                     |                    | \$271,275           | 108.5%       |                | \$250,000            |
| Prior Years Dues                |                     |                    | \$1,829             | 26.1%        |                | \$7,000              |
| <b>Total License &amp; Dues</b> |                     | <b>49,326</b>      | <b>\$10,812,971</b> | <b>99.7%</b> | <b>47,648</b>  | <b>\$10,840,124</b>  |
| Bar Center Revenue              |                     |                    | \$1,635,830         | 42.8%        |                | \$3,822,652          |
| Alloc. Section Fees             |                     |                    | \$131,556           | 100.0%       |                | \$131,556            |
| CSF Expense Reimb.              |                     |                    | \$42,583            | 58.3%        |                | \$73,000             |
| Advertising & Sales             |                     |                    | \$65,252            | 50.7%        |                | \$128,700            |
| Membership Income               |                     |                    | \$78,048            | 49.4%        |                | \$158,030            |
| Interest Income                 |                     |                    | \$40,102            | 53.5%        |                | \$75,000             |
| Miscellaneous                   |                     |                    | \$1,057             | 42.3%        |                | \$2,500              |
| <b>Total Revenue</b>            |                     |                    | <b>\$12,807,399</b> | <b>84.1%</b> |                | <b>\$15,231,562</b>  |
| <b>Total Expenses</b>           |                     |                    | <b>\$8,805,288</b>  | <b>53.5%</b> |                | <b>\$16,473,664</b>  |
| <b>Net Gain (Loss)</b>          |                     |                    | <b>\$4,002,111</b>  |              |                | <b>(\$1,242,102)</b> |

**State Bar Reserves**

**Board Designated Reserves**

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

**Total Designated Reserves** \$5,650,000

**Projected Surplus (Cash Basis) 6/30/17**

|                      |                           |
|----------------------|---------------------------|
| Operations           | (\$4,847,235)             |
| Bar Center           | \$9,374,781               |
| <b>Total Surplus</b> | <u><u>\$4,527,546</u></u> |

**Total Reserves** \$10,177,546

March 9, 2017

**State Bar of Georgia**  
**Income Statement YTD - Operations Only**  
**For the Seven Months Ending January 31, 2017**

|                                  | YTD Actual          | Annual Budget         | Ytd % of<br>Bud |
|----------------------------------|---------------------|-----------------------|-----------------|
| <b>Revenues</b>                  |                     |                       |                 |
| Dues - Active                    | \$ 9,430,267        | \$ 9,476,080          | 99.52           |
| Dues - Inactive                  | 1,108,300           | 1,103,060             | 100.48          |
| Dues - Misc. Types               | 1,300               | 3,984                 | 32.63           |
| Dues - Late Fees                 | 273,104             | 257,000               | 106.27          |
| <b>Total Dues &amp; Licenses</b> | <b>10,812,971</b>   | <b>10,840,124</b>     | <b>99.75</b>    |
| Section Expense Reimb.           | 131,556             | 131,556               | 100.00          |
| CSF Expense Reimb.               | 42,583              | 73,000                | 58.33           |
| Advertising and Sales            | 65,252              | 128,700               | 50.70           |
| Membership Income                | 49,698              | 88,030                | 56.46           |
| Pro Hac Vice Admissions          | 219,350             | 270,000               | 81.24           |
| Pro Hac Vice GBF Contra Acct     | (191,000)           | (200,000)             | 95.50           |
| Savannah Misc Income             | 0                   | 0                     | 0.00            |
| Interest Income                  | 40,102              | 75,000                | 53.47           |
| Miscellaneous Revenues           | 1,057               | 2,500                 | 42.28           |
| <b>Total Revenues</b>            | <b>11,171,569</b>   | <b>11,408,910</b>     | <b>97.92</b>    |
| <b>Expenses</b>                  |                     |                       |                 |
| Administration                   | 1,206,374           | 2,170,534             | 55.58           |
| Management Info Systems          | 282,587             | 512,534               | 55.14           |
| General Counsel                  | 2,111,914           | 3,782,882             | 55.83           |
| Consumer Assistance Pgm.         | 337,761             | 584,716               | 57.76           |
| Communications                   | 479,263             | 857,983               | 55.86           |
| Fee Arbitration                  | 302,044             | 554,826               | 54.44           |
| Law Related Education            | 203,971             | 360,491               | 56.58           |
| Law Practice Management          | 254,073             | 448,829               | 56.61           |
| Coastal Georgia Office           | 126,082             | 221,838               | 56.84           |
| South Georgia Office             | 90,644              | 168,371               | 53.84           |
| Younger Lawyers Division         | 275,633             | 523,118               | 52.69           |
| Unauthorized Practice of Law     | 454,923             | 798,730               | 56.96           |
| Standards of the Profession      | 114,400             | 238,441               | 47.98           |
| High School Mock Trial           | 57,606              | 106,317               | 54.18           |
| Sections                         | 73,141              | 131,556               | 55.60           |
| Lawyer's Assistance Pgm          | 32,402              | 59,000                | 54.92           |
| Pro Bono                         | 123,793             | 212,216               | 58.33           |
| Fastcase                         | 118,807             | 207,000               | 57.39           |
| Officers' Expenses               | 50,441              | 185,628               | 27.17           |
| BASICS Program Contribution      | 150,000             | 150,000               | 100.00          |
| Resource Center Contribution     | 110,332             | 110,332               | 100.00          |
| Military/Vets Pro Bono           | 55,176              | 103,742               | 53.19           |
| Other Expenses                   | 121,061             | 1,051,830             | 11.51           |
| <b>Total Expenses</b>            | <b>7,132,428</b>    | <b>13,540,914</b>     | <b>52.67</b>    |
| <b>Net Income</b>                | <b>\$ 4,039,141</b> | <b>\$ (2,132,004)</b> | <b>(189.45)</b> |

3/9/2017

**State Bar of Georgia - Bar Center**  
**Revenues and Expenditures - Executive Summary**  
**For the Seven Months Ended January 31, 2017**

| Activity                                     | YTD 12/31/16       |              | Budget             |
|--|--------------------|--------------|--------------------|
|  | Actual             | % Budget     | FY 17              |
| <b>Income and Cash Receipts</b>              |                    |              |                    |
| CCLC Contribution                            | \$0                | 0.0%         | \$1,300,000        |
| Interest Income                              | \$6,937            | 46.2%        | \$15,000           |
| Member Assessment                            | \$276,329          | 93.7%        | \$295,000          |
| Room Rentals and Various Charges             | \$17,544           | 52.2%        | \$33,600           |
| Parking Revenues                             | \$223,708          | 77.9%        | \$287,235          |
| Rental Income                                | \$762,338          | 58.9%        | \$1,293,576        |
| Operating Budget Transfer                    | \$348,974          | 58.3%        | \$598,241          |
| <b>Total Income and Cash Receipts</b>        | <b>\$1,635,830</b> | <b>42.8%</b> | <b>\$3,822,652</b> |
| <b>Expenses and Cash Disbursements</b>       |                    |              |                    |
| Building Rehabilitation                      | \$17,507           | 23.3%        | \$75,000           |
| Conference Floor Renovations                 | \$0                | 0.0%         | \$20,000           |
| Tenant Improvements                          | \$0                | 0.0%         | \$25,000           |
| Furniture and Equipment                      | \$54,387           | 80.6%        | \$67,500           |
| Architect and Design                         | \$0                | 0.0%         | \$10,000           |
| Parking Deck Enhancements                    | \$245,609          | 0.0%         | \$307,000          |
| Median and Landscaping                       | \$0                | 0.0%         | \$5,000            |
| Woodrow Wilson Exhibit and Law Museum        | \$75               | 1.5%         | \$5,000            |
| President's Conference Room                  | \$4,740            | 94.8%        | \$5,000            |
| Law Related Education                        | \$12,980           | 49.0%        | \$26,500           |
| Conference Center Operating Expenses         | \$246,539          | 48.5%        | \$507,999          |
| Third Floor Contingency                      | \$553              | 2.2%         | \$25,000           |
| Building Operating Expenses                  | \$921,275          | 55.7%        | \$1,653,780        |
| Parking Deck Operating Expenses              | \$169,195          | 68.8%        | \$245,894          |
| Legal and Due Diligence Fees                 | \$0                | 0.0%         | \$0                |
| <b>Total Expenses and Cash Disbursements</b> | <b>\$1,672,860</b> | <b>56.2%</b> | <b>\$2,978,673</b> |
| <b>Net Cash Flow</b>                         | <b>(\$37,030)</b>  |              | <b>\$843,979</b>   |

**State Bar of Georgia**  
**Summary of Dues and Voluntary Contributions**  
**At January 31**

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

|   | <b>Dues Season<br/>May 2016 - July<br/>2017</b> | <b>Dues Season<br/>May 2015- July<br/>2016</b> | <b>Dues Season<br/>May 2014 - July<br/>2015</b> |
|---|---|--|---|
| 46,659                                  | <u>46,659</u>                                   | <u>46,113</u>                                  | <u>45,133</u>                                   |
| <b>Dues</b>                             |   |  |   |
| Active - Number Paid                    | 38,480  | 37,765   | 37,236  |
| Inactive - Number Paid                  | <u>8,799</u>                                    | <u>8,729</u>                                   | <u>8,683</u>                                    |
| Total Number Paid                       | <u>47,279</u>                                   | <u>46,494</u>                                  | <u>45,919</u>                                   |
| Percent Paid                            | <u>101.33%</u>                                  | <u>100.83%</u>                                 | <u>101.74%</u>                                  |
| Total Amount Paid - Active and Inactive | <u>10,551,214</u>                               | <u>10,372,775</u>                              | <u>10,220,098</u>                               |

**Georgia Legal Services**

|                               |                |                |                |
|-------------------------------|----------------|----------------|----------------|
| Number Paid                   | <u>2,391</u>   | <u>2,298</u>   | <u>2,302</u>   |
| Percent of Total Members Paid | <u>5.06%</u>   | <u>4.94%</u>   | <u>5.01%</u>   |
| Amount Paid                   | <u>275,809</u> | <u>264,323</u> | <u>255,475</u> |
| Average Amount Paid           | <u>\$ 115</u>  | <u>\$ 115</u>  | <u>\$ 111</u>  |

**Legislative**

|                               |                |                |                |
|-------------------------------|----------------|----------------|----------------|
| Number Paid                   | <u>5,944</u>   | <u>5,998</u>   | <u>6,690</u>   |
| Percent of Total Members Paid | <u>12.57%</u>  | <u>12.90%</u>  | <u>14.57%</u>  |
| Amount Paid                   | <u>557,832</u> | <u>564,604</u> | <u>633,056</u> |
| Average Amount Paid           | <u>\$ 94</u>   | <u>\$ 94</u>   | <u>\$ 95</u>   |

**Projected 2016-17 Dues Year Totals**

|                               |                   |
|-------------------------------|-------------------|
| <b>Georgia Legal Services</b> | <u>\$ 278,000</u> |
| <b>Legislative</b>            | <u>\$ 560,000</u> |

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

|             | <b>GLSP</b>       | <b>Legislative</b>                   |
|-------------|-------------------|--------------------------------------|
| 2015 - 2016 | <u>\$ 264,493</u> | <u>\$ 565,004</u>                    |
| 2014 - 2015 | <u>\$ 255,713</u> | <u>\$ 640,505</u>                    |
| 2013 - 2014 | <u>\$ 241,362</u> | <u>\$ 691,736</u>                    |
| 2012 - 2013 | <u>\$ 244,707</u> | <u>\$ 685,283</u>                    |
| 2011 - 2012 | <u>\$ 240,678</u> | <u>\$ 656,254</u>                    |
| 2010 - 2011 | <u>\$ 241,772</u> | <u>\$ 657,526</u>                    |
| 2009 - 2010 | <u>\$ 235,276</u> | <u>\$ 650,806</u>                    |
| 2008 - 2009 | <u>\$ 249,480</u> | <u>\$ 660,570</u>                    |
| 2007 - 2008 | <u>\$ 264,255</u> | <u>\$ 1,235,022</u>                  |
| 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>\$ 273,813</u> \$20 Contribution  |

**State Bar of Georgia**  
**Balance Sheet**  
**January 31, 2017**

ASSETS - Current Assets

|                                     |            |
|-------------------------------------|------------|
| Total Cash & Short-Term Investments | 21,627,697 |
| Investment - Merrill Lynch          | 248,185    |
| Investment - Fidelity               | 9          |
| Investment - Georgia Banks          | 0          |
| Total Long-Term Investments         | 248,194    |
| Accounts Receivable                 | 562,739    |
| Accrued Interest Receivable         | 822        |
| Due from Related Orgs/Emp           | (149,895)  |
| Prepaid Expenses                    | 628,834    |
| Bar Center Prepaid Expenses         | 25,234     |
| Total Other Assets                  | 1,067,734  |
| Total Current Assets                | 22,943,625 |

Fixed Assets

|                       |              |
|-----------------------|--------------|
| Furniture & Equipment | 6,458,238    |
| Bar Center            | 26,609,049   |
| Accum. Depreciation   | (18,900,245) |
| Total Fixed Assets    | 14,167,042   |

|              |               |
|--------------|---------------|
| Total Assets | \$ 37,110,667 |
|--------------|---------------|

LIABILITIES AND CAPITAL

|                                |            |
|--------------------------------|------------|
| Accounts Payable               | \$ 462,074 |
| Other Current Liabilities      | 894,159    |
| Vacation & Pers Day Accrual    | 491,126    |
| Due to Client Security Fund    | 2,013,623  |
| Deferred Income                | 29,522     |
| C&W - Cushman Accounts Payable | (1,479)    |
| BC-Accrued Expenses            | 54,037     |
| C&W - Deferred Rent Income     | 36,893     |
| Total Current Liabilities      | 3,979,955  |

|                             |   |
|-----------------------------|---|
| Total Long Term Liabilities | 0 |
|-----------------------------|---|

Fund Balances - Beg. of Year

|                                    |            |
|------------------------------------|------------|
| Total Fund Balances - Beg. of Year | 28,481,924 |
|------------------------------------|------------|

|              |           |
|--------------|-----------|
| YTD Activity | 4,648,790 |
|--------------|-----------|

|                             |               |
|-----------------------------|---------------|
| Total Liabilities & Capital | \$ 37,110,669 |
|-----------------------------|---------------|

State Bar of Georgia  
Investment Performance Comparison  
2005-2017

|                | Yields      |                      |                     |                      |                  | Period End Balances |                      |                  |                  |                 |                     |                       |                           |                                 |  |
|----------------|-------------|----------------------|---------------------|----------------------|------------------|---------------------|----------------------|------------------|------------------|-----------------|---------------------|-----------------------|---------------------------|---------------------------------|--|
|                | All<br>MMKT | Georgia Bank<br>CD's | BOA/MIL<br>Inv Port | SunTrust<br>Inv Port | Blended<br>Yield | All<br>Cash/MMKT**  | Georgia Bank<br>CD's | Fidelity<br>MMKT | BOA/MIL<br>MMKT* | Synovus<br>MMKT | ServisFirst<br>MMKT | SunTrust<br>Cash/MMKT | Total Book<br>Investments | Total Cash and<br>Investments** |  |
| Averages, 2005 | 3.02%       | N/A                  | N/A                 | N/A                  | 3.02%            | 16,580,537          | -                    | -                | 9,403,471        | -               | 7,177,066           | -                     | -                         | 16,580,537                      |  |
| Averages, 2006 | 4.87%       | N/A                  | N/A                 | N/A                  | 4.87%            | 18,922,787          | -                    | -                | 16,874,290       | -               | 2,048,497           | -                     | -                         | 18,922,787                      |  |
| Averages, 2007 | 5.21%       | N/A                  | 4.58%               | 5.08%                | 5.06%            | 13,657,096          | -                    | -                | 12,152,455       | -               | 1,526,658           | 8,229,072             | 21,886,168                |                                 |  |
| Averages, 2008 | 3.01%       | N/A                  | 3.59%               | 3.85%                | 3.33%            | 12,912,090          | -                    | 1,886,579        | 9,292,693        | -               | 1,732,818           | 11,160,834            | 24,072,925                |                                 |  |
| Averages, 2009 | 0.52%       | N/A                  | 2.83%               | N/A                  | 1.38%            | 16,672,270          | -                    | 4,564,309        | 8,545,018        | -               | 3,562,943           | 7,946,088             | 24,618,358                |                                 |  |
| Averages, 2010 | 0.18%       | N/A                  | 2.22%               | N/A                  | 1.07%            | 15,151,444          | -                    | 4,576,043        | 6,346,465        | -               | 4,229,945           | 8,323,979             | 23,475,423                |                                 |  |
| Averages, 2011 | 0.10%       | N/A                  | 1.85%               | N/A                  | 0.76%            | 15,641,096          | -                    | 4,582,870        | 6,878,861        | -               | 4,179,364           | 7,030,212             | 22,671,307                |                                 |  |
| Averages, 2012 | 0.11%       | N/A                  | 1.14%               | N/A                  | 0.57%            | 16,077,038          | -                    | 4,588,278        | 7,378,420        | -               | 4,110,340           | 9,401,250             | 25,478,288                |                                 |  |
| Averages, 2013 | 0.07%       | N/A                  | 0.74%               | N/A                  | 0.32%            | 18,772,091          | -                    | 3,826,012        | 10,839,546       | -               | 4,106,533           | 8,636,500             | 27,408,591                |                                 |  |
| Averages, 2014 | 0.14%       | 0.89%                | 0.68%               | N/A                  | 0.31%            | 21,234,480          | 972,848              | 9                | 16,770,960       | -               | 4,389,345           | 6,930,100             | 28,894,216                |                                 |  |
| Averages, 2015 | 0.45%       | 0.69%                | 0.78%               | N/A                  | 0.50%            | 24,598,537          | 1,150,942            | 9                | 4,535,435        | 7,874,110       | 11,938,811          | 3,328,083             | 29,077,563                |                                 |  |
| Averages, 1Q16 | 0.45%       | 0.69%                | 0.83%               | N/A                  | 0.49%            | 23,909,233          | 1,009,906            | 9                | 2,287,470        | 10,863,056      | 8,753,499           | 1,903,000             | 26,822,139                |                                 |  |
| Averages, 2Q16 | 0.42%       | 0.69%                | 0.87%               | N/A                  | 0.46%            | 25,246,668          | 1,010,785            | 9                | 3,379,620        | 10,877,960      | 8,979,637           | 1,488,000             | 27,745,653                |                                 |  |
| Averages, 3Q16 | 0.39%       | 0.00%                | 0.89%               | N/A                  | 0.40%            | 30,947,922          | -                    | 9                | 7,790,960        | 10,892,930      | 2,268,976           | 1,073,333             | 32,021,256                |                                 |  |
| Averages, 4Q16 | 0.34%       | 0.00%                | 0.95%               | N/A                  | 0.35%            | 29,376,033          | -                    | 9                | 8,488,750        | 10,902,690      | 7,709,918           | 468,000               | 29,844,033                |                                 |  |
| January 2017   | 0.41%       | 0.00%                | 1.00%               | N/A                  | 0.42%            | 27,648,204          | -                    | 9                | 7,059,497        | 10,918,119      | 2,276,507           | 7,392,072             | 248,000                   | 27,896,204                      |  |

\* Includes CCLC

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

**State Bar of Georgia  
 Cornerstones of Freedom Fund  
 Activity Report  
 Through January 31, 2017**

**7/1/16 Beginning Balance** \$ 600,000

Interest Income on Fund 1,025

Expenditures:

Writing Services 30,004

Virtual Law Museum 25,000

Media Monitoring 1,196

Access to Justice Campaign 12,895

iCivics 5,873

Schoolgroup Travel-LRE 6,837

Media Campaign--Need Lawyers 123,849

Wellness Program and Website 3,181

Miscellaneous 129

208,963

**Net Balance 1/31/17** \$ 392,061

**Replenishment**

**Needed From Surplus** \$ 207,939

**At June 30, 2017**



**State Bar of Georgia  
Legislative Fund  
Activity Report  
Through January 31, 2017**

|                                 |                                   |
|---------------------------------|-----------------------------------|
| <b>7/1/16 Beginning Balance</b> | <b><u>\$ 1,166,942</u></b>        |
| Interest Income on Fund         | 2,704                             |
| Contributions                   | 556,698                           |
| Expenditures:                   |                                   |
| Staff and Contract Lobbyists    | 222,731                           |
| Legislative Committee Expense   | 3,687                             |
| Grassroots Efforts              | 3,896                             |
| Travel                          | 3,335                             |
| Legislative Guests/Meetings     | 1,744                             |
| Shared Office Allocation        | 11,163                            |
| Miscellaneous                   | 2,460                             |
|                                 | <u>249,016</u>                    |
| <b>Net Fund Balance 1/31/17</b> | <b><u><u>\$ 1,477,328</u></u></b> |

## State Bar of Georgia 2017-2018 Budget Timetable

- Thrs. – Dec. 1, 2016** Budget Timetable and the Budget Request Forms are sent to President-elect, YLD President-elect, Committee/Program Chairs and Bar staff.
- Mon. – Jan. 9, 2017** **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 2018-2019 budget cycle.**
- Thrs. – Jan. 19, 2017** **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.
- Thrs. – Jan. 26, 2017** **Personnel Committee** reviews any new staffing and compensation change requests. Proponents requested to appear to orally present and justify their requests.
- Wed. – Feb. 8, 2017** **Finance Committee** reviews the recommendations of the Programs and Personnel Committees (the review is limited to their financial impact on dues and budget) recommends the 2017-2018 dues level. Proponents, having already been heard, do not attend. (Note: EC agenda deadline Feb. 2)

*(Dates below are determined by the Exec. Comm. meeting schedule and subject to change)*

- Fri. – Feb. 18, 2017** **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 2017-2018 dues level to the Board of Governors for the March 31 Board meeting. (Note: Board agenda deadline is March 8)
- Sat. – March 31, 2017** **Board of Governors** sets the 2017-2018 dues level at the Spring Board Meeting (Ritz Lake Oconee-Greensboro).
- April 18, 2017** **Finance Committee** recommends the final 2017-18 draft budget (if not done earlier) to the Executive Committee.
- April 20-23, 2017** **Executive Committee** recommends the 2017-2018 proposed budget to the Board of Governors for the June 10 Board meeting or at the May meeting.
- May 11 or 12, 2017** **Executive Committee** recommends the 2017-2018 proposed budget to the Board of Governors for the June 10 Board meeting if not done in April. (Note: Board agenda deadline is May 17)
- Sat. - June 10, 2017** **Board of Governors** receives 2017-2018 final draft budget for approval at the Annual Board Meeting (Jekyll Island Club-Jekyll Island).

### Overview of the Budget Process:

1. Programs Committee recommends **substantial program changes** (additions, changes, or deletions) to the Executive Committee.
2. Personnel Committee recommends staffing for **existing programs** to the Executive Committee.
3. Finance Committee recommends a draft budget to the Executive Committee, including the financial impact of the recommendations of the Programs and Personnel Committees. It does not hear from proponents or repeat the work of the Programs and Personnel Committees, but instead advises 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 2017-2018 budget at its Annual Meeting after a hearing open to all members.

3/10/17



March 2017

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

Re: March 31 – April 2, 2017, Report to the Board of Governors

Board Members:

It is my privilege to report to the Board on the activities of the State Bar of Georgia YLD. The YLD is committed to continually promoting the mission of our Bar through its younger members, who number nearly 10,000. During this Bar year, the YLD will continue the great programs and projects from past Bar years and improve their initiatives. This report will bring you up to date on our activities and accomplishments so far this year.

### YLD Committees

- **Advocates for Students with Disabilities**  
**Co-Chairs: Clayton Adams & Susan Haynes**  
This committee is hosting a lunch meeting on Feb. 16 at 12 p.m. at the Bar Center, Room 1. To RSVP, email Susan Haynes. This Committee hosted a Pro Bono March Madness CLE titled, "Education Advocacy for Children with Special Needs," on March 22 from 12:30-4 p.m. at the Bar Center. The goal of this CLE was to train lawyers interested in special education advocacy to take these cases pro bono, featuring the nuts and bolts of special education law and providing a step-by-step reference guide.
- **Community Service Projects**  
**Co-Chairs: Justin Wolfe & Zack Howard**  
This committee held its annual Suit & Cell Phone Drive throughout the month of January and collected gently used suits and business casual attire and used cell phones to benefit Atlanta Mission and My Sister's House.
- **Disaster Legal Assistance**  
**Chair: Bert Noble**  
This committee was mobilized through a memorandum of understanding between the Georgia YLD, the ABA and FEMA, to provide disaster legal assistance to those in need after a natural disaster. The people of Savannah and Brunswick, GA were hit hard after

Hurricane Matthew, which struck the Georgia coast on Oct. 8. A Disaster Relief Hotline has been established and is monitored regularly. Bert Noble directs calls to volunteer attorneys. This committee issued a call for attorneys to take calls and cases with issues related to insurance, consumer fraud, loss of identity documents, housing law and more. Several volunteer attorneys stepped forward and they are actively handling cases. A new disaster was declared by FEMA in Feb. to handle damage from storms and tornadoes in Georgia. The hotline is also taking calls from this disaster as well.

- **Estate & Elder Law**

- **Co-Chairs: Jennifer Thomas & Amanda N. Moyer**

- This committee partnered with ICLE of Georgia for the 62nd Annual Estate Planning Institute, held Feb. 10-11 at the UGA Hotel and Conference Center in Athens, GA. The Committee hosted a lunch on Feb. 11, following the closing session. This Committee also held a Wills Clinic on Saturday, Feb. 25, from 9 a.m.-2 p.m. at Andersen, Tate & Carr, P.C. This Wills Clinic benefitted First Responders and was held in conjunction with the Gwinnett County Bar Association. They needed volunteer attorneys, volunteer witnesses and volunteer notaries public.

- **Ethics & Professionalism**

- **Co-Chairs: Elizabeth Carr & Matthew L. Jones**

- This committee partnered with Mercer Law School and held a CLE on Feb. 24 at Baker Donelson in Atlanta, titled, "Ethics, Professionalism and Client Expectations." The CLE was moderated by Professor Pat Longan of Mercer Law School, and included panelists Court of Appeals Chief Judge Sara Doyle, State Court Judge Benjamin Studdard, and Rick Sizemore.

- **Family Law**

- **Co-Chairs: Michaela Mericle & Jonathan Brezel**

- This Committee hosted the 11th annual Supreme Cork fundraiser, benefitting Atlanta Volunteer Lawyers Foundation, on Feb. 16 at 6:30 p.m. at 5 Seasons Westside Brewery. It was a wine tasting and silent auction event that was well-attended.

- **High School Mock Trial**

- **Chair: Adam L. Hebbard**

- **Vice Chair: T. Peyton Bell**

- This committee held its regional competition Jan. 29-31 in 16 regions in Georgia. This committee held the District Competitions Feb. 18-19 in Albany, Atlanta, Cumming, Dalton, Decatur, Marietta, McDonough, and Savannah. The Committee held the Final competition on March 4, and Grady High School became the state champions.

- **Inclusion in the Profession**

- **Co-Chairs: Hon. Amanda Heath & Titus Nichols**

- This committee hosted the AVLF Saturday Lawyers Program on Jan. 28 that was well-attended.

- **Intrastate Moot Court Competition**

- **Co-Chairs: William A. Alexander & Mary M. Weeks**

This Committee hosted their annual competition March 24-25 at GSU College of Law, in Atlanta, GA. They called for volunteer lawyers to judge oral argument rounds. This competition hosted 2 teams from each of the 6 law schools in Georgia.

- **Leadership Academy**

**Co-Chairs: Ashley Akins, Ron Daniels & Elizabeth O’Neal**

This committee just selected over 40 attorneys for the Class of 2017. This prestigious program of the State Bar of Georgia is for young lawyers who are interested in developing their leadership skills as well as learning more about their profession, their communities and their state. Sessions include Becoming a Leader in the Bar and YLD; Lawyers as Leaders in State Government; Professionalism; Pro Bono and Community Service; Developing Your Leadership Skills; Closing Session and Graduation.

- **Legal Food Frenzy**

**Co-Chairs: Daniel O. Burroughs, Justin Oliverio, W. Justin Purvis & Lisa G. Robinson**

This Committee hosted an evening of volunteering, in preparation for the annual YLD Legal Food Frenzy. This event was a high-energy session of food sorting at the Atlanta warehouse on March 22, from 6-8:30 p.m. at the Atlanta Community Food Bank.

- **Legislative Affairs**

**Co-Chairs: Elissa B. Haynes, D. Bobo Mullens & M. Blake Tillery**

This committee hosted the 29th Annual Capitol Leadership Luncheon at the State Capitol, in the Sloppy Floyd Building, on Feb. 9. Invited panelists included Attorney General Chris Carr, Rep. Stacey Evans, Rep. Dar’shun Kendrick, and Rep. Brian Strickland. This lunch was well-attended and inspirational.

- **Litigation**

**Co-Chairs: Jake Evans & Megan Pearson**

This committee hosted a lunch meeting on Jan. 26 at Thompson Hine, featuring guest speaker Julie Bracker from Bracker & Marcus LLC. The Committee hosted for their first installment of the annual War Stories Lecture Series, on March 1 from 12:30-1:30 p.m. at the Bar Center, featuring guest speaker Sarah Warren, Solicitor General of Georgia. The committee held their second installment of the annual War Stories Lecture Series, on March 15 from 12:30-1:30 p.m. at the Bar Center, featuring guest speaker Justice Britt C. Grant, of the Supreme Court of Georgia. The Committee joined forces with the YLD Women in the Profession Committee for a joint March Madness Happy Hour on March 16 at 6:30 p.m. at Front Page News in Midtown to kick off the NCAA Basketball Tournament. The Committee hosted a very well-attended CLE titled, “Litigation: Soup to Nuts,” on March 20 from 7:30 a.m. - 3 p.m. at the Bar Center. This program provided 6 CLE hours, including 1 ethics hour, 1 professionalism hour and 2 trial hours for \$95 online or \$125 on-site, and included such topics as business development, managing e-discovery, running a firm, taking depositions, and more.

- **Public Interest Internship Program**

**Co-Chairs: Jana Edmondson-Cooper & Kerry Nicholson**

This committee held a conference call on Feb. 16 to discuss plans for the 2017 summer grant recipient’s selection process. The Committee hosted a lunch meeting on March 21

at 12 p.m. at the Bar Center to discuss fielding applications and grading for the 2017 summer grant recipients.

- **Real Estate Law**

**Co-Chairs: Chris Collier & Kaitlin Horlander**

The committee hosted an evening social on Jan. 12 from 6-9 p.m. at Skyline Park, located atop Ponce City Market, for an evening of fun, games and fellowship. It was well-attended and they look forward to planning more events. This Committee hosted their February meeting on Feb. 23 from 6 - 7:30 p.m. at Williams Teusink, LLC in Decatur. Eric Teusink, of Williams Teusink, discussed starting your own firm and growing your own book of business.

- **Signature Fundraiser**

**Co-Chairs: Audrey Bergeson, Rizza O'Connor & Katie Willett**

This committee hosted the 11th Annual YLD Signature Fundraiser – a black-tie optional gala - on February 25 from 7-11 p.m. at Terminus 330. This year's beneficiary was Georgia CASA, Inc. - ensuring that children in abused and neglected homes receive representation from qualified, compassionate adult volunteers who fight for and protect their human rights. The evening featured carnival games, photo booth, DJ, dancing, buffet dinner, open bar, a silent auction and more! This event raised more than \$50,000 – proceeds of which will go towards CASA programming.

- **Solo/Small Firm**

**Co-Chairs: Ichechi Alikor & Jacob Poole**

This committee held a 30-minute conference call on Jan. 19 in preparation for their Jan. 21 event. Then they hosted the AVL Saturday Lawyer Program on Jan. 21 and it was well-attended.

- **Women in the Profession**

**Co-Chairs: Morgan Clemons & Baylie Fry**

This committee hosted a lunch on Jan. 25 at the Bar Center, featuring The Krystal Company's Chief Legal Officer, Sloane S. Perras, who discussed her path to success and provided insight to young lawyers on a variety of topics. This committee hosted a lunch meeting on Feb. 22 at the Bar Center, featuring guest speakers Reynolds & Reynolds Financial Partners to discuss being financially savvy in 2017.

### YLD Affiliates

- **Augusta YLD**

The Augusta YLD hosted a happy hour at Southbound Smokehouse (1355 Central Avenue, Augusta, GA 30904) on March 16 at 6 p.m. for a time of socializing with good food and drinks.

## **Stars of the Quarter**

The YLD Star of the Quarter was implemented to recognize young lawyers who went above and beyond for the YLD, the legal profession and/or their community. Each star is highlighted on the website and recognized at YLD meetings throughout the year. Please send your quarterly nominations to Mary McAfee.

Winter 2017 Stars:

- Ron Daniels
- Jake Evans
- Garon Muller

Fall 2016 Stars:

- Lori Anderson
- Sonia Lakhany
- LaKeisha Randall

## **Quarterly Meetings**

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

The YLD Summer Meeting took place August Aug. 18-21, 2016, at The King & Prince Beach and Golf Resort, on St. Simons Island, GA. Events included a welcome reception, group dinner, General Session, service project, group outing to Redfern Village and CLE entitled "Marketing for Young Lawyers."

The YLD Fall Meeting took place Nov. 3-6, 2016, at Disney's Yacht Club Resort in Lake Buena Vista, Fla. Events included a welcome reception, group breakfasts, CLE, free time to enjoy the parks, group dinner and safari ride in Disney's Animal Kingdom and General Session.

The YLD Midyear Meeting General Session was rescheduled because of the threat of inclement weather. It took place on Jan. 20, 2017 at the Bar Center and was attended by close to 70 young lawyers.

The YLD Spring Meeting took place March 9-12, 2017 at The Omni Grove Park Inn, in Asheville, N.C. Events included a welcome reception, hospitality suite, tour of the Biltmore Estate, group dinner, breakfast buffet, YLD General Session, a service project and more. This meeting was attended by more than 70 attorneys, plus spouses and friends.

The YLD has one more meeting planned this Bar year, as follows:

Annual Meeting  
June 8-11, 2017  
Jekyll Island, Ga.  
Held in conjunction with the State Bar of Georgia

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

Truly Yours,



Jennifer Mock  
2016-17 YLD President



**D-R-A-F-T**  
**STATE BAR OF GEORGIA**  
**BOARD OF GOVERNORS**  
**MEETING MINUTES**  
**Friday, January 13, 2017**  
**State Bar Building/Atlanta, GA**

The 266<sup>th</sup> meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Patrick T. O'Connor, President, presided.

Special Recognition

President Pat O'Connor recognized the members of the judiciary, the Past Presidents of the State Bar, and other special guests in attendance.

Roll Call

Secretary Darrell L. Sutton circulated the roll for signature. The list of those in attendance is attached as Exhibit A.

Future Meetings Schedule

President Pat O'Connor referred the Board of Governors members to the Future Meetings Schedule.

Amendment to Technology Section Bylaws

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved proposed amendments to the Technology Section Bylaws (Exhibit B).

Minutes of the 265<sup>th</sup> Meeting of the Board of Governors

The minutes of the Board of Governors meeting held on October 21, 2016, at the Lodge at Callaway in Pine Mountain, Georgia, were approved by unanimous voice vote.

Part XVI Institute for Continuing Legal Education

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved proposed rules Part XVI Institute for Continuing Legal Education, as revised (Exhibit C), establishing ICLE as a program of the State Bar of Georgia.

JQC Nominations/Process

Following a report by President Pat O'Connor, the Board of Governors, with Paige Reese Whitaker abstaining, approved the list of JQC nominees (Exhibit D) by unanimous voice vote. The list will be submitted to the Speaker of the House and the Lieutenant Governor.

Nomination of State Bar Officers

The Board of Governors received the following nominations for State Bar officers for the 2017-2018 Bar year, and there being no others, declared the nominations closed:

| <u>Office</u>   | <u>Nominator</u>                                    | <u>Nominee</u>                               |
|-----------------|---|--|
| Secretary       | Kathleen M. Womack                                  | Dawn M. Jones<br>Damon E. Elmore (Seconding) |
|                 | John Bell Manley<br>Hon. Dax Eric Lopez (Seconding) | Michael B. Terry                             |
| Treasurer       | Amy V. Howell<br>Carl R. Varnedoe (Seconding)       | Darrell L. Sutton                            |
| President-elect | John F. Kennedy<br>Sherry Boston (Seconding)        | Kenneth B. Hodges, III                       |

#### Nomination of ABA Delegates

The Board of Governors, by unanimous voice vote, nominated the following attorneys for two-year terms to the Georgia ABA Delegate Posts indicated. These positions are open to Georgia lawyers who are members of the ABA. Anyone else interested in running for any of the three posts can do so by filing a petition or contacting Paula Frederick and they will be added to the statewide ballot.

| <u>Post</u> | <u>Delegate</u>  |
|-------------|--|
| 2           | (currently held by S. Lester Tate)                         |
| 4           | (currently held by Donna Barwick)                          |
| 6           | To be held by the Immediate Past President as of July 2017 |

#### Member Benefits Committee

Following a report by chair John Kennedy and a presentation by Bob Aicher with ZeekBeek, the Board of Governors, by unanimous voice vote, authorized the Member Benefits Committee to continue working with ZeekBeek to develop an enhanced members' directory of State Bar of Georgia members, and for the Member Benefits Committee to bring back to the Board of Governors a specific proposal for action.

#### Legislation

Following a report by Jon Pannell, the Board of Governors took the following action on proposed legislation.

| <u>Legislative Proposal</u>  | <u>Germane to Scope &amp; Purposes of the Bar</u> | <u>Support on Merits (2/3 Majority Required)</u> |
|--|---|--|
| Family Law Section   |   |  |
| 1) Antenuptial Agreements  | Passed by unanimous voice vote                    | Passed by unanimous voice vote                   |
| Judicial Council's Technology Committee                                      |   |  |
| 1) Funding Support for E-filing Portal                                       | Passed by unanimous voice vote                    | Passed by unanimous voice vote                   |
| Real Property Law Section  |   |  |
| 1) Savings Statute   | Passed by unanimous voice vote                    | Passed by unanimous voice vote                   |
| Comm. to Promote Inclusion in the Profession                                 |   |  |
| 1) Funding Request for Legal Representation for Victims of Domestic Violence | Passed by unanimous voice vote                    | Passed by unanimous voice vote                   |

### Legislative Update

Rusty Sewell and Christine Butcher provided an update on the upcoming 2017 legislative session.

### Resolution Honoring Out-going Chief Justice Thompson

The presentation will take place at the Spring Board of Governors meeting.

### Marshall Tuttle Award to Greg Studdard

Eric Ballinger presented the Military Legal Assistance Program's 2016 Marshall Tuttle Award to Greg Studdard for his outstanding legal service to military personnel and veterans in Georgia.

### President's Report

President Pat O'Connor reported that this has been the year of the "curve ball" with regard to unexpected issues (ICLE and Bar Exam grading onus). While no one could have foreseen the major issues at ICLE that resulted in it becoming part of the State Bar, bringing ICLE into the Bar will be a win-win situation for ICLE and Georgia's lawyers. The move should also bring about economies of scale that could help reduce the cost of seminars to Bar members. He thanked Immediate Past President Bob Kauffman, chair of ICLE, for all of his work on behalf of ICLE; Paula Frederick and Bill NeSmith for doing such a great job in working with all of the outside counsel involved in the transition; and Laurence (Larry) Pless who advised the State Bar on the transition. He also thanked the

ICLE Task Force, led my Past President Hal Daniel and members Past President Robin Clark, Joe Dent, Damon Elmore and Nancy Whaley, who laid the groundwork for the merger.

President O'Connor further reported that he participated in Chief Justice Harris Hines' investiture. It was an important symbolic gesture for the new Chief Justice to ask the Bar President to be a part of it and he appreciates the excellent relationship the State Bar has with the Court.

President O'Connor announced that Board members would be receiving a report from the Disciplinary Rules & Procedures Committee and for them to keep in mind that the first priority in the Strategic Plan is to make the disciplinary process better, more efficient, and expedient.

President O'Connor reported that he and the officers have been diligently working with legislative leaders on the redraft of the JQC legislation. He said that until we know what the final legislation looks like, he plans to keep the JQC Task Force in place. If the Bar retains future appointments, he will ask that the Task Force become a Standing Committee. He announced that Ed Tolley has been appointed as the new chair of JQC by the Governor.

Finally, President O'Connor reported that the *Who Needs Lawyers?* PSAs have been very well received around the state and asked for a round of applause for the Communications Committee and Sarah Coole for their efforts.

#### Treasurer's Report

Treasurer Kenneth B. Hodges reported on the Bar's finances and investments. The Board of Governors received copies of the combined Operations and Bar Center Consolidated Revenues and Expenditures Report as of October 31, 2016; Income Statement YTD for the Four Months Ended October 31, 2016; Bar Center Revenues and Expenditures Summary for the Four Months Ended October 31, 2016; State Bar Balance Sheet for October 31, 2016; Summary of Selected Dues and Voluntary Contributions at November 30, 2016; Investment Performance Comparison 2015-2016; and Cornerstones of Freedom and Legislative Fund Activity Reports as of October 31, 2016.

#### Aging Lawyer Task Force

Secretary Darrell Sutton, Task Force co-chair, reported on the activities of the Aging Lawyers Task Force. The Task Force is assessing the various issues affecting the aging lawyer population in Georgia and available resources to develop strategic recommendations for solving those issues. It has identified immediate, short and long term recommendations. Immediate recommendations include developing a Senior Lawyers Division, an alternative membership classification for cognitively impaired

lawyers, and lowering the age and practice requirement for Emeritus membership status. Other recommendations include an education platform on succession planning, opportunities for personal fulfillment for senior lawyers, such as pro bono work and access to justice issues, and YLD attorneys partnering with older lawyers in a law firm succession program.

#### YLD Report

YLD President Jennifer Campbell Mock reported on the activities of the YLD. The 2017 Leadership Academy has been selected and its first meeting will take place on January 20, 2017. The annual YLD Legislative Day will be held on February 9, 2017. The Spring YLD Meeting will take place in Asheville the weekend of March 9-12, 2017. The annual Legal Food Frenzy will kick-off March 1<sup>st</sup> at the State Capitol.

She also announced that the 11<sup>th</sup> Annual Signature Fundraiser will take place on February 25, 2017, benefitting CASA, Inc. Audrey Bergeson, co-chair of the Annual Signature Fundraiser Committee, provided more information about the event and encouraged Board members to make a sponsorship pledge on the forms provided. She referred the Board of Governors members to the written report in the Board book for further details about the Fundraiser.

#### National Association of Women Judges Report

Cynthia Clanton reported that the 39<sup>th</sup> Annual Conference of the National Association of Women Judges will be meeting in Atlanta on October 11-15, 2017.

#### Disciplinary Rules and Procedures Committee

Chair John Haubenreich and Paula Frederick reported on proposed changes to the disciplinary rules. Paula Frederick also summarized the current disciplinary process. She encouraged the Board of Governors members to call her if they would like more information on the proposed changes or to address their constituency with same. The proposed disciplinary rules changes will be an action item at the Spring Board of Governors meeting.

#### SOLACE Committee

Co-chair Karlise Grier reported on the activities of the SOLACE Committee. SOLACE assists those in the legal community who have experienced some significant, potentially life-changing event in their lives. Participation is voluntary and the committee does not solicit monetary contributions, instead accepting in-kind assistance or donations. She announced that SOLACE Committee members are available to speak at local bar meetings.

#### Committee to Promote Inclusion in the Profession

Dawn Jones reported on the Committee to Promote Inclusion in the Profession's Commitment to Equality Awards. The awards are presented to individuals, corporations, or legal organizations that promote diversity in the legal profession and who provide opportunities for members of underrepresented groups. This year's ceremony will take place on May 4, 2017, at Georgia State University's School of Law.

#### Access to Justice Committee Pro Bono PSAs

Mike Monahan presented pro bono PSAs created as a statewide campaign to educate Bar members about, and encourage them to participate in, pro bono work. Matthew Porter with Porterwrite provided his services pro bono in creating the videos.

#### Lawyer Assistance Program (LAP) Committee

Committee chair Jeff Kuester reported on the services of the LAP and the Georgia Lawyers Helping Lawyers peer program that will be launching a volunteer database in the near future. He introduced Todd Stanton, who will serve as the LAP peer volunteer contact. He encouraged the Board members to offer their support as a peer and encouraged them to contact him, Todd Stanton, or Lynn Garson for more information.

#### Strategic Plan Updates

Jeff Davis provided an update on the Strategic Plan's priorities.

#### Attorney Conflict Registry

Jeff Davis reported that Presiding Justice Harold Melton and Judge David Emerson have made arrangements to convene a meeting on Friday, January 13, 2017, at 3:00 pm at the State Bar Building to begin discussions of a vision for a centralized, state-wide conflict registry. Anyone interested in volunteering is welcome to attend the meeting.

#### Executive Committee Minutes

The Board of Governors received copies of the minutes of the September 9-10 and November 17, 2016 Executive Committee meetings.

#### Office of the General Counsel

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

#### Satellite Office Usage Reports

The Board of Governors received written Usage Reports for the Coastal Georgia (Savannah) and South Georgia (Tifton) satellite offices.

#### Military Legal Assistance Program (MLAP)

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

Consumer Assistance Program

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

Law Related Education (LRE) Program

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

Communications Update and Media Report

The Board of Governors received a written Communications Update and Media Report.

Chief Justice's Commission on Professionalism

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

Old Business

Seth Kirschenbaum reported on the BASICS 40<sup>th</sup> Anniversary Gala at the Druid Hills Golf Club on March 4, 2017. He encouraged the Board members to buy tickets or to become a sponsor of the event.

President Pat O'Connor reported that the Military and Veterans Law Section's World War I Commemorative Voyage in Belgium and France on October 2-13, 2017, is still open for registration and more information about it can be found in the Board book.

New Business

There was no new business.

Questions/Answers, Comments/Suggestions

The President opened the meeting for questions and comments.

Adjournment

There being no further business, the meeting was adjourned.

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Darrell L. Sutton, Secretary

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Patrick T. O'Connor, President

**DRAFT**  
**Minutes**  
**Finance Committee Meeting**  
**February 7, 2017**  
**State Bar Building**  
**Atlanta, Georgia**

Members Present

Nancy J. Whaley (Chair), Dennis C. Sanders (Vice Chair), Brian D. Rogers (Executive Committee Liaison), Han C. Choi, Lyonnnette M. Davis, Damon E. Elmore, Dawn M. Jones, Shondeana G. Morris, Elise B. Myers, Elizabeth P. O’Neal, Kathleen M Womack, and Nicole C. Leet and Martin E. Valbuena attended in person. Donna G. Barwick, Randall H. Davis, Joseph W. Dent, Elizabeth L. Fite, Elena Kaplan, Nancy N. Liu, Jennifer C. Mock, Daniel B. Snipes, and Kenneth B. Hodges attended via telephone.

Staff Present

Jeff Davis, Executive Director; Paula Frederick, General Counsel; Jenny Mittelman, Deputy General Counsel; and Steve Laine, Chief Financial Officer, were present from the State Bar staff.

Welcome

Chairperson Nancy J. Whaley welcomed new Finance Committee members and gave an overview of the Committee, the purpose of this meeting (dues determination in particular), and the Bar’s financial history.

Dues History and Background

Chairperson Whaley reviewed the history of Bar dues and the concept of indexing. Indexing is the practice of increasing dues to fund new programs. The Bar historically built up additional surplus when programs were approved, and dues were increased, but actual expenditures for the program were much less than budgeted. The accumulated surplus was now being spent down by design—by deferring dues increases at this time even though operating expenses would otherwise necessitate an increase in dues revenue. In some previous years, the Bar had budgeted a net loss but had actually incurred a net gain.

The Bar dues currently stood at \$248 for active members and \$124 for inactive members and had not changed in three years. Ms. Whaley noted that the Bar is bound by a \$25 ceiling on annual dues raises and an overall dues ceiling of \$350, as set by the Supreme Court of Georgia.

Bar Reserves

Mr. Laine presented a summary of the Bar’s reserves. At 12/31/16, the Bar held \$4.75 million in board-designated reserves, plus the \$600,000 Cornerstones of Freedom Fund and the \$300,000 Litigation Reserve. In addition, as of 6/30/17, the Bar was projected to have \$4.1 million in unrestricted surplus, which included the Bar Center surplus. This was down from \$5.5 million at 6/30/16.



**Finance Committee**  
**2/7/17 Meeting Minutes**  
**Page Two**

He led the Committee through a projection of current reserves, given current spend plus a 3% inflation rate, discounted to 95% of budget. The projection indicates that all current surplus will be expended in 2021-22. The projection also indicates that dues will need to be incrementally increased each year in the several years in advance of the 2021-22 Bar year so as to avoid the necessity of a large dues increase in the year that reserves are fully depleted.

Programs Committee Minutes

Mr. Laine reviewed the outcome of the 1/19/17 Programs Committee meeting. The Programs Committee recommendations were to:

- (1) Deny a request to hire a part-time Wellness Communications Coordinator at a cost of \$25,041. Instead, the Committee approved a motion to fund up to \$5,000 to help the Attorney Wellness Task Force with marketing materials, utilizing the existing Communications staff position 5 hours/week and availing the officers, YLD, and ICLE for outreach.
- (2) Fund up to \$72,000 from Cornerstones of Freedom for the third year (of five) of a series of six Law-Related Education Virtual Law Museum online case studies that will be available on the State Bar website.
- (3) Deny a funding request of \$30,000 for iCivics and defund the program at the conclusion of this Bar year.
- (4) Deny a funding request for a Senior Lawyers Division (SLD) to address the problems confronting aging lawyers at a cost of \$145,000. Instead the Aging Lawyer Task Force was tasked with working with other Bar committees and programs in addressing issues related to the aging lawyer population, including exit from practice and practice continuity.
- (5) Deny a funding increase to the Military Legal Assistance Program (MLAP) for a \$35,000 increase for its director.

Personnel Committee Recommendations

Mr. Laine reviewed the recommendations of the Personnel Committee, which met on January 26, 2017.

The recommendations were:

- A. Membership—combine two part-time Membership Administrator positions into one full-time position (max impact \$41,757, max impact after savings due to retirements \$3,757)
- B. Sections—convert part-time Sections Assistant to full-time (\$40,067 impact but zero dues impact since sections are assessed separately)

**Finance Committee**

## 2/7/17 Meeting Minutes

### Page Four

C. Office of General Counsel—add two part-time Receiverships Administrators due to volume of new receivership activity (total impact \$22,793 for both)

D. Bar Staff Salary Increase

1. Equity adjustments for two positions (total impact \$12,713)
2. Cost of living increase according to annual formula 1.1%
3. Discretionary merit increase 0-2%  
(approx. \$147K maximum impact for #2 and #3 combined)

### 2017-18 Dues Recommendation

The Committee discussed the 2017-18 State Bar of Georgia member dues recommendation, in light of projected available surplus, the recommendations of the Programs Committee, and the recommendations of the Personnel Committee.

The dues motion was made and unanimously approved as follows: Finance Committee recommends to the Executive Committee that active member dues shall increase by \$2 to \$250 and inactive member dues shall increase to \$125 for 2017-18.

### State Bar of Georgia 11/30/16 Financial Statements

Steve Laine reviewed the Bar's Combined Revenues and Expenditures Statement, Bar Center Executive Summary, Operations Income Statement, Summary of Dues and Voluntary Contributions, Investment Performance, and the State Bar Balance Sheet, all as of 11/31/16.

### State Bar/ICLE Merger

Mr. Laine reviewed the financial aspects of the State Bar/ICLE merger that occurred on December 30, 2016. The merger involved the contribution of the assets of ICLE to the State Bar of Georgia Foundation, Inc. ICLE would be operating therefor as a Bar program. The integration of ICLE and its operating systems into the Bar was ongoing and was projected to take until early 2018.

### Audit Results, Fiscal 2016

The Committee reviewed the results of the financial statement audits for both the State Bar of Georgia and the Commission on Continuing Lawyer Competency, for the year ended June 30, 2016. Mauldin and Jenkins, the Bar's audit firm, made no audit adjustments and had no management letter comments. The State Bar Audit Committee met, reviewed the audit results, and made several recommendations on January 11, 2017.

The Finance Committee approved motions to accept the following recommendations of the Audit Committee and thus recommend them to the Executive Committee:

1. The Committee accepts the State Bar Combined Financial Statements and the Financial Statements of the Commission on Continuing Lawyer Competency for the years ended June 30, 2016 and 2015, including the related Reports of Independent Auditor, and recommends

**Finance Committee**  
**2/7/17 Meeting Minutes**  
**Page Three**

acceptance of same to the Executive Committee, pending any substantial changes to the statements or report before issuance.

2. The Committee recommends the retention of Mauldin & Jenkins, LLC as financial auditor for the State Bar and CCLC for the fiscal year ended June 30, 2017.

3. The Committee accepts the recommendation that Mauldin & Jenkins, LLC bid on a separate financial statement audit of the Institute of Continuing Legal Education in Georgia for the period July 1, 2016 – December 20, 2016.

Budget Timetable

Nancy Whaley discussed the 2017-18 Bar Operating Budget Timetable. The timetable necessitated a dues recommendation by Finance to Executive Committee (EC) by February 18, 2017 and a budget recommendation to EC by May 11, 2017.

2017-18 Bar Operating Budget

Steve Laine pointed out the cover sheets for the 2017-18 State Bar Operating Budget and Bar Center Budget. The budget will be amended for review and proposed for Committee approval at the next Finance Committee meeting.

Next Meeting Date

The Committee agreed to meet again on Tuesday, April 18, at 11:30 AM.

Adjournment

There being no further business, the meeting was adjourned.

**State Bar of Georgia  
Dues and Revenue History**

2/6/2017

| <b>Dues History:</b> |         | <b>Year End 6-30</b> | <b>Active &amp; Inactive Members</b> |
|----------------------|---------|----------------------|--------------------------------------|
| \$75                 | 8 Years | 1976-1983            | 6/30/83 = 15,000                     |
| \$90                 | 4 Years | 1984-1987            | 6/30/87 = 19,425                     |
| \$110                | 2 Years | 1988-1989            | 6/30/89 = 20,193                     |
| \$135                | 6 Years | 1990-1995            | 6/30/95 = 26,320                     |
| \$150                | 5 years | 1996-2000            | 6/30/00 = 30,694                     |
| \$175                | 3 years | 2001-2003            | 6/30/03 = 33,706                     |
| \$190                | 1 year  | 2004                 | 6/30/04 = 34,717                     |
| \$208                | 1 year  | 2005                 | 6/30/05 = 35,704                     |
| \$218                | 1 year  | 2006                 | 6/30/06 = 36,694                     |
| \$230                | 2 years | 2008                 | 6/30/08 = 38,852                     |
| \$236**              | 3 years | 2009-2011            | 6/30/11 = 42,334                     |
| \$238                | 1 year  | 2011-2012            | 6/30/12 = 42,957                     |
| \$240                | 1 year  | 2012-2013            | 6/30/13 = 44,184                     |
| \$246***             | 1 year  | 2013-2014            | 6/30/14 = 45,143                     |
| \$248                | 3 years | 2014-2017            | Budgeted 6/30/17 = 47,458            |

**History of Dues Cap**

The first cap was set at \$150 by Supreme Court Order, dated January 25, 1983. Prior to then, every dues change had to be done by a separate Supreme Court Order. The cap was raised to \$250 by Supreme Court Order, dated September 14, 1995. The cap was raised again to \$350 by Supreme Court Order, dated January 7, 2009.

\*\*One time dues credit of \$20 per active member (\$10 inactive) approved by Board of Governors, reducing net active dues to \$216 (\$108 inactive) for 2008-09 only.  
 \*\*\*One time dues credit of \$2 per active member (\$1 inactive) approved by Board of Governors, reducing net active dues to \$244 (\$122 inactive) for 2013-14 only.

**State Bar of Georgia  
Dues and Revenue History**

2/6/2017

| History of Dues Indexing and Program Accountability * |    |                        |
|---|----|------------------------|
| Dues Indexing   |    | Program Accountability |
| %   | \$ | (New Programs)         |

| Year               | Total Revenue      | \$ Increase        | % Increase   | Dues Rate    |  |  |  |  |  |  | Total Expenditures | Annual Surplus (Deficit) | Reserves***  |
|--------------------|--------------------|--------------------|--------------|--------------|--|--|--|--|--|--|--------------------|--------------------------|--------------|
| 1992-93            | \$3,334,777        | \$115,329          | 3.6%         | \$135        |  |  |  |  |  |  | \$ 5,196,542       | \$ (7,079)               | \$ 1,989,418 |
| 1993-94            | \$3,571,459        | \$236,682          | 7.1%         | \$135        |  |  |  |  |  |  | \$ 5,279,323       | \$ 803,857               | \$ 2,622,839 |
| 1994-95            | \$3,889,932        | \$318,473          | 8.9%         | \$135        |  |  |  |  |  |  | \$ 5,567,740       | \$ 503,790               | \$ 3,146,925 |
| <b>1995-96</b>     | <b>\$4,354,349</b> | <b>\$464,417</b>   | <b>11.9%</b> | <b>\$150</b> |  |  |  |  |  |  | \$ 6,193,333       | \$ 584,149               | \$ 2,658,562 |
| 1996-97            | \$4,593,984        | \$239,635          | 5.5%         | \$150        |  |  |  |  |  |  | \$ 7,441,085       | \$ 988,231               | \$ 4,824,815 |
| 1997-98            | \$4,891,840        | \$297,856          | 6.5%         | \$150        |  |  |  |  |  |  | \$ 7,910,506       | \$ 1,291,785             | \$ 6,098,422 |
| 1998-99            | \$5,007,430        | \$115,590          | 2.4%         | \$150        |  |  |  |  |  |  | \$ 8,299,389       | \$ 1,330,946             | \$ 7,243,357 |
| 1999-00            | \$5,191,463        | \$184,033          | 3.7%         | \$150        |  |  |  |  |  |  | \$ 10,406,996      | \$ (1,279,832)           | \$ 7,206,369 |
| <b>2000-01</b>     | <b>\$6,083,180</b> | <b>\$891,717</b>   | <b>17.2%</b> | <b>\$175</b> |  |  |  |  |  |  | \$ 9,623,930       | \$ 282,355               | \$ 7,359,314 |
| 2001-02            | \$6,071,530        | (\$11,650)         | -0.2%        | \$175        |  |  |  |  |  |  | \$ 9,916,263       | \$ (50,549)              | \$ 7,087,834 |
| 2002-03            | \$6,172,176        | \$100,646          | 1.7%         | \$175        |  |  |  |  |  |  | \$ 10,402,265      | \$ (399,718)             | \$ 6,899,271 |
| <b>2003-04</b>     | <b>\$6,757,482</b> | <b>\$585,306</b>   | <b>9.5%</b>  | <b>\$190</b> |  |  |  |  |  |  | \$ 10,824,527      | \$ (444,064)             | \$ 6,264,454 |
| <b>2004-05</b>     | <b>\$7,958,621</b> | <b>\$1,201,139</b> | <b>17.8%</b> | <b>\$208</b> |  |  |  |  |  |  | \$ 11,564,635      | \$ (736,023)             | \$ 7,230,681 |
| <b>2005-06</b>     | <b>\$8,429,316</b> | <b>\$470,695</b>   | <b>5.9%</b>  | <b>\$218</b> |  |  |  |  |  |  | \$ 12,284,888      | \$ (1,223,813)           | \$ 6,343,189 |
| <b>2006-07</b>     | <b>\$9,202,291</b> | <b>\$772,975</b>   | <b>9.2%</b>  | <b>\$230</b> |  |  |  |  |  |  | \$12,346,511       | \$ (1,234,087)           | \$ 5,949,481 |
| 2007-08            | \$9,630,335        | \$428,044          | 4.7%         | \$230        |  |  |  |  |  |  | \$ 13,494,991      | \$ (2,086,081)           | \$ 4,557,478 |
| <b>2008-09**</b>   | <b>\$9,217,184</b> | <b>(\$413,171)</b> | <b>-4.3%</b> | <b>\$236</b> |  |  |  |  |  |  |                    |                          |              |
| 2009-10            | \$9,906,285        | \$689,121          | 7.5%         | \$236        |  |  |  |  |  |  |                    |                          |              |
| 2010-11            | \$9,865,704        | (\$40,581)         | -0.4%        | \$236        |  |  |  |  |  |  |                    |                          |              |
| 2011-12            | \$10,042,547       | \$176,843          | 1.8%         | \$238        |  |  |  |  |  |  |                    |                          |              |
| 2012-13            | \$10,380,463       | \$337,916          | 3.4%         | \$240        |  |  |  |  |  |  |                    |                          |              |
| 2013-14            | \$10,828,612       | \$448,149          | 4.3%         | \$246        |  |  |  |  |  |  |                    |                          |              |
| 2014-15            | \$11,061,075       | \$232,463          | 2.2%         | \$248        |  |  |  |  |  |  |                    |                          |              |
| 2015-16            | \$11,112,424       | \$51,349           | 0.5%         | \$248        |  |  |  |  |  |  |                    |                          |              |
| 2016-17 (budgeted) | \$11,408,910       | \$296,486          | 2.7%         | \$248        |  |  |  |  |  |  |                    |                          |              |

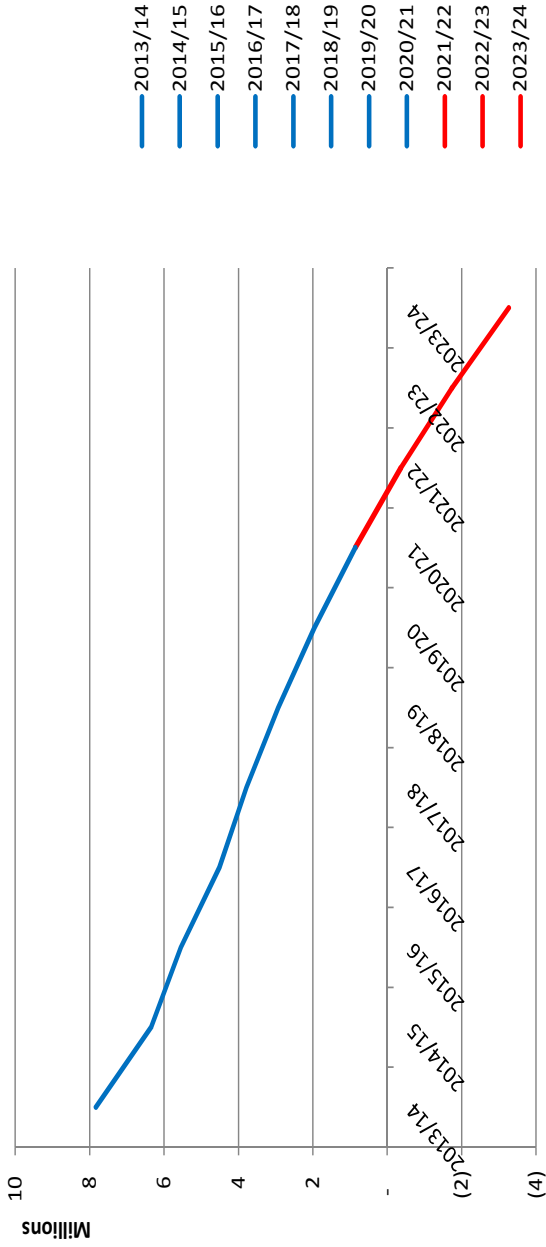
\* Dues changed from cycle (large increases every few years) to indexing (small increases more frequently) with mandatory new program approval by Board of Governors on April 5, 2003.

\*\*One time dues credit of \$20 per active member (\$10 inactive) approved by Board of Governors, reducing net active dues to \$216 (\$108 inactive) for 2008-09 only.

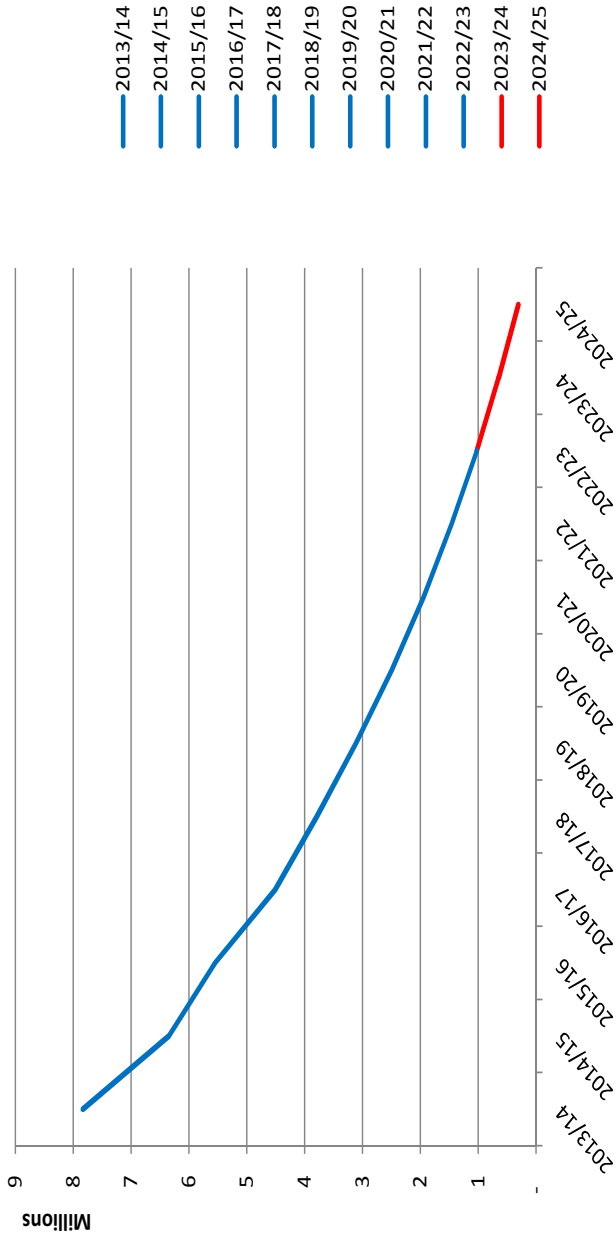
\*\*\*Unrestricted and board designated reserves. Does not include restricted funds, such as CCLC, Client Security Fund, Legislative Fund, Sections, and Bar Center.

# One time dues credit of \$2 per active member (\$1 inactive) approved by Board of Governors, reducing net active dues to \$244 (\$122 inactive) for 2013-14 only.

## State Bar Surplus \$2 Increases Beginning 2018-19 /95% Spend



## State Bar Surplus \$6 Increases Beginning 2018-19 / 95% Spend



**--DRAFT--**  
**Minutes**  
**Audit Committee**  
**State Bar of Georgia**  
**January 11, 2017**  
**Meeting Room 1, Third Floor, Bar Center**

Members Present

Han Chun Choi, Chair; Charles M. Dalziel, Jr., Vice Chair; Sheryl Barnes, John P. Webb, Ryan R. Leonard, Kathleen M. Womack, and Kenneth B. Hodges (Executive Committee Liaison) participated via telephone.

Staff Present

Steve Laine, State Bar CFO; Jeff Davis, Executive Director.

Guests

Jeff Fucito, Partner, Mauldin & Jenkins LLC; Kimberly Haynes, Audit Manager, Mauldin & Jenkins LLC.

Minutes, 2/12/16 Meeting

The Committee reviewed and approved the draft minutes of its February 12, 2016 meeting.

Audit Results, Fiscal 2016

Jeff Fucito reviewed the results of the financial statement audits for the combined State Bar of Georgia and State Bar of Georgia Foundation, and for the Commission on Continuing Lawyer Competency for the year ended June 30, 2016. There were no audit adjustments necessary and no management letter comments were made. There were no disagreements with management and all items requested of the Bar were provided in a timely manner. There were no identified deficiencies in internal control.

Operating Losses--Dues

Mr. Fucito asked if the Bar had a plan for dues increases, given the \$928K loss the Bar had incurred, coupled with the \$996K loss incurred the preceding year. Messrs. Laine and Davis indicated that the loss was by design to burn down surplus but that the time was coming for a dues increase, especially if new programs were to be added.

Follow-up Report on Prior Year Audit Findings

Mr. Laine reported on follow-up efforts to cure the two prior year audit findings. Regarding the State Bar Officer Credit Card Program, he reported that the officer card program had been discontinued.

He also reported that the Bar had adopted a policy to require background checks for all new employees and all current employees transferring within the Bar to a financially-sensitive position in November 2016. This policy was applied to the ICLE employees adopted when the Bar and ICLE merged in December.



#### Acceptance of Financial Statements and Auditor's Report

The Committee made and approved a motion to recommend acceptance of the State Bar Combined Financial Statements and the Financial Statements of the Commission on Continuing Lawyer Competency for the years ended June 30, 2016 and 2015, including the related Reports of Independent Auditor, to the Finance Committee, pending any substantial changes to the statements or report before issuance.

#### ICLE

Mr. Laine indicated that State Bar management was still waiting the financial audit results for ICLE for the year ended June 30, 2016. The report had been promised several times and then delayed. He indicated that the Audit Committee might have to pursue another audit firm for this task if the report was not delivered soon.

The Committee discussed the combination of ICLE and the Bar and its effects on future audits. It became apparent that a combined full-year audit of ICLE and State Bar for the year ended June 30, 2017 would result in an adverse opinion, given the control weaknesses found at ICLE in its Board of Regents audit. Mr. Fucito suggested that a partial year audit of ICLE would be advisable—that the Bar would be adequately “insulated” from ICLE’s previous internal control issues by undertaking a separate ICLE audit as of the merger date.

The Committee discussed the matter and unanimously approved a motion to request and consider a bid from Mauldin & Jenkins to perform the partial year audit of ICLE for the period of July 1 – December 30, 2016.

#### Auditor Retention

Mr. Fucito and Ms. Haynes left the room and the Committee discussed the performance of the current audit firm. Mr. Laine stated that the firm had conducted its responsibilities in a professional and timely manner. Upon further discussion, the Committee approved a motion to recommend the retention of Mauldin & Jenkins, LLC as auditor of the State Bar and CCLC for the fiscal year ended June 30, 2017, including ICLE’s activities beginning December 31, 2016.

#### Adjournment

There being no further business, the meeting was adjourned.



State Bar  
of Georgia

**STATE BAR OF GEORGIA**  
**2016 AUDIT RESULTS PRESENTATION TO THE**  
**GOVERNANCE COMMITTEE**

JEFF FUCITO, PARTNER  
JANUARY 11, 2017

**MAULDIN**  
**& JENKINS**  
CERTIFIED PUBLIC ACCOUNTANTS, LLC

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- Presentation of June 30, 2016 Financial Statements
- Standards Update
- Questions

# 2016 Services and Deliverables

- Audit of the June 30, 2016 Financial Statements
- Preparation of IRS Form 990 (the Foundation)
- SAS 114 Letter

|  |  |
|--|--|
| <p><b>Audit and audit-related services</b></p> | <ul style="list-style-type: none"> <li>➤ Consistent with our audit plan we express an opinion, and report to the Governance committee on:             <ul style="list-style-type: none"> <li>• The combined financial statements of the State Bar as of and for the year ended June 30, 2016.</li> <li>• The financial statements of Commission on Continuing Lawyer Competency as of and for the year ended June 30, 2016.</li> </ul> </li> <li>➤ We issue a written communication to:             <ul style="list-style-type: none"> <li>• Those charged with governance about independence matters in accordance with AICPA AU-C Section 260, <i>The Auditor's Communication with Those Charged with Governance</i>.</li> </ul> </li> </ul> |
| <p><b>Tax services</b></p>                     | <ul style="list-style-type: none"> <li>➤ Preparation of the 2016 form 990 to be filed by November 15, 2017 for the State Bar of Georgia Foundation.</li> </ul>   |

# 2016 Executive Summary

## Significant 2016 considerations

## Key audit results matters

### Status

- The 2016 audit is substantially complete. After Board review and approval of the combined financial statements, we expect to issue an unmodified opinion on the combined financial statements

### Scope

- Our audit scope is consistent with the plan communicated in the arrangement letter; we continually reassess the need for changes to our planned audit approach throughout the audit

### Results

- We believe the State Bar's analysis of significant accounting matters is appropriate
- Reasonable judgments and consistency have been used by management to account for significant accounting estimates
- No uncorrected misstatements were identified

### Reporting

- Our Report of Independent Auditors for the audit of the 2016 combined financial statements of State Bar of Georgia and the Commission on Continuing Lawyer Competency will be reflective of the requirements of AICPA Clarified Auditing Standards Section 705 and 706.

## Areas of Audit Emphasis

Significant risks are defined by U.S. auditing standards as risks with both a higher likelihood of occurrence and a higher magnitude of effect that required special audit considerations.

# 2016 Audit Results – Areas of Emphasis

| Area of emphasis  | Summary of audit procedures  |
|---|--|
| Cash and cash equivalents   | <ul style="list-style-type: none"> <li>• Sent independent bank confirmations</li> <li>• Reviewed bank statements</li> <li>• Substantively tested bank reconciliations for key accounts as of 6-30-16</li> <li>• No issues were noted</li> </ul>  |
| Investments   | <ul style="list-style-type: none"> <li>• Sent independent confirmations</li> <li>• Agreed balances reflected on the statements to the State Bar's roll-forward, perform analytical procedures, including an income reasonableness test, and test fair values, using independent pricing services where applicable</li> <li>• Obtained and reviewed support to validate the various investment disclosures</li> <li>• No issues were noted</li> </ul> |
| PP&E  | <ul style="list-style-type: none"> <li>• Reviewed and tested account detail and depreciation expense testing</li> <li>• No issues were noted</li> </ul>  |
| Accounts payable, accrued expenses and other liabilities, deferred income | <ul style="list-style-type: none"> <li>• Performed a search for unrecorded liabilities, review and test account detail, and perform detailed analytic review procedures</li> <li>• Review calculation of accrued liabilities and further support for significant accruals and estimates</li> <li>• No issues were noted</li> </ul>   |
| Commitments and contingencies   | <ul style="list-style-type: none"> <li>• Update our understanding of potential litigation through inquiries with senior management</li> <li>• Obtain written confirmation from legal counsel</li> <li>• No issues were noted</li> </ul>  |

# Areas of Audit Emphasis (continued)

| Area of emphasis  | Summary of audit procedures  |
|---|--|
| <p>Net assets</p>   | <ul style="list-style-type: none"> <li>• Agreed current year revenues, expenses, and restriction releases to other supporting documentation</li> <li>• Tested whether restrictions on net assets were properly classified. Tested whether restrictions were properly released</li> </ul>   |
| <p>Revenues and expenses - proper allocation of management and general, program and fundraising expenses and and improper or premature recognition of revenue</p> | <ul style="list-style-type: none"> <li>• Tested various revenue accounts for proper revenue recognition , including contributions. Expenses were tested for the proper functional expense allocations</li> <li>• Tested a sample of revenue and expense items for detailed supporting documentation (including third-party evidence)</li> <li>• Performed detailed substantive analytics of revenues and expenses for reasonableness and tested for proper classification of balances</li> <li>• No issues were noted</li> </ul> |
| <p>Internal controls</p>  | <ul style="list-style-type: none"> <li>• Obtained an understanding of controls over significant processes and tested the design of the key controls identified through review and process narratives and determined those controls have been placed into operation (walkthroughs)</li> <li>• Tested a sample of credit card expenditures to review the controls in place</li> <li>• No issues were noted</li> </ul>  |



## Critical Policies and Estimates

We are required to communicate our judgments about the quality, not just the acceptability, of the organization's accounting policies.

AICPA AU380, *The Auditor's Communication with Those Charged with Governance*, notes that the discussions on the quality of an Organization's accounting principles generally should include such matters as the consistency of the Organization's accounting policies and their application and the clarity and completeness of the Organization's financial statements, which include related disclosures. The discussion also should include items that have a significant effect on the representational faithfulness, verifiability and neutrality of the accounting information included in the financial statements

# 2016 Audit Results

## Critical Policies and Estimates

| Area/accounting policy  | M&J comments on quality of accounting policy and application   |
|---|--|
| <p><b>Accounting for Investments</b><br/>The organization values investments and financial instruments at fair value in accordance with ASC Topic 820 and ASC Topic 958</p>   | <p>Accounting policy is reasonable and consistent with other similar organizations, and has been applied consistently.</p> |
| <p><b>Accounting for Contributions</b><br/>Contributions received in cash are not subject to judgment or estimation. Contributed property and services are recorded at estimated fair value, using appropriate discounts as applicable, when received or when an unconditional promise to give has been made.</p> | <p>Accounting policy is reasonable and consistent with other similar organizations, and has been applied consistently.</p> |
| <p><b>Net Asset Classification</b><br/>Contributions by donors are recorded based on the existence or absence of donor restrictions.</p>  | <p>Accounting policy is reasonable and consistent with other similar organizations, and has been applied consistently.</p> |
| <p><b>Depreciation of property, plant, and equipment</b><br/>Depreciation is computed using the straight-line method based on the estimated useful lives of the assets.</p>   | <p>Accounting policy is reasonable and consistent with other similar organizations, and has been applied consistently.</p> |

# Inquiries Relating to Matters Relevant to the Audit

We are responsible for performing inquiries of those charged with governance related to fraud and other matters relevant to the audit. We will update our inquiries of you to understand any matters of which you believe we should be aware:

- Your views about the risks of material misstatements due to fraud
- Your knowledge of any actual, alleged or suspected fraud
- How you exercise oversight over the State Bar's assessment of fraud risks and the establishment of controls to address these risks

## Summary of Required Communications

Provided below is a summary of required communications between the audit team and those charged with governance.

|  | Communicate when event Occurs | Communicate on a timely basis, at lease annually |
|--|-------------------------------|--|
| Auditor's responsibility under generally accepted auditing standards, including discussion of the type of auditor's report we are issuing and overview of planned scope and timing |                               | X  |
| Our views about the qualitative aspects of the organization's significant accounting practices, including:   |                               |  |
| - Accounting policies  |                               | X  |
| - Sensitive accounting estimates   |                               | X  |
| - Financial statement disclosures and related matters  |                               | X  |
| Uncorrected misstatements  |                               | X  |
| Material corrected misstatements   |                               | X  |
| Significant deficiencies and material weaknesses in internal control   | X                             | X  |
| Other information in documents containing audited financial statements   |                               | X  |
| Fraud and illegal acts involving senior management and fraud and illegal acts that cause a material misstatement of the financial statements                                       | X                             |  |

## Summary of Required Communications (continued)

Provided below is a summary of required communications between the audit team and those charged with governance.

|   | Communicate when event Occurs | Communicate on a timely basis, at least annually |
|---|-------------------------------|--|
| Independence Matters  |                               | X  |
| Representations we are requesting from management   |                               | X  |
| Changes to the terms of the audit with no reasonable justification for the change   | X                             |  |
| Significant findings and issues arising during the audit to related parties   | X                             |  |
| Significant findings or issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management | X                             |  |
| Significant difficulties encountered during the audit   | X                             |  |
| Disagreements with management   | X                             |  |
| Management's consultations with other accountants   | X                             |  |
| Findings regarding external confirmations   | X                             |  |
| AICPA ethics ruling regarding third-party service providers   |                               | X  |
| Other findings or issues regarding the oversight of the financial reporting process   | X                             |  |

# Summary of Required Communications

| Area   | Comments   |
|--|--|
| <p><b>Overview of the planned scope and timing of the audit</b><br/>We provide those charged with governance with an overview of our overall audit scope, including the timing of the audit.</p>   | <p>Our audit scope is consistent with the plan communicated in the arrangement letter.</p>   |
| <p><b>Auditor's responsibility under generally accepted auditing standards, including discussion of the type of auditor's report we are issuing and if there are any events or conditions that cause us to conclude that there is substantial doubt about the organization's ability to continue as a going concern</b><br/>The financial statements are the responsibility of management as prepared with the oversight of those charged with governance. Our audit was designed in accordance with auditing standards generally accepted in the United States, as established by the American Institute of Certified Public Accountants, to obtain reasonable assurance about whether the financial statements are free of material misstatement.<br/>An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the organization's internal control over financial reporting. Accordingly, we will express no such opinion.<br/>An audit also includes the evaluation of the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as the evaluation of the overall presentation of the financial statements.<br/>We also communicate to you matters required by other legal or regulatory requirements.</p> | <p>Our responsibilities are included in our audit engagement agreement. A copy of such agreement can be provided to you upon request.<br/>Upon completion of our remaining audit procedures, we currently expect to issue an unmodified opinion on the State Bar's combined financial statements as of and for the year ended June 30, 2016.</p> |

# Summary of Required Communications (continued)

| Area  | Comments  |
|---|---|
| <p><b>Our views about the qualitative aspects of the organization's significant accounting practices, including the accounting policies</b></p> <p>As part of our discussion about the qualitative aspects of the organization's significant accounting practices, we discuss our views about the organization's application of accounting policies including instances we believe a significant accounting policy, although acceptable under U.S. GAAP, is not appropriate or the particular circumstances of the organization.</p> <p>Our discussion includes the following:</p> <ul style="list-style-type: none"> <li>• The initial selection of new, or changes in, significant accounting principles and policies, including the application of new accounting pronouncements.</li> <li>• The effect of the timing and method of adopting a change in accounting policy on current and future earnings of the organization (or expected new accounting pronouncements).</li> <li>• The appropriateness of the accounting policies to the particular circumstances of the organization.</li> <li>• Where acceptable alternative accounting policies exist, the identification of financial statement items that are affected by the implemented significant policies as well as information on accounting policies used by similar entities.</li> <li>• The effect of a significant accounting policy in controversial or emerging area (or those unique to an industry), particularly when there is a lack of authoritative guidance or consensus.</li> </ul> | <p>Management has not selected or changed any significant accounting policies or changed the application of those policies in the current year. We are not aware of any significant accounting policies used by the State Bar in controversial or emerging areas or for which there is a lack of authoritative guidance.</p> <p>We have included a discussion of significant accounting policies within the section titled "Critical policies and estimates."</p> |

# Summary of Required Communications (continued)

| Area   | Comments   |
|--|--|
| <p><b>Our views about the qualitative aspects of the organization's significant accounting practices:</b></p> <ol style="list-style-type: none"> <li>1) Management's process used to develop particularly sensitive accounting estimates, our conclusions regarding the reasonableness of such estimates and the basis for those conclusions</li> <li>2) Financial statement disclosures and related matters which may include the following:               <ul style="list-style-type: none"> <li>➤ The issues involved and related judgments made, in formulating sensitive financial statement disclosures</li> <li>➤ The overall neutrality, consistency and clarity of financial statement disclosures</li> <li>➤ The potential effect of significant risks and exposures and uncertainties on the financial statements</li> <li>➤ The extent to which the financial statements are affected by unusual transactions including nonrecurring amounts recognized</li> <li>➤ The factors affecting asset and liability carrying value</li> <li>➤ The selective correction of misstatements</li> </ul> </li> <li>3) Significant unusual transactions (i.e., those outside the normal course of business for the organization or those that appear unusual due to timing, size, or nature) and the policies or practices management has used to account for those transactions.</li> </ol> | <p>We have included a discussion of significant accounting policies within the section titled "Critical policies and estimates."</p> |



# Summary of Required Communications (continued)

| Area   | Comments   |
|--|--|
| <p><b>Uncorrected misstatement</b><br/>We discuss with those charged with governance uncorrected misstatements and the effect that they may have on our opinion in the auditor's report.</p>                                       | <p>No uncorrected misstatements were identified in connection with our audit of the organization's combined financial statements as of and for the year ended June 30, 2016.</p>                       |
| <p><b>Material corrected misstatements</b><br/>We discuss with those charged with governance material, corrected misstatements that were brought to the attention of management as a result of our audit procedures.</p>           | <p>No material corrected misstatements were identified in connection with our audit of the organization's combined financial statements as of and for the year ended June 30, 2016.</p>                |
| <p><b>Significant deficiencies and material weaknesses in internal control</b><br/>We communicate all significant deficiencies and material weaknesses in internal control that were identified during the course of our audit</p> | <p>No significant deficiencies or material weaknesses were identified in connection with our audit of the organization's combined financial statements as of and for the year ended June 30, 2016.</p> |

# Summary of Required Communications (continued)

| Area  | Comments  |
|---|---|
| <p><b>Our responsibility, any procedures performed, and the results relating to other information in documents containing audited financial statements</b></p> <p>Our auditor's report on the financial statements relates only to the financial statements and the accompanying notes. If the organization includes other information in documents containing audited financial statements, we review such other information and consider whether such information, or the manner of its presentation, is materially inconsistent with the audited financial statements. If we conclude that a material inconsistency exists, we determine whether the financial statements, our auditor's report, or both require revision. In addition, we notify you if we conclude that there is a material misstatement of fact in the other information.</p> | <p>There are no additional documents for us to review.</p>  |
| <p><b>Fraud and illegal acts involving senior management and fraud and illegal acts that cause a material misstatement of the financial statements</b></p> <p>We communicate with those charged with governance fraud and illegal acts involving senior management and fraud and illegal acts (whether caused by senior management or other employees) that cause a material misstatement of the financial statements</p>   | <p>We are not aware of any matters that require communication.</p>  |
| <p><b>Independence matters</b></p> <p>Although the auditor's report affirms our independence, in certain situations, we discuss with those charged with governance circumstances of relationships (e.g., financial interests, business or family relationships, or nonaudit services provided or expected to be provided) that in our professional judgment may reasonably be thought to bear on independence and that we gave significant consideration to in reaching the conclusion that independence has not been impaired.</p>   | <p>We are not aware of any matters, that in our professional judgment, would impair our independence.</p> |

# Summary of Required Communications (continued)

| Area  | Comments  |
|---|---|
| <p><b>Representations we are requesting from management</b><br/>We discuss with those charged with governance representations we are requesting from management.</p>  | <p>We will obtain from management a letter of representations related to the audit.</p> |
| <p><b>Changes to the terms of the audit with no reasonable justification for the change</b><br/>We discuss with those charged with governance any changes to the terms of the audit engagement where there is no reasonable justification for the change and we are not permitted by management to continue the original audit.</p>   | <p>None</p>   |
| <p><b>Significant findings and issues arising during the audit relating to related parties</b><br/>We discuss with those charged with governance any significant findings and issues arising during the audit relating to the organization's related parties. Such matters may include the following:<br/>Non-disclosure (whether intentional or not) by management of related parties or significant related party transactions<br/> <ul style="list-style-type: none"> <li>➢ The identification of significant related party transactions that have not been appropriately authorized and approved</li> <li>➢ Disagreement with management regarding the accounting for, and disclosure of, significant related party transactions in accordance with US GAAP</li> <li>➢ Non-compliance with applicable law or regulations prohibiting or restricting specific types of related party transactions</li> <li>➢ Difficulties in identifying the party that ultimately controls the organization</li> </ul> </p> | <p>None</p>   |

# Summary of Required Communications (continued)

| Area  | Comments     |
|---|--------------|
| <p><b>Significant findings or issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management</b><br/>           We discuss with those charged with governance any significant matters that were discussed with, or the subject of correspondence with, management, including:</p> <ul style="list-style-type: none"> <li>➤ Business conditions affecting the organization, and business plans and strategies that may affect the risks of material misstatements.</li> <li>➤ Discussions or correspondence in connection with our initial or recurring retention as the auditor, including, among other matters, any discussions regarding the application of accounting principles and auditing standards, the scope of the audit, financial statement disclosures and the wording of the auditor's report. We communicate those major professional issues we discussed with management, prior to our being hired as the auditors, during the organization's two most recently completed fiscal years and any subsequent interim period.</li> </ul> | <p>None.</p> |
| <p><b>Significant difficulties encountered during the audit</b><br/>           We inform those charged with governance of any significant difficulties encountered in dealing with management related to the performance of the audit which may include such matters as:</p> <ul style="list-style-type: none"> <li>➤ Significant delays in management providing required information</li> <li>➤ An unnecessarily brief time within which to complete the audit</li> <li>➤ The unavailability of expected information</li> <li>➤ Restrictions imposed on us by management</li> <li>➤ Management's unwillingness to provide information about its plans for dealing with the adverse effects of the conditions or events that lead us to believe there is substantial doubt about the organization's ability to continue as a going concern</li> </ul>   | <p>None.</p> |

# Summary of Required Communications (continued)

| Area   | Comments                    |
|--|-----------------------------|
| <p><b>Disagreements with management</b><br/>We discuss with those charged with governance any disagreements with management, whether or not satisfactorily resolved, about matters that individually or in the aggregate could be significant to the organization's financial statements or our auditor's report. For purposes of this discussion, disagreements do not include differences of opinion based on incomplete facts or preliminary information that are later resolved.</p> | None.                       |
| <p><b>Management's consultations with other accountants</b><br/>When we are aware that management has consulted with other accountants about accounting or auditing matters, we discuss with those charged with governance our views about significant matters that were the subject of such consultation.</p>   | None of which we are aware. |
| <p><b>Findings regarding external confirmations</b><br/>We discuss with those charged with governance any instances where management has not permitted us to send confirmation requests, or where we cannot obtain relevant and reliable audit evidence from alternative procedures</p>  | None.                       |

# Presentation of June 30, 2016 Financial Statements

# Standards Update

- **Financial Report Model**
  - Including a requirement to provide in the notes qualitative information on how it manages its liquid available resources and liquidity risks. Quantitative information that communicates the availability of a not-for-profit's financial assets at the balance sheet date to meet cash needs for general expenditures within one year is required to be presented on the face of the financial statement and/or the notes.
- **Revenue Recognition**
- **Leases**



February 3, 2017

To the Board of Governors of  
State Bar of Georgia

We have audited the financial statements of State Bar of Georgia and related entities for the year ended June 30, 2016, and have issued our report thereon dated February 3, 2017. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated November 3, 2016. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by State Bar of Georgia are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2016. We noted no transactions entered into by the Organization during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the financial statements was (were):

Management's estimate of the fair value of investments is based on various valuation methodologies and is the price that would be received to sell an asset or paid to transfer a liability. We evaluated the key factors and assumptions used to develop the estimated fair value of investments in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of depreciation expense is based on the estimated useful lives of the assets. We evaluated the key factors and assumptions used to develop the estimate of depreciation expense in determining that it is reasonable in relation to the consolidated financial statements taken as a whole.

Management's estimate of the allowance for doubtful accounts for receivables, including contributions receivables, is based on the estimate of individual collectability. We evaluated the key factors and assumptions used to develop the allowance for doubtful accounts in determining that it is reasonable in relation to the consolidated financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.



### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

### *Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated February 3, 2017.

### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Organization's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Organization's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

A handwritten signature in black ink that reads "Mauldin & Jenkins, LLC". The signature is written in a cursive, flowing style.

# **STATE BAR OF GEORGIA**

## **COMBINED FINANCIAL STATEMENTS**

*Years Ended June 30, 2016 and 2015*

*(With Report of Independent Auditor Thereon)*

**STATE BAR OF GEORGIA**  
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**Report of Independent Auditor**

The Board of Governors  
State Bar of Georgia

**Report on the Financial Statements**

We have audited the accompanying combined financial statements of the State Bar of Georgia and related entity (collectively the "State Bar") (a nonprofit organization), which comprise the combined statements of financial position as of June 30, 2016 and 2015, and the related combined statements of activities and cash flows for the years then ended, and the related notes to the combined financial statements.

**Management's Responsibility for the Combined Financial Statements**

Management is responsible for the preparation and fair presentation of these combined financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of combined financial statements that are free from material misstatement, whether due to fraud or error.

**Auditor's Responsibility**

Our responsibility is to express an opinion on these combined financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the combined financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the combined financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the combined financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the State Bar's preparation and fair presentation of the combined financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the State Bar's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Opinion**

In our opinion, the combined financial statements referred to above present fairly, in all material respects, the financial position of the State Bar as of June 30, 2016 and 2015, and the changes in its net assets and cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Atlanta, Georgia  
February 3, 2017

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**STATE BAR OF GEORGIA**  
**COMBINED STATEMENTS OF FINANCIAL POSITION**

JUNE 30, 2016 AND 2015

|  | <u>2016</u>                 | <u>2015</u>                 |
|--|-----------------------------|-----------------------------|
| <b>ASSETS</b>  |                             |                             |
| Cash and cash equivalents  | \$ 24,503,978               | \$ 21,855,234               |
| Accounts receivable  | 338,106                     | 106,454                     |
| Receivable from related parties  | 78,021                      | 70,521                      |
| Receivable from employees  | 34,795                      | 35,017                      |
| Accrued interest receivable  | 2,503                       | 7,895                       |
| Prepaid and other assets   | 445,153                     | 427,804                     |
| Investments, at fair value   | 1,157,702                   | 4,810,970                   |
| Bar Center building, furniture, fixtures, and equipment,<br>at cost, less accumulated depreciation | 13,499,823                  | 13,938,249                  |
| Furniture, fixtures, and equipment, at cost,<br>less accumulated depreciation                      | 667,219                     | 640,502                     |
| <b>Total assets</b>  | <b><u>\$ 40,727,300</u></b> | <b><u>\$ 41,892,646</u></b> |
| <b>LIABILITIES AND NET ASSETS</b>  |                             |                             |
| Liabilities:   |                             |                             |
| Accounts payable   | \$ 1,156,489                | \$ 933,477                  |
| Accrued salary and retirement plan expense   | 850,472                     | 752,531                     |
| Payable to Client Security Fund  | 2,035,238                   | 2,432,607                   |
| Payable to Commission on Continuing Lawyer Competency  | 33,071                      | 70,819                      |
| Accrued vacation   | 491,126                     | 483,630                     |
| Deferred income - dues and sections  | 7,532,632                   | 7,647,676                   |
| Other deferred income  | 146,347                     | 161,940                     |
| <b>Total liabilities</b>   | <b><u>12,245,375</u></b>    | <b><u>12,482,680</u></b>    |
| Net assets:  |                             |                             |
| Unrestricted:  |                             |                             |
| Undesignated   | 1,556,688                   | 2,571,220                   |
| Board-designated (See Note 8)  | 25,089,712                  | 25,028,056                  |
| Total unrestricted   | <u>26,646,400</u>           | <u>27,599,276</u>           |
| Temporarily restricted   | <u>1,835,525</u>            | <u>1,810,690</u>            |
| <b>Total net assets</b>  | <b><u>28,481,925</u></b>    | <b><u>29,409,966</u></b>    |
| <b>Total liabilities and net assets</b>  | <b><u>\$ 40,727,300</u></b> | <b><u>\$ 41,892,646</u></b> |

See accompanying notes to the combined financial statements.

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**STATE BAR OF GEORGIA**  
**COMBINED STATEMENT OF ACTIVITIES**

YEAR ENDED JUNE 30, 2016

|  | Unrestricted        |                      | Temporarily<br>Restricted | Total               |
|--|---------------------|----------------------|---------------------------|---------------------|
|  | Undesignated        | Board-<br>Designated |                           |                     |
| Revenue and other support:             |                     |                      |                           |                     |
| Fees:                                  |                     |                      |                           |                     |
| License                                | \$10,629,230        | \$ -                 | \$ -                      | \$10,629,230        |
| Advertising                            | 109,468             | -                    | -                         | 109,468             |
| Membership                             | 125,460             | -                    | -                         | 125,460             |
| Total fees                             | <u>10,864,158</u>   | <u>-</u>             | <u>-</u>                  | <u>10,864,158</u>   |
| Contributions                          | -                   | 1,385,803            | 744,034                   | 2,129,837           |
| Section dues                           | -                   | 704,138              | -                         | 704,138             |
| Convention and meeting fees            | -                   | 384,120              | -                         | 384,120             |
| Law Practice Management fees           | 36,989              | -                    | -                         | 36,989              |
| Younger Lawyers division fees          | 23,693              | -                    | -                         | 23,693              |
| High School Mock Trial fees            | 53,526              | -                    | -                         | 53,526              |
| Assessment income                      | -                   | 301,351              | -                         | 301,351             |
| Investment income                      | 65,901              | 29,728               | 9,859                     | 105,488             |
| Rental income                          | -                   | 1,194,546            | -                         | 1,194,546           |
| Other                                  | 78,400              | 574,628              | -                         | 653,028             |
| Total other revenue                    | <u>258,509</u>      | <u>4,574,314</u>     | <u>753,893</u>            | <u>5,586,716</u>    |
| Net assets released from restrictions  | -                   | 729,058              | (729,058)                 | -                   |
| Total revenue and other support        | <u>11,122,667</u>   | <u>5,303,372</u>     | <u>24,835</u>             | <u>16,450,874</u>   |
| Expenses:                              |                     |                      |                           |                     |
| Program expenses:                      |                     |                      |                           |                     |
| Counsel                                | 3,701,848           | -                    | -                         | 3,701,848           |
| Communications                         | 770,725             | -                    | -                         | 770,725             |
| Section                                | -                   | 770,549              | -                         | 770,549             |
| Conventions and meetings               | -                   | 439,827              | -                         | 439,827             |
| Membership                             | 568,565             | -                    | -                         | 568,565             |
| Consumer Assistance program            | 561,378             | -                    | -                         | 561,378             |
| Unauthorized Practice of Law           | 758,481             | -                    | -                         | 758,481             |
| Younger Lawyers                        | 526,057             | 64,575               | -                         | 590,632             |
| Fee arbitration                        | 488,427             | -                    | -                         | 488,427             |
| Legislative                            | -                   | 562,794              | -                         | 562,794             |
| Law Practice Management                | 462,187             | -                    | -                         | 462,187             |
| High school mock trial                 | 168,182             | 12,412               | -                         | 180,594             |
| Meetings                               | 303,438             | -                    | -                         | 303,438             |
| SBG Foundation                         | -                   | 3,826                | -                         | 3,826               |
| Law-related education                  | 325,618             | -                    | -                         | 325,618             |
| Pro bono                               | 212,216             | -                    | -                         | 212,216             |
| Board of Governors                     | 157,442             | -                    | -                         | 157,442             |
| Lawyers' Assistance program            | 55,000              | 1,071                | -                         | 56,071              |
| Georgia Diversity program              | -                   | 66,365               | -                         | 66,365              |
| Standards of the profession            | 222,621             | -                    | -                         | 222,621             |
| Cornerstones of Freedom                | -                   | 125,185              | -                         | 125,185             |
| Basics program                         | -                   | 142,546              | -                         | 142,546             |
| Resource center                        | 110,332             | -                    | -                         | 110,332             |
| Military/Veterans pro bono             | 103,750             | -                    | -                         | 103,750             |
| Law school incubator                   | 85,000              | -                    | -                         | 85,000              |
| Other                                  | 25,507              | 15,470               | -                         | 40,977              |
| Total program expenses                 | <u>9,606,774</u>    | <u>2,204,620</u>     | <u>-</u>                  | <u>11,811,394</u>   |
| Management and general                 | 2,160,109           | 3,407,412            | -                         | 5,567,521           |
| Total expenses                         | <u>11,766,883</u>   | <u>5,612,032</u>     | <u>-</u>                  | <u>17,378,915</u>   |
| Other Changes in net assets - transfer | (370,316)           | 370,316              | -                         | -                   |
| Change in net assets                   | (1,014,532)         | 61,656               | 24,835                    | (928,041)           |
| Net assets, beginning of year          | 2,571,220           | 25,028,056           | 1,810,690                 | 29,409,966          |
| Net assets, end of year                | <u>\$ 1,556,688</u> | <u>\$25,089,712</u>  | <u>\$ 1,835,525</u>       | <u>\$28,481,925</u> |

See accompanying notes to the combined financial statements.

3

**STATE BAR OF GEORGIA**  
**COMBINED STATEMENT OF ACTIVITIES**

YEAR ENDED JUNE 30, 2015

|  | Unrestricted        |                      | Temporarily<br>Restricted | Total               |
|--|---------------------|----------------------|---------------------------|---------------------|
|  | Undesignated        | Board-<br>Designated |                           |                     |
| Revenue and other support:             |                     |                      |                           |                     |
| Fees:                                  |                     |                      |                           |                     |
| License                                | \$ 10,554,691       | \$ -                 | \$ -                      | \$ 10,554,691       |
| Advertising                            | 93,336              | -                    | -                         | 93,336              |
| Membership                             | 163,912             | -                    | -                         | 163,912             |
| Total fees                             | <u>10,811,939</u>   | <u>-</u>             | <u>-</u>                  | <u>10,811,939</u>   |
| Contributions                          | -                   | 1,308,195            | 906,822                   | 2,215,017           |
| Section dues                           | -                   | 684,716              | -                         | 684,716             |
| Convention and meeting fees            | -                   | 265,817              | -                         | 265,817             |
| Law Practice Management fees           | 17,230              | -                    | -                         | 17,230              |
| Younger Lawyers division fees          | 9,007               | -                    | -                         | 9,007               |
| High School Mock Trial fees            | 67,757              | -                    | -                         | 67,757              |
| Assessment income                      | -                   | 317,677              | -                         | 317,677             |
| Investment income                      | 63,372              | 31,164               | 12,383                    | 106,919             |
| Rental income                          | -                   | 1,127,316            | -                         | 1,127,316           |
| Other                                  | 78,515              | 446,970              | -                         | 525,485             |
| Total other revenue                    | <u>235,881</u>      | <u>4,181,855</u>     | <u>919,205</u>            | <u>5,336,941</u>    |
| Net assets released from restrictions  | -                   | 844,084              | (844,084)                 | -                   |
| Total revenue and other support        | <u>11,047,820</u>   | <u>5,025,939</u>     | <u>75,121</u>             | <u>16,148,880</u>   |
| Expenses:                              |                     |                      |                           |                     |
| Program expenses:                      |                     |                      |                           |                     |
| Counsel                                | 3,509,449           | -                    | -                         | 3,509,449           |
| Communications                         | 956,656             | -                    | -                         | 956,656             |
| Section                                | (1,960)             | 682,265              | -                         | 680,306             |
| Conventions and meetings               | -                   | 280,356              | -                         | 280,356             |
| Membership                             | 536,591             | -                    | -                         | 536,591             |
| Consumer Assistance program            | 544,216             | -                    | -                         | 544,216             |
| Client Security Fund contribution      | 500,000             | -                    | -                         | 500,000             |
| Unauthorized Practice of Law           | 748,068             | -                    | -                         | 748,068             |
| Younger Lawyers                        | 449,805             | 126,068              | -                         | 575,873             |
| Fee arbitration                        | 456,972             | -                    | -                         | 456,972             |
| Legislative                            | -                   | 560,039              | -                         | 560,039             |
| Law Practice Management                | 434,549             | -                    | -                         | 434,549             |
| Mock trial                             | 163,972             | 38,913               | -                         | 202,884             |
| Meetings                               | 296,267             | -                    | -                         | 296,267             |
| SBG Foundation                         | -                   | 34,012               | -                         | 34,012              |
| Law-related education                  | 237,982             | 3,272                | -                         | 241,254             |
| Pro bono                               | 212,216             | -                    | -                         | 212,216             |
| Board of Governors                     | 142,455             | -                    | -                         | 142,455             |
| Lawyers' Assistance program            | 55,000              | -                    | -                         | 55,000              |
| Georgia Diversity program              | -                   | 59,934               | -                         | 59,934              |
| Standards of the profession            | 198,848             | -                    | -                         | 198,848             |
| Basics program                         | -                   | 140,073              | -                         | 140,073             |
| Resource center                        | 110,332             | -                    | -                         | 110,332             |
| Military/Veterans pro bono             | 102,810             | -                    | -                         | 102,810             |
| Other                                  | 82,697              | 21,773               | -                         | 104,470             |
| Total program expenses                 | <u>9,736,925</u>    | <u>1,946,705</u>     | <u>-</u>                  | <u>11,683,630</u>   |
| Management and general                 | 2,045,203           | 3,416,472            | -                         | 5,461,675           |
| Total expenses                         | <u>11,782,128</u>   | <u>5,363,177</u>     | <u>-</u>                  | <u>17,145,305</u>   |
| Other Changes in net assets - transfer | <u>(746,074)</u>    | <u>746,074</u>       | <u>-</u>                  | <u>-</u>            |
| Change in net assets                   | (1,480,382)         | 408,836              | 75,121                    | (996,425)           |
| Net assets, beginning of year          | 4,051,602           | 24,619,220           | 1,735,569                 | 30,406,391          |
| Net assets, end of year                | <u>\$ 2,571,220</u> | <u>\$25,028,056</u>  | <u>\$ 1,810,690</u>       | <u>\$29,409,966</u> |

See accompanying notes to the combined financial statements.

4

**STATE BAR OF GEORGIA**  
**COMBINED STATEMENTS OF CASH FLOWS**

YEARS ENDED JUNE 30, 2016 AND 2015

|   | <u>2016</u>          | <u>2015</u>          |
|---|----------------------|----------------------|
| <b>Cash flows from operating activities:</b>  |                      |                      |
| Change in net assets  | \$ (928,041)         | \$ (996,425)         |
| Adjustments to reconcile change in net assets to net cash provided by operating activities: |                      |                      |
| Depreciation and amortization   | 1,508,340            | 1,425,810            |
| Unrealized loss (gain) on investments   | 359                  | (31,595)             |
| CD interest rolled directly to principal  | -                    | (6,175)              |
| Loss on disposal of fixed assets  | 55,626               | 89,895               |
| (Increase) in accounts receivable   | (231,652)            | (50,191)             |
| Decrease (increase) in receivables from related parties                                     | (7,500)              | 28,599               |
| Decrease in receivables from employees  | 222                  | 1,810                |
| Decrease in accrued interest receivable   | 5,392                | 2,315                |
| (Increase) in prepaid and other assets  | (17,349)             | (143,280)            |
| Increase (decrease) in accounts payable   | 223,012              | (158,930)            |
| Increase in employee benefits payable   | 97,941               | 4,244                |
| (Decrease) in payables to related parties   | (37,748)             | (67,278)             |
| Increase in accrued vacation  | 7,496                | 38,974               |
| (Decrease) in deferred income - dues and sections   | (115,044)            | (299,681)            |
| Increase (decrease) in other deferred income  | (15,593)             | 13,901               |
| Increase (decrease) in payable to Client Security Fund                                      | (397,369)            | 290,624              |
| Net cash provided by operating activities   | <u>148,092</u>       | <u>142,617</u>       |
| <b>Cash flows from investing activities:</b>  |                      |                      |
| Purchase of building improvements, furniture, fixtures, and equipment                       | (1,152,257)          | (1,134,861)          |
| Proceeds from sale and maturity of investments  | <u>3,652,909</u>     | <u>3,683,000</u>     |
| Net cash provided by investing activities   | <u>2,500,652</u>     | <u>2,548,139</u>     |
| Net increase in cash and cash equivalents   | 2,648,744            | 2,690,756            |
| Cash and cash equivalents at beginning of year  | <u>21,855,234</u>    | <u>19,164,478</u>    |
| Cash and cash equivalents at end of year  | <u>\$ 24,503,978</u> | <u>\$ 21,855,234</u> |

See accompanying notes to the combined financial statements.

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## STATE BAR OF GEORGIA NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2016 AND 2015

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### Note 1 – Summary of significant accounting policies

*Description of Business* – The State Bar of Georgia is a membership organization of attorneys in the state of Georgia that performs as a society and regulatory agency for its membership. The State Bar of Georgia Foundation, Inc. is a foundation that supports the charitable and educational activities of the State Bar of Georgia. The combined financial statements include the State Bar of Georgia and the State Bar of Georgia Foundation, Inc., hereinafter collectively referred to as the "State Bar."

*Accrual Basis* – The financial statements of the State Bar have been prepared on the accrual basis of accounting. Under this method of accounting, revenues are recognized when earned, and expenses are recognized when incurred.

*Basis of Presentation* – The State Bar's net assets and revenue, expenses, gains, and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the State Bar and changes therein are classified and reported as unrestricted and temporarily restricted.

Unrestricted net assets include amounts that are not subject to donor-imposed stipulations that are used to account for resources available to carry out the purposes of the State Bar in accordance with its charter and bylaws. The principal sources of unrestricted funds are membership fees and dues. The State Bar's governing board has designated certain unrestricted net assets to be held for specific purposes as indicated in the combined statements of financial position.

Temporarily restricted net assets are those resources currently available for use but expendable only for purposes specified by the donor or grantor and may or will be met by the action of the State Bar and/or the passage of time. Such resources originate from grants and contributions restricted for specific purposes or a specific future time frame. When a donor or grantor restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the combined statements of activities as net assets released from restrictions.

Revenue is reported as increases in unrestricted net assets unless use of the related assets is limited by donor-imposed restrictions. Expenses are reported as decreases in unrestricted net assets. Gains and losses on investments and other assets or liabilities are reported as increases or decreases in unrestricted net assets unless their use is restricted by explicit donor stipulation or by law. Expirations of temporary restrictions on net assets (i.e., the donor-stipulated purpose has been fulfilled and/or the stipulated time period has elapsed) are reported as reclassifications between the applicable classes of net assets.

*Cash and Cash Equivalents* – For purposes of the combined statements of cash flows, the State Bar considers all highly liquid debt instruments with original maturities of three months or less to be cash equivalents. Cash equivalents were \$20,886,808 and \$18,947,793 at June 30, 2016 and 2015, respectively, consisting of money market funds. These funds are not insured.

At June 30, 2016 and 2015, in addition to the money market deposits above, the State Bar maintained bank deposits in excess of federally insured limits of \$3,125,854 and \$2,412,694, respectively.

*Investments* – All investments are reported in the combined statements of financial position at fair market value. In addition, both realized and unrealized gains and losses are included in the combined statements of activities. The State Bar has adopted an investment policy.

**STATE BAR OF GEORGIA**  
**NOTES TO THE COMBINED FINANCIAL STATEMENTS**

YEARS ENDED JUNE 30, 2016 AND 2015

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**Note 1 – Summary of significant accounting policies (continued)**

*Fair Value of Financial Instruments* – The State Bar has estimated the fair values of its financial instruments using available market information and other valuation methodologies in accordance with accounting principles generally accepted in the United States of America (“generally accepted accounting principles”). Accordingly, the estimates presented are not necessarily indicative of the amounts that the State Bar could realize in a current market exchange. Determinations of fair value are based on subjective data and significant judgment related to timing of payments and collection of the amounts to be realized. Different market assumptions and/or estimation methodologies might have a material effect on the estimated fair value amounts.

The carrying value of financial instruments such as cash and cash equivalents, other receivables, due to/from related organizations, accounts payable, and accruals approximate fair value because of the terms and relative short maturity of the financial instruments. The State Bar believes the carrying values of its financial instruments are reasonable estimates of their values, unless otherwise noted.

The fair value hierarchy for inputs used in measuring fair value maximizes the use of observable inputs and minimizes the use of unobservable inputs by requiring that the most observable inputs be used when available. Observable inputs are those that market participants would use in pricing the asset or liability based on market data obtained from sources independent of the State Bar. Unobservable inputs reflect the State Bar’s assumption about the inputs market participants would use in pricing the asset or liability developed based on the best information available in the circumstances.

The fair value hierarchy is classified in one of the following three levels based on the inputs:

Level 1: Financial instruments with unadjusted, quoted prices listed on active market exchanges.

Level 2: Financial instruments valued using inputs that include quoted prices for similar assets and liabilities in active markets, and inputs that are observable for the asset or liability, either directly or indirectly, for substantially the full term of the financial instrument.

Level 3: Financial instruments that are not actively traded on a market exchange and require using significant unobservable inputs in determining fair value.

*Building, Furniture, Fixtures, and Equipment* – Additions to building, furniture, fixtures, and equipment in excess of \$1,000 are capitalized. Building, furniture, fixtures, and equipment are carried at cost. Depreciation expense is computed based on the estimated useful lives of the respective assets using the straight-line method of depreciation. The estimated useful lives range from three to twenty-seven and a half years.

*Accounts Receivables* – Accounts receivables are presented at face value with no allowance for doubtful accounts. An allowance for doubtful accounts is not considered necessary since all receivables are considered collectible by management.

*Revenue Recognition* – Membership dues, annual license fees and Bar Center assessments are recorded as revenue in the applicable year when received. Any amounts collected prior to and including June 30 applicable to the subsequent year’s membership dues and assessments are recorded as deferred income in the statements of financial position. Annual license fee and Bar Center assessment notices for the fiscal years ending June 30, 2016 and 2015 were sent out in May 2016 and May 2015, respectively.

## STATE BAR OF GEORGIA NOTES TO THE COMBINED FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2016 AND 2015

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### **Note 1 – Summary of significant accounting policies (continued)**

*Functional Allocation of Expenses* – The costs of providing the various programs and other activities have been summarized on a functional basis in the combined statements of activities. Accordingly, certain costs have been allocated among the programs and supporting services benefited.

*Use of Estimates by Management* – The preparation of the combined financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the combined financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

*Income Taxes* – The State Bar was established as an instrumentality of the state of Georgia, and its income is therefore exempt from income tax under Internal Revenue Code Section 115, per the Internal Revenue Service determination letter dated May 11, 1965. Under Section 115, net income from an activity other than an essential governmental function can be subject to taxation. In management's opinion, the State Bar did not have any such net income during the years ended June 30, 2016 and 2015.

The State Bar has evaluated the effect of generally accepted accounting principles guidance for Accounting for Uncertainty in Income Taxes. Management believes that the State Bar continues to satisfy the requirements of a tax-exempt organization and therefore had no uncertain income tax positions at June 30, 2016 and 2015.

*Clients' Security Fund (CSF)* – The State Bar of Georgia Clients' Security Fund is a trust administered by the CSF Board of Trustees to provide monetary relief to persons who suffer reimbursable losses as a result of the dishonest conduct of a member (or members) of the State Bar of Georgia. The CSF is governed by State Bar Rules 10-101 through 10-112.

The CSF is funded by a \$100 mandatory assessment of all new members of the State Bar. The CSF can also be funded by an ad hoc assessment of up to \$25 per member per year upon the event its balance falls below \$1,000,000. In its history there has never been an ad hoc CSF assessment.

The Board of Governors of the State Bar also approved a \$500,000 contribution of unrestricted funds to the CSF at its meeting on April 18, 2015, in light of increased claims and a reduction in interest income.

Aggregate payout from the CSF is limited to \$350,000 per year and \$25,000 per claimant, although there is a rule change pending before the Supreme Court of Georgia to increase aggregate annual payout amounts to \$500,000.

### **Note 2 – Membership**

Membership in the State Bar totaled 48,761 and 48,124 at June 30, 2016 and 2015, respectively.

**STATE BAR OF GEORGIA****NOTES TO THE COMBINED FINANCIAL STATEMENTS**

YEARS ENDED JUNE 30, 2016 AND 2015

**Note 3 – Investments**

Investments are carried at fair market value. At both June 30, 2016 and 2015, the State Bar's portfolio consisted of fully-insured brokered bank certificates of deposit (CDs) and direct CD deposits with banks. Brokered CDs were valued by Bank of America using a model that incorporates credit risk and current market interest rates on the yield curve. Therefore, the valuation is considered a Level 2 valuation (see Note 1). Book value of direct CD deposits was \$0 and \$1,256,175 at June 30, 2016 and 2015, respectively, and was considered to approximate fair market value.

Proceeds from the sale of investments may be used in the operations of the State Bar.

Investments, at fair value, and total investment income are summarized as follows:

|                         | <u>2016</u>         | <u>2015</u>         |
|-------------------------|---------------------|---------------------|
| Certificates of deposit | \$ 1,157,702        | \$ 4,810,970        |
| Total investments       | <u>\$ 1,157,702</u> | <u>\$ 4,810,970</u> |

|  | <u>2016</u>       | <u>2015</u>       |
|--|-------------------|-------------------|
| Interest and dividends                     | \$ 115,426        | \$ 79,118         |
| Net realized and unrealized gains (losses) | (9,939)           | 27,802            |
| Total investment income                    | <u>\$ 105,487</u> | <u>\$ 106,920</u> |

**Note 4 – Building, furniture, fixtures, and equipment**

The Bar Center building, furniture, fixtures, and equipment are summarized as follows:

|                                   | <u>2016</u>          | <u>2015</u>          |
|-----------------------------------|----------------------|----------------------|
| Building and improvements         | \$ 26,609,049        | \$ 26,004,590        |
| Furniture and office equipment    | 3,076,999            | 2,909,062            |
| Computer and electronic equipment | 920,921              | 910,999              |
|                                   | <u>30,606,969</u>    | <u>29,824,651</u>    |
| Less accumulated depreciation     | (17,107,146)         | (15,886,402)         |
|                                   | <u>\$ 13,499,823</u> | <u>\$ 13,938,249</u> |

Furniture, fixtures, and equipment other than the Bar Center's consist of the following:

|                                     | <u>2016</u>       | <u>2015</u>       |
|-------------------------------------|-------------------|-------------------|
| Furniture and office equipment      | \$ 389,689        | \$ 377,670        |
| Computer and electronic equipment   | 563,632           | 551,424           |
| Leasehold and building improvements | 334,488           | 334,488           |
| Computer software                   | 1,172,509         | 966,207           |
|                                     | <u>2,460,318</u>  | <u>2,229,789</u>  |
| Less accumulated depreciation       | (1,793,099)       | (1,589,287)       |
|                                     | <u>\$ 667,219</u> | <u>\$ 640,502</u> |

**STATE BAR OF GEORGIA**  
**NOTES TO THE COMBINED FINANCIAL STATEMENTS**

YEARS ENDED JUNE 30, 2016 AND 2015

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**Note 5 – Retirement plan**

The State Bar has a money purchase pension plan that covers substantially all employees. State Bar contributions to this plan for the years ended June 30, 2016 and 2015 were \$456,855 and \$397,329, respectively.

**Note 6 – Leases**

*Lessor* – The State Bar leases office space to both related and non-related parties. Rental income totaled \$1,194,546 and \$1,127,316 in 2016 and 2015, respectively. These amounts included receipts of \$55,054 and \$53,959, respectively, from related parties. Certain of the leases have expiration dates through October 2020 and certain of the leases are renewable annually or cancelable at the request of the lessee. As of June 30, 2016, approximate future minimum annual lease payments for the leases that are not renewable annually or cancelable are as follows:

|                             |       |    |                |
|-----------------------------|-------|----|----------------|
| Fiscal year ending June 30, | 2017  | \$ | 92,492         |
|                             | 2018  |    | 84,899         |
|                             | 2019  |    | 34,139         |
|                             | Total | \$ | <u>211,530</u> |

*Lessee* – The State Bar has entered into various non-cancelable operating lease agreements for the rental of photocopiers and mailing equipment. These lease agreements expire on various dates through May 2019.

In addition, the State Bar entered into a lease on November 1, 2008 for its Coastal Georgia office space in Savannah. The lease expired on October 31, 2013 with two five-year options available to renew through 2023. The State Bar renewed the lease under its first option on November 1, 2013, with expiration on October 31, 2018.

The State Bar also renewed its lease at a satellite office in Tifton, Georgia and executed a lease agreement for expanded conference room space which expires on September 30, 2017.

As of June 30, 2016, approximate future minimum annual lease payments for these leases are as follows:

|                             |       |    |                |
|-----------------------------|-------|----|----------------|
| Fiscal year ending June 30, | 2017  | \$ | 108,470        |
|                             | 2018  |    | 96,922         |
|                             | 2019  |    | 57,016         |
|                             | Total | \$ | <u>262,408</u> |

Rental expense charged to operations amounted to approximately \$119,316 and \$111,415 for the years ended June 30, 2016 and 2015, respectively.

**STATE BAR OF GEORGIA**  
**NOTES TO THE COMBINED FINANCIAL STATEMENTS**

YEARS ENDED JUNE 30, 2016 AND 2015

**Note 7 – Related-party transactions**

The Commission on Continuing Lawyer Competency contributed \$1,385,803 and \$1,308,195 to the State Bar in 2016 and 2015, respectively. These amounts represent approximately 8% of the total amount of State Bar's revenue and other support for both 2016 and 2015.

The State Bar was also reimbursed by related organizations for their share of salary and operating expenses during 2016 and 2015 as follows:

|   | <u>2016</u>       | <u>2015</u>       |
|---|-------------------|-------------------|
| Commission on Continuing Lawyer Competency    | \$ 590,230        | \$ 581,732        |
| Chief Justice's Commission on Professionalism | 272,502           | 273,709           |
| Georgia Bar Foundation, Inc.                  | 84,382            | 81,564            |
|   | <u>\$ 947,114</u> | <u>\$ 937,005</u> |

The following represents a summary of amounts due from related parties at June 30:

|   | <u>2016</u>      | <u>2015</u>      |
|---|------------------|------------------|
| Chief Justice's Commission on Professionalism | \$ 57,854        | \$ 56,437        |
| Georgia Bar Foundation, Inc.                  | 20,167           | 14,084           |
|   | <u>\$ 78,021</u> | <u>\$ 70,521</u> |

The State Bar had a payable of \$33,071 and \$70,819 to the Commission on Continuing Lawyer Competency at June 30, 2016 and 2015, respectively.

**Note 8 – Board-designated net assets**

The State Bar had Board-designated net assets available for the following purposes at June 30, 2016 and 2015:

|                         | <u>2016</u>          | <u>2015</u>          |
|-------------------------|----------------------|----------------------|
| Bar Center              | \$ 17,195,450        | \$ 17,390,912        |
| General Operations      | 4,750,000            | 4,750,000            |
| Cornerstones of Freedom | 600,000              | 600,000              |
| Litigation              | 300,000              | 250,000              |
| Sections                | 2,240,482            | 2,035,507            |
| Conventions             | 3,780                | 1,637                |
|                         | <u>\$ 25,089,712</u> | <u>\$ 25,028,056</u> |

Bar Center net assets primarily consist of the net depreciated cost of the Bar Center building, building improvements, and related Conference Center furniture and equipment.

**STATE BAR OF GEORGIA**  
**NOTES TO THE COMBINED FINANCIAL STATEMENTS**

YEARS ENDED JUNE 30, 2016 AND 2015

**Note 9 – Temporarily restricted net assets**

Net assets were released from donor restrictions in 2016 and 2015 by incurring expenses satisfying the restricted purposes or by occurrence of other events specified by donors as follows:

| Purpose Restrictions Accomplished   | 2016       | 2015       |
|-------------------------------------|------------|------------|
| Legislative                         | \$ 562,793 | \$ 560,039 |
| Basics Program                      | 2,546      | 73         |
| Younger Lawyers                     | 64,575     | 126,068    |
| Georgia Diversity Program           | 66,365     | 59,934     |
| Evidence Study                      | 7,562      | -          |
| Law-Related Education/Marshall Fund | -          | 3,272      |
| State Bar of Georgia Foundation     | 3,826      | 34,012     |
| iCivics Program                     | -          | 3,594      |
| Promote Inclusion                   | 6,268      | 10,193     |
| Bar Media Conference                | 1,640      | 1,504      |
| Lawyers Assistance                  | 1,071      | -          |
| Law Day                             | -          | 6,482      |
| High School Mock Trial              | 12,412     | 38,913     |
|                                     | \$ 729,058 | \$ 844,084 |

Temporarily restricted net assets at June 30, 2016 and 2015 were available for the following purposes and are included in cash:

|                                       | 2016         | 2015         |
|---------------------------------------|--------------|--------------|
| Legislative                           | \$ 1,166,943 | \$ 1,164,049 |
| Law-Related Education / Marshall Fund | 319,623      | 318,173      |
| High School Mock Trial                | 48,624       | 47,095       |
| Basics Program                        | 35,134       | 37,247       |
| Younger Lawyers                       | 187,426      | 168,673      |
| Lawyers Assistance                    | 24,854       | 25,807       |
| Georgia Diversity Program             | 13,804       | 10,681       |
| Bar Media Conference                  | 20,406       | 18,960       |
| Evidence Study                        | -            | 7,535        |
| Law Day                               | 6,223        | 6,196        |
| iCivics Program                       | 557          | 555          |
| Promote Inclusion                     | 11,931       | 5,327        |
| State Bar of Georgia Foundation       | -            | 392          |
|                                       | \$ 1,835,525 | \$ 1,810,690 |

**STATE BAR OF GEORGIA**  
**NOTES TO THE COMBINED FINANCIAL STATEMENTS**

*YEARS ENDED JUNE 30, 2016 AND 2015*

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**Note 10 – Contingencies**

The State Bar is subject to various suits and proceedings arising in the ordinary conduct of its affairs and has been named as a defendant in several lawsuits. In the opinion of the Office of the General Counsel, all suits and actions now pending or likely to be filed will be resolved without material adverse effect on the financial position of the State Bar.

**Note 11 – Subsequent events**

On December 30, 2016, State Bar of Georgia (“SBG”) and its consolidated 501(c)(3) subsidiary, the State Bar of Georgia Foundation, Inc. (“SBGF”) entered into an Asset Transfer Agreement (“ATA”) with the Institute of Continuing Legal Education of Georgia (“ICLE”).

ICLE, also a 501(c)(3) entity, was the dominant provider of continuing legal education (CLE) to Georgia attorneys. Previously, ICLE was affiliated with the University of Georgia. ICLE ceased to exist after the transfer of assets.

In the ATA, SBGF agreed to accept all the assets and liabilities of ICLE as of the transfer date. SBGF also agreed to employ its current employee roster and to indemnify ICLE’s Board of Trustees, officers, and employees from future contingencies related to the past operation of ICLE.

Assets transferred included cash, investments, trade receivables, publications inventory, real estate, and business personal property. Liabilities included accounts payable.

The transaction transferred an estimated \$3.5 million in net assets to SBGF. The final amount transferred is subject to final close of ICLE’s books as of December 30, 2016.

SBG intends to operate the core business of ICLE going forward. SBG will segregate CLE segment funds from other SBG operating funds. SBG will request funds from SBGF as needed to support the new CLE segment of its activities. SBG believes that the CLE segment will be revenue-positive and will have no negative impact on Bar dues levels.

Management of the State Bar has evaluated subsequent events through February 3, 2017, in connection with the preparation of these combined financial statements, which is the date the combined financial statements were available to be issued.

There are no other material subsequent events of which management is aware.





February 3, 2017

To the Members of the Commission of  
Commission on Continuing Lawyer Competency

We have audited the financial statements of Commission on Continuing Lawyer Competency for the year ended June 30, 2016, and have issued our report thereon dated February 3, 2017. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated November 3, 2016. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Commission on Continuing Lawyer Competency are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2016. We noted no transactions entered into by the Organization during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the financial statements was (were):

Management's estimate of depreciation expense is based on the estimated useful lives of the assets.

We evaluated the key factors and assumptions used to develop the estimate of depreciation expense in determining that it is reasonable in relation to the consolidated financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

*Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

*Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated February 3, 2017.

*Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Organization's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Organization's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

*Mauldin & Jenkins, LLC*

**COMMISSION ON CONTINUING  
LAWYER COMPETENCY**

FINANCIAL STATEMENTS

*Years Ended June 30, 2016 and 2015*

*(With Report of Independent Auditor Thereon)*

**COMMISSION ON CONTINUING LAWYER COMPETENCY**

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## Report of Independent Auditor

The Members of the Commission  
Commission on Continuing Lawyer Competency

### Report on the Financial Statements

We have audited the accompanying financial statements of the Commission on Continuing Lawyer Competency (the "Commission") (a nonprofit organization), which comprise the statements of assets, liabilities, and net assets—modified cash basis as of June 30, 2016 and 2015 and the statements of support, revenues, and expenses—modified cash basis and cash flows—modified cash basis for the years then ended, and the related notes to the financial statements.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the cash basis of accounting described in Note 1; this includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Commission's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets, liabilities, and net assets of the Commission as of June 30, 2016 and 2015, and its support, revenues, and expenses and cash flows for the years then ended in accordance with the basis of accounting as described in Note 1.

**Basis of Accounting**

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the modified cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to that matter.

*Mauldin & Jenkins, LLC*

Atlanta, Georgia  
February 3, 2017

**COMMISSION ON CONTINUING LAWYER COMPETENCY**  
**STATEMENTS OF ASSETS, LIABILITIES, AND NET ASSETS – MODIFIED CASH BASIS**

*JUNE 30, 2016 and 2015*

|  | <u>2016</u>         | <u>2015</u>         |
|--|---------------------|---------------------|
| <b>ASSETS</b>                            |                     |                     |
| Cash and cash equivalents                | \$ 5,265,972        | \$ 4,502,847        |
| Receivable from the State Bar of Georgia | 33,071              | 70,819              |
| Furniture, fixtures, and equipment, net  | 8,040               | 17,613              |
| Other Receivables                        | 15                  | 30                  |
| Total assets                             | <u>\$ 5,307,098</u> | <u>\$ 4,591,309</u> |
| <b>LIABILITIES AND NET ASSETS</b>        |                     |                     |
| Net assets:                              |                     |                     |
| Unrestricted                             | <u>\$ 5,307,098</u> | <u>\$ 4,591,309</u> |
| Total liabilities and net assets         | <u>\$ 5,307,098</u> | <u>\$ 4,591,309</u> |

See accompanying notes to the financial statements.

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**COMMISSION ON CONTINUING LAWYER COMPETENCY**  
**STATEMENTS OF SUPPORT, REVENUES, AND EXPENSES – MODIFIED CASH BASIS**

YEARS ENDED JUNE 30, 2016 and 2015

|                                     | <b>2016</b>         | <b>2015</b>         |
|-------------------------------------|---------------------|---------------------|
| Changes in unrestricted net assets: |                     |                     |
| Revenue and other support:          |                     |                     |
| Sponsor fees                        | \$ 1,866,669        | \$ 1,552,750        |
| Attorney fees                       | 395,071             | 360,684             |
| Late penalties                      | 417,161             | 506,086             |
| Interest income                     | 22,266              | 6,549               |
| Total revenue and other support     | <u>2,701,167</u>    | <u>2,426,069</u>    |
| Expenses:                           |                     |                     |
| Program:                            |                     |                     |
| Contributions to State Bar          | 1,385,803           | 1,308,195           |
| Personnel expenses                  | 357,676             | 343,140             |
| Allocated office expenses           | 71,634              | 83,322              |
| Data processing                     | 10,512              | 14,091              |
| Postage                             | 6,153               | 8,622               |
| Depreciation                        | 12,124              | 12,080              |
| Credit card and banking fees        | 13,494              | 10,255              |
| Audit                               | 3,700               | 3,000               |
| Other miscellaneous expenses        | 5,095               | 6,200               |
| Total program                       | <u>1,866,191</u>    | <u>1,788,905</u>    |
| Management and general              | 119,187             | 110,990             |
| Total expenses                      | <u>1,985,378</u>    | <u>1,899,895</u>    |
| Change in unrestricted net assets   | 715,789             | 526,174             |
| Net assets, beginning of year       | <u>4,591,309</u>    | <u>4,065,135</u>    |
| Net assets, end of year             | <u>\$ 5,307,098</u> | <u>\$ 4,591,309</u> |

See accompanying notes to the financial statements.

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**COMMISSION ON CONTINUING LAWYER COMPETENCY**  
**STATEMENTS OF CASH FLOWS – MODIFIED CASH BASIS**

*YEARS ENDED JUNE 30, 2016 and 2015*

|   | <u>2016</u>         | <u>2015</u>         |
|---|---------------------|---------------------|
| <b>Cash flows from operating activities:</b>  |                     |                     |
| Change in net assets  | \$ 715,789          | \$ 526,174          |
| Adjustments to reconcile change in net assets to net cash provided by operating activities: |                     |                     |
| Depreciation  | 12,124              | 12,080              |
| Decrease in receivable from the State Bar of Georgia  | 37,748              | 67,278              |
| Decrease in other receivables   | <u>15</u>           | <u>908</u>          |
| Net cash provided by operating activities   | 765,676             | 606,440             |
| <b>Cash flows from investing activity:</b>  |                     |                     |
| Purchase of furniture, fixtures, and equipment  | <u>(2,551)</u>      | <u>(881)</u>        |
| Net increase in cash and cash equivalents   | 763,125             | 605,559             |
| Cash and cash equivalents at beginning of year  | <u>4,502,847</u>    | <u>3,897,288</u>    |
| Cash and cash equivalents at end of year  | <u>\$ 5,265,972</u> | <u>\$ 4,502,847</u> |

See accompanying notes to the financial statements.

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## COMMISSION ON CONTINUING LAWYER COMPETENCY

### NOTES TO THE FINANCIAL STATEMENTS

YEARS ENDED JUNE 30, 2016 and 2015

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#### Note 1 – Summary of significant accounting policies

*Organization* – The Commission on Continuing Lawyer Competency (the “Commission”) was established by rule of the Supreme Court of Georgia as a permanent commission of the State Bar of Georgia (the “State Bar”). Its purpose is to administer the minimum continuing legal education requirements of attorneys and to otherwise assist the public by helping attorneys to maintain their professional competence throughout their active practice of law.

*Basis of Presentation* – The financial statements of the Commission have been prepared on the modified cash basis of accounting. Consequently, with certain exceptions, revenue is recognized when received, and expenses are recorded when paid. The Commission has elected to modify the cash basis of accounting to report the capitalization and depreciation of furniture, fixtures, and equipment and to recognize amounts paid by the State Bar on behalf of the Commission as loans in the period advanced. The Commission’s largest revenue source, which is sponsor fees, is recorded when received.

Net assets and revenue, expenses, gains, and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the Commission and changes therein are classified and reported as unrestricted. Unrestricted net assets are not subject to donor-imposed restrictions.

*Cash and Cash Equivalents* – For purposes of the statements of cash flows – modified cash basis, the Commission considers all highly liquid debt instruments with original maturities of three months or less to be cash equivalents. Cash equivalents of \$5,198,472 and \$4,412,277 at June 30, 2016 and 2015, respectively, consisted of money market funds.

At June 30, 2016 and 2015, in addition to money market deposits above, the Commission maintained bank deposits of \$67,500 and \$90,570 in excess of federally insured limits. The Federal Deposit Insurance Corporation (“FDIC”) covers \$250,000 for substantially all deposit relationships with the same institution. Cash balances may at times exceed federally insured limits.

*Furniture, Fixtures, and Equipment* – Additions to furniture, fixtures, and equipment in excess of \$1,000 are capitalized. Furniture, fixtures, and equipment are carried at cost. Depreciation expense is computed based on the estimated useful lives of the respective assets using the straight-line method of depreciation. The estimated useful lives range from three to ten years.

*Income Taxes* – The Commission is exempt from income taxes under Section 115 of the Internal Revenue Code as a commission of the State Bar.

*Functional Allocation of Expenses* – The costs of providing the various programs and other activities have been summarized on a functional basis in the statements of support, revenue, and expenses—modified cash basis. Accordingly, certain costs have been allocated among the programs and supporting services benefited.

*Use of Estimates* – Management of the Commission has made certain estimates and assumptions to prepare the financial statements in conformity with the modified cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Actual results could differ from those estimates.

**COMMISSION ON CONTINUING LAWYER COMPETENCY**  
**NOTES TO THE FINANCIAL STATEMENTS**

YEARS ENDED JUNE 30, 2016 and 2015

---

**Note 1 – Summary of significant accounting policies (continued)**

*Subsequent Events* – Management of the Commission has evaluated subsequent events through February 3, 2017, in connection with the preparation of these financial statements, which is the date the financial statements were available to be issued.

**Note 2 – Furniture, fixtures, and equipment**

Furniture, fixtures, and equipment are summarized as follows at June 30, 2016 and 2015:

|                               | <u>2016</u>     | <u>2015</u>      |
|-------------------------------|-----------------|------------------|
| Furniture and equipment       | \$ 8,211        | \$ 8,211         |
| Computers and electronics     | 6,949           | 7,470            |
| Computer software             | 86,343          | 86,343           |
|                               | <u>101,503</u>  | <u>102,024</u>   |
| Less accumulated depreciation | <u>(93,463)</u> | <u>(84,411)</u>  |
|                               | <u>\$ 8,040</u> | <u>\$ 17,613</u> |

**Note 3 – Related-party transactions**

The Commission reimburses the State Bar for its share of expenses paid by the State Bar, which were \$590,230 in 2016 and \$581,732 in 2015. At June 30, 2016 and 2015, \$33,071 and \$70,819 were receivable from the State Bar, respectively. The Commission contributed \$1,385,803 and \$1,308,195 to the State Bar in 2016 and 2015, respectively.

The Executive Director of the Commission is also the Executive Director of the State Bar.

**Note 4 – Retirement plan**

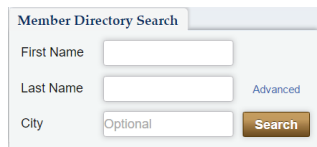
The employees of the Commission participate in the State Bar's money purchase pension plan. The contributions to this plan for the years ended June 30, 2016 and 2015 were \$24,226 and \$11,651, respectively.

## Zeekbeek Enhanced Membership Directory Searching for the State Bar of Georgia

The State Bar of Georgia seeks to engage Zeekbeek to expand the search functionality of the existing State Bar of Georgia Membership Directory for lawyers and the public.

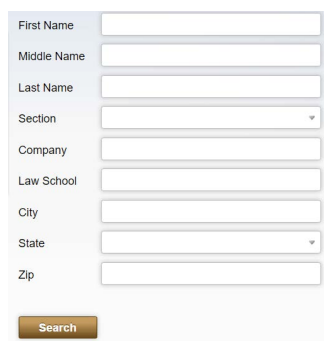
### State Bar of Georgia Membership Directory Search

Currently, State Bar of Georgia member directory initial searches can be performed by entering either the member's first name, last name or city in a search box on the main page of the State Bar's website.



The screenshot shows a search form titled "Member Directory Search". It contains three input fields: "First Name", "Last Name", and "City". The "City" field has the word "Optional" written below it. To the right of the "Last Name" field is a blue hyperlink labeled "Advanced". At the bottom right of the form is a brown "Search" button.

Advanced searches can be performed from an "Advanced" hyperlink. Users can search by a member's first name, middle name, last name, State Bar of Georgia section membership, company, law school, city, state or zip code.



The screenshot shows an advanced search form with the following fields: "First Name", "Middle Name", "Last Name", "Section" (a dropdown menu), "Company", "Law School", "City", "State" (a dropdown menu), and "Zip". A brown "Search" button is located at the bottom of the form.

Performing a search will result in the display of a member's name, company, address, phone number, fax number, email address, admit date, law school, membership status, and public disciplinary history from January 1991 to the current month with a link to disciplinary orders where applicable.

### Zeekbeek Enhanced Membership Directory Search

The Zeekbeek service will add basic contact fields for advanced searching to include items like Practice Areas, County, States Licensed, Education, Courts Practiced, State Bar Committees, Photo and other agreed upon content made available through each member's new enhanced membership profile.

A disclaimer such as the one below will appear on the face of each member's enhanced profile page.

*The State Bar of Georgia has verified this lawyer's membership status, public disciplinary history and section membership; however, the photo and practice area information have been provided directly by the lawyer. Neither the State Bar of Georgia nor Zeekbeek have verified the authenticity of the photo and practice area information, and neither recommends nor endorses any lawyer.*

A member's enhanced profile will display in a format like the one here:

The screenshot shows the top navigation bar of the State Bar of Michigan website, including the SBM logo, a home icon, and user options like 'Welcome Georgia StateBar', 'Actions', and 'Log Out'. Below the navigation bar is a disclaimer: 'The State Bar of Michigan has verified this Lawyer's status, however the photo and profile information have been provided directly by the Lawyer. Neither the State Bar of Michigan nor Zeekbeek recommend or endorse any lawyer.' The profile for Robert Aicher is displayed, featuring a profile picture, a 'Lawyer - Active' badge, and social media icons for Facebook and Twitter. The bio identifies him as the 'Co-Founder of Zeekbeek.com'. The 'Contact Info' section lists his address (1976 S Manitou Trl, Lake Leelanau, MI 49653-9581), county (Leelanau), country (United States), and phone number ((T) (231) 256-2501). It also includes options to 'Download Vcard' and 'Eastern Standard Time'. The 'State Licensed' section shows 'State of Admission: MI' and 'Registration #: P75146'. The 'Practice Area' section lists various legal specialties: bankruptcy, derivatives, computer law, administrative law/regulatory law, admiralty & maritime law, agriculture, alternative dispute resolution, animal law, antitrust & trade regulations, and appellate practice.

The profile will include additional search information such as:

The screenshot shows the 'Practice Area' section of a lawyer's profile. It features a dropdown arrow and a list of legal specialties: bankruptcy, derivatives, computer law, administrative law/regulatory law, admiralty & maritime law, agriculture, alternative dispute resolution, animal law, antitrust & trade regulations, and appellate practice.

#### Sections

- Law Practice Management & Legal Administrators
- Master Lawyers

#### Education

**The University of Michigan**

Year Graduated: 1973

Bachelors Political Science

The degree is from the School of Literature, Science and the Arts. I graduated Magna Cum Laude

**The University of Michigan Law School**

Year Graduated: 1976

Masters Law

Graduated Magna Cum Laude

Enhanced member profiles will also allow links to a member's website and social media channels. Any link will include a disclaimer such as:

*This link is provided so that the user may access additional information about this lawyer. The State Bar of Georgia has not reviewed the lawyer's webpage and does not certify its contents as accurate nor does the State Bar of Georgia endorse the views and comments that may appear on this webpage.*

A redirect message such as the one below will be shown when a user clicks on a link from within a member's enhanced profile:

*You are leaving the State Bar of Georgia's membership directory and are being redirected to an external URL or website for the selected lawyer.*

#### Zeekbeek Service Benefits

Zeekbeek's enhanced member profile and searching is being offered for free to the State Bar of Georgia. Zeekbeek is also providing Georgia lawyers the opportunity to subscribe to and purchase other Zeekbeek services including their Lawyer2Lawyer Referral Network, Law Firm Package, Profile Builder and Web Archiver products.

Engaging with Zeekbeek will put Georgia lawyers in a consortium of other State Bars. Currently Zeekbeek provides service to lawyers of the State Bar of Michigan, Ohio State Bar, Indiana State Bar and Illinois State Bar. The service is also being considered by other state bars.

1 **RULE 1.0. TERMINOLOGY**

2  
3 (a) “Belief” or “believes” denotes that the person involved actually thought the fact in  
4 question to be true. A person’s belief may be inferred from the circumstances.

5  
6 (b) “Confirmed in writing” when used in reference to the informed consent of a  
7 person, denotes informed consent that is given in writing by the person, or a writing that a lawyer  
8 promptly transmits to the person confirming an oral informed consent. See paragraph (i) for the  
9 definition of “informed consent.” If it is not feasible to obtain or transmit the writing at the time  
10 the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable  
11 time thereafter.

12  
13 (c) “Consult” or “consultation” denotes communication of information reasonably  
14 sufficient to permit the client to appreciate the significance of the matter in question.

15  
16 (d) “Conviction” or “convicted” denotes any of the following accepted by a court,  
17 whether or not a sentence has been imposed:

- 18  
19 (1) A guilty plea;  
20  
21 (2) A plea of nolo contendere;  
22  
23 (3) A verdict of guilty;  
24  
25 (4) A verdict of guilty but mentally ill; or  
26  
27 (5) Imposition of first offender treatment.

28  
29 (e) “Domestic Lawyer” denotes a person authorized to practice law by the duly  
30 constituted and authorized governmental body of any State or Territory of the United States or  
31 the District of Columbia but not authorized by the Supreme Court of Georgia or its Rules to  
32 practice law in the State of Georgia.

33  
34 (f) “Firm” or “law firm” denotes a lawyer or lawyers in a private firm, law  
35 partnership, professional corporation, sole proprietorship or other association authorized to  
36 practice law pursuant to Rule 1-203 (d); or lawyers employed in a legal services organization or  
37 the legal department of a corporation or other organization.

38  
39 (g) “Foreign Lawyer” denotes a person authorized to practice law by the duly  
40 constituted and authorized governmental body of any foreign nation but not authorized by the  
41 Supreme Court of Georgia or its Rules to practice law in the State of Georgia.

42  
43 (h) “Fraud” or “fraudulent” denotes conduct that is fraudulent under the substantive  
44 or procedural law of the applicable jurisdiction and has a purpose to deceive; not merely  
45 negligent misrepresentation or failure to apprise another of relevant information.

46

47 (i) “Informed consent” denotes the agreement by a person to a proposed course of  
48 conduct after the lawyer has communicated adequate information and explanation about the  
49 material risks of and reasonably available alternatives to the proposed course of conduct.  
50

51 (j) “Knowingly,” “known,” or “knows” denotes actual knowledge of the fact in  
52 question. A person’s knowledge may be inferred from the circumstances.  
53

54 (k) “Lawyer” denotes a person authorized by the Supreme Court of Georgia or its  
55 Rules to practice law in the State of Georgia including persons admitted to practice in this state  
56 pro hac vice.  
57

58 (l) “Nonlawyer” denotes a person not authorized to practice law by either the:  
59

60 (1) Supreme Court of Georgia or its Rules (including pro hac vice admission),  
61 or

62 (2) duly constituted and authorized governmental body of any other State or  
63 Territory of the United States, or the District of Columbia, or  
64

65 (3) duly constituted and authorized governmental body of any foreign nation.  
66  
67

68 (m) “Partner” denotes a member of a partnership, a shareholder in a law firm  
69 organized pursuant to Rule 1-203 (4), or a member of an association authorized to practice law.  
70

71 (n) “Reasonable” or “reasonably” when used in relation to conduct by a lawyer  
72 denotes the conduct of a reasonably prudent and competent lawyer.  
73

74 (o) “Reasonable belief” or “reasonably believes” when used in reference to a lawyer  
75 denotes that the lawyer believes the matter in question and that the circumstances are such that  
76 the belief is reasonable.  
77

78 (p) “Reasonably should know” when used in reference to a lawyer denotes that a  
79 lawyer of reasonable prudence and competence would ascertain the matter in question.  
80

81 (q) “Respondent” denotes a person whose conduct is the subject of any disciplinary  
82 investigation or proceeding.  
83

84 (r) “Screened” denotes the isolation of a lawyer from any participation in a matter  
85 through the timely imposition of procedures within a firm that are reasonably adequate under the  
86 circumstances to protect information that the isolated lawyer is obligated to protect under these  
87 Rules or other law.  
88

89 (s) “Substantial” when used in reference to degree or extent denotes a material matter  
90 of clear and weighty importance.  
91



92 (t) "Tribunal" denotes a court, an arbitrator in an arbitration proceeding or a  
93 legislative body, administrative agency or other body acting in an adjudicative capacity. A  
94 legislative body, administrative agency or other body acts in an adjudicative capacity when a  
95 neutral official, after the presentation of evidence or legal argument by a party or parties, will  
96 render a legal judgment directly affecting a party's interests in a particular matter.

97  
98 (u) "Writing" or "written" denotes a tangible or electronic record of a communication  
99 or representation, including handwriting, typewriting, printing, photostating, photography, audio  
100 or video recording and e-mail. A "signed" writing includes an electronic sound, symbol or  
101 process attached to or logically associated with a writing and executed or adopted by a person  
102 with the intent to sign the writing.

103  
**Rule 4-102. Disciplinary Action; Levels of Discipline; Georgia Rules of Professional  
104 Conduct.**

105  
106  
107 (a) The Rules of Professional Conduct to be observed by the members of the State  
108 Bar of Georgia and those authorized to practice law in Georgia are set forth herein and any  
109 violation thereof, any assistance or inducement directed toward another for the purpose of  
110 producing a violation thereof, or any violation thereof through the acts of another, shall subject  
111 the offender to disciplinary action as hereinafter provided.

112  
113 (b) The levels of discipline are set forth below. The power to administer a more  
114 severe level of discipline shall include the power to administer the lesser:

115  
116 (1) Disbarment: A form of public discipline removing the respondent from the  
117 practice of law in Georgia. This level of discipline would be appropriate in cases of  
118 serious misconduct. This level of discipline includes publication as provided by Rule 4-  
119 219 (b).

120  
121 (2) Suspension: A form of public discipline which removes the respondent  
122 from the practice of law in Georgia for a definite period of time or until satisfaction of  
123 certain conditions imposed as a part of the suspension. This level of discipline would be  
124 appropriate in cases that merit more than a public reprimand but less than disbarment.  
125 This level of discipline includes publication as provided by Rule 4-219 (b).

126  
127 (3) Public Reprimand: A form of public discipline which declares the  
128 respondent's conduct to have been improper but does not limit the right to practice. A  
129 public reprimand shall be administered by a judge of a superior court in open court. This  
130 level of discipline would be appropriate in cases that merit more than a State Disciplinary  
131 Board Reprimand but less than suspension. This level of discipline includes publication  
132 as provided by Rule 4-219 (b).

133  
134 (4) State Disciplinary Board Reprimand: A form of public discipline which  
135 declares the respondent's conduct to have been improper but does not limit the right to  
136 practice. A State Disciplinary Board Reprimand shall be administered by the State  
137 Disciplinary Board at a meeting of the State Disciplinary Board. This level of discipline

138 would be appropriate in cases that merit more than a confidential reprimand but less than  
139 a public reprimand. This level of discipline includes publication as provided by Rule 4-  
140 219 (b).

141  
142 (5) Confidential Reprimand: A form of confidential discipline which declares  
143 the respondent's conduct to have been improper but does not limit the right to practice. A  
144 Confidential Reprimand shall be administered by the State Disciplinary Board at a  
145 meeting of the Board. This level of discipline would be appropriate in cases that merit  
146 more than a formal letter of admonition but less than a State Disciplinary Board  
147 reprimand.

148  
149 (6) Formal Letter of Admonition: A form of confidential discipline which  
150 declares the respondent's conduct to have been improper but does not limit the right to  
151 practice. A formal letter of admonition shall be administered by letter as provided in  
152 Rules 4-205 through 4-208. This level of discipline would be appropriate in cases that  
153 merit the lowest form of discipline.

154  
155 (c)

156  
157 (1) The Supreme Court of Georgia may impose any of the levels of discipline  
158 set forth above following formal proceedings against a respondent; however, any case  
159 where discipline is imposed by the Court is a matter of public record despite the fact that  
160 the level of discipline would have been confidential if imposed by the State Disciplinary  
161 Board.

162  
163 (2) As provided in Part IV, Chapter 2 of the State Bar Rules, the State  
164 Disciplinary Board may impose any of the levels of discipline set forth above provided  
165 that a respondent shall have the right to reject the imposition of discipline by the Board  
166 pursuant to the provisions of Rule 4-208.3;

167  
168 (d) The Table of Contents, Preamble, Scope, Terminology and Georgia Rules of  
169 Professional Conduct are as follows:

170  
171 **(OMITTED)**

172  
173 **(THIS PROPOSAL COVERS CHANGES TO PROCEDURE ONLY. WE HAVE**  
174 **OMITTED MOST OF CHAPTER 1, PART IV—THE RULES OF PROFESSIONAL**  
175 **CONDUCT. RULE 9.4 IS INCLUDED BECAUSE IT DEALS WITH THE PROCEDURE**  
176 **FOR RECIPROCAL DISCIPLINE CASES. THERE ARE NO OTHER CHANGES TO**  
177 **THE SUBSTANTIVE RULES OF PROFESSIONAL CONDUCT.)**

178  
179 **RULE 9.4. JURISDICTION AND RECIPROCAL DISCIPLINE**

180  
181 (a) Jurisdiction. Any lawyer admitted to practice law in this jurisdiction, including  
182 any formerly admitted lawyer with respect to acts committed prior to resignation, suspension,  
183 disbarment, or removal from practice on any of the grounds provided in Rule 4-104 of the State

184 Bar of Georgia, or with respect to acts subsequent thereto which amount to the practice of law or  
185 constitute a violation of the Georgia Rules of Professional Conduct or any Rules or Code  
186 subsequently adopted by the court in lieu thereof, and any Domestic or Foreign Lawyer specially  
187 admitted by a court of this jurisdiction for a particular proceeding and any Domestic or Foreign  
188 Lawyer who practices law or renders or offers to render any legal services in this jurisdiction, is  
189 subject to the disciplinary jurisdiction of the State Bar of Georgia State Disciplinary Board.

190

191 (b) Reciprocal Discipline. Upon being suspended or disbarred in another jurisdiction,  
192 a lawyer admitted to practice in Georgia shall promptly inform the Office of the General Counsel  
193 of the State Bar of Georgia of the discipline. Upon notification from any source that a lawyer  
194 within the jurisdiction of the State Bar of Georgia has been suspended or disbarred in another  
195 jurisdiction, the Office of the General Counsel shall obtain a certified copy of the disciplinary  
196 order and file it with the Clerk of the State Disciplinary Boards. Nothing in this Rule shall  
197 prevent a lawyer suspended or disbarred in another jurisdiction from filing a petition for  
198 voluntary discipline under Rule 4-227.

199

200 (1) Upon receipt of a certified copy of an order demonstrating that a lawyer admitted  
201 to practice in Georgia has been disbarred or suspended in another jurisdiction, the Clerk  
202 of the State Disciplinary Boards shall assign the matter a State Disciplinary Board docket  
203 number. The Office of the General Counsel shall petition the Supreme Court of Georgia  
204 for the appointment of a Special Master to conduct a show cause hearing.

205

206 (2) The petition shall show the date of the disbarment or suspension in the other  
207 jurisdiction and a copy of the order therefor shall be attached to the petition. The petition  
208 shall be served upon the respondent pursuant to Rule 4-203.1.

209

210 (3) Upon receipt of the Petition for Appointment of Special Master, the Clerk of the  
211 Supreme Court of Georgia shall file the matter in the records of the court, shall give the  
212 matter a Supreme Court docket number and notify the Coordinating Special Master that  
213 appointment of a Special Master is appropriate.

214

215 (4) The Coordinating Special Master will appoint a Special Master, pursuant to Rule  
216 4-209 (b).

217

218 (5) The show cause hearing should be held within 30 days after service of the Petition  
219 for Appointment of Special Master upon the respondent or appointment of a Special  
220 Master, whichever is later. Within 30 days of the hearing, the Special Master shall  
221 recommend to the Supreme Court of Georgia substantially similar discipline, or removal  
222 from practice on the grounds provided in Rule 4-104, unless the Office of the General  
223 Counsel or the respondent demonstrates, or the Special Master finds, that it clearly  
224 appears upon the face of the record from which the discipline is predicated, that:

225

226 (i) The procedure was so lacking in notice or opportunity to be heard as to  
227 constitute a deprivation of due process; or

228

- 229 (ii) There was such infirmity of proof establishing the misconduct as to give  
230 rise to the clear conviction that the court could not, consistent with its  
231 duty, accept as final the conclusion on that subject; or  
232  
233 (iii) The discipline imposed would result in grave injustice or be offensive to  
234 the public policy of the jurisdiction; or  
235  
236 (iv) The reason for the original disciplinary status no longer exists; or  
237  
238 (v)  
239  
240 (A) The conduct did not occur within the state of Georgia; and,  
241  
242 (B) The discipline imposed by the foreign jurisdiction exceeds the  
243 level of discipline allowed under these Rules; or  
244  
245 (vi) The discipline would if imposed in identical form be unduly severe or  
246 would require action not contemplated by these Rules.  
247

248 If the Special Master determines that any of these elements exist, the Special Master shall  
249 make such other recommendation to the Supreme Court of Georgia as the Special Master  
250 deems appropriate. The burden is on the party seeking different discipline in this  
251 jurisdiction to demonstrate that the imposition of the same discipline is not appropriate.  
252 Reports of the Special Master shall be filed with the Supreme Court of Georgia and the  
253 matter shall proceed as outlined at Rule 4-218 et seq.  
254

255 (6) In the event the discipline imposed in the other jurisdiction has been  
256 stayed there, any reciprocal discipline imposed in this jurisdiction shall be deferred until  
257 the stay expires.  
258

259 (7) In all other aspects, a final adjudication in another jurisdiction that a  
260 lawyer, whether or not admitted in that jurisdiction, has been guilty of misconduct, or has  
261 been removed from practice on any of the grounds provided in Rule 4-104 of the State  
262 Bar of Georgia, shall establish conclusively the misconduct or the removal from practice  
263 for purposes of a disciplinary proceeding in this state.  
264

265 (8) Discipline imposed by another jurisdiction but of a lesser nature than  
266 disbarment or suspension may be considered in aggravation of discipline in any other  
267 disciplinary proceeding.  
268

269 (9) For purposes of this Rule, the word “jurisdiction” means any state,  
270 territory, country or federal court.  
271

272 The maximum penalty for a violation of this Rule is disbarment.  
273

274 Comment

275 [1] If a lawyer suspended or disbarred in one jurisdiction is also admitted in another jurisdiction  
276 and no action can be taken against the lawyer until a new disciplinary proceeding is instituted,  
277 tried, and concluded, the public in the second jurisdiction is left unprotected against a lawyer  
278 who has been judicially determined to be unfit. Any procedure which so exposes innocent clients  
279 to harm cannot be justified. The spectacle of a lawyer disbarred in one jurisdiction yet permitted  
280 to practice elsewhere exposes the profession to criticism and undermines public confidence in  
281 the administration of justice.

282

283 [2] Reserved.

284

285 [3] The imposition of discipline in one jurisdiction does not mean that Georgia and every other  
286 jurisdiction in which the lawyer is admitted must necessarily impose discipline. The Special  
287 Master has jurisdiction to recommend reciprocal discipline on the basis of public discipline  
288 imposed by a jurisdiction in which the respondent is licensed.

289

290 [4] A judicial determination of misconduct by the respondent in another jurisdiction is  
291 conclusive, and not subject to re-litigation in the forum jurisdiction. The Special Master should  
292 recommend substantially similar discipline unless the Special Master determines, after review  
293 limited to the record of the proceedings in the foreign jurisdiction, that one of the grounds  
294 specified in paragraph (b) (3) exists. This Rule applies whether or not the respondent is admitted  
295 to practice in the foreign jurisdiction. See also, Rule 8.5, Comment [1].

296

297 [5] For purposes of this Rule, the suspension or placement of a lawyer on inactive status in  
298 another jurisdiction because of want of sound mind, senility, habitual intoxication or drug  
299 addiction, to the extent of impairment of competency as a lawyer shall be considered a  
300 disciplinary suspension under the Rules of the State Bar of Georgia.

301

#### 302 **Rule 4-103. Multiple Violations**

303

304 A finding of a third or subsequent disciplinary infraction under these Rules shall, in and  
305 of itself, constitute discretionary grounds for suspension or disbarment. A Special Master and the  
306 State Disciplinary Review Board may exercise this discretionary power when the question is  
307 appropriately before them. Any discipline imposed by another jurisdiction as contemplated by  
308 Rule 9.4 may be considered a disciplinary infraction for the purpose of this Rule.

309

#### 310 **Rule 4-104. Mental Incapacity and Substance Abuse**

311

312 (a) Mental illness, cognitive impairment, alcohol abuse, or substance abuse, to the  
313 extent of impairing competency as a lawyer, shall constitute grounds for removing a lawyer from  
314 the practice of law.

315

316 (b) Upon a determination by the State Disciplinary Board that a lawyer may be  
317 impaired or incapacitated to practice law due to mental incapacity or substance abuse, the Board  
318 may, in its sole discretion, make a confidential referral of the matter to an appropriate medical or  
319 mental health professional for the purposes of evaluation and possible referral to treatment  
320 and/or peer support groups. The Board may, in its discretion, defer disciplinary findings and

321 proceedings based upon the impairment or incapacity of a lawyer to afford the lawyer an  
322 opportunity to be evaluated and, if necessary, to begin recovery. In such situations the medical or  
323 mental health professional shall report to the State Disciplinary Board and the Office of the  
324 General Counsel concerning the lawyer's progress toward recovery. A lawyer's refusal to  
325 cooperate with the medical or mental health professional or to participate in the evaluation or  
326 recommended treatment may be grounds for further proceedings under these rules, including  
327 emergency suspension proceedings pursuant to Rule 4-108.

328

329 **Rule 4-105. Reserved.**

330

331 **Rule 4-106. Conviction of a Crime; Suspension and Disbarment**

332

333 (a) Upon receipt of information or evidence that a conviction for any felony or  
334 misdemeanor involving moral turpitude has been entered against a lawyer, the Clerk of the State  
335 Disciplinary Boards shall immediately assign the matter a State Disciplinary Board docket  
336 number. The Office of the General Counsel shall petition the Supreme Court of Georgia for the  
337 appointment of a Special Master to conduct a show cause hearing.

338

339 (b) The petition shall show the date of the conviction and the court in which the  
340 conviction was entered, and shall be served upon the respondent pursuant to Rule 4-203.1.

341

342 (c) Upon receipt of the Petition for Appointment of Special Master, the Clerk of the  
343 Supreme Court of Georgia shall file the matter in the records of the Court, shall give the matter a  
344 Supreme Court docket number and notify the Coordinating Special Master that appointment of a  
345 Special Master is appropriate.

346

347 (d) The Coordinating Special Master shall appoint a Special Master, pursuant to Rule  
348 4-209 (b).

349

350 (e) The show cause hearing should be held within 15 days after service of the Petition  
351 for Appointment of Special Master upon the respondent or appointment of a Special Master,  
352 whichever is later. Within 30 days of the hearing, the Special Master shall file a recommendation  
353 with the Supreme Court of Georgia which may order such discipline as deemed appropriate.

354

355 (f) If the Supreme Court of Georgia orders the respondent suspended pending any  
356 appeal, upon the termination of the appeal (or expiration of time for appeal if no appeal is filed)  
357 the State Bar of Georgia may petition the Special Master to conduct a hearing for the purpose of  
358 determining whether the circumstances of the termination of the appeal indicate that the  
359 suspended respondent should:

360

361 (1) be disbarred under Rule 8.4; or

362

363 (2) be reinstated; or

364

365 (3) remain suspended pending retrial as a protection to the public; or

366

367 (4) be reinstated while the facts giving rise to the conviction are investigated  
368 and, if proper, prosecuted under regular disciplinary procedures in these Rules.

369

370 Reports of the Special Master shall be filed with the Supreme Court of Georgia, which may order  
371 such discipline as deemed appropriate.

372

373 (g) For purposes of this Rule, a certified copy of a conviction in any jurisdiction shall  
374 be prima facie evidence of a violation of Rule 8.4 of Rule 4-102 and shall be admissible in  
375 proceedings under the disciplinary rules.

376

377 **Rule 4-107. Reserved.**

378

379 **Rule 4-108. Conduct Constituting Threat of Harm to Clients or Public; Emergency**  
380 **Suspension**

381

382 (a) Upon receipt of sufficient evidence demonstrating that a lawyer's conduct poses a  
383 substantial and immediate threat of harm to his clients or the public and at the direction of the  
384 Chairperson or Vice Chairperson of the State Disciplinary Board, the Office of the General  
385 Counsel shall petition the Supreme Court of Georgia for the suspension of the lawyer pending  
386 disciplinary proceedings predicated upon the conduct causing such petition.

387

388 (b) The petition for emergency suspension shall state the evidence justifying the  
389 emergency suspension.

390

391 (c) The petition for emergency suspension shall be served upon the respondent  
392 pursuant to Rule 4-203.1.

393

394 (d) Upon receipt of the petition for emergency suspension, the Clerk of the Supreme  
395 Court of Georgia shall file the matter in the records of the Court, shall assign the matter a  
396 Supreme Court docket number, and shall notify the Coordinating Special Master that  
397 appointment of a Special Master is appropriate.

398

399 (e) The Coordinating Special Master shall appoint a Special Master pursuant to Rule  
400 4-209 (b) to conduct a hearing where the State Bar of Georgia shall show cause why the  
401 respondent should be suspended pending disciplinary proceedings.

402

403 (f) Within 15 days after service of the petition for emergency suspension upon the  
404 respondent or appointment of a Special Master, whichever is later, the Special Master shall hold  
405 a hearing on the petition for emergency suspension.

406

407 (g) Within 20 days of the hearing, the Special Master shall file his or her  
408 recommendation with the Supreme Court of Georgia. The Court may suspend the respondent  
409 pending final disposition of disciplinary proceedings predicated upon the conduct causing the  
410 emergency suspension, or order such other action as it deems appropriate.

411

412 **Rule 4-109. Refusal or Failure to Appear for Reprimand; Suspension**

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If a respondent fails to appear for imposition of a Confidential Reprimand without just cause, the State Disciplinary Board shall reconsider the matter to determine whether the case should proceed with a public filing pursuant to Rule 4-208 *et seq.* If a respondent fails to appear before the State Disciplinary Board or the Superior Court for imposition of a State Disciplinary Board or a Public Reprimand, the Office of the General Counsel may file in the Supreme Court of Georgia a motion for suspension of the respondent. A copy of the motion shall be served on the respondent as provided in Rule 4-203.1. The Supreme Court of Georgia may in its discretion, ten days after the filing of the motion, suspend the respondent until such time as the reprimand is administered.

#### **Rule 4-110. Definitions**

(a) Respondent: A person whose conduct is the subject of any disciplinary investigation or proceeding.

(b) Confidential Proceedings: Any proceeding under these Rules which occurs prior to a filing in the Supreme Court of Georgia.

(c) Public Proceedings: Any proceeding under these Rules which has been filed with the Supreme Court of Georgia.

(d) Grievance/Memorandum of Grievance: An allegation of unethical conduct filed against a lawyer.

(e) Probable Cause: A finding by the State Disciplinary Board that there is sufficient evidence to believe that the respondent has violated one or more of the provisions of Part IV, Chapter 1 of the Bar Rules.

(f) Petition for Voluntary Surrender of License: A Petition for Voluntary Discipline in which the respondent voluntarily surrenders his license to practice law in this State. A voluntary surrender of license is tantamount to disbarment.

(g) He, Him or His: Generic pronouns including both male and female.

(h) Notice of Discipline: A Notice by the State Disciplinary Board that the respondent will be subject to a disciplinary sanction for violation of one or more Georgia Rules of Professional Conduct unless the respondent affirmatively rejects the notice.

#### **Rule 4-111. Audit for Cause**

Upon receipt of sufficient evidence that a lawyer who practices law in this State poses a threat of harm to his clients or the public, the State Disciplinary Board may conduct an Audit for Cause of the lawyer's trust and escrow accounts with the written approval of the Chair of the State Disciplinary Board and the President-elect of the State Bar of Georgia. Before approval can be granted, the lawyer shall be given notice that approval is being sought and be given an



459 opportunity to appear and be heard. The sufficiency of the notice and opportunity to be heard  
460 shall be left to the sole discretion of the persons giving the approval. The State Disciplinary  
461 Board must inform the person being audited that the audit is an Audit for Cause.

462

463 **Rule 4-201. State Disciplinary Board.**

464

465 (a) The powers to investigate and discipline lawyers for violations of the Georgia  
466 Rules of Professional Conduct is hereby vested in the State Disciplinary Board.

467

468 (b) The State Disciplinary Board shall consist of the President-elect of the State Bar  
469 of Georgia and the President-elect of the Young Lawyers Division of the State Bar of Georgia,  
470 six members of the State Bar of Georgia, two from each of the three federal judicial districts of  
471 Georgia, appointed by the Supreme Court of Georgia, six members of the State Bar of Georgia,  
472 two from each of the three federal judicial districts of Georgia, appointed by the President of the  
473 State Bar of Georgia with the approval of the Board of Governors, two nonlawyer members  
474 appointed by the Supreme Court of Georgia and two nonlawyer members appointed by the  
475 President of the State Bar of Georgia with the approval of the Board of Governors. The Court  
476 and the President of the State Bar of Georgia are encouraged to make appointments that will  
477 ensure the geographic, gender, racial and generational diversity of the State Disciplinary Board.  
478 The 12 members of the State Bar of Georgia from the three federal judicial districts shall be  
479 appointed for three year terms and the appointments staggered so that the terms of one-third of  
480 the members expire each year. The members of the Investigative Panel of the State Disciplinary  
481 Board serving at the time this rule goes into effect shall be the initial members of the State  
482 Disciplinary Board and shall continue to serve until their respective terms expire. No State  
483 Disciplinary Board member may serve for more than two consecutive terms, including the term  
484 held at the time this Rule goes into effect.

485

486 (1) All members shall be appointed for three-year terms subject to the  
487 following exceptions:

488

489 (i) any person appointed to fill a vacancy shall serve only for the  
490 unexpired term of the member replaced unless reappointed; and

491

492 (ii) ex-officio members shall serve during the term of their office and  
493 shall not increase the quorum requirement.

494

495 (2) The State Disciplinary Board shall remove a member for failure to attend  
496 meetings of the State Disciplinary Board or for other good cause. The vacancy shall be  
497 filled by appointment of the current President of the State Bar of Georgia and the person  
498 appointed shall serve for the former member's unexpired term.

499

500 (3) At the first meeting following an Annual Meeting of the State Bar of  
501 Georgia the State Disciplinary Board shall elect a Chair and Vice-chair.

502

503 (c) Upon request, State Disciplinary Board members shall be reimbursed for their  
504 reasonable travel expenses in attending meetings of the State Disciplinary Board. The Internal

505 Rules of the State Disciplinary Board provide further explanation of the travel and  
506 reimbursement policies.

507

508 (d) State Disciplinary Board members may request reimbursement for postage,  
509 copying and other expenses necessary for their work investigating cases.

510 **Rule 4-201.1. State Disciplinary Review Board.**

511

512 (a) The power to review for error final reports and recommendations of special  
513 masters in formal disciplinary cases arising under the Georgia Rules of Professional Conduct is  
514 hereby vested in the State Disciplinary Review Board.

515

516 (b) The State Disciplinary Review Board shall consist of the Immediate Past  
517 President of the State Bar of Georgia, the Immediate Past President of the Young Lawyers  
518 Division of the State Bar of Georgia, or a member of the Young Lawyers Division designated by  
519 its Immediate Past President, nine members of the State Bar of Georgia, three from each of the  
520 three federal judicial districts of Georgia, appointed as described below, two nonlawyer members  
521 appointed by the Supreme Court of Georgia and two nonlawyer members appointed by the  
522 President of the State Bar of Georgia with the approval of the Board of Governors. The Court  
523 and the President of the State Bar of Georgia are encouraged to make appointments that will  
524 ensure the geographic, gender, racial and generational diversity of the State Disciplinary Review  
525 Board.

526

527 (1) The nine members of the State Bar of Georgia from the federal judicial  
528 districts shall be appointed for three year terms so that the term of one State  
529 Disciplinary Review Board member from each district will expire each year. The  
530 three vacant positions will be filled in odd years by appointment by the President  
531 of the State Bar of Georgia, with the approval of the Board of Governors, and in  
even years by appointment by the Supreme Court of Georgia.

532

533 (2) The members of the Review Panel of the State Disciplinary Board serving at  
534 the time this rule goes into effect shall be the initial members of the State  
535 Disciplinary Review Board and shall continue to serve until their respective  
536 terms expire. No State Disciplinary Review Board member may serve for  
537 more than two consecutive terms, including the term held at the time this Rule  
goes into effect.

538

539 (3) All members shall be appointed for three-year terms subject to the  
540 following exceptions:

541

542 (i) any person appointed to fill a vacancy shall serve only for the  
543 unexpired term of the member replaced unless reappointed; and

544

545 (ii) ex-officio members shall serve during the term of their office, and  
546 shall not increase the quorum requirement

547

548 (4) The State Disciplinary Review Board shall remove a member for failure to  
549 attend meetings of the State Disciplinary Review Board or for other good cause. The  
550 vacancy shall be filled by appointment of the current President of the State Bar of  
551 Georgia and the person appointed shall serve for the former member's unexpired term.  
552

553 (5) At the first meeting following an Annual Meeting of the State Bar of  
554 Georgia the State Disciplinary Review Board shall elect a Chair and Vice-chair.  
555

556 (c) Upon request, State Disciplinary Review Board members shall be reimbursed for  
557 their reasonable travel expenses in attending meetings of the State Disciplinary Review Board.  
558 The Internal Rules of the State Disciplinary Review Board provide further explanation of the  
559 travel and reimbursement policies.  
560

561 (d) State Disciplinary Review Board members may request reimbursement for  
562 postage, copying and other expenses necessary for their work reviewing cases.

563 **Rule 4-202. Receipt of Grievances; Initial Review by Bar Counsel.**  
564

565 (a) Grievances shall be filed in writing with the Office of the General Counsel of the  
566 State Bar of Georgia. In lieu of a Memorandum of Grievance the Office of the General Counsel  
567 may begin an investigation upon receipt of an Intake Form from the Consumer Assistance  
568 Program. All grievances must include the name of the complainant and must be signed by the  
569 complainant.  
570

571 (b) The Office of the General Counsel may investigate conduct upon receipt of  
572 credible information from any source after notifying the respondent lawyer and providing a  
573 written description of the information that serves as the basis for the investigation. The Office of  
574 the General Counsel may deliver the information it obtains to the State Disciplinary Board for  
575 initiation of a grievance under Rule 4-203 (2).  
576

577 (c) The Office of the General Counsel shall be empowered to collect evidence and  
578 information concerning any grievance. The screening process may include forwarding a copy of  
579 the grievance to the respondent in order that the respondent may respond to the grievance.  
580

581 (d) The Office of the General Counsel may request the Chair of the State Disciplinary  
582 Board to issue a subpoena as provided by O.C.G.A. §24-13-23 requiring a respondent or a third  
583 party to produce documents relevant to the matter under investigation. Subpoenas shall be  
584 enforced in the manner provided at Rule 4-221 (c).  
585

586 (e) Upon completion of its screening of a grievance, the Office of the General  
587 Counsel shall be empowered to dismiss those grievances that do not present sufficient merit to  
588 proceed. Rejection of such grievances by the Office of the General Counsel shall not deprive the  
589 complaining party of any right of action he or she might otherwise have at law or in equity  
590 against the respondent.  
591

592 (f) Those grievances that appear to allege a violation of Part IV, Chapter 1 of the  
593 Georgia Rules of Professional Conduct may be forwarded to the State Disciplinary Board  
594 pursuant to Rule 4-204. In lieu of forwarding a matter to the State Disciplinary Board, the Office  
595 of the General Counsel may refer a matter to the Consumer Assistance Program so that it may  
596 direct the complaining party to appropriate resources.

597

598 **Rule 4-203. Powers and Duties of the State Disciplinary Board**

599

600 In accordance with these Rules, the State Disciplinary Board shall have the following  
601 powers and duties:

602

603 (a) to receive and evaluate any and all written grievances against lawyers and to  
604 frame such charges and grievances as shall conform to the requirements of these Rules. A copy  
605 of any grievance serving as the basis for investigation or proceedings before the State  
606 Disciplinary Board shall be furnished to the respondent by the procedures set forth in Rule 4-  
607 203.1;

608

609 (b) to initiate grievances on its own motion, to require additional information from a  
610 complainant, where appropriate, and to dismiss and reject such grievances as it may seem  
611 unjustified, frivolous, or patently unfounded. However, the rejection of a grievance by the State  
612 Disciplinary Board shall not deprive the complaining party of any right of action he or she might  
613 otherwise have at law or in equity against the respondent;

614

615 (c) to issue letters of instruction when dismissing a grievance;

616

617 (d) to delegate the duties of the State Disciplinary Board enumerated in  
618 subparagraphs (a), (b), (h), (i), (j), and (k) hereof to the Chair of the State Disciplinary Board or  
619 such other members as the State Disciplinary Board or its Chair may designate subject to review  
620 and approval by the full State Disciplinary Board;

621

622 (e) to conduct probable cause investigations, to collect evidence and information  
623 concerning grievances, and to certify grievances to the Supreme Court of Georgia for hearings  
624 by Special Masters as hereinafter provided;

625

626 (f) to prescribe its own Rules of conduct and procedure;

627

628 (g) to receive, investigate, and collect evidence and information, and review and  
629 accept or reject Petitions for Voluntary Discipline pursuant to Rule 4-227(b)(1);

630

631 (h) to sign and enforce, as hereinafter described, subpoenas for the appearance of  
632 persons and the production of documents, things and records at investigations both during the  
633 screening process and the State Disciplinary Board's investigation;

634

635 (i) to issue a subpoena as provided in this section whenever a subpoena is sought in  
636 this state pursuant to the law of another jurisdiction for use in lawyer discipline or disability  
637 proceedings, where the issuance of the subpoena has been duly approved under the law of the

638 other jurisdiction. Upon petition for good cause the State Disciplinary Board may compel the  
639 attendance of witnesses and production of documents in the county where the witness resides or  
640 is employed or elsewhere as agreed by the witness. Service of the subpoena shall be as provided  
641 in the Civil Practice Act. Enforcement or challenges to the subpoena shall be as provided at Rule  
642 4-221 (c);

643  
644 (j) to extend the time within which a formal complaint may be filed;

645  
646 (k) to issue formal letters of admonition and confidential reprimands as hereinafter  
647 provided;

648  
649 (l) to issue a Notice of Discipline providing that unless the respondent affirmatively  
650 rejects the notice, the respondent shall be sanctioned as ordered by the Supreme Court of  
651 Georgia;

652  
653 (m) to refer a lawyer who appears to be impaired for an evaluation by an appropriate  
654 medical or mental health professional; and

655  
656 (n) to use the staff of the Office of the General Counsel in performing its duties.

657

658 **Rule 4-203.1. Uniform Service Rule**

659

660 (a) Lawyers shall inform the Membership Department of the State Bar of Georgia, in  
661 writing, of their current name, official address and telephone number. The Supreme Court of  
662 Georgia and the State Bar of Georgia may rely on the official address on file with the  
663 Membership Department in all efforts to contact, communicate with, and perfect service upon a  
664 lawyer. The choice of a lawyer to provide only a post office box or equivalent commercial  
665 address to the Membership Department of the State Bar of Georgia shall constitute an election to  
666 waive personal service. Notification of a change of address given to any department of the State  
667 Bar of Georgia other than the Membership Department shall not satisfy the requirement herein.

668

669 (b) In all matters requiring personal service under Part IV of the Bar Rules, service  
670 may be perfected in the following manner:

671

672 (1) Acknowledgment of Service: An acknowledgment of service from the  
673 respondent shall constitute conclusive proof of service and shall eliminate the need to  
674 utilize any other form of service.

675

676 (2) Written Response from Respondent: A written response from the  
677 respondent or respondent's counsel shall constitute conclusive proof of service and shall  
678 eliminate the need to utilize any other form of service.

679

680 (3) In the absence of an acknowledgment of service, or a written response  
681 from the respondent or respondent's counsel, and subject to the provisions of subsection  
682 (4) below, the respondent shall be served in the following manner:

683

684 (i) Personal Service: Service may be accomplished by the Sheriff or  
685 any other person authorized to serve a summons under the  
686 provisions of the Georgia Civil Practice Act, as approved by the  
687 Chair of the State Disciplinary Board or the Chair's designee.  
688 Receipt of a Return of Service Non Est Inventus shall constitute  
689 conclusive proof that service cannot be perfected by personal  
690 service.  
691  
692 (ii) Service by Publication: If personal service cannot be perfected, or  
693 when the respondent has only provided a post office box or  
694 equivalent commercial address to the Membership Department and  
695 the respondent has not acknowledged service within ten days of a  
696 mailing to respondent's post office box, service may be  
697 accomplished by publication once a week for two weeks in the  
698 legal organ of the county of respondent's address, as shown on the  
699 records of the Membership Department of the State Bar of  
700 Georgia, and, contemporaneously with the publication, mailing a  
701 copy of the service documents by first class mail to respondent's  
702 address as shown on the records of the Membership Department of  
703 the State Bar of Georgia.  
704  
705 (4) When it appears from an affidavit made by the Office of the General  
706 Counsel that the respondent has departed from the state, or cannot, after due diligence, be  
707 found within the state, or seeks to avoid the service, the Chair of the State Disciplinary  
708 Board, or the Chair's designee, may authorize service by publication without the  
709 necessity of first attempting personal service. The affidavit made by the Office of the  
710 General Counsel must demonstrate recent unsuccessful attempts at personal service upon  
711 the respondent regarding other or related disciplinary matters and that such personal  
712 service was attempted at respondent's address as shown on the records of the  
713 Membership Department of the State Bar of Georgia.  
714  
715 (c) Whenever service of pleadings or other documents subsequent to the original  
716 complaint is required or permitted to be made upon a respondent represented by a lawyer, the  
717 service shall be made upon the respondent's lawyer. Service upon the respondent's lawyer or  
718 upon an unrepresented respondent shall be made by delivering a copy or mailing it to the  
719 respondent's lawyer or to the last known address of the unrepresented respondent. As used in this  
720 Rule, the term "delivering a copy" means handing it to the respondent's lawyer or to the  
721 respondent, or leaving it at the lawyer's or respondent's office with a person of suitable age or, if  
722 the office is closed or the person to be served has no office, leaving it at the person's dwelling  
723 house or usual place of abode with some person of suitable age and discretion. Service by mail is  
724 complete upon mailing and includes transmission by U.S. Mail, or by a third-party commercial  
725 carrier for delivery within three business days, shown by the official postmark or by the  
726 commercial carrier's transmittal form. Proof of service may be made by certificate of a lawyer  
727 or of his employee, written admission, affidavit, or other satisfactory proof. Failure to make  
728 proof of service shall not affect the validity of service.  
729

730 **Rule 4-204. Investigation and Disposition by State Disciplinary Board -Generally**

731

732 (a) Each grievance that contains sufficient merit to proceed may be referred with a  
733 Notice of Investigation to the State Disciplinary Board for investigation and disposition in  
734 accordance with its rules. The Clerk of the State Disciplinary Boards shall assign a lawyer  
735 member of the State Disciplinary Board to be responsible for the investigation. The Office of the  
736 General Counsel shall simultaneously assign a staff investigator to assist the State Disciplinary  
737 Board member with the investigation. If the investigation of the State Disciplinary Board  
738 establishes probable cause to believe that the respondent has violated one or more of the  
739 provisions of Part IV, Chapter 1 of these Rules, it shall:

740

741 (1) issue a Formal Letter of Admonition;

742

743 (2) issue a Confidential Reprimand;

744

745 (3) issue a Notice of Discipline;

746

747 (4) refer the case to the Supreme Court of Georgia for hearing before a  
748 Special Master and file a formal complaint with the Supreme Court of Georgia, all as  
749 hereinafter provided; or

750

751 (5) refer a respondent for evaluation by an appropriate medical or mental  
752 health professional pursuant to Rule 4-104 upon the State Disciplinary Board's  
753 determination that there is cause to believe the lawyer is impaired.

754

755 All other cases may be either dismissed by the State Disciplinary Board or referred to the  
756 Consumer Assistance Program so that it may direct the complaining party to appropriate  
757 resources.

758

759 (b) The primary investigation shall be conducted by the member of the State  
760 Disciplinary Board responsible for the investigation, assisted by the staff of the Office of the  
761 General Counsel, upon request of the State Disciplinary Board member. The Board of  
762 Governors of the State Bar of Georgia shall fund the Office of the General Counsel so that the  
763 Office of the General Counsel will be able to adequately investigate and prosecute all cases.

764

765 **Rule 4-204.1. Notice of Investigation**

766

767 (a) A Notice of Investigation shall accord the respondent reasonable notice of the  
768 charges against him or her and a reasonable opportunity to respond to the charges in writing.  
769 The Notice shall contain:

770

771 (1) a statement that the grievance is being transmitted to the State Disciplinary  
772 Board;

773

774 (2) a copy of the grievance;

775

- 776 (3) a list of the Rules which appear to have been violated;  
777  
778 (4) the name and address of the State Disciplinary Board member assigned to  
779 investigate the grievance and a list of the State Disciplinary Board members; and  
780  
781 (5) a statement of the respondent's right to challenge the competency,  
782 qualifications or objectivity of any State Disciplinary Board member.  
783

784 (b) The form for the Notice of Investigation shall be approved by the State  
785 Disciplinary Board.

787 (c) The Office of the General Counsel shall cause the Notice of Investigation to be  
788 served upon the respondent pursuant to Rule 4-203.1.  
789

790 **Rule 4-204.2. Reserved**

791  
792 **Rule 4-204.3. Answer to Notice of Investigation Required**

793  
794 (a) The respondent shall deliver to the State Disciplinary Board member assigned to  
795 investigate the grievance a written response under oath to the Notice of Investigation within 30  
796 days of service.

797  
798 (b) The written response must address specifically all of the issues set forth in the  
799 Notice of Investigation.

800  
801 (c) The State Disciplinary Board member assigned to investigate the grievance may  
802 in the State Disciplinary Board member's discretion grant extensions of time for respondent's  
803 answer. Any request for extension of time must be made in writing and the grant of an extension  
804 of time must also be in writing. Extensions of time shall not exceed 30 days and should not be  
805 routinely granted.

806  
807 (d) In cases where the maximum sanction is disbarment or suspension and respondent  
808 fails to properly respond within the time required by these Rules, the Office of the General  
809 Counsel may seek authorization from the Chair or Vice-chair of the State Disciplinary Board to  
810 file a motion for interim suspension of the respondent.

811  
812 (1) When an investigating member of the State Disciplinary Board notifies the  
813 Office of the General Counsel that a respondent has failed to respond and that the  
814 respondent should be suspended, the Office of the General Counsel shall, with the  
815 approval of the Chair or Vice-Chair of the State Disciplinary Board, file a Motion for  
816 Interim Suspension of the respondent. The Supreme Court of Georgia shall enter an  
817 appropriate order.  
818

819 (2) When the State Disciplinary Board member and the Chair or Vice-Chair  
820 of the State Disciplinary Board determine that a respondent who has been suspended for  
821 failure to respond has filed an appropriate response and should be reinstated, the Office



822 of the General Counsel shall file a Motion to Lift Interim Suspension. The Supreme  
823 Court of Georgia shall enter an appropriate order. The determination that an adequate  
824 response has been filed is within the discretion of the investigating State Disciplinary  
825 Board member and the Chair of the State Disciplinary Board.

826

827 **Rule 4-204.4. Finding of Probable Cause; Referral to Special Master**

828

829 In the event the State Disciplinary Board finds Probable Cause of the respondent's  
830 violation of one or more of the provisions of Part IV, Chapter 1 of these Rules it may refer the  
831 matter to the Supreme Court of Georgia by directing the Office of the General Counsel to file  
832 with the Clerk of the Supreme Court of Georgia either:

833

834 (a) A formal complaint, as herein provided, along with a petition for the appointment  
835 of a Special Master and a notice of its finding of Probable Cause, within 30 days of the finding of  
836 Probable Cause unless the State Disciplinary Board or its Chair grants an extension of time for  
837 the filing; or

838

839 (b) A Notice of Discipline pursuant to Rules 4-208.1, 4-208.2 and 4-208.3.

840

841 **Rule 4-204.5. Letters of Instruction**

842

843 (a) In addition to dismissing a complaint, the State Disciplinary Board, may issue a  
844 letter of instruction to the respondent upon the following conditions:

845

846 (1) the case has been thoroughly investigated, the respondent has been  
847 notified of and has had an opportunity to answer the charges brought against him or her,  
848 and the case has been reported to a quorum of the State Disciplinary Board assembled at  
849 a regularly scheduled meeting; and

850

851 (2) the State Disciplinary Board, as evidenced through the majority vote of its  
852 members present and voting, is of the opinion that the respondent either:

853

854 (i) has not engaged in conduct which is in violation of the provisions  
855 of Part IV, Chapter 1 of these Rules; or

856

857 (ii) has engaged in conduct that although technically in violation of  
858 such Rules is not reprehensible, and has resulted in no harm or  
859 injury to any third person, and is not in violation of the spirit of  
860 such Rules; or

861

862 (iii) has engaged in conduct in violation of any recognized voluntary  
863 creed of professionalism.

864

865 (b) A letter of instruction shall not constitute a finding of any disciplinary infraction.

866

867 **Rule 4-205. Confidential Discipline; In General**

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The State Disciplinary Board may issue a formal letter of admonition or a Confidential Reprimand in any disciplinary case upon the following conditions:

(a) the case has been thoroughly investigated, the respondent has been notified of and has had an opportunity to answer the charges brought against him or her, and the case has been reported to a quorum of the State Disciplinary Board assembled at a regularly scheduled meeting;

(b) the State Disciplinary Board, as evidenced through the majority vote of its members present and voting, is of the opinion that the respondent has engaged in conduct which is in violation of the provisions of Part IV, Chapter 1 of these Rules;

(c) the State Disciplinary Board, as evidenced through the majority vote of its members present and voting, is of the opinion that the conduct referred to in subpart (b) hereof was engaged in:

(1) inadvertently; or

(2) purposefully, but in ignorance of the applicable disciplinary rule or rules;

or

(3) under such circumstances that it is the opinion of the State Disciplinary Board that the protection of the public and rehabilitation of the respondent would be best achieved by the issuance of a formal letter of admonition or a Confidential Reprimand rather than by any other form of discipline.

**Rule 4-206. Confidential Discipline; Contents**

(a) Formal letters of admonition and Confidential Reprimands shall contain a statement of the specific conduct of the respondent which violates Part IV, Chapter 1 of these Rules, shall state the name of the complainant, if any, and shall state the reasons for issuance of such confidential discipline.

(b) A formal letter of admonition shall also contain the following information:

(1) the right of the respondent to reject the formal letter of admonition under Rule 4-207;

(2) the procedure for rejecting the formal letter of admonition under Rule 4-207; and

(3) the effect of an accepted formal letter of admonition in the event of a third or subsequent imposition of discipline.

913 (c) A Confidential Reprimand shall also contain information concerning the effect of  
914 the acceptance of such reprimand in the event of a third or subsequent imposition of discipline.

915

916 **Rule 4-207. Formal Letters of Admonition and Confidential Reprimands; Notification and**  
917 **Right of Rejection**

918

919 In any case where the State Disciplinary Board votes to impose discipline in the form of a  
920 formal letter of admonition or a Confidential Reprimand, such vote shall constitute the State  
921 Disciplinary Board's finding of probable cause. The respondent shall have the right to reject, in  
922 writing, the imposition of such discipline.

923

924 (a) Notification to respondent shall be as follows:

925

926 (1) in the case of a formal letter of admonition, the letter of admonition;

927

928 (2) in the case of a Confidential Reprimand, the letter notifying the respondent  
929 to appear for the administration of the reprimand;

930

931 sent to the respondent at his or her address as reflected in the Membership records of the  
932 State Bar of Georgia, via certified mail, return receipt requested.

933

934 (b) Rejection by respondent shall be as follows:

935

936 (1) in writing, within 30 days of notification; and

937

938 (2) sent to the State Disciplinary Board via any of the methods authorized  
939 under Rule 4-203.1 (c) and directed to the Clerk of the State Disciplinary Boards at the  
940 current headquarters address of the State Bar of Georgia.

941

942 (c) If the respondent rejects the imposition of a Formal Letter of Admonition or  
943 Confidential Reprimand, the Office of the General Counsel may file a formal complaint with the  
944 Clerk of the Supreme Court of Georgia unless the State Disciplinary Board reconsiders its  
945 decision.

946

947 (d) Confidential Reprimands shall be administered before the State Disciplinary  
948 Board by the Chair or his or her designee.

949

950 **Rule 4-208. Confidential Discipline; Effect in Event of Subsequent Discipline**

951

952 In the event of a subsequent disciplinary proceeding, the confidentiality of the imposition  
953 of confidential discipline shall be waived and the Office of the General Counsel may use such  
954 information as aggravation of discipline.

955

956 **Rule 4-208.1. Notice of Discipline**

957

958 (a) In any case where the State Disciplinary Board finds Probable Cause, the State  
959 Disciplinary Board may issue a Notice of Discipline requesting that the Supreme Court of  
960 Georgia impose any level of public discipline authorized by these Rules.

961

962 (b) Unless the Notice of Discipline is rejected by the respondent as provided in Rule  
963 4-208.3, (1) the respondent shall be in default; (2) the respondent shall have no right to any  
964 evidentiary hearing; and (3) the respondent shall be subject to such discipline and further  
965 proceedings as may be determined by the Supreme Court of Georgia. The Supreme Court of  
966 Georgia is not bound by the State Disciplinary Board's recommendation and may impose any  
967 level of discipline it deems appropriate.

968

969 **Rule 4-208.2. Notice of Discipline; Contents; Service**

970

971 (a) The Notice of Discipline shall include:

972

973 (1) the Rules which the State Disciplinary Board found that the respondent  
974 violated;

975

976 (2) the allegations of facts which, if unrebutted, support the finding that such  
977 Rules have been violated;

978

979 (3) the level of public discipline recommended to be imposed;

980

981 (4) the reasons why such level of discipline is recommended, including  
982 matters considered in mitigation and matters considered in aggravation, and such other  
983 considerations deemed by the State Disciplinary Board to be relevant to such  
984 recommendation;

985

986 (5) the entire provisions of Rule 4-208.3 relating to rejection of a Notice of  
987 Discipline. This may be satisfied by attaching a copy of the Rule to the Notice of  
988 Discipline and referencing the same in the notice;

989

990 (6) a copy of the Memorandum of Grievance; and

991

992 (7) a statement of any prior discipline imposed upon the respondent, including  
993 confidential discipline under Rules 4-205 to 4-208.

994

995 (b) The Notice of Discipline shall be filed with the Clerk of the Supreme Court of  
996 Georgia, and a copy of the Notice of Discipline shall be served upon the respondent pursuant to  
997 Rule 4-203.1.

998

999 (c) The Office of the General Counsel shall file documents evidencing service with  
1000 the Clerk of the Supreme Court of Georgia.

1001

1002 (d) The level of disciplinary sanction in any Notice of Discipline rejected by the  
1003 respondent or the Office of the General Counsel shall not be binding on the Special Master, the

1004 State Disciplinary Board or the Supreme Court of Georgia in subsequent proceedings in the same  
1005 matter.

1006

1007 **Rule 4-208.3. Rejection of Notice of Discipline**

1008

1009 (a) In order to reject the Notice of Discipline, the respondent or the Office of the  
1010 General Counsel must file a Notice of Rejection of the Notice of Discipline with the Clerk of the  
1011 Supreme Court of Georgia within 30 days following service of the Notice of Discipline.

1012

1013 (b) Any Notice of Rejection by the respondent shall be served upon the opposing  
1014 party. In accordance with Rule 4-204.3 if the respondent has not previously filed a sworn  
1015 response to the Notice of Investigation the rejection must include a sworn response in order to be  
1016 considered valid. The respondent must also file a copy of such written response with the Clerk  
1017 of the Supreme Court of Georgia at the time of filing the Notice of Rejection.

1018

1019 (c) The timely filing of a Notice of Rejection shall constitute an election for the  
1020 matter to proceed pursuant to Rules 4-208.4 et seq.

1021

1022 **Rule 4-208.4. Formal Complaint Following Notice of Rejection of Discipline**

1023

1024 (a) The Office of the General Counsel shall file with the Clerk of the Supreme Court  
1025 of Georgia a formal complaint and a Petition for Appointment of Special Master within 30 days  
1026 following the filing of a Notice of Rejection. The Notice of Discipline shall operate as the notice  
1027 of finding of Probable Cause by the State Disciplinary Board.

1028

1029 (b) The Office of the General Counsel may obtain extensions of time for the filing of  
1030 the formal complaint from the Chair of the State Disciplinary Board or his or her designee.

1031

1032 (c) After the rejection of a Notice of Discipline and prior to the time of the filing of  
1033 the formal complaint, the State Disciplinary Board may reconsider the grievance and take  
1034 appropriate action.

1035

1036 **Rule 4-209. Docketing by Supreme Court; Appointment of Special Master; Challenges to  
1037 Special Master**

1038

1039 (a) Upon receipt of a notice of finding of probable cause, a petition for appointment  
1040 of a Special Master and a formal complaint, the Clerk of the Supreme Court of Georgia shall file  
1041 the matter in the records of the Court, give the matter a Supreme Court of Georgia docket  
1042 number and notify the Coordinating Special Master that appointment of a Special Master is  
1043 appropriate. In those proceedings where a Notice of Discipline has been filed, the notice of  
1044 finding of Probable Cause need not be filed.

1045

1046 (b) Within a reasonable time after receipt of a petition for appointment of a Special  
1047 Master or notification that a Special Master previously appointed has been disqualified,  
1048 withdrawn, or is otherwise unable to serve, the Coordinating Special Master shall appoint a  
1049 Special Master to conduct formal disciplinary proceedings in such complaint. The Coordinating

1050 Special Master shall select a Special Master from the list approved by the Supreme Court of  
1051 Georgia.

1052

1053 (c) The Clerk of the Court shall serve the signed Order Appointing Special Master on  
1054 the Office of the General Counsel of the State Bar of Georgia. Upon notification of the  
1055 appointment of a Special Master, the State Bar of Georgia shall immediately serve the  
1056 respondent with the order of appointment of a Special Master and with its formal complaint as  
1057 hereinafter provided.

1058

1059 (d) Within ten days of service of the notice of appointment of a Special Master, the  
1060 respondent and the State Bar of Georgia may file any and all objections or challenges they may  
1061 have to the competency, qualifications or impartiality of the Special Master with the  
1062 Coordinating Special Master. The party filing such objections or challenges must also serve a  
1063 copy of the objections or challenges upon the opposing party and the Special Master, who may  
1064 respond to such objections or challenges. Within a reasonable time the Coordinating Special  
1065 Master shall consider the challenges, the responses of respondent, the State Bar of Georgia and  
1066 the Special Master, if any, determine whether the Special Master is disqualified and notify the  
1067 parties, the Clerk of the Supreme Court of Georgia and the Special Master of the decision.  
1068 Exceptions to the Coordinating Special Master's denial of disqualification are subject to review  
1069 by the Supreme Court of Georgia at the time the record in the matter is filed with the Court  
1070 pursuant to Rule 4-217. If a Special Master is disqualified, appointment of a successor Special  
1071 Master shall proceed as provided in this Rule.

1072

#### 1073 **Rule 4-209.1. Coordinating Special Master**

1074

1075 (a) The appointment of and the determination of the compensation of the  
1076 Coordinating Special Master shall be the duty of the Coordinating Special Master Selection and  
1077 Compensation Commission. The Commission shall be comprised of the second, third and fourth  
1078 immediate past presidents of the State Bar of Georgia. If any of the above named ex officio  
1079 individuals should be disqualified, withdraw, or otherwise be unable to serve, the vacancy shall  
1080 be filled by appointment by the Supreme Court of Georgia.

1081

1082 (b) The Coordinating Special Master shall be selected by the Coordinating Special  
1083 Master Selection and Compensation Commission, with the approval of the Supreme Court of  
1084 Georgia. The Coordinating Special Master shall serve as an independent contractor at the  
1085 pleasure of the Coordinating Special Master Selection and Compensation Commission.

1086

1087 (c) The Coordinating Special Master shall be compensated by the State Bar of  
1088 Georgia from the general operating funds of the State Bar of Georgia in an amount specified by  
1089 the Coordinating Special Master Selection and Compensation Commission. The Coordinating  
1090 Special Master's compensation shall be approved by the Supreme Court of Georgia. The  
1091 Coordinating Special Master Selection and Compensation Commission shall submit to the  
1092 Supreme Court of Georgia for approval the hourly rate to be paid to the Coordinating Special  
1093 Master during the fiscal year beginning the first day of July of that year, which rate shall  
1094 continue until further action by the Coordinating Special Master Selection and Compensation  
1095 Commission.

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(d) If the Coordinating Special Master position is vacant or the Coordinating Special Master has recused or been disqualified from a particular matter, the Supreme Court of Georgia may appoint a temporary Acting Coordinating Special Master to act until the position can be filled or to act in any particular matter.

**Rule 4-209.2. Special Masters**

(a) The Supreme Court of Georgia shall annually select up to 20 lawyers to serve as Special Masters for disciplinary cases.

(b) The names of those lawyers selected shall be placed on a list maintained by the Coordinating Special Master. Such list shall be published annually on the State Bar of Georgia website or in a regular State Bar of Georgia publication. Although not mandatory, it is preferable that a lawyer so selected shall only remain on such list for five years, so that the term may generally be considered to be five years. Any lawyer whose name is removed from such list shall be eligible to be selected and placed on the list at any subsequent time.

(c) Special Masters are subject to those provisions of the Georgia Code of Judicial Conduct applicable to part-time judges. No member of the State Disciplinary Board, Review Board or Executive Committee of the State Bar of Georgia may serve as a Special Master.

(d) Training for Special Masters is expected, subject to the terms of this Rule, and shall consist of one training session within 12 months after selection. The Special Master training shall be planned and conducted by the Coordinating Special Master, and shall be provided without cost to Special Masters. Special Masters who fail to complete the minimum training session shall periodically be removed from consideration for appointment in future cases. Failure to complete such a training session shall not be the basis for a disqualification of any Special Master as such qualifications shall remain in the sole discretion of the Supreme Court of Georgia.

(e) Special Masters shall be paid by the State Bar of Georgia from the general operating fund at a rate to be set by the Supreme Court of Georgia. The Court may change the rate from time to time.

**Rule 4-209.3. Powers and Duties of the Coordinating Special Master**

The Coordinating Special Master shall have the following powers and duties:

(a) to establish requirements for, conduct and supervise Special Master training;

(b) to assign cases to Special Masters from the list provided in Rule 4-209 (b);

(c) to exercise all of the powers and duties provided in Rule 4-210 when acting as a Special Master under subparagraph (8) below;

- 1142 (d) to monitor and evaluate the performance of Special Masters and to submit a report  
1143 to the Supreme Court of Georgia regarding such performance annually;  
1144  
1145 (e) to remove Special Masters for such cause as may be deemed proper by the  
1146 Coordinating Special Master;  
1147  
1148 (f) to fill all vacancies occasioned by incapacity, disqualification, recusal or removal;  
1149  
1150 (g) to administer Special Master compensation, as provided in Rule 4-209.2 (e);  
1151  
1152 (h) to hear pretrial motions when no Special Master is serving;  
1153  
1154 (i) to perform all other administrative duties necessary for an efficient and effective  
1155 hearing system.;
- 1156  
1157 (j) to allow a late filing of the respondent's answer where there has been no final  
1158 selection of a Special Master within 30 days of service of the formal complaint upon the  
1159 respondent; and  
1160  
1161 (k) to receive and pass upon challenges and objections to the appointment of Special  
1162 Masters.

1163  
1164 **Rule 4-210. Powers and Duties of Special Masters**  
1165

1166 In accordance with these Rules a duly appointed Special Master shall have the following  
1167 powers and duties:  
1168

- 1169 (a) to exercise general supervision over assigned disciplinary proceedings, including  
1170 emergency suspension cases as provided in Rule 4-108, and to perform all duties specifically  
1171 enumerated in these Rules;  
1172  
1173 (b) to rule on all questions concerning the sufficiency of the formal complaint;  
1174  
1175 (c) to encourage negotiations between the State Bar of Georgia and the respondent,  
1176 whether at a pretrial meeting set by the Special Master or at any other time;  
1177  
1178 (d) to receive and evaluate any Petition for Voluntary Discipline filed after the filing  
1179 of a formal complaint;  
1180  
1181 (e) to grant continuances and to extend any time limit provided for herein as to any  
1182 pending matter;  
1183  
1184 (f) to apply to the Coordinating Special Master for leave to withdraw and for the  
1185 appointment of a successor in the event that he or she becomes incapacitated or otherwise unable  
1186 to perform his or her duties;  
1187



- 1188 (g) to hear, determine and consolidate action on the complaints, where there are  
1189 multiple complaints against a respondent growing out of different transactions, whether they  
1190 involve one or more complainants, and to make recommendations on each complaint as  
1191 constituting a separate offense;
- 1192
- 1193 (h) to sign subpoenas and exercise the powers described in Rule 4-221 (c);  
1194
- 1195 (i) to preside over evidentiary hearings and to decide questions of law and fact raised  
1196 during such hearings;  
1197
- 1198 (j) to make findings of fact and conclusions of law and a recommendation of  
1199 discipline as hereinafter provided and to submit his or her findings for consideration by the  
1200 Supreme Court of Georgia in accordance with Rule 4-214;  
1201
- 1202 (k) to exercise general supervision over discovery by parties to disciplinary  
1203 proceedings and to conduct such hearings and sign all appropriate pleadings and orders  
1204 pertaining to such discovery as are provided for by the law of Georgia applicable to discovery in  
1205 civil cases; and  
1206
- 1207 (l) in disciplinary cases, to make a recommendation of discipline, and in emergency  
1208 suspension cases a recommendation as to whether the respondent should be suspended pending  
1209 further disciplinary proceedings.  
1210

1211 **Rule 4-211. Formal Complaint; Service**  
1212

- 1213 (a) Within 30 days after a finding of Probable Cause, the Office of the General  
1214 Counsel shall file a formal complaint which specifies with reasonable particularity the acts  
1215 complained of and the grounds for disciplinary action. A copy of the formal complaint shall be  
1216 served upon the respondent after appointment of a Special Master. In those cases where a Notice  
1217 of Discipline has been filed and rejected, the filing of the formal complaint shall be governed by  
1218 the time period set forth in Rule 4-208.4. The formal complaint shall be served pursuant to Rule  
1219 4-203.1.  
1220
- 1221 (b) This subparagraph is reserved.  
1222
- 1223 (c) At all stages of the proceeding, both the respondent and the State Bar of Georgia  
1224 may be represented by counsel. Counsel representing the State Bar of Georgia shall be  
1225 authorized to prepare and sign notices, pleadings, motions, complaints, and certificates for and in  
1226 behalf of the State Bar of Georgia and the State Disciplinary Board.  
1227

1228 **Rule 4-211.1. Dismissal after Formal Complaint**  
1229

1230 At any time after the State Disciplinary Board finds probable cause, the Office of the  
1231 General Counsel may dismiss the proceeding with the consent of the Chair or Vice-chair of the  
1232 State Disciplinary Board or with the consent of any three members of the State Disciplinary  
1233 Board.

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**Rule 4-212. Answer of Respondent; Discovery**

(a) The respondent shall file and serve his answer to the formal complaint of the State Bar of Georgia pursuant to Rule 4-221 (b) within 30 days after service of the formal complaint. If the respondent fails to answer or to obtain an extension of time for his answer, the facts alleged and violations charged in the formal complaint shall be deemed admitted. In the event the respondent’s answer fails to address specifically the issues raised in the formal complaint, the facts alleged and violations charged in the formal complaint and not specifically addressed in the answer shall be deemed admitted. A respondent may obtain an extension of time not to exceed 15 days to file the answer from the Special Master Extensions of time for the filing of an answer shall not be routinely granted.

(b) The pendency of objections or challenges to one or more Special Masters shall provide no justification for a respondent’s failure to file his answer or for failure of the State Bar of Georgia or the respondent to engage in discovery.

(c) Both parties to the disciplinary proceeding may engage in discovery under the rules of practice and procedure then applicable to civil cases in the State of Georgia.

(d) In lieu of filing an answer to the formal complaint of the State Bar of Georgia, the respondent may submit to the Special Master a Petition for Voluntary Discipline as provided at Rule 4-227(c). Each such petition shall contain admissions of fact and admissions of conduct in violation of Part IV, Chapter 1 of these Rules sufficient to authorize the imposition of discipline. As provided in Rule 4-227 (c) (1), the Special Master shall allow Bar Counsel 30 days within which to respond.

**Rule 4-213. Evidentiary Hearing**

(a) Within 90 days after the filing of respondent’s answer to the formal complaint or the expiration of the time for filing of the answer, whichever is later, the Special Master shall proceed to hear the case. The evidentiary hearing shall be reported and transcribed at the expense of the State Bar of Georgia. When the hearing is complete, the Special Master shall proceed to make findings of fact, conclusions of law and a recommendation of discipline and file a report with the Supreme Court of Georgia as hereinafter provided. Alleged errors in the hearing may be reviewed by the Supreme Court of Georgia when the findings and recommendations of discipline are filed with the Court. There shall be no interlocutory appeal of alleged errors in the hearing.

(b) Upon respondent’s showing of necessity and financial inability to pay for a copy of the transcript, the Special Master shall order the State Bar of Georgia to purchase a copy of the transcript for respondent.

**Rule 4-214. Report of the Special Master**

(a) Unless the Coordinating Special Master extends the deadline for good cause, the Special Master shall prepare a report within 45 days from receipt of the transcript of the

1280 evidentiary hearing. Failure of the Special Master to issue the report within 45 days shall not be  
1281 grounds for dismissal. The report shall contain the following:

1282

1283 (1) findings of fact on the issues raised by the formal complaint;

1284

1285 (2) conclusions of law on the issues raised by the pleadings of the parties; and

1286

1287 (3) a recommendation of discipline.

1288

1289 (b) The Special Master shall file his or her original report and recommendation with  
1290 the Clerk of the State Disciplinary Boards and shall serve a copy on the respondent and counsel  
1291 for the State Bar of Georgia pursuant to Rule 4-203.1.

1292

1293 (c) The Clerk of the State Disciplinary Boards shall file the original record in the case  
1294 directly with the Supreme Court of Georgia, unless any party files with the Clerk a request for  
1295 review by the State Disciplinary Review Board and exceptions to the report within 30 days of the  
1296 date the report is filed as provided in Rule 4-216, et seq. The Clerk shall inform the State  
1297 Disciplinary Review Board when a request for review and exceptions are filed.

1298

1299 (d) In the event any party requests review, the responding party shall file a response  
1300 to the exceptions within 30 days of the filing. Within ten days after the receipt of a response or  
1301 the expiration of the time for responding, the Clerk shall transmit the record in the case to the  
1302 State Disciplinary Review Board.

1303

#### 1304 **Rule 4-215. Powers and Duties of the State Disciplinary Review Board**

1305

1306 In accordance with these Rules, the State Disciplinary Review Board shall have the  
1307 following powers and duties:

1308

1309 (a) To review reports of Special Masters, and to recommend to the Supreme Court of  
1310 Georgia the imposition of punishment and discipline or dismissal of the complaint;

1311

1312 (b) To adopt forms for notices and any other written instruments necessary or  
1313 desirable under these Rules; and

1314

1315 (c) To prescribe its own rules of conduct and procedure.

#### 1316 **Rule 4-216. Proceedings Before the State Disciplinary Review Board**

1317

1318 (a) Upon receipt of the record and exceptions to the report of the Special Master  
1319 pursuant to Rule 4-214, the State Disciplinary Review Board shall consider the record, review  
1320 findings of fact and conclusions of law, and determine whether a recommendation of disciplinary

1321 action will be made to the Supreme Court of Georgia and the nature of such recommended  
1322 discipline. The findings of fact made by a Special Master may be reversed if the State  
1323 Disciplinary Review Board finds them to be clearly erroneous or manifestly in error.  
1324 Conclusions of law and determinations of appropriate sanctions shall be reviewed de novo.

1325

1326 (b) The respondent shall have the right to challenge the competency, qualifications,  
1327 or objectivity of any member of the State Disciplinary Review Board considering the case under  
1328 a procedure as provided for in the rules of the State Disciplinary Review Board.

1329

1330 (c) There shall be no de novo hearing before the State Disciplinary Review Board.

1331

1332 (d) The State Disciplinary Review Board may consider exceptions to the report of the  
1333 Special Master and may in its discretion grant oral argument if requested by any party within 15  
1334 days of transmission of the record and exceptions to the State Disciplinary Review Board.  
1335 Exceptions and briefs shall be filed with the Clerk of the State Disciplinary Boards, in  
1336 accordance with Rule 4-214. The responding party shall have 30 days after service of the  
1337 exceptions within which to respond.

1338

1339 (f) Within 90 days after receipt of the record including any exceptions to the report of  
1340 the Special Master and responses thereto the State Disciplinary Review Board shall file its report  
1341 with the Clerk of the State Disciplinary Boards. The 90-day deadline may be extended by  
1342 agreement of the parties or with the consent of the Chair of the State Disciplinary Review Board  
1343 for good cause shown. A copy of the State Disciplinary Review Board's report shall be served  
1344 upon the respondent and the Clerk shall file the record in the case with the Supreme Court of  
1345 Georgia within 10 days after the report is filed. If no report is filed by the State Disciplinary  
1346 Review Board within 90 days of receipt by it of the record and no extension is granted, the Clerk  
1347 shall file the original record in the case with the Clerk of the Supreme Court of Georgia and the  
1348 case shall be considered by the Court on the record.

1349 **Rule 4-217. Reserved.**

1350 **Rule 4-218. Judgments**

1351

1352 After the Special Master's report and any report of the State Disciplinary Review Board  
1353 is filed with the Supreme Court of Georgia, the respondent and the State Bar of Georgia may file  
1354 with the Court any written exceptions, supported by written argument, each may have to the  
1355 reports. All such exceptions shall be filed with the Court within 30 days of the date that the  
1356 record is filed with the Court and a copy served upon the opposing party. The responding party  
1357 shall have an additional 30 days to file a response with the Court. The Court may grant oral  
1358 argument on any exception filed with it upon application for such argument by a party to the  
1359 disciplinary proceedings. The Court will promptly consider the report of the Special Master, any  
1360 report of the State Disciplinary Review Board, any exceptions, and any responses filed by any  
1361 party to such exceptions, and enter judgment upon the formal complaint. A copy of the Court's  
1362 judgment shall be transmitted to the State Bar of Georgia and the respondent by the Court.

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**Rule 4-219. Publication and Protective Orders**

(a) In cases in which a lawyer is publicly reprimanded, suspended, disbarred, or voluntarily surrenders his or her license, the Office of the General Counsel shall publish in a local newspaper or newspapers and on the official State Bar of Georgia website, notice of the discipline, including the respondent's full name and business address, the nature of the discipline imposed and the effective dates.

(b)

(1) After a final judgment of disbarment or suspension, including a disbarment or suspension on a Notice of Discipline, the respondent shall immediately cease the practice of law in Georgia and shall, within 30 days, notify all clients of his inability to represent them and of the necessity for promptly retaining new counsel, and shall take all actions necessary to protect the interests of his clients. Within 45 days after a final judgment of disbarment or suspension, the respondent shall certify to the Court that he has satisfied the requirements of this Rule. Should the respondent fail to comply with the requirements of this Rule, the Supreme Court of Georgia, upon its own motion or upon motion of the Office of the General Counsel, and after ten days' notice to the respondent and proof of his failure to notify or protect his clients, may hold the respondent in contempt and, pursuant to Rule 4-228, order that a member or members of the State Bar of Georgia take charge of the files and records of the respondent and proceed to notify all clients and to take such steps as seem indicated to protect their interests. Motions for reconsideration may be taken from the issuance or denial of such protective order by either the respondent or by the State Bar of Georgia.

(2) After a final judgment of disbarment or suspension under Part IV of these Rules the respondent shall take such action necessary to cause the removal of any indicia of the respondent as a lawyer, legal assistant, legal clerk or person with similar status. In the event the respondent should maintain a presence in an office where the practice of law is conducted, the respondent shall not represent himself or herself as a lawyer or person with similar status and shall not provide any legal advice to clients of the law office.

**Rule 4-220. Notice of Punishment or Acquittal; Administration of Reprimands**

(a) Upon a final judgment of disbarment or suspension, notice of the action taken shall be given by the Office of the General Counsel of the State Bar of Georgia to the clerks of all courts of record in this State and to the Membership Department of the State Bar of Georgia, and the name of the respondent in question shall be stricken from the rolls of said courts and from the rolls of the State Bar of Georgia for the prescribed period.

(b) Public Reprimands shall be prepared by the Office of the General Counsel based upon the record in the case. They shall be read in open court in the presence of the respondent by the judge of the Superior Court in the county in which the respondent resides or the county in

1409 which the disciplinary infraction occurred, with the location to be specified by the Special  
1410 Master subject to the approval of the Supreme Court of Georgia. Notice of issuance of the  
1411 reprimand shall be published in advance in the legal organ of the county of the respondent's  
1412 address as shown on the Membership Records of the State Bar of Georgia, and provided to the  
1413 complainant in the underlying case.

1414

1415 (c) After a Public Reprimand has been administered, a certificate reciting the fact of  
1416 the administration of the reprimand and the date of its administration shall be filed with the  
1417 Supreme Court of Georgia. There shall be attached to such certificate a copy of the reprimand.  
1418 Both the certificate and the copy of the reprimand shall become a part of the record in the  
1419 disciplinary proceeding.

1420

1421 (d) In the event of a final judgment in favor of the respondent, the State Bar of  
1422 Georgia shall, if directed by the respondent, give notice thereof to the clerk of the superior court  
1423 of the county in which the respondent resides.

1424

#### 1425 **Rule 4-221. Hearing Procedures**

1426

1427 (a) Oaths. Before entering upon their duties as herein provided, each member of the  
1428 State Disciplinary Board, each member of the State Disciplinary Review Board, and each Special  
1429 Master shall swear or affirm to the following oath by signing a copy and returning it to the Clerk  
1430 of the Boards or to the Clerk of the Supreme Court of Georgia, as appropriate.

1431

1432 "I do solemnly swear or affirm that I will faithfully and impartially discharge and perform  
1433 all of the duties incumbent upon me as a member of the State Disciplinary Board of the  
1434 State Bar of Georgia/member of the State Disciplinary Review Board of the State Bar of  
1435 Georgia/Special Master according to the best of my ability and understanding and  
1436 agreeable to the laws and Constitution of this State and the Constitution of the United  
1437 States."

1438

1439 The Clerk of the Boards shall file the completed Oaths of Board members and the Clerk of the  
1440 Supreme Court of Georgia shall file the completed Oaths of Special Masters.

1441

1442 (b) Pleadings and Copies. Original pleadings shall be filed with the Clerk of the  
1443 Boards at the headquarters of the State Bar of Georgia and copies served upon the Special Master  
1444 and all parties to the disciplinary proceeding. Depositions and other original discovery shall be  
1445 retained by counsel and shall not be filed except as permitted under the Uniform Superior Court  
1446 Rules.

1447

1448 (c) Witnesses and Evidence; Contempt.

1449

1450 (1) The respondent and the State Bar of Georgia shall have the right to require  
1451 the issuance of subpoenas for the attendance of witnesses to testify or to produce books  
1452 and papers. The Special Master shall have power to compel the attendance of witnesses  
1453 and the production of books, papers, and documents, relevant to the matter under

1454 investigation, by subpoena, and as further provided by law in civil cases under the laws  
1455 of Georgia.

1456

1457 (2) The following shall subject a person to rule for contempt of the Special  
1458 Master or State Disciplinary Board:

1459

1460 (i) disregard, in any manner whatever, of a subpoena issued pursuant  
1461 to Rules 4-203 (i), 4-210 (h) or 4-221 (c) (1),

1462

1463 (ii) refusal to answer any pertinent or proper question of a Special  
1464 Master, or

1465

1466 (iii) willful or flagrant violation of a lawful directive of a Special  
1467 Master.

1468

1469 It shall be the duty of the Chair of the State Disciplinary Board or Special Master to report the  
1470 facts supporting contempt to the Chief Judge of the superior court in and for the county in which  
1471 the investigation, trial or hearing is being held. The superior court shall have jurisdiction of the  
1472 matter and shall follow the procedures for contempt as are applicable in the case of a witness  
1473 subpoenaed to appear and give evidence on the trial of a civil case before the superior court  
1474 under the laws in Georgia.

1475

1476 (3) Any Special Master shall have power to administer oaths and affirmations  
1477 and to issue any subpoena herein provided for.

1478

1479 (4) Depositions may be taken by the respondent or the State Bar of Georgia in  
1480 the same manner and under the same provisions as may be done in civil cases under the  
1481 laws of Georgia, and such depositions may be used upon the trial or an investigation or  
1482 hearing in the same manner as such depositions may be used in civil cases under the laws  
1483 of Georgia.

1484

1485 (5) All witnesses attending any hearing provided for under these Rules shall  
1486 be entitled to the same fees as now are allowed by law to witnesses attending trials in  
1487 civil cases in the superior courts of this State under subpoena.

1488

1489 (d) Venue of Hearings.

1490

1491 (1) The hearings on all complaints and charges against a resident respondent  
1492 shall be held in the county of the respondent's main office or the county of residence of  
1493 the respondent unless he otherwise agrees.

1494

1495 (2) Where the respondent is a nonresident of the State of Georgia and the  
1496 complaint arose in the State of Georgia, the hearing shall be held in the county where the  
1497 complaint arose.

1498

1499 (3) When the respondent is a nonresident of the State of Georgia and the  
1500 offense occurs outside the State, the hearing may be held in the county of the State Bar of  
1501 Georgia headquarters.  
1502

1503 **Rule 4-221.1 Confidentiality of Investigations and Proceedings.**  
1504

1505 (a) The State Bar of Georgia shall maintain as confidential all disciplinary  
1506 investigations and proceedings pending at the screening or investigative stage, unless otherwise  
1507 provided by these Rules.  
1508

1509 (b) After a proceeding under these Rules is filed with the Supreme Court of Georgia  
1510 all evidentiary and motions hearings shall be open to the public and all documents and pleadings  
1511 filed of record shall be public documents, unless the Special Master orders otherwise.  
1512

1513 (c) Nothing in these Rules shall prohibit the complainant, respondent or third party  
1514 from disclosing information regarding a disciplinary proceeding, unless otherwise ordered by the  
1515 Supreme Court of Georgia or a Special Master in proceedings under these Rules.  
1516

1517 (d) The Office of the General Counsel of the State Bar of Georgia or the State  
1518 Disciplinary Board may reveal or authorize disclosure of information which would otherwise be  
1519 confidential under this Rule under the following circumstances:  
1520

1521 (1) In the event of a charge of wrongful conduct against any member of the  
1522 State Disciplinary Board, the State Disciplinary Review Board, or any person who is  
1523 otherwise connected with the disciplinary proceeding in any way, the State Disciplinary  
1524 Board or its Chair or his or her designee, may authorize the use of information  
1525 concerning disciplinary investigations or proceedings to aid in the defense against such  
1526 charge.  
1527

1528 (2) In the event the Office of the General Counsel receives information that  
1529 suggests criminal activity, such information may be revealed to the appropriate criminal  
1530 prosecutor.  
1531

1532 (3) In the event of subsequent disciplinary proceedings against a lawyer, the  
1533 Office of the General Counsel may, in aggravation of discipline in the pending  
1534 disciplinary case, reveal the imposition of confidential discipline under Rules 4-205 to 4-  
1535 208 and facts underlying the imposition of discipline.  
1536

1537 (4) A complainant and/or lawyer representing the complainant shall be  
1538 notified of the status or disposition of the complaint.  
1539

1540 (5) When public statements that are false or misleading are made about any  
1541 otherwise confidential disciplinary case, the Office of the General Counsel may disclose  
1542 all information necessary to correct such false or misleading statements.  
1543



1544 (e) The Office of the General Counsel may reveal confidential information to the  
1545 following persons if it appears that the information may assist them in the discharge of their  
1546 duties:  
1547  
1548 (1) The Committee on the Arbitration of Attorney Fee Disputes or the  
1549 comparable body in other jurisdictions;  
1550  
1551 (2) The Trustees of the Clients' Security Fund or the comparable body in  
1552 other jurisdictions;  
1553  
1554 (3) The Judicial Nominating Commission or the comparable body in other  
1555 jurisdictions;  
1556  
1557 (4) The Lawyer Assistance Program or the comparable body in other  
1558 jurisdictions;  
1559  
1560 (5) The Board to Determine Fitness of Bar Applicants or the comparable body  
1561 in other jurisdictions;  
1562  
1563 (6) The Judicial Qualifications Commission or the comparable body in other  
1564 jurisdictions;  
1565  
1566 (7) The Executive Committee with the specific approval of the following  
1567 representatives of the State Disciplinary Board: the Chair, the Vice-chair and a third  
1568 representative designated by the Chair;  
1569  
1570 (8) The Formal Advisory Opinion Board;  
1571  
1572 (9) The Consumer Assistance Program;  
1573  
1574 (10) The General Counsel Overview Committee;  
1575  
1576 (11) An office or committee charged with discipline appointed by the United  
1577 States Circuit or District Court or the highest court of any state, District of Columbia,  
1578 commonwealth or possession of the United States; and  
1579  
1580 (12) The Unlicensed Practice of Law Department.  
1581  
1582 (f) Any information used by the Office of the General Counsel in a proceeding under  
1583 Rule 4-108 or in a proceeding to obtain a receiver to administer the files of a lawyer, shall not be  
1584 confidential under this Rule.  
1585  
1586 (g) The Office of the General Counsel may reveal confidential information when  
1587 required by law or court order.  
1588

1589 (h) The authority or discretion to reveal confidential information under this Rule shall  
1590 not constitute a waiver of any evidentiary, statutory or other privilege which may be asserted by  
1591 the State Bar of Georgia or the State Disciplinary Board under Bar Rules or applicable law.  
1592

1593 (i) Nothing in this Rule shall prohibit the Office of the General Counsel or the State  
1594 Disciplinary Board from interviewing potential witnesses or placing the Notice of Investigation  
1595 out for service by sheriff or other authorized person.  
1596

1597 (j) Members of the Office of the General Counsel and State Disciplinary Board may  
1598 respond to specific inquiries concerning matters that have been made public by the complainant,  
1599 respondent or third parties but are otherwise confidential under these Rules by acknowledging  
1600 the existence and status of the proceeding.  
1601

1602 (k) The State Bar of Georgia shall not disclose information concerning discipline  
1603 imposed on a lawyer under prior Supreme Court of Georgia Rules that was confidential when  
1604 imposed, unless authorized to do so by said prior Rules  
1605

1606 **Rule 4-221.2. Burden of Proof; Evidence**  
1607

1608 (a) In all proceedings under this Chapter the burden of proof shall be on the State Bar  
1609 of Georgia, except for proceedings under Rule 4-106.  
1610

1611 (b) In all proceedings under this chapter occurring after a finding of probable cause as  
1612 described in Rule 4-204.4, the procedures and rules of evidence applicable in civil cases under  
1613 the laws of Georgia shall apply, except that the quantum of proof required of the State Bar shall  
1614 be clear and convincing evidence.  
1615

1616 **Rule 4-221.3. Pleadings and Communications Privileged**  
1617

1618 Pleadings and oral and written statements of members of the Boards, members and  
1619 designees of the Lawyer Assistance Program, Special Masters, Bar counsel and investigators,  
1620 complainants, witnesses, and respondents and their counsel made to one another or filed in the  
1621 record during any investigation, intervention, hearing or other disciplinary proceeding under this  
1622 Part IV, and pertinent to the disciplinary proceeding, are made in performance of a legal and  
1623 public duty, are absolutely privileged, and under no circumstances form the basis for a right of  
1624 action.  
1625

1626 **Rule 4-222. Limitation**  
1627

1628 (a) No proceeding under Part IV, Chapter 2, shall be brought unless a Memorandum  
1629 of Grievance has been received at the State Bar of Georgia headquarters or instituted pursuant to  
1630 these Rules within four years after the commission of the act ; provided, however, this limitation  
1631 shall be tolled during any period of time, not to exceed two years, that the offender or the offense  
1632 is unknown, the offender's whereabouts are unknown, or the offender's name is removed from  
1633 the roll of those authorized to practice law in this State.  
1634

1635 (b) Referral of a matter to the State Disciplinary Board by the Office of the General  
1636 Counsel shall occur within 12 months of the receipt of the Memorandum of Grievance at the  
1637 State Bar of Georgia headquarters or institution of an investigation.  
1638

1639 **Rule 4-224. Expungement of Records**  
1640

1641 (a) The record of any grievance against a respondent under these Rules which does  
1642 not result in discipline against the respondent shall be expunged by the Office of the General  
1643 Counsel in accordance with the following:

1644 (1) those grievances closed by the Office of the General Counsel after  
1645 screening pursuant to Rule 4-202(e) shall be expunged after one year;

1646 (2) those grievances dismissed by the State Disciplinary Board after a  
1647 probable cause investigation pursuant to Rule 4-204 (a) shall be expunged after two  
1648 years; and  
1649

1650 (3) those complaints dismissed by the Supreme Court of Georgia after formal  
1651 proceedings shall be expunged after two years.  
1652

1653 (b) Definition. The term “expunge” shall mean that all records or other evidence of  
1654 the existence of the complaint shall be destroyed.  
1655

1656 (c) Effect of Expungement. After a file has been expunged, any response to an  
1657 inquiry requiring a reference to the matter shall state that any record of such matter has been  
1658 expunged and, in addition, shall state that no inference adverse to the respondent is to be drawn  
1659 on the basis of the incident in question. The respondent may answer any inquiry requiring a  
1660 reference to an expunged matter by stating that the grievance or formal complaint was dismissed  
1661 and thereafter expunged.  
1662

1663 (d) Retention of Records. Upon application to the State Disciplinary Board by the  
1664 Office of the General Counsel, for good cause shown, with notice to the respondent and an  
1665 opportunity to be heard, records which would otherwise be expunged under this Rule may be  
1666 retained for such additional period of time not exceeding three years as the Board deems  
1667 appropriate. Counsel may seek a further extension of the period for which retention of the  
1668 records is authorized whenever a previous application has been granted for the maximum period  
1669 permitted hereunder.  
1670

1671 (e) A lawyer may respond in the negative when asked if there are any complaints  
1672 against the lawyer if the matter has been expunged pursuant to this Rule. Before making a  
1673 negative response to any such inquiry, the lawyer shall confirm that the record was expunged and  
1674 shall not presume that any matter has been expunged.  
1675

1676 (f) A lawyer may respond in the negative when asked if he has ever been  
1677 professionally disciplined or determined to have violated any professional disciplinary rules if all  
1678  
1679

1680 grievances filed against the lawyer have either been referred to the Consumer Assistance  
1681 Program, dismissed or dismissed with a letter of instruction.

1682

1683 **Rule 4-226. Immunity**

1684

1685 The regulatory proceedings of the State Bar of Georgia are judicial in nature. Therefore,  
1686 members of the State Disciplinary Boards, the Coordinating special master, special masters, Bar  
1687 counsel, special prosecutors, investigators and staff are entitled to judicial immunity when  
1688 engaged in regulatory activities.

1689

1690 **Rule 4-227. Petitions for Voluntary Discipline**

1691

1692 (a) A petition for voluntary discipline shall contain admissions of fact and admissions  
1693 of conduct in violation of Part IV, Chapter 1 of these Rules sufficient to authorize the imposition  
1694 of discipline.

1695

1696 (b) Prior to the issuance of a formal complaint, a respondent may submit a petition  
1697 for voluntary discipline seeking any level of discipline authorized under these Rules.

1698

1699 (1) Those petitions seeking confidential discipline shall be served on the  
1700 Office of the General Counsel and assigned to a member of the State Disciplinary Board.  
1701 The State Disciplinary Board shall conduct an investigation and determine whether to  
1702 accept or reject the petition as outlined at Rule 4-203 (g).

1703

1704 (2) Those petitions seeking public discipline shall be filed directly with the  
1705 Clerk of the Supreme Court of Georgia. The Office of the General Counsel shall have 30  
1706 days within which to file a response. The Court shall issue an appropriate order.

1707

1708 (c) After the issuance of a formal complaint a respondent may submit a petition for  
1709 voluntary discipline seeking any level of discipline authorized under these Rules.

1710

1711 (1) The petition shall be filed with the Clerk of the State Disciplinary Boards  
1712 at the headquarters of the State Bar of Georgia and copies served upon the Special Master  
1713 and all parties to the disciplinary proceeding. The Special Master shall allow Bar counsel  
1714 30 days within which to respond. The Office of the General Counsel may assent to the  
1715 petition or may file a response, stating objections and giving the reasons therefore. The  
1716 Office of the General Counsel shall serve a copy of its response upon the respondent.

1717

1718 (2) The Special Master shall consider the petition, the State Bar of Georgia's  
1719 response, and the record as it then exists and may accept or reject the petition for  
1720 voluntary discipline.

1721

1722 (3) The Special Master may reject a petition for such cause or causes as seem  
1723 appropriate to the Special Master. Such causes may include but are not limited to a  
1724 finding that:

1725

- 1726 (i) the petition fails to contain admissions of fact and admissions of  
1727 conduct in violation of Part IV, Chapter 1 of these Rules sufficient  
1728 to authorize the imposition of discipline;  
1729  
1730 (ii) the petition fails to request appropriate discipline;  
1731  
1732 (iii) the petition fails to contain sufficient information concerning the  
1733 admissions of fact and the admissions of conduct;  
1734  
1735 (iv) the record in the proceeding does not contain sufficient  
1736 information upon which to base a decision to accept or reject.  
1737

1738 (4) The Special Master's decision to reject a petition for voluntary discipline  
1739 does not preclude the filing of a subsequent petition and is not subject to review by the  
1740 Supreme Court of Georgia. If the Special Master rejects a petition for voluntary  
1741 discipline, the disciplinary case shall proceed as provided by these Rules.  
1742

1743 (5) The Special Master may accept the petition for voluntary discipline by  
1744 entering a report making findings of fact and conclusions of law and delivering same to  
1745 the Clerk of the State Disciplinary Boards. The Clerk of the State Disciplinary Boards  
1746 shall file the report and the complete record in the disciplinary proceeding with the Clerk  
1747 of the Supreme Court of Georgia. A copy of the Special Master's report shall be served  
1748 upon the respondent. The Court shall issue an appropriate order.  
1749

1750 (6) Pursuant to Rule 4-210 (5), the Special Master may, in his or her  
1751 discretion, extend any of the time limits in these Rules in order to adequately consider a  
1752 petition for voluntary discipline.  
1753

1754 **Rule 4-228. Receiverships**

1755 (a) Definitions

1756 Absent Lawyer – a member of the State Bar of Georgia (or a foreign or domestic lawyer  
1757 authorized to practice law in Georgia) who has disappeared, died, been disbarred, disciplined or  
1758 incarcerated, become so impaired as to be unable to properly represent clients, or who poses such  
1759 a substantial threat of harm to clients or the public that it is necessary for the Supreme Court of  
1760 Georgia to appoint a receiver.  
1761

1762 (b) Appointment of Receiver

1763 (1) Upon a final determination by the Supreme Court of Georgia, on a petition  
1764 filed by the State Bar of Georgia, that a lawyer has become an absent lawyer, and that no  
1765 partner, associate or other appropriate representative is available to notify his or her  
1766 clients of this fact, the Supreme Court of Georgia may order that a member or members  
1767 of the State Bar of Georgia be appointed as receiver to take charge of the absent lawyer's  
1768 files and records. Such receiver shall review the files, notify the absent lawyer's clients  
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and take such steps as seem indicated to protect the interests of the clients and the public. A motion for reconsideration may be taken from the issuance or denial of such protective order by the respondent, his or her partners, associates or legal representatives or by the State Bar of Georgia.

(2) If the receiver should encounter, or anticipate, situations or issues not covered by the order of appointment, including but not limited to, those concerning proper procedure and scope of authority, the receiver may petition the Supreme Court of Georgia or its designee for such further order or orders as may be necessary or appropriate to address the situation or issue so encountered or anticipated.

(3) The receiver shall be entitled to release to each client the papers, money or other property to which the client is entitled. Before releasing the property, the receiver may require a receipt from the client for the property.

(c) Applicability of Lawyer-Client Rules

(1) Confidentiality – The receiver shall not be permitted to disclose any information contained in the files and records in his or her care without the consent of the client to whom such file or record relates, except as clearly necessary to carry out the order of the Supreme Court of Georgia or, upon application, by order of the Supreme Court of Georgia.

(2) Lawyer-Client Relationship; Privilege – The receiver relationship standing alone does not create a lawyer-client relationship between the receiver and the clients of the absent lawyer. However, the lawyer-client privilege shall apply to communications by or between the receiver and the clients of the absent lawyer to the same extent as it would have applied to communications by or to the absent lawyer.

(d) Trust Account

(1) If after appointment the receiver should determine that the absent lawyer maintained one or more trust accounts and that there are no provisions extant that would allow the clients, or other appropriate entities, to receive from the accounts the funds to which they are entitled, the receiver may petition the Supreme Court of Georgia or its designee for an order extending the scope of the receivership to include the management of the said trust account or accounts. In the event the scope of the receivership is extended to include the management of the trust account or accounts, the receiver shall file quarterly with the Supreme Court of Georgia or its designee a report showing the activity in and status of said accounts.

(2) Service on a bank or financial institution of a copy of the order extending the scope of the receivership to include management of the trust account or accounts shall operate as a modification of any agreement of deposit among such bank or financial institution, the absent lawyer and any other party to the account so as to make the receiver a necessary signatory on any trust account maintained by the absent lawyer with

1818 such bank or financial institution. The Supreme Court of Georgia or its designee, on  
1819 application by the receiver, may order that the receiver shall be sole signatory on any  
1820 such account to the extent necessary for the purposes of these Rules and may direct the  
1821 disposition and distribution of client and other funds.  
1822

1823 (3) In determining ownership of funds in the trust accounts, including by  
1824 subrogation or indemnification, the receiver should act as a reasonably prudent lawyer  
1825 maintaining a client trust account. The receiver may (1) rely on a certification of  
1826 ownership issued by an auditor employed by the receiver; or (2) interplead any funds of  
1827 questionable ownership into the appropriate Superior Court; or (3) proceed under the  
1828 terms of the Disposition of Unclaimed Property Act (O.G.C.A. §44-12-190 et seq.). If the  
1829 absent lawyer's trust account does not contain sufficient funds to meet known client  
1830 balances, the receiver may disburse funds on a pro rata basis.  
1831

1832 (e) Payment of Expenses of Receiver  
1833

1834 (1) The receiver shall be entitled to reimbursement for actual and reasonable  
1835 costs incurred by the receiver for expenses, including, but not limited to, (i) the actual and  
1836 reasonable costs associated with the employment of accountants, auditors and  
1837 bookkeepers as necessary to determine the source and ownership of funds held in the  
1838 absent lawyer's trust account, and (ii) reasonable costs of secretarial, postage, bond  
1839 premiums, and moving and storage expenses associated with carrying out the receiver's  
1840 duties. Application for allowance of costs and expenses shall be made by affidavit to the  
1841 Supreme Court of Georgia, or its designee, who may determine the amount of the  
1842 reimbursement. The application shall be accompanied by an accounting in a form and  
1843 substance acceptable to the Supreme Court of Georgia or its designee. The amount of  
1844 reimbursement as determined by the Supreme Court of Georgia or its designee shall be  
1845 paid to the receiver by the State Bar of Georgia. The State Bar of Georgia may seek from  
1846 a court of competent jurisdiction a judgment against the absent lawyer or his or her estate  
1847 in an amount equal to the amount paid by the State Bar of Georgia to the receiver. The  
1848 amount of reimbursement as determined by the Supreme Court of Georgia or its designee  
1849 shall be considered as prima facie evidence of the fairness of the amount, and the burden  
1850 of proof shall shift to the absent lawyer or his or her estate to prove otherwise.  
1851

1852 (2) The provision of paragraph (1) above shall apply to all receivers serving  
1853 on the effective date of this Rule and thereafter.  
1854

1855 (f) Receiver-Client Relationship  
1856

1857 With full disclosure and the informed consent, as defined in Rule 1.0 (i), of any client of  
1858 the absent lawyer, the receiver may, but need not, accept employment to complete any legal  
1859 matter. Any written consent by the client shall include an acknowledgment that the client is not  
1860 obligated to use the receiver.  
1861

1862 (g) Unclaimed Files  
1863

1864 (1) If upon completion of the Receivership there are files belonging to the  
1865 clients of the absent lawyer that have not been claimed, the receiver shall deliver them to  
1866 the State Bar of Georgia. The State Bar of Georgia shall store the files for six years, after  
1867 which time the State Bar of Georgia may exercise its discretion in maintaining or  
1868 destroying the files.

1869  
1870 (2) If the receiver determines that an unclaimed file contains a Last Will and  
1871 Testament, the receiver may, but shall not be required to do so, file said Last Will and  
1872 Testament in the office of the Probate Court in such county as to the receiver may seem  
1873 appropriate.

1874  
1875 (h) Professional Liability Insurance

1876  
1877 Only lawyers who maintain errors and omissions insurance, or other appropriate  
1878 insurance, may be appointed to the position of receiver.

1879  
1880 (i) Requirement of Bond

1881  
1882 The Supreme Court of Georgia or its designee may require the receiver to post bond  
1883 conditioned upon the faithful performance of his or her duties.

1884  
1885 (j) Immunity

1886  
1887 (1) The Supreme Court of Georgia recognizes the actions of the State Bar of  
1888 Georgia and the appointed receiver to be within the court's judicial and regulatory  
1889 functions, and being regulatory and judicial in nature, the State Bar of Georgia and  
1890 receiver are entitled to judicial immunity. Any person serving as a receiver under these  
1891 rules shall be immune from suit for any conduct undertaken in good faith in the course of  
1892 his or her official duties.

1893  
1894 (2) The immunity granted in paragraph (1) above shall not apply if the  
1895 Receiver is employed by a client of the absent lawyer to continue the representation.

1896  
1897 (k) Service

1898  
1899 Service under this Rule may be perfected under Rule 4-203.1.



1 **RULE 1.0. TERMINOLOGY**

2  
3 \_\_\_\_\_ (a) ~~“~~ “Belief” or ~~“~~ “believes” denotes that the person involved actually thought the  
4 fact in question to be true. A ~~person’s~~ person’s belief may be inferred from the circumstances.

5  
6 \_\_\_\_\_ (b) ~~“~~ “Confirmed in writing” when used in reference to the informed consent of a  
7 person, denotes informed consent that is given in writing by the person, or a writing that a lawyer  
8 promptly transmits to the person confirming an oral informed consent. See paragraph (h) for the  
9 definition of ~~“~~ “informed consent”. If it is not feasible to obtain or transmit the writing at the  
10 time the person gives informed consent, then the lawyer must obtain or transmit it within a  
11 reasonable time thereafter.

12  
13 \_\_\_\_\_ (c) ~~“~~ “Consult” or ~~“~~ “consultation” denotes communication of information reasonably  
14 sufficient to permit the client to appreciate the significance of the matter in question.

15 ~~(d) “Domestic Lawyer”~~

16 \_\_\_\_\_ (d) “Conviction” or “convicted” denotes any of the following accepted by a court,  
17 whether or not a sentence has been imposed:

18 \_\_\_\_\_ (1) A guilty plea;

19 \_\_\_\_\_ (2) A plea of nolo contendere;

20 \_\_\_\_\_ (3) A verdict of guilty;

21 \_\_\_\_\_ (4) A verdict of guilty but mentally ill; or

22 \_\_\_\_\_ (5) Imposition of first offender treatment.

23  
24  
25  
26  
27  
28  
29 \_\_\_\_\_ (e) “Domestic Lawyer” denotes a person authorized to practice law by the duly  
30 constituted and authorized governmental body of any State or Territory of the United States or  
31 the District of Columbia but not authorized by the Supreme Court of Georgia or its Rules to  
32 practice law in the State of Georgia.

33 ~~(e) “~~

34 \_\_\_\_\_ (f) “Firm” or ~~“~~ “law firm” denotes a lawyer or lawyers in a private firm, law  
35 partnership, professional corporation, sole proprietorship or other association authorized to  
36 practice law pursuant to ~~Bar~~ Rule 1-203(4)(d); or lawyers employed in a legal services  
37 organization or the legal department of a corporation or other organization.

38 ~~(f) “~~

39 \_\_\_\_\_ (g) “Foreign Lawyer” denotes a person authorized to practice law by the duly  
40 constituted and authorized governmental body of any foreign nation but not authorized by the  
41 Supreme Court of Georgia or its Rules to practice law in the State of Georgia.

42 ~~(g) “~~

43 \_\_\_\_\_ (h) “Fraud” or ~~“~~ “fraudulent” denotes conduct that is fraudulent under the  
44 substantive or procedural law of the applicable jurisdiction and has a purpose to deceive; not  
45 merely negligent misrepresentation or failure to apprise another of relevant information.

46 ~~(h) “~~

47 |       (i)       "Informed consent<sup>22</sup>" denotes the agreement by a person to a proposed course of  
48 | conduct after the lawyer has communicated adequate information and explanation about the  
49 | material risks of and reasonably available alternatives to the proposed course of conduct.  
50 | ~~(i)~~<sup>44</sup>

51 |       (j)       "Knowingly," <sup>44</sup> "known," or <sup>44</sup> "knows<sup>22</sup>" denotes actual knowledge of the fact  
52 | in question. A ~~person's~~ person's knowledge may be inferred from the circumstances.  
53 | ~~(j)~~<sup>44</sup>

54 |       (k)       "Lawyer<sup>22</sup>" denotes a person authorized by the Supreme Court of Georgia or its  
55 | Rules to practice law in the State of Georgia; including persons admitted to practice in this state  
56 | pro hac vice.  
57 | ~~(k)~~<sup>44</sup>

58 |       (l)       "Nonlawyer<sup>22</sup>" denotes a person not authorized to practice law by either the:  
59 |  
60 |       (1)- Supreme Court of Georgia or its Rules (including pro hac vice admission),  
61 | or  
62 |  
63 |       (2)- duly constituted and authorized governmental body of any other State or  
64 | Territory of the United States, or the District of Columbia, or  
65 |  
66 |       (3)- duly constituted and authorized governmental body of any foreign nation.  
67 | ~~(l)~~<sup>44</sup>

68 |       (m)       "Partner<sup>22</sup>" denotes a member of a partnership, a shareholder in a law firm  
69 | organized pursuant to ~~Bar~~ Rule 1-203(4), or a member of an association authorized to practice  
70 | law.  
71 | ~~(m)~~<sup>44</sup>

72 |       (n)       "Reasonable<sup>22</sup>" or <sup>44</sup> "reasonably<sup>22</sup>" when used in relation to conduct by a lawyer  
73 | denotes the conduct of a reasonably prudent and competent lawyer.  
74 | ~~(n)~~<sup>44</sup>

75 |       (o)       "Reasonable belief<sup>22</sup>" or <sup>44</sup> "reasonably believes<sup>22</sup>" when used in reference to a  
76 | lawyer denotes that the lawyer believes the matter in question and that the circumstances are  
77 | such that the belief is reasonable.  
78 | ~~(o)~~<sup>44</sup>

79 |       (p)       "Reasonably should know<sup>22</sup>" when used in reference to a lawyer denotes that a  
80 | lawyer of reasonable prudence and competence would ascertain the matter in question.  
81 | ~~(p)~~<sup>44</sup>

82 |       (q)       "Respondent" denotes a person whose conduct is the subject of any disciplinary  
83 | investigation or proceeding.  
84 |

85 |       (r)       "Screened<sup>22</sup>" denotes the isolation of a lawyer from any participation in a matter  
86 | through the timely imposition of procedures within a firm that are reasonably adequate under the  
87 | circumstances to protect information that the isolated lawyer is obligated to protect under these  
88 | Rules or other law.  
89 | ~~(q)~~<sup>44</sup>

90 |       (s)       "Substantial<sup>22</sup>" when used in reference to degree or extent denotes a material  
91 | matter of clear and weighty importance.  
92 | ~~(s)~~<sup>44</sup>

93 |        (t) "Tribunal" denotes a court, an arbitrator in an arbitration proceeding or a  
94 | legislative body, administrative agency or other body acting in an adjudicative capacity. A  
95 | legislative body, administrative agency or other body acts in an adjudicative capacity when a  
96 | neutral official, after the presentation of evidence or legal argument by a party or parties, will  
97 | render a legal judgment directly affecting a ~~party's~~party's interests in a particular matter.

98 | ~~(s)~~  
99 |        (u) "Writing" or "written" denotes a tangible or electronic record of a  
100 | communication or representation, including handwriting, typewriting, printing, photostating,  
101 | photography, audio or ~~videorecording~~video recording and e-mail. A "signed" writing includes  
102 | an electronic sound, symbol or process attached to or logically associated with a writing and  
103 | executed or adopted by a person with the intent to sign the writing.

104 |  
105 | **Rule 4-102. Disciplinary Action; Levels of Discipline; Georgia Rules of Professional**  
106 | **Conduct.**

107 |  
108 |        (a)        The Rules of Professional Conduct to be observed by the members of the State  
109 | Bar of Georgia and those authorized to practice law in Georgia are set forth herein and any  
110 | violation thereof, ~~any~~ assistance or inducement directed toward another for the purpose of  
111 | producing a violation thereof, ~~or~~ any violation thereof through the acts of another, shall subject  
112 | the offender to disciplinary action as hereinafter provided.

113 |  
114 |        (b)        The levels of discipline are set forth below. The power to administer a more  
115 | severe level of discipline shall include the power to administer the lesser:

116 |  
117 |        (1)        Disbarment: A form of public discipline removing the  
118 | ~~Respondent~~respondent from the practice of law in Georgia. This level of discipline would  
119 | be appropriate in cases of serious misconduct. This level of discipline includes  
120 | publication as provided by Rule 4-219 (b).

121 |  
122 |        (2)        Suspension: A form of public discipline which removes the  
123 | ~~Respondent~~respondent from the practice of law in Georgia for a definite period of time  
124 | or until satisfaction of certain conditions imposed as a part of the suspension. This level  
125 | of discipline would be appropriate in cases that merit more than a public reprimand but  
126 | less than disbarment. This level of discipline includes publication as provided by Rule 4-  
127 | 219 (b).

128 |  
129 |        (3)        Public Reprimand: A form of public discipline which declares the  
130 | ~~Respondent's~~respondent's conduct to have been improper but does not limit the right to  
131 | practice. A public reprimand shall be administered by a judge of a superior court in open  
132 | court. This level of discipline would be appropriate in cases that merit more than a  
133 | ~~Review Panel reprimand~~State Disciplinary Board Reprimand but less than suspension.  
134 | This level of discipline includes publication as provided by Rule 4-219 (b).

135 |  
136 |        (4) ~~Review Panel~~ State Disciplinary Board Reprimand: A form of public  
137 | discipline which declares the ~~Respondent's~~respondent's conduct to have been improper  
138 | but does not limit the right to practice. ~~A Review Panel~~ A State Disciplinary Board

139 Reprimand shall be administered by the ~~Review Panel~~State Disciplinary Board at a  
140 meeting of the ~~Review Panel~~State Disciplinary Board. This level of discipline would be  
141 appropriate in cases that merit more than ~~an Investigative Panel~~ a confidential reprimand  
142 but less than a public reprimand. This level of discipline includes publication as provided  
143 by Rule 4-219 (b).

144  
145 ~~\_\_\_\_\_~~ (5) ~~Investigative Panel Confidential~~ Reprimand: A form of confidential discipline  
146 which declares the ~~Respondent's~~respondent's conduct to have been improper but does not  
147 limit the right to practice. ~~An Investigative Panel~~A Confidential Reprimand shall be  
148 administered by the ~~Investigative Panel~~State Disciplinary Board at a meeting of the  
149 ~~Investigative Panel~~Board. This level of discipline would be appropriate in cases that  
150 merit more than a formal letter of admonition but less than a ~~Review Panel~~State  
151 Disciplinary Board reprimand.

152  
153 ~~\_\_\_\_\_~~ (6)- Formal Letter of Admonition: A form of confidential discipline which  
154 declares the ~~Respondent's~~respondent's conduct to have been improper but does not limit  
155 the right to practice. A formal letter of admonition shall be administered by letter as  
156 provided in Rules 4-205 through 4-208. This level of discipline would be appropriate in  
157 cases that merit the lowest form of discipline.

158  
159 ~~\_\_\_\_\_~~ (c)

160  
161 ~~\_\_\_\_\_~~ (1)- The Supreme Court of Georgia may impose any of the levels of discipline  
162 set forth above following formal proceedings against a ~~Respondent~~respondent; however,  
163 any case where discipline is imposed by the Court is a matter of public record despite the  
164 fact that the level of discipline would have been confidential if imposed by the  
165 ~~Investigative Panel of the~~ State Disciplinary Board.

166  
167 ~~\_\_\_\_\_~~ (2) As provided in Part IV, Chapter 2 of the State Bar Rules, ~~the Investigative~~  
168 ~~Panel of~~ the State Disciplinary Board may impose any of the levels of discipline set forth  
169 above provided that a ~~Respondent~~respondent shall have the right to reject the imposition  
170 of discipline by the ~~Investigative Panel~~Board pursuant to the provisions of Rule 4-208.3;

171  
172 ~~\_\_\_\_\_~~ (d)- The Table of Contents, Preamble, Scope, Terminology and Georgia Rules of  
173 Professional Conduct are as follows:

174  
175 (OMITTED)

176  
177  
178 **(THIS PROPOSAL COVERS CHANGES TO PROCEDURE ONLY. WE HAVE**  
179 **OMITTED MOST OF CHAPTER 1, PART IV—THE RULES OF PROFESSIONAL**  
180 **CONDUCT. RULE 9.4 IS INCLUDED BECAUSE IT DEALS WITH THE PROCEDURE**  
181 **FOR RECIPROCAL DISCIPLINE CASES. THERE ARE NO OTHER CHANGES TO**  
182 **THE SUBSTANTIVE RULES OF PROFESSIONAL CONDUCT.)**

183  
184 **RULE 9.4. JURISDICTION AND RECIPROCAL DISCIPLINE**

185 |  
186 |       (a)- Jurisdiction. Any lawyer admitted to practice law in this jurisdiction, including  
187 | any formerly admitted lawyer with respect to acts committed prior to resignation, suspension,  
188 | disbarment, or removal from practice on any of the grounds provided in Rule 4-104 of the State  
189 | Bar of Georgia, or with respect to acts subsequent thereto which amount to the practice of law or  
190 | constitute a violation of the Georgia Rules of Professional Conduct or any Rules or Code  
191 | subsequently adopted by the court in lieu thereof, and any Domestic or Foreign Lawyer specially  
192 | admitted by a court of this jurisdiction for a particular proceeding and any Domestic or Foreign  
193 | Lawyer who practices law or renders or offers to render any legal services in this jurisdiction, is  
194 | subject to the disciplinary jurisdiction of the State Bar of Georgia State Disciplinary Board.

195 |  
196 |       (b)- Reciprocal Discipline. Upon being suspended or disbarred in another jurisdiction,  
197 | a lawyer admitted to practice in Georgia shall promptly inform the Office of the General Counsel  
198 | of the State Bar of Georgia of the discipline. Upon notification from any source that a lawyer  
199 | within the jurisdiction of the State Bar of Georgia has been suspended or disbarred in another  
200 | jurisdiction, the Office of the General Counsel shall obtain a certified copy of the disciplinary  
201 | order and file it with the Clerk of the State Disciplinary ~~Board~~Boards. Nothing in ~~the~~this Rule  
202 | shall prevent a lawyer suspended or disbarred in another jurisdiction from filing a petition for  
203 | voluntary discipline under Rule 4-227.

204 |  
205 | (1)        Upon receipt of a certified copy of an order demonstrating that a lawyer admitted  
206 | to practice in Georgia has been disbarred or suspended in another jurisdiction, the Clerk  
207 | of the State Disciplinary ~~Board shall docket the matter and forthwith issue a notice directed~~  
208 | ~~to the lawyer containing:~~Boards shall assign the matter a State Disciplinary Board docket  
209 | number. The Office of the General Counsel shall petition the Supreme Court of Georgia  
210 | for the appointment of a Special Master to conduct a show cause hearing.

211 | (i) A copy of the order from the other jurisdiction; and  
212 | (ii) A notice approved by the Review Panel that the lawyer must inform the Office of  
213 | the General Counsel and the Review Panel, within thirty days from service of the notice,  
214 | of any claim by the lawyer predicated upon the grounds set forth in paragraph (b)(3)  
215 | below, that the imposition of the substantially similar discipline in this jurisdiction  
216 | would be unwarranted and the reasons for that claim.

217 | (2) In the event the discipline imposed in the other jurisdiction has been stayed there,  
218 | any reciprocal discipline imposed in this jurisdiction shall be deferred until the stay expires.

219 | (3) Upon the expiration of thirty days from service of the notice pursuant to the provisions of  
220 | paragraph (b)(1), the Review Panel

221 | (2) The petition shall show the date of the disbarment or suspension in the other  
222 | jurisdiction and a copy of the order therefor shall be attached to the petition. The petition  
223 | shall be served upon the respondent pursuant to Rule 4-203.1.

224 |  
225 | (3) Upon receipt of the Petition for Appointment of Special Master, the Clerk of the  
226 | Supreme Court of Georgia shall file the matter in the records of the court, shall give the  
227 | matter a Supreme Court docket number and notify the Coordinating Special Master that  
228 | appointment of a Special Master is appropriate.

229 |

230 (4) The Coordinating Special Master will appoint a Special Master, pursuant to Rule  
231 4-209 (b).

232  
233 (5) The show cause hearing should be held within 30 days after service of the Petition  
234 for Appointment of Special Master upon the respondent or appointment of a Special  
235 Master, whichever is later. Within 30 days of the hearing, the Special Master shall  
236 recommend to the Supreme Court of Georgia substantially similar discipline, or removal  
237 from practice on the grounds provided in Rule 4-104, unless the Office of the General  
238 Counsel or the ~~lawyer~~respondent demonstrates, or the ~~Review Panel~~Special Master finds,  
239 that it clearly appears upon the face of the record from which the discipline is predicated,  
240 that:

- 241  
242 (i) \_\_\_\_\_ The procedure was so lacking in notice or opportunity to be heard as to  
243 constitute a deprivation of due process; or  
244  
245 (ii) \_\_\_\_\_ There was such infirmity of proof establishing the misconduct as to give  
246 rise to the clear conviction that the court could not, consistent with its  
247 duty, accept as final the conclusion on that subject; or  
248  
249 (iii) \_\_\_\_\_ The discipline imposed would result in grave injustice or be offensive to  
250 the public policy of the jurisdiction; or  
251  
252 (iv) \_\_\_\_\_ The reason for the original disciplinary status no longer exists; or  
253  
254 (v)

255 (a) the

256 (A) \_\_\_\_\_ The conduct did not occur within the state of Georgia; and,

257 (b) the

258 (B) \_\_\_\_\_ The discipline imposed by the foreign jurisdiction exceeds the  
259 level of discipline allowed under these Rules; or

- 260  
261 (vi) the The discipline would if imposed in identical form be unduly severe or  
262 would require action not contemplated by these Rules.

263  
264 If the ~~Review Panel~~Special Master determines that any of ~~these~~these elements  
265 exist~~exist~~, the ~~Review Panel~~Special Master shall make such other recommendation to  
266 the Supreme Court of Georgia as ~~the~~Special Master deems appropriate. The burden is  
267 on the party seeking different discipline in this jurisdiction to demonstrate that the  
268 imposition of the same discipline is not appropriate.

269 (4) The Review Panel may consider exceptions from either the Office Reports of the  
270 General Counsel or the Respondent on the grounds enumerated at Part (b)(3) of this Rule,  
271 and may in its discretion grant oral argument. Exceptions in briefsSpecial Master shall be  
272 filed with the Review Panel within 30 days from notice of the Notice of Reciprocal  
273 Discipline. The responding partySupreme Court of Georgia and the matter shall have 10  
274 days after service of the exceptions within which to respond. proceed as outlined at Rule  
275 4-218 et seq.

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320

~~(5)~~

~~(6) In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this jurisdiction shall be deferred until the stay expires.~~

~~(7) In all other aspects, a final adjudication in another jurisdiction that a lawyer, whether or not admitted in that jurisdiction, has been guilty of misconduct, or has been removed from practice on any of the grounds provided in Rule 4-104 of the State Bar of Georgia, shall establish conclusively the misconduct or the removal from practice for purposes of a disciplinary proceeding in this state.~~

~~(6)~~

~~(8) Discipline imposed by another jurisdiction but of a lesser nature than disbarment or suspension may be considered in aggravation of discipline in any other disciplinary proceeding.~~

~~(7)~~

~~(9) For purposes of this Rule, the word "jurisdiction" means any state, territory, country or federal court.~~

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

~~— Comment~~

~~[1] If a lawyer suspended or disbarred in one jurisdiction is also admitted in another jurisdiction and no action can be taken against the lawyer until a new disciplinary proceeding is instituted, tried, and concluded, the public in the second jurisdiction is left unprotected against a lawyer who has been judicially determined to be unfit. Any procedure which so exposes innocent clients to harm cannot be justified. The spectacle of a lawyer disbarred in one jurisdiction yet permitted to practice elsewhere exposes the profession to criticism and undermines public confidence in the administration of justice.~~

~~[2] Reserved.~~

~~[3] The imposition of discipline in one jurisdiction does not mean that Georgia and every other jurisdiction in which the lawyer is admitted must necessarily impose discipline. The ~~Review Panel~~Special Master has jurisdiction to recommend reciprocal discipline on the basis of public discipline imposed by a jurisdiction in which the ~~Respondent~~respondent is licensed.~~

~~[4] A judicial determination of misconduct by the ~~Respondent~~respondent in another jurisdiction is conclusive, and not subject to ~~re-litigation~~re-litigation in the forum jurisdiction. The ~~Review Panel~~Special Master should recommend substantially similar discipline unless ~~it~~the ~~Special Master determines, after review limited to the record of the proceedings in the foreign jurisdiction, that one of the grounds specified in paragraph ~~(b)(6)~~(3) exists. This Rule applies whether or not the ~~Respondent~~respondent is admitted to practice in the foreign jurisdiction. See also, Rule 8.5, Comment [1].~~~~

321 | \_\_\_\_\_[5] For purposes of this Rule, the suspension or placement of a lawyer on inactive status  
322 | in another jurisdiction because of want of sound mind, senility, habitual intoxication or drug  
323 | addiction, to the extent of impairment of competency as ~~an attorney~~ lawyer shall be considered  
324 | a disciplinary suspension under the Rules of the State Bar of Georgia.

325 |  
326 | **Rule 4-103. Multiple Violations-**

327 |  
328 | A finding of a third or subsequent disciplinary infraction under these Rules shall, in and  
329 | of itself, constitute discretionary grounds for suspension or disbarment. ~~The A Special Master and~~  
330 | ~~the State Disciplinary Review Panel~~ Board may exercise this discretionary power when the  
331 | question is appropriately before ~~that Panel~~ them. Any discipline imposed by another jurisdiction  
332 | as contemplated ~~in~~ by Rule 9.4 may be considered a disciplinary infraction for the purpose of this  
333 | Rule.

334 |  
335 | **Rule 4-104. Mental Incapacity and Substance Abuse-**

336 |  
337 | \_\_\_\_\_(a) ~~Want of a sound mind, senility, habitual intoxication or drug addiction, Mental illness,~~  
338 | ~~cognitive impairment, alcohol abuse, or substance abuse,~~ to the extent of impairing competency  
339 | as ~~an attorney, when found to exist under the procedure outlined in Part IV, Chapter 2 of these~~  
340 | ~~Rules~~ a lawyer, shall constitute grounds for removing ~~the attorney~~ lawyer from the practice of  
341 | law. ~~Notice of final judgment taking such action shall be given by the Review Panel as provided in~~  
342 | ~~Rule 4-220 (a).~~

343 |  
344 | \_\_\_\_\_(b) \_\_\_\_\_ Upon a ~~finding~~ determination by ~~either panel~~ of the State Disciplinary  
345 | Board that ~~an attorney~~ lawyer may be impaired or incapacitated to practice law due to  
346 | mental incapacity or substance abuse, ~~that panel~~ the Board may, in its sole discretion, make a  
347 | confidential referral of the matter to ~~the Lawyer Assistance Program~~ appropriate medical or  
348 | mental health professional for the purposes of ~~confrontation~~ evaluation and possible referral  
349 | of the attorney to treatment ~~centers~~ and/or peer support groups. ~~Either panel~~ The Board may,  
350 | in its discretion, defer disciplinary findings and proceedings based upon the impairment or  
351 | ~~incapacitation of an attorney pending attempts by the Lawyer Assistance Program~~ incapacity  
352 | of a lawyer to afford the ~~attorney~~ lawyer an opportunity to be evaluated and, if necessary, to  
353 | begin recovery. In such situations the ~~Program~~ medical or mental health professional shall  
354 | report to the ~~referring panel~~ State Disciplinary Board and the Office of the General Counsel  
355 | concerning the ~~attorney's~~ lawyer's progress toward recovery.

356 | (e) ~~In the event of a finding by the Supreme Court of Georgia that a lawyer is impaired or~~  
357 | ~~incapacitated, the Court may refer the matter~~ A lawyer's refusal to the Lawyer Assistance  
358 | Program, before or after its entry of judgment under Bar Rules 4-219 or 4-220 (a), so that  
359 | rehabilitative aid may be provided to the impaired cooperate with the medical or incapacitated  
360 | attorney. In such situations the Program shall be authorized to report to the Court, either panel  
361 | of the State Disciplinary Board and Office of the General Counsel concerning the attorney's  
362 | progress toward recovery mental health professional or to participate in the evaluation or  
363 | recommended treatment may be grounds for further proceedings under these rules, including  
364 | emergency suspension proceedings pursuant to Rule 4-108.

365 |  
366 | **Rule 4-105. Deceased, Incapacitated, Imprisoned and Disappearing Attorneys** Reserved.



367 ~~\_\_\_\_\_ When it appears to the Investigative Panel that an attorney's death, incapacity,~~  
368 ~~imprisonment or disappearance poses a substantial threat of harm to his or her clients or the~~  
369 ~~public, the Investigative Panel shall immediately investigate the matter. If the Investigative Panel~~  
370 ~~determines that such threat exists and that no partner, associate or other appropriate~~  
371 ~~representative is available to prevent the harm, it shall file its findings and recommendation of~~  
372 ~~action in the Supreme Court of Georgia and shall seek judgment as provided in Rule 4-219.~~

373 **Rule 4-106. Conviction of a Crime; Suspension and Disbarment-**

374  
375 ~~\_\_\_\_\_ (a)- Upon receipt of information or evidence that an attorney has been convicted of a~~  
376 ~~conviction for any felony or misdemeanor involving moral turpitude, whether by verdict, plea of~~  
377 ~~guilty, plea of nolo contendere or imposition of first offender probation, the Office of the~~  
378 ~~General Counsel has been entered against a lawyer, the Clerk of the State Disciplinary Boards~~  
379 ~~shall immediately assign the matter to a State Disciplinary Board docket number and. The~~  
380 ~~Office of the General Counsel shall petition the Supreme Court of Georgia for the appointment~~  
381 ~~of a Special Master to conduct a show cause hearing.~~

382  
383 ~~\_\_\_\_\_ (b)- The petition shall show the date of the verdict or plea conviction and the court in~~  
384 ~~which the Respondent conviction is convicted entered, and shall be served upon the~~  
385 ~~Respondent respondent pursuant to Rule 4-203.1.~~

386  
387 ~~\_\_\_\_\_ (c)- Upon receipt of the Petition for Appointment of Special Master, the Clerk of the~~  
388 ~~Supreme Court of Georgia shall file the matter in the records of the Court, shall give the matter a~~  
389 ~~Supreme Court docket number and notify the Coordinating Special Master that appointment of a~~  
390 ~~Special Master is appropriate.~~

391  
392 ~~\_\_\_\_\_ (d)- The Coordinating Special Master as provided in Rule 4-209.3, will shall appoint a~~  
393 ~~Special Master, pursuant to Rule 4-209 (b).~~

394  
395 ~~\_\_\_\_\_ (e)- The show cause hearing should be held within 15 days after service of the Petition~~  
396 ~~for Appointment of Special Master upon the Respondent respondent or appointment of a Special~~  
397 ~~Master, whichever is later. Within 30 days of the hearing, the Special Master shall file a~~  
398 ~~recommendation with the Supreme Court of Georgia which shall be empowered to may order~~  
399 ~~such discipline as deemed appropriate.~~

400  
401 ~~\_\_\_\_\_ (f)- If the Supreme Court of Georgia orders the respondent suspended pending the any~~  
402 ~~appeal, upon the termination of the appeal (or expiration of time for appeal if no appeal is filed)~~  
403 ~~the State Bar of Georgia may petition the Special Master to conduct a hearing for the purpose of~~  
404 ~~determining whether the circumstances of the termination of the appeal indicate that the~~  
405 ~~suspended respondent should:~~

406  
407 ~~\_\_\_\_\_ (1)- be disbarred under Bar-Rule 8.4; or~~

408  
409 ~~\_\_\_\_\_ (2)- be reinstated; or~~

410  
411 ~~\_\_\_\_\_ (3)- remain suspended pending retrial as a protection to the public; or~~  
412

413 \_\_\_\_\_(4)-\_\_\_\_ be reinstated while the facts giving rise to the conviction are investigated  
414 and, if proper, prosecuted under regular disciplinary procedures in these Rules.

415 ~~The report~~  
416 ~~Reports~~ of the Special Master shall be filed with the ~~Review Panel or the~~ Supreme Court of  
417 Georgia, ~~which may order such discipline~~ as ~~provided hereinafter in Rule 4-217-~~ deemed  
418 appropriate.

420 \_\_\_\_\_(g)-\_\_\_\_ For purposes of this Rule, a certified copy of a conviction in any jurisdiction  
421 ~~based upon a verdict, plea of guilty or plea of nolo contendere or the imposition of first offender~~  
422 ~~treatment~~ shall be prima facie evidence of an infractiona violation of Rule 8.4 of ~~Bar~~-Rule 4-102  
423 and shall be admissible in proceedings under the disciplinary rules.

424 **Rule 4-107. Reserved.**

425  
426  
427 **Rule 4-108. Conduct Constituting Threat of Harm to Clients or Public; Emergency**  
428 **Suspension-**

429  
430 \_\_\_\_\_(a)-\_\_\_\_ Upon receipt of sufficient evidence demonstrating that ~~an attorney's~~ a lawyer's  
431 conduct poses a substantial and immediate threat of harm to his ~~or her~~ clients or the public and  
432 ~~with the approval of the Immediate Past President of the State Bar of Georgia and the~~  
433 ~~Chairperson of the Review Panel, or~~ at the direction of the Chairperson or Vice Chairperson of  
434 the ~~Investigative Panel~~ State Disciplinary Board, the Office of the ~~-~~ General Counsel shall petition  
435 the ~~-~~ Supreme Court of Georgia- for the suspension of the ~~attorney~~ lawyer pending disciplinary  
436 proceedings predicated upon the conduct causing such petition.

437  
438 \_\_\_\_\_(b)-\_\_\_\_ The petition for emergency suspension shall state the evidence justifying the  
439 emergency suspension.

440  
441 \_\_\_\_\_(c)-\_\_\_\_ The petition for emergency suspension shall be served upon the  
442 ~~Respondent~~ respondent pursuant to ~~Bar~~-Rule 4-203.1.

443  
444 \_\_\_\_\_(d)-\_\_\_\_ Upon receipt of the petition for emergency suspension, the Clerk of the Supreme  
445 Court of Georgia- shall file the matter in the records of the Court, shall assign the matter a  
446 Supreme Court docket number, and shall notify the Coordinating Special Master- that  
447 appointment of a Special Master is appropriate.

448  
449 \_\_\_\_\_(e)-\_\_\_\_ The Coordinating Special Master ~~will~~ shall appoint a Special Master pursuant to  
450 ~~Bar~~ Rule 4-209 (b) to conduct a hearing where the State Bar of Georgia- shall show cause why  
451 the ~~Respondent~~ respondent should be suspended pending disciplinary proceedings.

452  
453 \_\_\_\_\_(f)-\_\_\_\_ Within ~~fifteen~~ 15 days after service of the petition for emergency suspension upon  
454 the ~~Respondent~~ respondent or appointment of a Special Master, whichever is later, the Special  
455 Master shall hold a hearing on the petition for emergency suspension.

456  
457 \_\_\_\_\_(g)-\_\_\_\_ Within ~~twenty~~ 20 days of the hearing, the Special Master shall file his or her  
458 recommendation with the Supreme Court of Georgia. The Court ~~sitting en banc~~ may suspend the

459 | ~~Respondent~~respondent pending final disposition of disciplinary proceedings predicated upon the  
460 | conduct causing the emergency suspension, or order such other action as it deems appropriate.

461 |

462 | **Rule 4-109. Refusal or Failure to Appear for Reprimand; Suspension-**

463 | ~~\_\_\_\_\_ Either panel~~

464 | ~~\_\_\_\_\_ If a respondent fails to appear for imposition of a Confidential Reprimand without just~~  
465 | ~~cause, the State Disciplinary Board based on shall reconsider the knowledge or belief that a~~  
466 | ~~Respondent has refused, or failed without just cause, to appear in accordance matter to determine~~  
467 | ~~whether the case should proceed with Bar a public filing pursuant to Rule 4-220208 et seq. If a~~  
468 | ~~respondent fails to appear before a panel of the superior court for the administration State~~  
469 | ~~Disciplinary Board or the Superior Court for imposition of a reprimand State Disciplinary Board~~  
470 | ~~or a Public Reprimand, the Office of the General Counsel~~ may file in the Supreme Court of  
471 | Georgia a motion for suspension of the ~~Respondent~~respondent. A copy of the motion shall be  
472 | served on the ~~Respondent~~respondent as provided by ~~Bar in~~ Rule 4-203.1. The Supreme Court of  
473 | Georgia may in its discretion, ten days after the filing of the motion, suspend the  
474 | ~~Respondent~~respondent until such time as the reprimand is administered.

475 |

476 | **Rule 4-110. Definitions-**

477 |

478 | ~~\_\_\_\_\_ (a)-~~ Respondent: A person whose conduct is the subject of any disciplinary  
479 | investigation or proceeding.

480 |

481 | ~~\_\_\_\_\_ (b)-~~ Confidential Proceedings: Any proceeding under these ~~rules~~Rules which occurs  
482 | prior to a filing in the Supreme Court of Georgia.

483 |

484 | ~~\_\_\_\_\_ (c)-~~ Public Proceedings: Any proceeding under these ~~rules~~Rules which has been filed  
485 | with the Supreme Court of Georgia.

486 |

487 | ~~\_\_\_\_\_ (d)-~~ Grievance/Memorandum of Grievance: An allegation of unethical conduct filed  
488 | against ~~an attorney- a lawyer~~.

489 |

490 | ~~\_\_\_\_\_ (e)-~~ Probable Cause: A finding by the ~~Investigative Panel~~State Disciplinary Board that  
491 | there is sufficient evidence to believe that the ~~Respondent~~respondent has violated one or more of  
492 | the provisions of Part IV, Chapter 1 of the Bar Rules.

493 |

494 | ~~\_\_\_\_\_ (f)-~~ Petition for Voluntary Surrender of License: A Petition for Voluntary Discipline  
495 | in which the respondent voluntarily surrenders his ~~or her~~ license to practice law in this State. A  
496 | voluntary surrender of license is tantamount to disbarment.

497 |

498 | ~~\_\_\_\_\_ (g)-~~ He, Him or His: Generic pronouns including both male and female.

499 |

500 | ~~\_\_\_\_\_ (h) Attorney: A member of the State Bar of Georgia or one authorized by law to~~  
501 | ~~practice law in the State of Georgia.~~

502 | ~~(i)-~~ Notice of Discipline: A Notice by the ~~Investigative Panel~~State Disciplinary Board that the  
503 | respondent will be subject to a disciplinary sanction for violation of one or more Georgia Rules  
504 | of Professional Conduct unless the respondent affirmatively rejects the notice.

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**Rule 4-111. Audit for Cause-**

Upon receipt of sufficient evidence that a lawyer who practices law in this State poses a threat of harm to his ~~or her~~ clients or the public, the State Disciplinary Board may conduct an Audit for Cause of the lawyer's trust and escrow accounts with the written approval of the Chair of the ~~Investigative Panel of the~~ State Disciplinary Board and the President-~~Eleet~~elect of the State Bar of Georgia. Before approval can be granted, the lawyer shall be given notice that approval is being sought and be given an opportunity to appear and be heard. The sufficiency of the notice and opportunity to be heard shall be left to the sole discretion of the persons giving the approval. The State Disciplinary Board must inform the person being audited that the audit is an Audit for Cause.

**Rule 4-201. State Disciplinary Board.**

(a) The powers to investigate and discipline ~~members of the State Bar of Georgia and those authorized to practice law in Georgia~~lawyers for violations of the Georgia Rules of Professional Conduct ~~set forth in Bar Rule 4-102 are is~~ hereby vested in the State Disciplinary Board ~~and a Consumer Assistance Program.~~

(b) The State Disciplinary Board shall consist of ~~two panels. The first panel shall be the Investigative Panel of the State Disciplinary Board (Investigative Panel). The second panel shall be the Review Panel of the State Disciplinary Board (Review Panel). The Consumer Assistance Program shall operate as described in Part XII of these Rules.~~

~~(a) The Investigative Panel shall consist of the President-elect of the State Bar of Georgia and the President-elect of the Young Lawyers Division of the State Bar of Georgia, one member six members of the State Bar of Georgia, two from each of the three federal judicial district of the State districts of Georgia, appointed by the Supreme Court of Georgia, six members of the State Bar of Georgia, two from each of the three federal judicial districts of Georgia, appointed by the President of the State Bar of Georgia with the approval of the Board of Governors, two nonlawyer members appointed by the Supreme Court of Georgia and two nonlawyer members appointed by the President of the State Bar of Georgia with the approval of the Board of Governors. The Court and the President of the State Bar of Georgia, one member are encouraged to make appointments that will ensure the geographic, gender, racial and generational diversity of the State Disciplinary Board. The 12 members of the State Bar of Georgia from each judicial district the three federal judicial districts shall be appointed for three year terms and the appointments staggered so that the terms of one-third of the members expire each year. The members of the Investigative Panel of the State Disciplinary Board serving at the time this rule goes into effect shall be the initial members of the State appointed by the Supreme Court of Georgia, one at large member of the State Bar of Georgia appointed by the Supreme Court of Georgia, one at large member of the State Bar of Georgia appointed by the President with the approval of the Board of Governors, and six public members appointed by the Supreme Court of Georgia Disciplinary Board and shall continue to serve as public members of the Panel until their respective terms expire. No State Disciplinary Board member may serve for more than two consecutive terms, including the term held at the time this Rule goes into effect.~~

551 | \_\_\_\_\_(1)\_\_\_\_\_ All members shall be appointed for three-year terms subject to the  
552 | following exceptions:

553 |  
554 | (i)\_\_\_\_\_ any person appointed to fill a vacancy ~~caused by resignation,~~  
555 | ~~death, disqualification or disability~~ shall serve only for the  
556 | unexpired term of the member replaced unless reappointed; and

557 |  
558 | (ii)\_\_\_\_\_ ex-officio members shall serve during the term of their office and  
559 | shall not increase the quorum requirement; ~~and~~

560 | ~~(iii) certain initial members as set forth in paragraph~~

561 | ~~\_\_\_\_\_ (2) below.~~

562 | ~~(2) If The State Disciplinary Board shall be the goal of the initial appointments that one-~~  
563 | ~~third (1/3) of the terms of the members appointed will expire annually.~~

564 | ~~(3) Remove a member may be removed from the Panel pursuant to procedures set by~~  
565 | ~~the Panel for failure to attend regular meetings of the Panel, State Disciplinary Board or for other~~  
566 | ~~good cause. The vacancy shall be filled by appointment of the current President of the State Bar of~~  
567 | ~~Georgia.~~

568 | ~~(4) The Investigative Panel, and the person appointed shall annually elect a chairperson, a~~  
569 | ~~vice chairperson, or a vice chairperson for any subcommittee for which the chairperson is~~  
570 | ~~not a member to serve as chairperson for that subcommittee, and such other officers as it~~  
571 | ~~may deem proper. The Panel shall meet in its entirety in July of each year to elect a~~  
572 | ~~chairperson. At any time the Panel may decide to divide itself into subcommittees or to~~  
573 | ~~consolidate after having divided. A majority shall constitute a quorum and a majority of a~~  
574 | ~~quorum shall be authorized to act. However, in any matter in which one or more~~  
575 | ~~Investigative Panel members are disqualified, the number of members constituting a~~  
576 | ~~quorum shall be reduced by the number of members disqualified from voting on the~~  
577 | ~~matter for the former member's unexpired term.~~

578 | ~~(5) The Investigative Panel is authorized to organize itself into as many subcommittees~~  
579 | ~~as the Panel deems necessary to conduct the expeditious investigation of disciplinary~~  
580 | ~~matters referred to it by the Office of the General Counsel. However, no subcommittee~~  
581 | ~~shall consist of fewer than seven (7) members of the Panel and each such subcommittee~~  
582 | ~~shall include at least one (1) of the public members.~~

583 |  
584 | (3) At the first meeting following an Annual Meeting of the State Bar of  
585 | Georgia the State Disciplinary Board shall elect a Chair and Vice-chair.

586 |  
587 | (c) Upon request, State Disciplinary Board members shall be reimbursed for their  
588 | reasonable travel expenses in attending meetings of the State Disciplinary Board. The Internal  
589 | Rules of the State Disciplinary Board provide further explanation of the travel and  
590 | reimbursement policies.

591 |  
592 | (d) State Disciplinary Board members may request reimbursement for postage,  
593 | copying and other expenses necessary for their work investigating cases.

594 | Rule 4-201.1. State Disciplinary Review Board.  
595 |

596 (a) The power to review for error final reports and recommendations of special  
597 masters in formal disciplinary cases arising under the Georgia Rules of Professional Conduct is  
598 hereby vested in the State Disciplinary Review Board.

600 (b) The State Disciplinary Review Panel Board shall consist of the Immediate Past  
601 President of the State Bar of Georgia, the Immediate Past President of the Young Lawyers  
602 Division of the State Bar of Georgia, or a member of the Young Lawyers Division designated by  
603 its Immediate Past President, nine (9) members of the State Bar of Georgia, three (3) from each  
604 of the three (3) federal judicial districts of the State Georgia, appointed as described below, and  
605 four (4) public two nonlawyer members appointed by the Supreme Court of Georgia and two  
606 nonlawyer members appointed by the President of the State Bar of Georgia with the approval of  
607 the Board of Governors. The Court and the President of the State Bar of Georgia are encouraged  
608 to make appointments that will ensure the geographic, gender, racial and generational diversity  
609 of the State Disciplinary Review Board.

610 (1) The nine (9) members of the State Bar of Georgia from the federal judicial  
611 districts shall be appointed for three (3)-year terms so that the term of one  
612 Panel State Disciplinary Review Board member from each district will expire each  
613 year. The three (3)-vacant positions will be filled in odd years by appointment by  
614 the President of the State Bar of Georgia, with the approval of the Board of  
615 Governors, and in even years by appointment by the Supreme Court of Georgia.

616 (2) The Panel members of the Review Panel of the State Disciplinary Board  
617 servng at the time this Rule goes into effect shall be the initial members  
618 of the State Disciplinary Review Board and shall continue to serve until their  
619 respective terms expire. New Panel No State Disciplinary Review Board  
620 member may serve for more than two consecutive terms, including the term  
621 held at the time this Rule goes into effect.

622  
623 (3) All members shall be appointed as set forth above for three-year terms  
624 subject to the following exceptions:

625 (3) Any

626 (i) any person appointed to fill a vacancy caused by resignation,  
627 death, disqualification or disability shall serve only for the unexpired term  
628 of the member replaced unless reappointed; and

629 (4) Ex

630 (ii) ex-officio members shall serve during the term or terms of their  
631 offices office, and shall not increase their the quorum requirement.

632 (5) The Review Panel shall elect a chairperson and such other officers as it may deem  
633 proper in July of each year. The presence of six (6) members of the Panel shall constitute a  
634 quorum. Four (4) members of the Panel shall be authorized to act except that a  
635 recommendation of the Review Panel to suspend or disbar shall require the affirmative vote  
636 of at least six (6) members of the Review Panel, with not more than four (4) negative votes.  
637 However, in any case in which one or more Review Panel members are disqualified, the  
638 number of members constituting a quorum and the number of members necessary to vote  
639 affirmatively for disbarment or suspension, shall be reduced by the number of members  
640 disqualified from voting on the case. No recommendation of disbarment or suspension may

641 be made by fewer than four (4) affirmative votes. For the purposes of this Rule the recusal of  
642 a member shall have the same effect as disqualification.

643  
644 (4) The State Disciplinary Review Board shall remove a member for failure to  
645 attend meetings of the State Disciplinary Review Board or for other good cause. The  
646 vacancy shall be filled by appointment of the current President of the State Bar of  
647 Georgia and the person appointed shall serve for the former member's unexpired term.

648  
649 (5) At the first meeting following an Annual Meeting of the State Bar of  
650 Georgia the State Disciplinary Review Board shall elect a Chair and Vice-chair.

651  
652 (c) Upon request, State Disciplinary Review Board members shall be reimbursed for  
653 their reasonable travel expenses in attending meetings of the State Disciplinary Review Board.  
654 The Internal Rules of the State Disciplinary Review Board provide further explanation of the  
655 travel and reimbursement policies.

656  
657 (d) State Disciplinary Review Board members may request reimbursement for  
658 postage, copying and other expenses necessary for their work reviewing cases.

659 **Rule 4-202. Receipt of Grievances; Initial Review by Bar Council.**

660  
661 (a) All grievances other than those initiated by the Supreme Court of Georgia, the  
662 Investigative Panel or inquiries which may be filed with the Consumer Assistance Program  
663 under Part XII of these Rules. Grievances shall be first filed in writing with the Office of the  
664 General Counsel of the State Bar of Georgia. In lieu of a Memorandum of Grievance the Office  
665 of the General Counsel may begin an investigation upon receipt of an Intake Form from the  
666 Consumer Assistance Program. All grievances must include the name of the complainant and  
667 must be signed by the complainant.

668  
669 (b) The Office of the General Counsel shall require that oral grievances, and  
670 grievances illegibly or informally drawn, be reduced to a memorandum of grievance in such  
671 form as may be prescribed by the Investigative Panel. Investigate conduct upon receipt of  
672 credible information from any source after notifying the respondent lawyer and providing a  
673 written description of the information that serves as the basis for the investigation. The Office of  
674 the General Counsel may deliver the information it obtains to the State Disciplinary Board for  
675 initiation of a grievance under Rule 4-203 (2).

676 (b) Upon receipt of a grievance in proper form, the Office of the General Counsel shall screen it  
677 to determine whether the grievance is unjustified, frivolous, patently unfounded or fails to state  
678 facts sufficient to invoke the disciplinary jurisdiction of the State Bar of Georgia.

679 (c) The Office of the General Counsel shall be empowered to collect evidence and  
680 information concerning any grievance and to add the findings and results of its investigation to  
681 the file containing such grievance. The screening process may include forwarding a copy of the  
682 grievance to the Respondentrespondent in order that the Respondentrespondent may respond to  
683 the grievance.

684 (e)

685 (d) The Office of the General Counsel may request the Chair of the State Disciplinary  
686 Board to issue a subpoena as provided by O.C.G.A. §24-13-23 requiring a respondent or a third  
687 party to produce documents relevant to the matter under investigation. Subpoenas shall be  
688 enforced in the manner provided at Rule 4-221 (c).  
689

690 (e) Upon completion of its screening of a grievance, the Office of the General  
691 Counsel shall be empowered to dismiss those grievances ~~which are unjustified, frivolous,~~  
692 ~~patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of~~  
693 ~~the State Bar of Georgia; provided, however, that a rejection that do not present sufficient merit~~  
694 ~~to proceed. Rejection~~ of such grievances by the Office of the General Counsel shall not deprive  
695 the complaining party of any right of action he or she might otherwise have at law or in equity  
696 against the Respondent. ~~Those grievances which appear to allege any violation of Part IV,~~  
697 ~~Chapter 1 of the State Bar Rules shall be forwarded to the Investigative Panel or a subcommittee~~  
698 ~~of the Investigative Panel according to Rule 4-204. Respondent.~~  
699

700 (f) Those grievances that appear to allege a violation of Part IV, Chapter 1 of the  
701 Georgia Rules of Professional Conduct may be forwarded to the State Disciplinary Board  
702 pursuant to Rule 4-204. In lieu of forwarding a matter to the State Disciplinary Board, the Office  
703 of the General Counsel may refer a matter to the Consumer Assistance Program so that it may  
704 direct the complaining party to appropriate resources.  
705

#### 706 **Rule 4-203. Powers and Duties- of the State Disciplinary Board**

707 **(a)**

708 In accordance with these ~~rules~~Rules, the ~~Investigative Panel~~State Disciplinary Board  
709 shall have the following powers and duties:

710 (1) To

711 (a) to receive and evaluate any and all written grievances against ~~members of the~~  
712 ~~State Bar of Georgia~~lawyers and to frame such charges and grievances as shall conform to the  
713 requirements of these ~~rules~~Rules. A copy of any grievance serving as the basis for investigation  
714 or proceedings before the ~~Panel~~State Disciplinary Board shall be furnished to the  
715 ~~Respondent~~respondent by the procedures set forth in Rule 4-~~204.2;~~203.1;  
716

717 (2) To

718 (b) to initiate grievances on its own motion, to require additional information from a  
719 complainant, where appropriate, and to dismiss and reject such grievances as ~~to~~ it may seem  
720 unjustified, frivolous, or patently unfounded. However, the rejection of a grievance by the  
721 ~~Investigative Panel~~State Disciplinary Board shall not deprive the complaining party of any right  
722 of action he or she might otherwise have at law or in equity against the ~~Respondent;~~respondent;

723 (3) To

724 (c) to issue letters of instruction when dismissing a grievance;

725 (4) To

726 (d) to delegate the duties of the ~~Panel~~State Disciplinary Board enumerated in  
727 subparagraphs ~~(1), (2), (11)~~ (a), (b), (h), (i), (j), and ~~(12)~~k hereof to the ~~chairperson~~Chair of the  
728 ~~Panel or chairperson of any subcommittee of the Panel~~State Disciplinary Board or such other  
729 members as the ~~Panel~~State Disciplinary Board or its ~~chairperson~~Chair may designate subject to  
730 review and approval by the ~~Investigative Panel or subcommittee of the Panel;~~ full State  
731 Disciplinary Board;



731 ~~(5) To~~  
732 \_\_\_\_\_ (e) to conduct probable cause investigations, to collect evidence and information  
733 concerning grievances, ~~to hold hearings where provided for in these rules,~~ and to certify  
734 grievances to the Supreme Court of Georgia for hearings by Special Masters as hereinafter  
735 provided;  
736 ~~(6) To pass upon petitions for protection of the clients of deceased, disappearing or~~  
737 ~~incapacitated members of the State Bar of Georgia;~~  
738 ~~(7) To adopt forms for formal complaints, subpoenas, notices, and any other written~~  
739 ~~instruments necessary or desirable under these rules;~~  
740 ~~(8) To~~  
741 \_\_\_\_\_ (f) to prescribe its own ~~rules~~Rules of conduct and procedure;  
742 ~~(9) To~~  
743 \_\_\_\_\_ (g) to receive, investigate, and collect evidence and information; ~~and to~~ review and  
744 accept or reject ~~such~~ Petitions for Voluntary Discipline ~~which request the imposition of~~  
745 ~~confidential discipline and are filed with the Investigative Panel prior to the time of issuance of~~  
746 ~~a formal complaint by Bar counsel. Each such petition shall contain admissions of fact and~~  
747 ~~admissions of conduct in violation of Part IV, Chapter 1 of these rules sufficient to authorize~~  
748 ~~the imposition of discipline. Bar counsel shall, upon filing of such petition, file with the Panel~~  
749 ~~its recommendations as to acceptance or rejection of the petition by the Panel, giving the~~  
750 ~~reasons therefor, and shall serve a copy of its recommendation upon the Respondent presenting~~  
751 ~~such petition; pursuant to Rule 4-227(b)(1);~~  
752 ~~(10) To~~  
753 \_\_\_\_\_ (h) to sign and enforce, as hereinafter described, subpoenas for the appearance of  
754 persons and ~~for~~ the production of documents, things and records at investigations ~~and~~  
755 ~~hearings both during the screening process and the State Disciplinary Board's investigation;~~  
756 ~~(11) To~~  
757 \_\_\_\_\_ (i) to issue a subpoena as provided in this section whenever a subpoena is sought in  
758 this state pursuant to the law of another jurisdiction for use in lawyer discipline or disability  
759 proceedings, where the issuance of the subpoena has been duly approved under the law of the  
760 other jurisdiction. Upon petition for good cause the State Disciplinary Board may compel the  
761 attendance of witnesses and production of documents in the county where the witness resides or  
762 is employed or elsewhere as agreed by the witness. Service of the subpoena shall be as provided  
763 in the Civil Practice Act. Enforcement or challenges to the subpoena shall be as provided at Rule  
764 4-221 (c);  
765 ~~(12) To~~  
766 \_\_\_\_\_ (j) to extend the time within which a formal complaint may be filed;  
767 ~~(13) To enter~~  
768 \_\_\_\_\_ (k) to issue formal letters of ~~formal~~ admonition and ~~Investigative Panel~~  
769 ~~Reprimands~~ confidential reprimands as hereinafter provided;  
770 ~~(14) To~~  
771 \_\_\_\_\_ (l) to issue a Notice of Discipline providing that unless the ~~Respondent~~ respondent  
772 affirmatively rejects the notice, the ~~Respondent~~ respondent shall be sanctioned as ordered by the  
773 ~~Investigative Panel~~ Supreme Court of Georgia;  
774 ~~(15) To~~  
775 \_\_\_\_\_ (m) to refer a lawyer who appears to be impaired for an evaluation by an appropriate  
776 medical or mental health professional; and

777 |  
778 |        (n) ~~to use the investigators, auditors, and/or~~ staff of the Office of the General Counsel  
779 | in performing its duties.  
780 | ~~(b) In accordance with these rules, the Review Panel or any subcommittee of the Panel~~  
781 | ~~shall have the following powers and duties:~~  
782 | ~~(1) To receive reports from Special Masters, and to recommend to the Supreme Court~~  
783 | ~~of Georgia the imposition of punishment and discipline;~~  
784 | ~~(2) To adopt forms for subpoenas, notices, and any other written instruments necessary~~  
785 | ~~or desirable under these rules;~~  
786 | ~~(3) To prescribe its own rules of conduct and procedure;~~  
787 | ~~(4) (Reserved).~~  
788 | ~~(5) Through the action of its chairperson or his or her designee and upon good cause~~  
789 | ~~shown, to allow a late filing of the Respondent's answer where there has been no final~~  
790 | ~~selection of a Special Master within thirty days of service of the formal complaint upon the~~  
791 | ~~Respondent;~~  
792 | ~~(6) Through the action of its chairperson or his or her designee, to receive and pass~~  
793 | ~~upon challenges and objections to Special Masters.~~  
794 | ~~(7) to receive Notice of Reciprocal Discipline and to recommend to the Supreme Court~~  
795 | ~~of Georgia the imposition of punishment and discipline pursuant to Bar Rule 9.4 (b) (3).~~

796 |  
797 | **Rule 4-203.1. Uniform Service Rule.**  
798 |

799 | ~~(a) Attorneys authorized to practice law in Georgia~~ (a) Lawyers shall inform the  
800 | Membership Department of the State Bar of Georgia, in writing, of their current name, official  
801 | address and telephone number. The Supreme Court of Georgia and the State Bar of Georgia may  
802 | rely on the official address on file with the Membership Department in all efforts to contact,  
803 | communicate with, and perfect service upon ~~an attorney~~ lawyer. The choice of ~~an attorney~~  
804 | lawyer to provide only a post office box or equivalent commercial ~~box~~ address to the  
805 | Membership Department of the State Bar of Georgia shall constitute an election to waive  
806 | personal service. Notification of a change of address given to any department of the State Bar of  
807 | Georgia other than the Membership Department shall not satisfy the requirement herein.  
808 |

809 |  (b) ~~\_\_\_\_\_~~ In all matters requiring personal service under Part IV of the Bar Rules, service  
810 | may be perfected in the following manner:  
811 |

812 |  (1) ~~\_\_\_\_\_~~ Acknowledgment of Service: An acknowledgment of service from the  
813 | ~~Respondent~~ respondent shall constitute conclusive proof of service and shall eliminate the  
814 | need to utilize any other form of service.  
815 |

816 |  (2) ~~\_\_\_\_\_~~ Written Response from Respondent: A written response from the  
817 | ~~Respondent~~ respondent or ~~Respondent's~~ respondent's counsel shall constitute conclusive  
818 | proof of service and shall eliminate the need to utilize any other form of service.  
819 |

820 |  (3) ~~\_\_\_\_\_~~ In the absence of an acknowledgment of service, or a written response  
821 | from the ~~Respondent~~ respondent or ~~Respondent's~~ respondent's counsel, and subject to the

822 | provisions of ~~paragraph~~subsection (4) below, the ~~Respondent~~respondent shall be served  
823 | in the following manner:

824 |  
825 | (i)- ~~Personal service~~Service: Service may be accomplished by the  
826 | Sheriff; ~~or any other person authorized to serve a Court~~  
827 | ~~approved agent for service of process, or any person~~summons  
828 | ~~under the provisions of the Georgia Civil Practice Act, as~~ approved  
829 | by the ~~Chairperson~~Chair of the ~~Investigative Panel~~State  
830 | ~~Disciplinary Board~~ or the Chair's designee. Receipt of a Return of  
831 | Service Non Est Inventus ~~from the Sheriff or any other person~~  
832 | ~~approved for service of the service documents,~~ shall constitute  
833 | conclusive proof that service cannot be perfected by personal  
834 | service.

835 |  
836 | (ii)- ~~Service by publication: In the event that~~Publication: If personal  
837 | service cannot be perfected, or when the ~~Respondent~~respondent  
838 | has only provided a post office box ~~or equivalent commercial~~  
839 | ~~address~~ to the Membership Department and ~~Respondent~~the  
840 | ~~respondent~~ has not acknowledged service within ~~twenty (20)~~ten  
841 | days of a mailing to ~~Respondent's~~respondent's post office box,  
842 | service may be accomplished by publication once a week for two  
843 | weeks in the legal organ of the county of ~~Respondent's~~respondent's  
844 | address, as shown on the records of the Membership Department  
845 | of the State Bar of Georgia, and, contemporaneously with the  
846 | publication, mailing a copy of the service documents by first class  
847 | mail to ~~Respondent's~~respondent's address as shown on the records  
848 | of the Membership Department of the State Bar of Georgia.

849 |  
850 | ~~(4)-~~ (4)- When it appears from an affidavit made by the Office of the General  
851 | Counsel that the ~~Respondent~~respondent has departed from the state, or cannot, after due  
852 | diligence, be found within the state, or seeks to avoid the service, the ~~Chairperson~~Chair of  
853 | the ~~Investigative Panel~~State Disciplinary Board, or the ~~chair's~~Chair's designee, may  
854 | authorize service by publication without the necessity of first attempting personal service.  
855 | The affidavit made by the Office of the General Counsel must demonstrate recent  
856 | unsuccessful attempts at personal service upon the ~~Respondent~~respondent regarding other  
857 | or related disciplinary matters and that such personal service was attempted at  
858 | ~~Respondent's~~respondent's address as shown on the records of the Membership  
859 | Department of the State Bar of Georgia.

860 |  
861 | ~~(c)-~~ (c)- Whenever service of pleadings or other documents subsequent to the original  
862 | complaint is required or permitted to be made upon a ~~party~~respondent represented by ~~an~~  
863 | ~~attorney~~a lawyer, the service shall be made upon the ~~attorney unless service upon the party~~  
864 | ~~himself is otherwise required by these Rules~~respondent's lawyer. Service upon the  
865 | ~~attorney~~respondent's lawyer or upon a ~~party~~an unrepresented respondent shall be made by  
866 | delivering a copy ~~to him or by~~ mailing it to ~~him at his~~the respondent's lawyer or ~~her~~to the last  
867 | known address- of the unrepresented respondent. As used in this Rule, the term ~~delivery~~

868 ~~of "delivering a copy,"~~ means handing it to the ~~attorney~~respondent's lawyer or to the  
869 ~~party~~respondent, or leaving it at ~~his~~the lawyer's or ~~her~~respondent's office with ~~his or her clerk or~~  
870 ~~other~~ person ~~in charge thereof~~ of suitable age or, if the office is closed or the person to be served  
871 has no office, leaving it at ~~his or her~~the person's dwelling house or usual place of abode with  
872 some person of suitable age and discretion ~~then residing therein~~. Service by mail is complete  
873 upon mailing, ~~and includes transmission by U.S. Mail, or by a third-party commercial carrier for~~  
874 ~~delivery within three business days, shown by the official postmark or by the commercial~~  
875 ~~carrier's transmittal form~~. Proof of service may be made by certificate of ~~an attorney~~a lawyer or  
876 of his ~~or her~~ employee, ~~by~~ written admission, ~~by~~ affidavit, or ~~by other~~ proof satisfactory ~~to the~~  
877 ~~court~~proof. Failure to make proof of service shall not affect the validity of service.  
878

879 **Rule 4-204. Preliminary Investigation by Investigative Panel Generally.**

880 ~~(a) Each grievance alleging conduct which appears to invoke the disciplinary jurisdiction of the~~  
881 ~~and Disposition by State Disciplinary Board of the State Bar of Georgia shall~~ Generally  
882

883 (a) Each grievance that contains sufficient merit to proceed may be referred in  
884 accordance with Rule 4-204.1 by the Office of the General Counsel a Notice of Investigation to  
885 the Investigative Panel or a subcommittee of the Investigative Panel State Disciplinary Board for  
886 investigation and disposition in accordance with its rules. The Investigative Panel shall appoint  
887 one of its members The Clerk of the State Disciplinary Boards shall assign a lawyer member of  
888 the State Disciplinary Board to be responsible for the investigation. The Office of the General  
889 Counsel shall simultaneously assign a staff investigator to assist in the State Disciplinary Board  
890 member with the investigation. If the investigation of the Panel State Disciplinary Board  
891 establishes probable cause to believe that the respondent has violated one or more of the  
892 provisions of Part IV, Chapter 1 of these Rules, it shall:

893  
894 \_\_\_\_\_ (1) issue a letter Formal Letter of admonition Admonition;

895  
896 \_\_\_\_\_ (2) issue an Investigative Panel a Confidential Reprimand;

897  
898 \_\_\_\_\_ (3) issue a Notice of Discipline; or

899  
900 \_\_\_\_\_ (4) refer the case to the Supreme Court of Georgia for hearing before a  
901 Special Master and file a formal complaint with the Supreme Court of Georgia, all as  
902 hereinafter provided; or

903  
904 \_\_\_\_\_ (5) refer a respondent for evaluation by an appropriate medical or mental  
905 health professional pursuant to Rule 4-104 upon the State Disciplinary Board's  
906 determination that there is cause to believe the lawyer is impaired.

907  
908 All other cases may be either dismissed by the Investigative Panel State Disciplinary Board or  
909 referred to the Fee Arbitration Committee or the Lawyer Consumer Assistance Program ~~so that~~  
910 it may direct the complaining party to appropriate resources.

911  
912 \_\_\_\_\_ (b) The primary investigation shall be conducted by the staff investigators, the staff  
913 lawyers of the Office of the General Counsel, and the member of the Investigative Panel State

914 Disciplinary Board responsible for the investigation, ~~assisted by the staff of the Office of the~~  
915 ~~General Counsel, upon request of the State Disciplinary Board member.~~ The Board of  
916 Governors of the State Bar of Georgia shall fund the Office of the General Counsel so that the  
917 Office of the General Counsel will be able to adequately investigate and prosecute all cases.

918

919 **Rule 4-204.1. Notice of Investigation-**

920

921 ~~\_\_\_\_\_ (a) Upon completion of its screening of a grievance under Rule 4-202, the Office~~  
922 ~~of the General Counsel shall forward those grievances which appear to invoke the~~  
923 ~~disciplinary jurisdiction of the State Bar of Georgia to the Investigative Panel, or~~  
924 ~~subcommittee of the Investigative Panel by serving a Notice of Investigation upon the~~  
925 ~~respondent.~~

926 ~~(b) The \_\_\_\_\_ A~~ Notice of Investigation shall accord the respondent reasonable notice of the  
927 charges against him ~~or her~~ and a reasonable opportunity to respond to the charges in writing ~~and~~  
928 ~~. The Notice~~ shall contain:

929

930 ~~\_\_\_\_\_ (1)- \_\_\_\_\_ a statement that the grievance is being transmitted to the Investigative~~  
931 ~~Panel, or subcommittee of the Investigative Panel~~ State Disciplinary Board;

932

933 ~~\_\_\_\_\_ (2)- \_\_\_\_\_ a copy of the grievance;~~

934

935 ~~\_\_\_\_\_ (3)- \_\_\_\_\_ a list of the Rules which appear to have been violated;~~

936

937 ~~\_\_\_\_\_ (4)- \_\_\_\_\_ the name and address of the Panel~~ State Disciplinary Board member  
938 assigned to investigate the grievance and a list of the ~~Panel, or subcommittee of the~~  
939 ~~Panel~~ State Disciplinary Board members; ~~and~~

940

941 ~~\_\_\_\_\_ (5)- \_\_\_\_\_ a statement of respondent's~~ the respondent's right to challenge the  
942 competency, qualifications or objectivity of any ~~Panel~~ State Disciplinary Board member;.

943 ~~(e)~~

944 ~~\_\_\_\_\_ (b) \_\_\_\_\_~~ The form for the Notice of Investigation shall be approved by the ~~Investigative~~  
945 ~~Panel~~ State Disciplinary Board.

946

946 ~~Rule 4-204.2. Service of the Notice of Investigation.~~

947

948 ~~\_\_\_\_\_ (c) \_\_\_\_\_~~ The Office of the General Counsel shall cause the Notice of Investigation to be  
949 served upon the ~~Respondent~~ respondent pursuant to ~~Bar~~ Rule 4-203.1.

950

951 **Rule 4-204.2. Reserved**

952

953 **Rule 4-204.3. Answer to Notice of Investigation Required-**

954

955 ~~\_\_\_\_\_ (a)- \_\_\_\_\_~~ The ~~Respondent shall file~~ respondent shall deliver to the State Disciplinary Board  
956 member assigned to investigate the grievance a written response under oath to the Notice of  
957 Investigation ~~with the panel member assigned to investigate the grievance~~ within ~~thirty~~ (30) days  
958 of service.

959

960 |        (b)-        The written response must address specifically all of the issues set forth in the  
961 | Notice of Investigation.

962 |  
963 |        (c)-        The panelState Disciplinary Board member assigned to investigate the grievance  
964 | may in the panel member'sState Disciplinary Board member's discretion grant extensions of time  
965 | for Respondent'srespondent's answer. Any request for extension of time must be made in writing  
966 | on or before the date on which the response was due and the grant of an extension of time must  
967 | also be in writing. Extensions of time shall be reasonable in lengthnot exceed 30 days and should  
968 | not be routinely granted.

969 |  
970 |        (d)-        In cases where the maximum sanction is disbarment or suspension, failure and  
971 | respondent fails to properly respond within the time required by the Respondentthese Rules, the  
972 | Office of the General Counsel may authorizeseek authorization from the Investigative Panel or  
973 | subcommitteeChair or Vice-chair of the PanelState Disciplinary Board to suspend the  
974 | Respondent untilfile a response is filed motion for interim suspension of the respondent.

975 |  
976 |        (1)- The determination that When an adequate response has been filed is within  
977 | the discretion of investigating member of the State Disciplinary Board notifies the  
978 | Investigative Panel or subcommitteeOffice of the Panel.

979 |        (2) When the Investigative Panel or subcommittee of the Panel determinesGeneral Counsel  
980 | that a Respondentrespondent has failed to respond in accordance with the rules of the  
981 | Panel and that the Respondentrespondent should be suspended, the Office of the General  
982 | Counsel shall notify, with the Supreme Courtapproval of Georgia that the Panel has made  
983 | suchthe Chair or Vice-Chair of the State Disciplinary Board, file a  
984 | recommendation.Motion for Interim Suspension of the respondent. The Supreme Court  
985 | of Georgia shall enter an appropriate Orderorder.

986 | (3)

987 |        (2) When the Investigative Panel or subcommittee of the Panel  
988 | determinesState Disciplinary Board member and the Chair or Vice-Chair of the State  
989 | Disciplinary Board determine that a Respondentrespondent who has been suspended for  
990 | failure to respond in accordance with the rules of the Panel has filed an appropriate  
991 | response and should be reinstated, the Office of the General Counsel shall notify the  
992 | Supreme Court of Georgia that the Panel has made suchfile a recommendation.Motion to  
993 | Lift Interim Suspension. The Supreme Court of Georgia shall enter an appropriate  
994 | Orderorder. The determination that an adequate response has been filed is within the  
995 | discretion of the investigating State Disciplinary Board member and the Chair of the  
996 | State Disciplinary Board.

#### 998 | **Rule 4-204.4. Finding of Probable Cause; Referral to Special Master-**

999 | (a)

1000 |        In the event the Investigative Panel, or a subcommittee of the Panel,State Disciplinary  
1001 | Board finds Probable Cause of the Respondent'srespondent's violation of one or more of the  
1002 | provisions of Part IV, Chapter 1 of these rulesRules it may refer the matter to the Supreme Court  
1003 | of Georgia by directing the Office of the General Counsel to file with the Clerk of the Supreme  
1004 | Court of Georgia either:

1005 | (1)

1006        (a) A formal complaint, as herein provided;  
1007 ~~(2) A, along with a~~ petition for the appointment of a Special Master; and  
1008 ~~(3) A a~~ notice of its finding of Probable Cause.  
1009 ~~The documents specified above shall be filed in duplicate,~~ within ~~thirty (30)~~ days of the finding  
1010 of Probable Cause unless the ~~Investigative Panel, or a subcommittee of the Panel, State~~  
1011 ~~Disciplinary Board~~ or its ~~Chairperson/Chair~~ grants an extension of time for the filing; ~~or~~  
1012  
1013        (b)-        A Notice of Discipline ~~and the matter shall thereafter proceed~~ pursuant to ~~Bar~~  
1014 Rules 4-208.1, 4-208.2 and 4-208.3.

1015  
1016 **Rule 4-204.5. Letters of Instruction-**

1017  
1018        (a)-        In addition to dismissing a complaint, the ~~Investigative Panel, or subcommittee of~~  
1019 ~~the Panel/State Disciplinary Board,~~ may issue a letter of instruction ~~in any disciplinary case to the~~  
1020 ~~respondent~~ upon the following conditions:

1021  
1022        (1)-        the case has been thoroughly investigated, the ~~Respondent/respondent~~ has  
1023 been notified of and has had an opportunity to answer the charges brought against him ~~or~~  
1024 ~~her,~~ and the case has been reported to ~~the entire Panel, or subcommittee a quorum~~ of the  
1025 ~~Panel/State Disciplinary Board~~ assembled at a regularly scheduled meeting; and  
1026 ~~(2) the Investigative Panel, or subcommittee of the Panel~~

1027        (2)        the State Disciplinary Board, as evidenced through the majority vote of its  
1028 members present and voting, is of the opinion that the ~~Respondent/respondent~~ either:

- 1029  
1030 (i)-        has not engaged in conduct which is in violation of the provisions  
1031 of Part IV, Chapter 1 of these ~~rules/Rules;~~ or  
1032  
1033 (ii)-        has engaged in conduct that although technically in violation of  
1034 such ~~rules/Rules~~ is not reprehensible, and has resulted in no harm or  
1035 injury to any third person, and is not in violation of the spirit of  
1036 such ~~rules/Rules;~~ or  
1037  
1038 (iii)-        has engaged in conduct in violation of ~~the Code of Professional~~  
1039 ~~Responsibility of Part III of these rules or any recognized~~  
1040 ~~voluntary creed of professionalism;~~

1041  
1042        (b) ~~Letters of instruction shall contain a statement of the conduct of the~~  
1043 ~~Respondent which may have violated Part III of these rules or the voluntary creed of~~  
1044 ~~professionalism.~~

1045 ~~(e)-~~        A letter of instruction shall not constitute a finding of any disciplinary infraction.

1046  
1047 **Rule 4-205. Confidential Discipline; In General-**

1048 ~~— In lieu of the imposition of any other discipline, the Investigative Panel or a~~  
1049 ~~subcommittee of the Investigative Panel~~

1050           The State Disciplinary Board may issue ~~letters of a~~ formal letter of admonition or ~~an~~  
1051 Investigative Panel a Confidential Reprimand in any disciplinary case upon the following  
1052 conditions:

1053  
1054           (a)- the case has been thoroughly investigated, the ~~Respondent~~respondent has been  
1055 notified of and has had an opportunity to answer; the charges brought against him or her, and the  
1056 case has been reported to ~~the entire Panel or a subcommittee~~quorum of the ~~Panel~~State  
1057 Disciplinary Board assembled at a regularly scheduled meeting;

1058  
1059           (b)-~~the Panel or a subcommittee of the Panel~~ the State Disciplinary Board, as evidenced  
1060 through the majority vote of its members present and voting, is of the opinion that the  
1061 ~~Respondent~~respondent has engaged in conduct which is in violation of the provisions of Part IV,  
1062 Chapter 1 of these ~~rules~~Rules;

1063  
1064           (c)- the ~~Panel or a subcommittee of the Panel~~State Disciplinary Board, as evidenced  
1065 through the majority vote of its members present and voting, is of the opinion that the conduct  
1066 referred to in subpart (b) hereof was engaged in:

1067  
1068           (1)- inadvertently; or

1069  
1070           (2)- purposefully, but in ignorance of the applicable disciplinary rule or rules;  
1071 or

1072  
1073           (3)- under such circumstances that it is the opinion of the ~~Investigative Panel~~  
1074 ~~or a subcommittee of the Investigative Panel~~State Disciplinary Board that the protection  
1075 of the public and rehabilitation of the ~~Respondent~~respondent would be best achieved by  
1076 the issuance of a formal letter of admonition or ~~an Investigative Panel a Confidential~~  
1077 Reprimand rather than by any other form of discipline.

1078

1079 **Rule 4-206. Confidential Discipline; Contents-**

1080

1081           (a)-~~Letters~~ Formal letters of ~~formal~~ admonition and ~~Investigative Panel~~Confidential  
1082 Reprimands shall contain a statement of the specific conduct of the ~~Respondent~~respondent which  
1083 violates Part IV, Chapter 1 of these ~~rules~~Rules, shall state the name of the complainant if any,  
1084 and shall state the reasons for issuance of such confidential discipline.

1085

1086           (b)- A formal letter of ~~formal~~ admonition shall also contain the following information:

1087

1088           (1)- the right of the ~~Respondent~~respondent to reject the formal letter of ~~formal~~  
1089 admonition under Rule 4-207;

1090

1091           (2)- the procedure for rejecting the formal letter of ~~formal~~ admonition under  
1092 Rule 4-207; and

1093

1094           (3)- the effect of an accepted formal letter of ~~formal~~ admonition in the event of  
1095 a third or subsequent imposition of discipline.



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~~\_\_\_\_\_ (c) An Investigative Panel A Confidential~~ Reprimand shall also contain information concerning the effect of the acceptance of such reprimand in the event of a third or subsequent imposition of discipline.

**Rule 4-207. ~~Formal~~ Letters of ~~Formal~~ Admonition and ~~Investigative Panel Confidential~~ Reprimands; Notification and Right of Rejection-**

In any case where the ~~Investigative Panel, or a subcommittee of the Panel, State Disciplinary Board~~ votes to impose discipline in the form of a ~~formal~~ letter of ~~formal~~ admonition or ~~an Investigative Panel Confidential~~ Reprimand, such vote shall constitute the ~~Panel's State Disciplinary Board's~~ finding of probable cause. The ~~Respondentrespondent~~ shall have the right to reject, in writing, the imposition of such discipline. ~~A written rejection shall be deemed an election by the Respondent to continue disciplinary proceedings under these rules and shall cause the Investigative Panel to proceed under Rule 4-204.4~~

~~\_\_\_\_\_ (a) \_\_\_\_\_~~ Notification to ~~Respondentrespondent~~ shall be as follows:

~~\_\_\_\_\_ (1) \_\_\_\_\_~~ in the case of ~~letters of a~~ formal ~~letter of~~ admonition, the letter of admonition;

~~\_\_\_\_\_ (2) \_\_\_\_\_~~ in the case of ~~an Investigative Panel Confidential~~ Reprimand, the letter notifying the ~~Respondentrespondent~~ to appear for the administration of the reprimand; ~~(3)~~ sent to the ~~Respondentrespondent~~ at his or her address as reflected in ~~State Bar the Membership~~ records ~~of the State Bar of Georgia~~, via certified mail, return receipt requested.

~~\_\_\_\_\_ (b) \_\_\_\_\_~~ Rejection by ~~Respondentrespondent~~ shall be as follows:

~~\_\_\_\_\_ (1) \_\_\_\_\_~~ in writing, within ~~thirty~~30 days of notification; ~~and~~

~~\_\_\_\_\_ (2) \_\_\_\_\_~~ sent to the ~~Investigative Panel State Disciplinary Board~~ via ~~certified mail, return receipt requested, any of the methods authorized under Rule 4-203.1 (c) and~~ directed to the ~~Office of the General Counsel Clerk~~ of the State ~~Bar of Georgia Disciplinary Boards~~ at the current headquarters address of the State Bar- ~~of Georgia.~~

~~\_\_\_\_\_ (c) \_\_\_\_\_~~ If the ~~Respondentrespondent~~ rejects the imposition of a ~~formal admonition or Investigative Panel Formal Letter of Admonition or Confidential~~ Reprimand, the Office of the General Counsel ~~shall may~~ file a formal complaint with the Clerk of the Supreme Court of Georgia ~~within thirty days of receipt of the rejection unless the Investigative Panel or State Disciplinary Board reconsiders~~ its ~~Chairperson grants an extension of time for the filing of the formal complaint decision.~~

1141 ~~\_\_\_\_\_~~ (d) ~~Investigative Panel~~ Confidential Reprimands shall be administered before the  
1142 Panel/State Disciplinary Board by the ~~Chairperson~~Chair or his or her designee.

1143

1144 **Rule 4-208. Confidential Discipline; Effect in Event of Subsequent Discipline-**

1145 ~~\_\_\_\_\_ An accepted letter of formal admonition or an Investigative Panel Reprimand shall be~~  
1146 ~~considered as a disciplinary infraction for the purpose of invoking the provisions of Bar Rule~~  
1147 ~~4-103.~~

1148 ~~\_\_\_\_\_~~ In the event of a subsequent disciplinary proceeding, the confidentiality of the imposition  
1149 of confidential discipline shall be waived and the Office of the General Counsel may use such  
1150 information as aggravation of discipline.

1151

1152 **Rule 4-208.1. Notice of Discipline-**

1153

1154 ~~\_\_\_\_\_~~ (a)- ~~\_\_\_\_\_~~ In any case where the ~~Investigative Panel or a subcommittee of the Panel/State~~  
1155 ~~Disciplinary Board~~ finds Probable Cause, the Panel/State Disciplinary Board may issue a Notice  
1156 of Discipline ~~imposing~~requesting that the Supreme Court of Georgia impose any level of public  
1157 discipline authorized by these ~~rules-~~Rules.

1158

1159 ~~\_\_\_\_\_~~ (b)- ~~\_\_\_\_\_~~ Unless the Notice of Discipline is rejected by the ~~Respondent~~respondent as  
1160 provided in Rule 4-208.3, (1) the ~~Respondent~~respondent shall be in default; (2) the  
1161 ~~Respondent~~respondent shall have no right to any evidentiary hearing; and (3) the  
1162 ~~Respondent~~respondent shall be subject to such discipline and further proceedings as may be  
1163 determined by the Supreme Court of Georgia. The Supreme Court of Georgia is not bound by  
1164 the State Disciplinary Board's recommendation and may impose any level of discipline it deems  
1165 appropriate.

1166

1167 **Rule 4-208.2. Notice of Discipline; Contents; Service-**

1168

1169 ~~\_\_\_\_\_~~ (a)- ~~\_\_\_\_\_~~ The Notice of Discipline shall ~~state~~include:

1170

1171 ~~\_\_\_\_\_~~ (1) ~~\_\_\_\_\_~~ the following:

1172 ~~(1) The~~ Rules which the ~~Investigative Panel/State Disciplinary Board~~ found that the  
1173 ~~Respondent~~respondent violated;

1174

1175 ~~\_\_\_\_\_~~ (2) ~~The~~ ~~\_\_\_\_\_~~ the allegations of facts, which, if ~~unrefuted~~unrebutted, support the  
1176 finding that such Rules have been violated;

1177

1178 ~~\_\_\_\_\_~~ (3) ~~The~~the level of public discipline recommended to be imposed;

1179

1180 ~~\_\_\_\_\_~~ (4) ~~The~~the reasons why such level of discipline is recommended, including  
1181 matters considered in mitigation and matters considered in aggravation, and such other  
1182 considerations deemed by the ~~Investigative Panel/State Disciplinary Board~~ to be relevant  
1183 to such recommendation;

1184

1185 | ~~\_\_\_\_\_ (5) The~~ entire provisions of Rule 4-208.3 relating to rejection of a Notice of  
1186 | Discipline. This may be satisfied by attaching a copy of the Rule to the Notice of  
1187 | Discipline and referencing the same in the ~~Notice~~notice;

1188 |  
1189 | ~~\_\_\_\_\_ (6) A~~ a copy of the Memorandum of Grievance; and

1190 |  
1191 | ~~\_\_\_\_\_ (7) A~~ a statement of any prior discipline imposed upon the  
1192 | ~~Respondent~~respondent, including confidential discipline under Rules 4-205 to 4-208.

1193 |  
1194 | ~~\_\_\_\_\_ (b)-~~ The ~~original~~ Notice of Discipline shall be filed with the Clerk of the Supreme  
1195 | Court of Georgia, and a copy of the Notice of Discipline shall be served upon the respondent  
1196 | pursuant to ~~Bar~~ Rule 4-203.1.

1197 |  
1198 | ~~\_\_\_\_\_ (c) This subparagraph is reserved.~~

1199 | ~~(d) This subparagraph is reserved.~~

1200 | ~~(e) This subparagraph is reserved.~~

1201 | ~~(f) This subparagraph is reserved.~~

1202 | ~~(g)-~~ The Office of the General Counsel shall file ~~the~~ documents by which~~evidencing~~ service  
1203 | ~~was accomplished~~ with the Clerk of the Supreme Court of Georgia.

1204 | ~~(h)~~

1205 | ~~\_\_\_\_\_ (d)~~ The level of disciplinary sanction in any Notice of Discipline rejected by the  
1206 | respondent or the Office of the General Counsel shall not be binding on the Special Master, the  
1207 | ~~Review Panel~~State Disciplinary Board or the Supreme Court of Georgia in subsequent  
1208 | proceedings in the same matter.

1209 |  
1210 | **Rule 4-208.3. Rejection of Notice of Discipline-**

1211 |  
1212 | ~~\_\_\_\_\_ (a)-~~ In order to reject the Notice of Discipline, the respondent or the Office of the  
1213 | General Counsel must file a Notice of Rejection of the Notice of Discipline with the Clerk of the  
1214 | Supreme Court of Georgia within 30 days following service of the Notice of Discipline.

1215 |  
1216 | ~~\_\_\_\_\_ (b)-~~ Any Notice of Rejection by the respondent shall be served by~~upon the opposing~~  
1217 | party. In accordance with Rule 4-204.3 if the respondent upon the Office of~~has not previously~~  
1218 | filed a sworn response to the General Counsel of the State Bar of Georgia. ~~Any~~ Notice of Rejection  
1219 | ~~by the Office of the General Counsel of the State Bar of Georgia shall be served by the General~~  
1220 | ~~Counsel upon the respondent. No Investigation the~~ rejection by the respondent shall~~must include a~~  
1221 | sworn response in order to be considered valid ~~unless the respondent files a written response as~~  
1222 | required by Rule 4 204.3 at or before the filing of rejection. The respondent must also file a copy  
1223 | of such written response with the Clerk of the Supreme Court of Georgia at the time of filing the  
1224 | Notice of Rejection.

1225 |  
1226 | ~~\_\_\_\_\_ (c)-~~ The timely filing of a Notice of Rejection shall constitute an election for the  
1227 | ~~Coordinating Special Master to appoint a Special Master and the matter shall thereafter to~~  
1228 | ~~proceed pursuant to Rules 4-209 through 4-225.208.4 et seq.~~

1229 |  
1230 | **Rule 4-208.4. Formal Complaint Following Notice of Rejection of Discipline-**

1231  
1232 \_\_\_\_\_ (a)- The Office of the General Counsel shall file with the Clerk of the Supreme Court  
1233 of Georgia a formal complaint ~~or~~and a Petition for Appointment of Special Master within ~~thirty~~  
1234 ~~(30)~~ days following the filing of a Notice of Rejection. The Notice of Discipline shall operate as  
1235 the notice of finding of Probable Cause by the ~~Investigative Panel~~State Disciplinary Board.

1236  
1237 \_\_\_\_\_ (b)- The Office of the General Counsel may obtain extensions of time for the filing of  
1238 the formal complaint from the ~~Chairperson~~Chair of the ~~Investigative Panel~~State Disciplinary  
1239 Board or his or her designee.

1240  
1241 \_\_\_\_\_ (c)- After the rejection of a Notice of Discipline and prior to the time of the filing of  
1242 the formal complaint, the ~~Investigative Panel may consider any new evidence regarding~~State  
1243 Disciplinary Board may reconsider the grievance and take appropriate action.

1244  
1245 **Rule 4-209. Docketing by Supreme Court; Appointment of Special Master; Challenges to**  
1246 **Special Master-**

1247  
1248 \_\_\_\_\_ (a)- Upon receipt of a ~~notice of~~ finding of ~~Probable Cause~~probable cause, a petition  
1249 for appointment of a Special Master and a formal complaint ~~from the Investigative Panel~~, the  
1250 Clerk of the Supreme Court of Georgia shall file the matter in the records of the Court, give the  
1251 matter a Supreme Court ~~of Georgia~~ docket number and notify the Coordinating Special Master  
1252 that appointment of a Special Master is appropriate. In those proceedings where a Notice of  
1253 Discipline has been filed, the ~~notice of~~ finding of Probable Cause need not be filed.

1254  
1255 \_\_\_\_\_ (b)- Within a reasonable time after receipt of a petition ~~motion~~ for appointment of a  
1256 Special Master or notification that a Special Master previously appointed has been disqualified,  
1257 ~~withdrawn, or is otherwise unable to serve~~, the Coordinating Special Master ~~will~~shall appoint a  
1258 Special Master to conduct formal disciplinary proceedings in such complaint. The Coordinating  
1259 Special Master shall select ~~as Special Masters experienced members of the State Bar of Georgia~~  
1260 ~~who possess a reputation in the Bar for ethical practice; provided, that a Special Master may not be~~  
1261 ~~appointed to hear a complaint against a Respondent who resides in the same circuit as that in which~~  
1262 ~~the Special Master resides.~~a Special Master from the list approved by the Supreme Court of  
1263 Georgia.

1264  
1265 \_\_\_\_\_ (c)- ~~Upon being advised of appointment of a Special Master by the Coordinating Special~~  
1266 ~~Master, the~~ The Clerk of the ~~Supreme Court of Georgia~~ shall ~~return the original Notice of~~  
1267 ~~Discipline, rejection of Notice of Discipline, if applicable, formal complaint, Probable Cause~~  
1268 ~~finding, petition for appointment of Special Master and the~~ serve the signed ~~order thereon to~~Order  
1269 Appointing Special Master on the Office of the General Counsel of the State Bar of Georgia.  
1270 Upon notification of the appointment of a Special Master, the ~~Office~~State Bar of ~~the General~~  
1271 ~~Counsel~~Georgia shall immediately serve the ~~Respondent~~respondent with the order of  
1272 appointment of a Special Master and with its formal complaint as hereinafter provided.

1273  
1274 \_\_\_\_\_ (d)- Within ten days of service of the notice of appointment of —a Special Master, the  
1275 ~~Respondent~~respondent and the State Bar of Georgia ~~shall~~ lodge~~may file~~ any and all objections or  
1276 challenges they may have to the competency, qualifications or impartiality of the Special Master

1277 | with the ~~chairperson of the Review Panel~~Coordinating Special Master. The party filing such  
1278 | objections or challenges must also serve a copy of the objections or challenges upon the  
1279 | opposing ~~counsel, the Coordinating Special Master party~~ and the Special Master, who may  
1280 | respond to such objections or challenges. Within a reasonable time, the ~~chairperson of the Review~~  
1281 | ~~Panel~~Coordinating Special Master shall consider the challenges, the responses of  
1282 | ~~Respondent~~respondent, the State Bar of Georgia, ~~the Coordinating Special Master~~ and the Special  
1283 | Master, if any, determine whether the Special Master is disqualified and notify the parties, the  
1284 | ~~Coordinating Special Master~~Clerk of the Supreme Court of Georgia and the Special Master of the  
1285 | ~~chairperson's~~ decision. Exceptions to the ~~chairperson's~~Coordinating Special Master's denial of  
1286 | disqualification are subject to review by the ~~entire Review Panel and, thereafter, by the~~ Supreme  
1287 | Court of Georgia ~~when exceptions arising during~~at the evidentiary hearing and exceptions to time  
1288 | ~~the report of record in the Special Master and matter is filed with the Review Panel are properly~~  
1289 | ~~before the Court. In the event of disqualification of~~Court pursuant to Rule 4-217. If a Special  
1290 | ~~Master by the chairperson of the Review Panel, said chairperson shall notify the Clerk of the~~  
1291 | ~~Supreme Court of Georgia, the Coordinating Special Master, the Special Master, the State Bar of~~  
1292 | ~~Georgia and the Respondent of the disqualification and is disqualified.~~ appointment of a successor  
1293 | Special Master shall proceed as provided in this ~~rule~~Rule.

#### 1294 | **Rule 4-209.1. Coordinating Special Master:**

1295 |  
1296 |  
1297 | \_\_\_\_\_ (a)- \_\_\_\_\_ The appointment of and the determination of the compensation of the  
1298 | Coordinating Special Master shall be the duty of the Coordinating Special Master Selection and  
1299 | Compensation Commission. The Commission shall be comprised of the second, third and fourth  
1300 | immediate past presidents of the State Bar of Georgia. If any of the above named ex officio  
1301 | individuals should be ~~disqualified, withdraw, or otherwise be~~ unable to serve, the vacancy shall  
1302 | be filled by appointment by the Supreme Court of Georgia.

1303 |  
1304 | \_\_\_\_\_ (b)- \_\_\_\_\_ The Coordinating Special Master shall be selected by the Coordinating Special  
1305 | Master Selection and Compensation Commission, with the approval of the Supreme Court of  
1306 | Georgia. The Coordinating Special Master shall serve as an independent contractor at the  
1307 | pleasure of the Coordinating Special Master Selection and Compensation Commission.

1308 |  
1309 | \_\_\_\_\_ (c)- \_\_\_\_\_ The Coordinating Special Master shall be compensated by the State Bar of  
1310 | Georgia from the general operating funds of the State Bar of Georgia in an amount specified by  
1311 | the Coordinating Special Master Selection and Compensation Commission. The Coordinating  
1312 | Special Master's compensation shall be approved by the Supreme Court of Georgia. ~~On or~~  
1313 | ~~before the first day of each calendar year, the~~The Coordinating Special Master Selection and  
1314 | Compensation Commission shall submit to the Supreme Court of Georgia for approval the  
1315 | hourly rate to be paid to the Coordinating Special Master during the fiscal year beginning the  
1316 | first day of July of that year, which rate shall continue until ~~the conclusion of the fiscal year of~~  
1317 | ~~the State Bar of Georgia~~further action by the Coordinating Special Master Selection and  
1318 | Compensation Commission.

1319 | (d) ~~The Coordinating Special Master shall have such office space, furniture and~~  
1320 | ~~equipment and may incur such operating expenses in such amounts as may be specified by~~  
1321 | ~~the Supreme Court of Georgia. Such amounts shall be paid by the State Bar of Georgia from~~  
1322 | ~~the general operating funds. On or before the first day of each calendar year, the Supreme~~

1323 ~~Court of Georgia will set the amount to be paid for the above items during the fiscal year~~  
1324 ~~beginning the first day of July of that year.~~

1325 ~~(e)~~  
1326 (d) If the Coordinating Special Master position is vacant or the Coordinating Special  
1327 Master has recused or been disqualified from a particular matter, the Supreme Court of Georgia  
1328 may appoint a temporary Acting Coordinating Special Master to act until the position can be  
1329 filled or to act in any particular matter.

1330  
1331 **Rule 4-209.2. Special Masters-**  
1332

1333 ~~\_\_\_\_\_ (a)-~~ The ~~Coordinating Special Master, subject to the approval of the~~ Supreme Court of  
1334 Georgia, shall ~~annually~~ select ~~and maintain a limited pool of qualified up to 20~~ lawyers to serve as  
1335 Special Masters for ~~the State Disciplinary Board and Hearing Officers for the Board to Determine~~  
1336 ~~Fitness of Bar Applicants pursuant to Part A, Section 8 of the Rules Governing Admission to the~~  
1337 ~~Practice of Law in Georgia- disciplinary cases.~~

1338  
1339 (b) The names of those ~~se~~lawyers selected shall be placed on a list maintained by the  
1340 Coordinating Special Master. ~~Said Such~~ list shall be published annually on the State Bar of  
1341 Georgia website or in a regular State Bar of Georgia publication. Although not mandatory, it is  
1342 preferable that a lawyer so selected shall only remain on such list for five years, so that the term  
1343 may generally be considered to be five years. Any lawyer whose name is removed from such list  
1344 shall be eligible to be selected and placed on the list at any subsequent time.

1345 ~~(b)~~  
1346 (c) ~~Special Masters are subject to those provisions of the Georgia Code of Judicial~~  
1347 ~~Conduct applicable to part-time judges. No member of the State Disciplinary Board, Review~~  
1348 ~~Board or Executive Committee of the State Bar of Georgia may serve as a Special Master.~~

1349  
1350 (d) Training for Special Masters ~~and Hearing Officers~~ is expected, subject to the  
1351 terms of this Rule, and shall consist of one training session within ~~twelve~~12 months after  
1352 selection. The Special Master ~~and Hearing Officer~~ training shall be planned and conducted by  
1353 the Coordinating Special Master ~~- and shall be provided without cost to~~ Special Masters ~~and~~  
1354 ~~Hearing Officers.~~ Special Masters who fail to ~~attend such a~~complete the minimum training  
1355 session shall periodically be removed from consideration for appointment in future cases.  
1356 Failure to ~~attend~~complete such a training session shall not be the basis for a disqualification of  
1357 any Special Master ~~or Hearing Officer~~; as such qualifications shall remain in the sole discretion  
1358 of the Supreme Court of Georgia.

1359 ~~(e) The~~  
1360 (e) Special Masters ~~may~~shall be paid by the State Bar of Georgia from the  
1361 general operating ~~funds on fund~~ at a ~~per case~~ rate to be set by the Supreme Court of Georgia.  
1362 ~~Hearing Officers may be paid pursuant to Part A, Section 14 of The Court may change~~ the  
1363 ~~Rules Governing Admission to the Practice of Law in Georgia-~~

1364 ~~(d) On or before the first day of March of each calendar year, the Supreme Court of Georgia may~~  
1365 ~~set the amount to be paid to the Special Masters during the fiscal year beginning the first day of~~  
1366 ~~July of that year, which rate shall continue until the conclusion of the fiscal year of the State Bar~~  
1367 ~~of Georgia from time to time.~~

1368

1369 | **Rule 4-209.3. Powers and Duties of the Coordinating Special Master:**

1370

1371

The Coordinating Special Master shall have the following powers and duties:

1372 | (1)

1373

(a) to establish requirements for conduct and supervise Special Master ~~and Hearing~~

1374

~~Officer~~-training;

1375

1376

~~(2)~~ (b) to assign cases to Special Masters ~~and Hearing Officers~~ from the pool list provided

1377

in ~~Bar~~ Rule 4-209.2(b);

1378

1379 | (3) (c) to exercise all of the powers and duties provided in ~~Bar~~ Rule 4-210 when acting

1380

as a Special Master under subparagraph (8) below;

1381 | (4)

1382

(d) to monitor and evaluate the performance of Special Masters and ~~Hearing~~

1383

~~Officers~~ to submit a report to the Supreme Court of Georgia regarding such performance

1384

annually;

1385

1386

~~(5)~~ (e) to remove Special Masters ~~and Hearing Officers~~ for such cause as may be deemed

1387

proper by the Coordinating Special Master;

1388

1389 | (6) (f) to fill all vacancies occasioned by incapacity, disqualification, recusal or removal;

1390

1391 | (7) (g) to administer Special Master ~~and Hearing Officer~~ compensation, ~~if authorized as~~

1392

provided in ~~Bar~~ Rule 4-209.2 ~~or Part A, Section 14 of the Rules Governing Admission to the~~

1393

~~Practice of Law in Georgia~~; (e);

1394

1395

~~(8)~~ (h) to hear pretrial motions when no Special Master ~~has been assigned; and is serving;~~

1396

1397

~~(9)~~ (i) to perform all other administrative duties necessary for an efficient and effective

1398

hearing system. ;

1399

1400

(j) to allow a late filing of the respondent's answer where there has been no final

1401

selection of a Special Master within 30 days of service of the formal compliant upon the

1402

respondent; and

1403

1404

(k) to receive and pass upon challenges and objections to the appointment of Special

1405

Masters.

1406

1407 | **Rule 4-210. Powers and Duties of Special Masters:**

1408

1409

In accordance with these Rules a duly appointed Special Master ~~or Hearing Officer~~ shall

1410

have the following powers and duties:

1411 | (1)

1412

(a) to exercise general supervision over assigned disciplinary proceedings, including

1413

emergency suspension cases as provided in Rule 4-108, and to perform all duties specifically

1414

enumerated in these Rules;

1415 ~~(2)~~  
1416       (b)       to rule on all questions concerning the sufficiency of the formal complaint;  
1417 ~~(3)~~  
1418       (c)       to ~~conduct the~~encourage negotiations between the State Bar of Georgia and the  
1419 ~~Respondent~~respondent, whether at a pretrial meeting set by the Special Master or at any other  
1420 time;  
1421 ~~(4)~~  
1422       (d)       to receive and evaluate any Petition for Voluntary Discipline filed after the filing  
1423 of a formal complaint;  
1424 ~~(5)~~  
1425       (e)       to grant continuances and to extend any time limit provided for herein as to any  
1426 pending matter;  
1427 ~~(6)~~  
1428       (f)       to apply to the Coordinating Special Master for leave to withdraw and for the  
1429 appointment of a successor in the event that he or she becomes incapacitated or otherwise unable  
1430 to perform his or her duties ~~or in the event that he or she learns that he or she and the Respondent~~  
1431 ~~reside in the same circuit~~;  
1432 ~~(7)~~  
1433       (g)       to hear, determine and consolidate action on the complaints, where there are  
1434 multiple complaints against a ~~Respondent~~respondent growing out of different transactions,  
1435 whether they involve one or more complainants, and ~~may proceed~~ to make recommendations on  
1436 each complaint as constituting a separate offense;  
1437 ~~(8)~~  
1438       (h)       to sign subpoenas and exercise the powers described in ~~Bar~~-Rule 4-221~~(b)(c)~~;  
1439 ~~(9)~~  
1440       (i)       to preside over evidentiary hearings and to decide questions of law and fact raised  
1441 during such hearings;  
1442 ~~(10)~~  
1443       (j)       to make findings of fact and conclusions of law and a recommendation of  
1444 discipline as hereinafter provided and to submit his or her findings for consideration by the  
1445 ~~Review Panel~~Supreme Court of Georgia in accordance with Rule 4-214;  
1446 ~~(11)~~  
1447       (k)       to exercise general supervision over discovery by parties to disciplinary  
1448 proceedings and to conduct such hearings and sign all appropriate pleadings and orders  
1449 pertaining to such discovery as are provided for by the law of Georgia applicable to discovery in  
1450 civil cases; and  
1451 ~~(12)~~  
1452       (l)       in disciplinary cases, to make a recommendation of discipline, and in emergency  
1453 suspension cases a recommendation as to whether the ~~Respondent~~respondent should be  
1454 suspended pending further disciplinary proceedings; ~~and~~  
1455 ~~(13) to conduct and exercise general supervision over hearings for the Board to Determine~~  
1456 ~~Fitness of Bar Applicants and to make written findings of fact and recommendations pursuant to~~  
1457 ~~Part A, Section 8 of the Rules Governing Admission to the Practice of Law in Georgia.~~  
1458 **Rule 4-211. Formal Complaint; Service.**  
1459



1460 | ~~\_\_\_\_\_ (a)-~~ Within ~~thirty~~30 days after a finding of Probable Cause, ~~a formal complaint shall be~~  
1461 | ~~prepared by~~ the Office of the General Counsel, ~~shall file a formal complaint~~ which shall  
1462 | ~~specifyspecifies~~ with reasonable particularity the acts complained of and the grounds for  
1463 | disciplinary action. ~~A formal complaint shall include the names and addresses of witnesses so far~~  
1464 | ~~as then known~~. A copy of the formal complaint shall be served upon the ~~Respondent~~respondent  
1465 | after appointment of a Special Master ~~by the Coordinating Special Master~~. In those cases where a  
1466 | Notice of Discipline has been filed and rejected, the filing of the formal complaint shall be  
1467 | governed by the time period set forth in Rule 4-208.4. The formal complaint shall be served  
1468 | pursuant to ~~Bar~~Rule 4-203.1.

1469 |  
1470 | ~~\_\_\_\_\_ (b)-~~ This subparagraph is reserved.

1471 |  
1472 | ~~\_\_\_\_\_ (c)-~~ At all stages of the proceeding, both the ~~Respondent~~respondent and the State Bar  
1473 | of Georgia may be represented by counsel. Counsel representing the State Bar of Georgia shall  
1474 | be authorized to prepare and sign notices, pleadings, motions, complaints, and certificates for  
1475 | and in behalf of the State Bar of Georgia and the State Disciplinary Board.

#### 1476 | **Rule 4-211.1. Dismissal after Formal Complaint-**

1477 |  
1478 | At any time after the ~~Investigative Panel~~State Disciplinary Board finds ~~Probable~~  
1479 | ~~Cause~~probable cause, the Office of the General Counsel may dismiss the proceeding with the  
1480 | consent of the ~~Chairperson~~Chair or Vice ~~Chairperson~~chair of the ~~Investigative Panel~~State  
1481 | ~~Disciplinary Board~~ or with the consent of any three members of the ~~Investigative Panel~~State  
1482 | ~~Disciplinary Board~~.  
1483 |  
1484 |

#### 1485 | **Rule 4-212. Answer of Respondent; Discovery-**

1486 |  
1487 | ~~\_\_\_\_\_ (a)-~~ The ~~Respondent~~respondent shall ~~file and~~ serve his ~~or her~~ answer to the formal  
1488 | complaint of the State Bar of Georgia pursuant to Rule 4-221 (b) within ~~thirty~~30 days after  
1489 | service of the formal complaint. ~~Inlf~~ the event that ~~Respondent~~respondent fails to answer or to  
1490 | obtain an extension of time for his ~~or her~~ answer, the facts alleged and violations charged in the  
1491 | formal complaint shall be deemed admitted. In the event the ~~Respondent's~~respondent's answer  
1492 | fails to address specifically the issues raised in the formal complaint, the facts alleged and  
1493 | violations charged in the formal complaint and not specifically addressed in the answer shall be  
1494 | deemed admitted. A ~~Respondent~~respondent may obtain an extension of time not to exceed  
1495 | ~~fifteen~~15 days to file the answer from the Special Master, ~~or, when a challenge to the Special~~  
1496 | ~~Master is pending, from the chairperson of the Review Panel~~. Extensions of time for the filing of  
1497 | an answer shall not be routinely granted.  
1498 |  
1499 |

1500 | ~~\_\_\_\_\_ (b)-~~ The pendency of objections or challenges to one or more Special Masters shall  
1501 | provide no justification for a ~~Respondent's~~respondent's failure to file his ~~or her~~ answer or for  
1502 | failure of the State Bar of Georgia or the ~~Respondent~~respondent to engage in discovery.

1503 |  
1504 | ~~\_\_\_\_\_ (c)-~~ Both parties to the disciplinary proceeding may engage in discovery under the  
1505 | rules of practice and procedure then applicable to civil cases in the State of Georgia.

1506 |  
1507 |        (d)- In lieu of filing an answer to the formal complaint of the State Bar of Georgia, the  
1508 | Respondentrespondent may submit to the Special Master a Petition for Voluntary Discipline; as  
1509 | provided, however, that each at Rule 4-227(c). Each such petition shall contain admissions of  
1510 | fact and admissions of conduct in violation of Part IV, Chapter 1 of these ~~rules~~ Rules sufficient to  
1511 | authorize the imposition of discipline. As provided in Rule 4-~~210(d)~~ 227 (c) (1), the Special  
1512 | Master ~~may solicit a response to such petition from~~ shall allow Bar ~~counsel- Counsel~~ 30 days  
1513 | within which to respond.  
1514 |

1515 | **Rule 4-213. Evidentiary Hearing-**  
1516 |

1517 |        (a)- Within 90 days after the filing of respondent'srespondent's answer to the formal  
1518 | complaint or the expiration of the time for filing of the answer, whichever is later, the Special  
1519 | Master shall proceed to hear the case. The evidentiary hearing shall be reported and transcribed  
1520 | at the expense of the State Bar of Georgia. -When the hearing is complete, the Special Master  
1521 | shall proceed to make findings of fact, conclusions of law and a recommendation of discipline  
1522 | and file a report with the Review Panel or the Supreme Court of Georgia as hereinafter provided.  
1523 | Alleged errors in the ~~trial~~hearing may be reviewed by the Supreme Court of Georgia when the  
1524 | findings and recommendations of discipline of the Review Panel are filed with the Court. There  
1525 | shall be no directinterlocutory appeal from such proceedings of alleged errors in the Special  
1526 | Masterhearing.  
1527 |

1528 |        (b)- Upon respondent'srespondent's showing of necessity and financial inability to pay  
1529 | for a copy of the transcript, the Special Master shall order the State Bar of Georgia to purchase a  
1530 | copy of the transcript for respondent.  
1531 |

1532 | **Rule 4-~~217~~214. Report of the Special Master ~~to~~**  
1533 |

1534 |        (a) Unless the Review Panel-  
1535 | (a) Within 30Coordinating Special Master extends the deadline for good cause, the Special  
1536 | Master shall prepare a report within 45 days from receipt of the transcript of the evidentiary  
1537 | hearing; Failure of the Special Master shall prepare a to issue the report whichwithin 45 days  
1538 | shall not be grounds for dismissal. The report shall contain the following:  
1539 |

- 1540 |        (1)- findings of fact on the issues raised by the formal complaint, and;  
1541 |  
1542 |        (2)- conclusions of law on the issues raised by the pleadings of the parties; and  
1543 |  
1544 |        (3)- a recommendation of discipline.  
1545 |

1546 |        (b)- The Special Master shall file his or her original report and recommendation with  
1547 | the Clerk of the State Disciplinary BoardBoards and shall serve a copy on the respondent and  
1548 | counsel for the State Bar of Georgia pursuant to Rule 4-203.1.  
1549 |

1550 \_\_\_\_\_(c) Thirty days after the Special Master's report and recommendation is filed, the  
1551 The Clerk of the State Disciplinary Board shall file the original record in the case  
1552 directly with the Supreme Court of Georgia, unless either party requests review by the  
1553 Review Panel as provided in paragraph (d) of this Rule. In the event neither party requests  
1554 review by the Review Panel and the matter goes directly to the Supreme Court of Georgia;  
1555 both parties shall be deemed to have waived any right they may have under the Rules to file  
1556 exceptions with or make request for oral argument to the Supreme Court of Georgia. Any  
1557 review undertaken by the Supreme Court of Georgia shall be solely on the original record.  
1558 (d) Upon receipt of the Special Master's report and recommendation, either party may request  
1559 review by the Review Panel as provided in Rule 4-218. Such party shall file the request and  
1560 exceptions party files with the Clerk of a request for review by the State Disciplinary Review  
1561 Board in accordance with Rule 4-221 (f) and serve them on exceptions to the opposing  
1562 party report within 30 days after of the Special Master's date the report is filed with the as provided  
1563 in Rule 4-216, et seq. The Clerk of shall inform the State Disciplinary Board. Upon receipt of a  
1564 timely written request and exceptions, the Clerk of the State Disciplinary Board shall prepare and  
1565 file the record and report with the Review Panel. The responding party shall have 30 days after  
1566 service of the exceptions within which to respond Review Board when a request for review and  
1567 exceptions are filed.  
1568 Rule 4-218. Findings by the Review Panel.  
1569 (a)  
1570 (d) In the event any party requests review, the responding party shall file a response  
1571 to the exceptions within 30 days of the filing. Within ten days after the receipt of a response or  
1572 the expiration of the time for responding, the Clerk shall transmit the record in the case to the  
1573 State Disciplinary Review Board.  
1574  
1575 **Rule 4-215. Powers and Duties of the State Disciplinary Review Board**  
1576  
1577 In accordance with these Rules, the State Disciplinary Review Board shall have the  
1578 following powers and duties:  
1579  
1580 (a) To review reports of Special Masters, and to recommend to the Supreme Court of  
1581 Georgia the imposition of punishment and discipline or dismissal of the complaint;  
1582  
1583 (b) To adopt forms for notices and any other written instruments necessary or  
1584 desirable under these Rules; and  
1585  
1586 (c) To prescribe its own rules of conduct and procedure.  
1587 **Rule 4-216. Proceedings Before the State Disciplinary Review Board**  
1588  
1589 (a) Upon receipt of the record and exceptions to the report from of the Special  
1590 Master pursuant to Rule 4-217 (d), 214, the State Disciplinary Review Panel Board shall consider  
1591 the record, make review findings of fact and conclusions of law, and determine whether a

1592 recommendation of disciplinary action will be made to the Supreme Court of Georgia and the  
1593 nature of such recommended discipline. The findings of fact ~~and conclusions of law~~ made by a  
1594 Special Master ~~shall not be binding on the Panel and~~ may be reversed ~~by it on the basis if the~~  
1595 ~~State Disciplinary Review Board finds them to be clearly erroneous or manifestly in error.~~  
1596 ~~Conclusions of law and determinations of the record submitted to the Panel by the Special~~  
1597 ~~Master appropriate sanctions shall be reviewed de novo.~~

1598  
1599       (b). The ~~Respondent~~ respondent shall have the right to challenge the competency,  
1600 qualifications, or objectivity of any member of the State Disciplinary Review Panel ~~Board~~  
1601 considering the case ~~against him~~ under a procedure as provided for in the rules of the Panel ~~State~~  
1602 Disciplinary Review Board.

1603  
1604       (c). There shall be no de novo hearing before the State Disciplinary Review Panel  
1605 ~~except by unanimous consent of the Panel~~ Board.

1606  
1607       (d). The State Disciplinary Review Panel ~~may grant rehearings, or new trials,~~  
1608 ~~for such reasons, in such manner, on such issues and within such times as the ends of justice~~  
1609 ~~may require.~~

1610 (e) The Review Panel ~~Board~~ may consider exceptions to the report of the Special Master and may  
1611 in its discretion grant oral argument: ~~if requested by any party within 15 days of transmission of~~  
1612 ~~the record and exceptions to the State Disciplinary Review Board.~~ Exceptions and briefs shall be  
1613 filed with the Clerk of the State Disciplinary ~~Board~~ Boards, in accordance with ~~Bar Rules 4-~~  
1614 ~~217(d) and 4-221(f). Rule 4-214.~~ The responding party shall have ~~ten (10)~~ 30 days after service of  
1615 the exceptions within which to respond.

1616 (f) The Review Panel shall file its report and the complete record in the disciplinary  
1617 ~~proceeding with the Clerk of the Supreme Court of Georgia. A copy of the Panel's report~~  
1618 ~~shall be served upon the respondent.~~

1619  
1620  
1621 (f) Within 90 days after receipt of the record including any exceptions to the report of  
1622 the Special Master and responses thereto the State Disciplinary Review Board shall file its report  
1623 with the Clerk of the State Disciplinary Boards. The 90-day deadline may be extended by  
1624 agreement of the parties or with the consent of the Chair of the State Disciplinary Review Board  
1625 for good cause shown. A copy of the State Disciplinary Review Board's report shall be served  
1626 upon the respondent and the Clerk shall file the record in the case with the Supreme Court of  
1627 Georgia within 10 days after the report is filed. If no report is filed by the State Disciplinary  
1628 Review Board within 90 days of receipt by it of the record and no extension is granted, the Clerk  
1629 shall file the original record in the case with the Clerk of the Supreme Court of Georgia and the  
1630 case shall be considered by the Court on the record.

1631 Rule 4-217. Reserved.

1632 Rule 4-219 ~~218. Judgments and Protective Orders.~~

1633 (a)  
1634            After either the Review Panel's Special Master's report or the Special Master's and any  
1635 report of the State Disciplinary Review Board is filed with the Supreme Court of Georgia, the  
1636 respondent and the State Bar of Georgia may file with the Court any written exceptions,  
1637 supported by written argument, each may have to the ~~report subject to the provisions of Rule 4-~~  
1638 ~~217 (e)-reports.~~ All such exceptions shall be filed with the Court within 30 days of the date that  
1639 the ~~report~~record is filed with the Court and a copy served upon the opposing party. The  
1640 responding party shall have an additional 30 days to file ~~its~~a response with the Court. The Court  
1641 may grant oral argument on any exception filed with it upon application for such argument by a  
1642 party to the disciplinary proceedings. The Court will promptly consider the report of the Review  
1643 Panel or the Special Master, any report of the State Disciplinary Review Board, any exceptions,  
1644 and any responses filed by any party to such exceptions, and enter judgment upon the formal  
1645 complaint. A copy of the ~~Court's~~Court's judgment shall be transmitted to the State Bar of  
1646 Georgia and the respondent by the Court.

1647 (b)  
1648 **Rule 4-219. Publication and Protective Orders**  
1649

1650            (a) In cases in which the Supreme Court of Georgia orders disbarment, voluntary  
1651 surrender of license or suspension, or the respondent a lawyer is disbarred or publicly reprimanded,  
1652 suspended on a Notice of Discipline, the Review Panel, disbarred, or voluntarily surrenders his or  
1653 her license, the Office of the General Counsel shall publish in a local newspaper or newspapers  
1654 and on the official State Bar of Georgia website, notice of the discipline, including the  
1655 ~~respondent's~~respondent's full name and business address, the nature of the discipline imposed  
1656 and the effective dates.

1657 (c)  
1658  
1659            (b)  
1660

1661            (1)-            After a final judgment of disbarment or suspension, including a  
1662 disbarment or suspension on a Notice of Discipline, the respondent shall immediately  
1663 cease the practice of law in Georgia and shall, within 30 days, notify all clients of his  
1664 inability to represent them and of the necessity for promptly retaining new counsel, and  
1665 shall take all actions necessary to protect the interests of his clients. Within 45 days after  
1666 a final judgment of disbarment or suspension, the respondent shall certify to the Court  
1667 that he has satisfied the requirements of this Rule. Should the respondent fail to comply  
1668 with the requirements of this Rule, the Supreme Court of Georgia, upon its own motion  
1669 or upon motion of the Office of the General Counsel, and after ten ~~days~~days' notice to the  
1670 respondent and proof of his failure to notify or protect his clients, may hold the  
1671 respondent in contempt and, pursuant to Rule 4-228, order that a member or members of  
1672 the State Bar of Georgia take charge of the files and records of the respondent and  
1673 proceed to notify all clients and to take such steps as seem indicated to protect their  
1674 ~~interest~~interests. Motions for reconsideration may be taken from the issuance or denial of  
1675 such protective order by either the respondent or by the State Bar of Georgia.

1676            (2)-            After a final judgment of disbarment or suspension under Part IV of these  
1677 Rules, ~~including a disbarment or suspension on a Notice of Discipline,~~ the respondent  
1678

1679 shall take such action necessary to cause the removal of any indicia of the respondent as a  
1680 lawyer, legal assistant, legal clerk or person with similar status. In the event the  
1681 respondent should maintain a presence in an office where the practice of law is  
1682 conducted, the respondent shall not: represent himself or herself as a lawyer or person  
1683 with similar status and shall not provide any legal advice to clients of the law office.  
1684 (i) have any contact with the clients of the office either in person, by telephone, or in  
1685 writing; or  
1686 (ii) have any contact with persons who have legal dealings with the office either in  
1687 person, by telephone, or in writing.  
1688

1689 **Rule 4-220. Notice of Punishment or Acquittal; Administration of Reprimands-**

1690  
1691  
1692 \_\_\_\_\_ (a) Upon a final judgment of disbarment or suspension, notice of the action taken  
1693 shall be given by the Office of the General Counsel of the State Bar of Georgia to the clerks of  
1694 all courts of record in this State and to the SecretaryMembership Department of the State Bar of  
1695 Georgia, and the name of the Respondentrespondent in question shall be stricken from the rolls  
1696 of said courts and from the rolls of the State Bar of Georgia either permanently, in case of  
1697 disbarment, or for the prescribed period in case of suspension.

1698  
1699  
1700 \_\_\_\_\_ (b) Review Panel Reprimands shall be administered before the Panel by the  
chairperson or his or her designee.

1701 (c) Public Reprimands shall be prepared by the Review Panel, the ChairpersonOffice of the  
1702 Review Panel or his or her designee, and General Counsel based upon the record in the case.  
1703 They shall be read in open court, in the presence of the Respondentrespondent by the judge of  
1704 the superior courtSuperior Court in the county in which the Respondentrespondent resides or in  
1705 the county in which the disciplinary infraction occurred, with the location to be specified by the  
1706 Review PanelSpecial Master subject to the approval of the Supreme Court  
1707 of Georgia. Notice of issuance of the reprimand shall be published in advance in the legal organ  
1708 of the county of the respondent's address as shown on the Membership Records of the State Bar  
1709 of Georgia, and provided to the complainant in the underlying case.

1710 (d)

1711 \_\_\_\_\_ (c) After a Public or Review Panel Reprimand has been administered, a certificate  
1712 reciting the fact of the administration of the reprimand and the date of its administration shall be  
1713 filed with the Supreme Court of Georgia. There shall be attached to such certificate a copy of the  
1714 reprimand. Both the certificate and the copy of the reprimand shall become a part of the record in  
1715 the disciplinary proceeding.

1716 (e)

1717 \_\_\_\_\_ (d) In the event of a final judgment in favor of acquittalthe respondent, the State Bar  
1718 of Georgia shall, if directed by the Respondentrespondent, give notice thereof to the clerk of the  
1719 superior court of the county in which the Respondentrespondent resides. The Respondent may  
1720 give reasonable public notice of the judgment or acquittal.

1721

1722 **Rule 4-221. Hearing Procedures-**

1723

1724 \_\_\_\_\_(a)\_\_\_\_ Oaths. Before entering upon ~~his or her~~their duties as herein provided, each  
1725 member of the State Disciplinary Board, each member of the State Disciplinary Review Board,  
1726 and each Special Master shall ~~subscribe~~swear or affirm to ~~an~~the following oath to be  
1727 administered by any person authorized to administer oaths under the laws of this State, such oath  
1728 to be in writing signing a copy and filed with the Executive Director returning it to the Clerk of  
1729 the Boards or to the Clerk of the State Bar Supreme Court of Georgia. The form of such oath  
1730 shall be-, as appropriate.

1731 “  
1732 "I do solemnly swear ~~or affirm~~ that I will faithfully and impartially discharge and perform  
1733 all of the duties incumbent upon me as a member of the State Disciplinary Board of the  
1734 State Bar of Georgia/member of the State Disciplinary Review Board of the State Bar of  
1735 Georgia/Special Master according to the best of my ability and understanding and  
1736 agreeable to the laws and Constitution of this State and the Constitution of the United  
1737 States ~~so help me God."~~"

1738  
1739 The Clerk of the Boards shall file the completed Oaths of Board members and the Clerk of the  
1740 Supreme Court of Georgia shall file the completed Oaths of Special Masters.

1741  
1742 (b) Pleadings and Copies. Original pleadings shall be filed with the Clerk of the  
1743 Boards at the headquarters of the State Bar of Georgia and copies served upon the Special Master  
1744 and all parties to the disciplinary proceeding. Depositions and other original discovery shall be  
1745 retained by counsel and shall not be filed except as permitted under the Uniform Superior Court  
1746 Rules.

1747 ~~(b)~~  
1748 (c) Witnesses and Evidence; Contempt.

1749  
1750 (1)\_\_\_\_\_ The respondent and the State Bar of Georgia shall have the right to require  
1751 the issuance of subpoenas for the attendance of witnesses to testify or to produce books  
1752 and papers. ~~The State Disciplinary Board or a~~ The Special Master shall have power to  
1753 compel the attendance of witnesses and the production of books, papers, and documents,  
1754 relevant to the matter under investigation, by subpoena, and as further provided by law in  
1755 civil cases under the laws of Georgia.

1756  
1757 (2)\_\_\_\_\_ The following shall subject a person to rule for contempt of the Special  
1758 Master or ~~Panel-~~ State Disciplinary Board:

- 1759  
1760 (i) \_\_\_\_\_ disregard, in any manner whatever, of a subpoena issued pursuant  
1761 to ~~Rule~~ Rules 4-203 (i), 4-210 (h) or 4-221 (b) (1)-,  
1762  
1763 (ii) \_\_\_\_\_ refusal to answer any pertinent or proper question of a Special  
1764 Master ~~or Board member,~~ or  
1765  
1766 (iii) \_\_\_\_\_ willful or flagrant violation of a lawful directive of a Special  
1767 Master ~~or Board member.~~  
1768

1769 | It shall be the duty of the ~~chairperson~~Chair of the ~~affected Panel~~State Disciplinary Board or  
1770 | Special Master to report the ~~fact~~facts supporting contempt to the Chief Judge of the superior  
1771 | court in and for the county in which ~~said~~the investigation, trial or hearing is being held. The  
1772 | superior court shall have jurisdiction of the matter and shall follow the procedures for contempt  
1773 | as are applicable in the case of a witness subpoenaed to appear and give evidence on the trial of a  
1774 | civil case before the superior court under the laws in Georgia.

1775 | ~~(3) Any member of the State Disciplinary Board and any~~  
1776 | (3) Any Special Master shall have power to administer oaths and affirmations  
1777 | and to issue any subpoena herein provided for.  
1778 |

1779 | (4)- Depositions may be taken by the respondent or the State Bar of Georgia in  
1780 | the same manner and under the same provisions as may be done in civil cases under the  
1781 | laws of Georgia, and such depositions may be used upon the trial or an investigation or  
1782 | hearing in the same manner as such depositions ~~are admissible in evidence~~may be used in  
1783 | civil cases under the laws of Georgia.  
1784 |

1785 | (5)- All witnesses attending any hearing provided for under these Rules shall  
1786 | be entitled to the same fees as now are allowed by law to witnesses attending trials in  
1787 | civil cases in the superior courts of this State under subpoena, ~~and said fees shall be~~  
1788 | ~~assessed against the parties to the proceedings under the rule of law applicable to civil~~  
1789 | ~~suits in the superior courts of this State.~~  
1790 |

1791 | ~~(6) Whenever the deposition of any person is to be taken in this State pursuant to the~~  
1792 | ~~laws of another state, territory, province or commonwealth, or of the United States or of~~  
1793 | ~~another country for use in attorney discipline, fitness or disability proceedings there, the~~  
1794 | ~~chairperson of the Investigative Panel, or his or her designee upon petition, may issue a~~  
1795 | ~~summons or subpoena as provided in this Rule to compel the attendance of witnesses and~~  
1796 | ~~production of documents at such deposition.~~

1796 | ~~(e)~~  
1797 | (d) Venue of Hearings.  
1798 |

1799 | (1)- The hearings on all complaints and charges against a resident  
1800 | ~~respondents~~respondent shall be held in the county of the respondent's main office or the  
1801 | county of residence of the respondent unless he ~~or she~~ otherwise agrees.  
1802 |

1803 | (2)- Where the respondent is a nonresident of the State of Georgia and the  
1804 | complaint arose in the State of Georgia, the hearing shall be held in the county where the  
1805 | complaint arose.  
1806 |

1807 | (3)- When the respondent is a nonresident of the State of Georgia and the  
1808 | offense occurs outside the State, the hearing may be held in the county of the State Bar of  
1809 | Georgia headquarters.  
1810 |

1811 | ~~(4)~~  
1811 | Rule 4-221.1 Confidentiality of Investigations and Proceedings.  
1812 | ~~(4)~~



1813 | (a) The State Bar of Georgia shall maintain as confidential all disciplinary  
1814 | investigations and proceedings pending at the screening or investigative stage, unless otherwise  
1815 | provided by these Rules.  
1816 | ~~(2)~~

1817 | (b) After a proceeding under these Rules is filed with the Supreme Court of Georgia,  
1818 | all evidentiary and motions hearings shall be open to the public and all ~~reports~~  
1819 | ~~rendered documents and pleadings filed of record~~ shall be public documents, unless the Special  
1820 | Master orders otherwise.  
1821 | ~~(3)~~

1822 | (c) Nothing in these Rules shall prohibit the complainant, respondent or third party  
1823 | from disclosing information regarding a disciplinary proceeding, unless otherwise ordered by the  
1824 | Supreme Court of Georgia or a Special Master in proceedings under these Rules.  
1825 | ~~(4)~~

1826 | (d) The Office of the General Counsel of the State Bar of Georgia or ~~the~~  
1827 | ~~Investigative Panel of~~ the State Disciplinary Board may reveal or authorize disclosure of  
1828 | information which would otherwise be confidential under this Rule under the following  
1829 | circumstances:  
1830 | ~~(i)~~

1831 | (1) In the event of a charge of wrongful conduct against any member of the  
1832 | State Disciplinary Board, the State Disciplinary Review Board, or any person who is  
1833 | otherwise connected with the disciplinary proceeding in any way, ~~either Panel of the~~  
1834 | State Disciplinary Board or its ~~chairperson~~ Chair or his or her designee, may authorize the  
1835 | use of information concerning disciplinary investigations or proceedings to aid in the  
1836 | defense against such charge.  
1837 | ~~(ii)~~

1838 | (2) In the event the Office of the General Counsel receives information that  
1839 | suggests criminal activity, such information may be revealed to the appropriate criminal  
1840 | prosecutor.  
1841 | ~~(iii)~~

1842 | (3) In the event of subsequent disciplinary proceedings against a lawyer, the  
1843 | Office of the General Counsel may, in aggravation of discipline in the pending  
1844 | disciplinary case, reveal the imposition of confidential discipline under Rules 4-205 to 4-  
1845 | 208 and facts underlying the imposition of discipline.  
1846 | ~~(iv)~~

1847 | (4) A complainant and or lawyer representing the complainant ~~may~~ shall be  
1848 | notified of the status or disposition of the complaint.  
1849 | ~~(v)~~

1850 | (5) When public statements that are false or misleading are made about any  
1851 | otherwise confidential disciplinary case, the Office of the General Counsel may disclose  
1852 | all information necessary to correct such false or misleading statements.  
1853 | ~~(5)~~

1854 | (e) The Office of the General Counsel may reveal confidential information to the  
1855 | following persons if it appears that the information may assist them in the discharge of their  
1856 | duties:  
1857 | ~~(i)~~

- 1858 | (1) The Committee on the Arbitration of Attorney Fee Disputes or the  
1859 | comparable body in other jurisdictions;
- 1860 | ~~(ii)~~ (2) The Trustees of the ~~Clients'~~Clients' Security Fund or the comparable body  
1861 | in other jurisdictions;
- 1862 | ~~(iii)~~ (3) The Judicial Nominating Commission or the comparable body in other  
1863 | jurisdictions;
- 1864 | ~~(iv)~~ (4) The Lawyer Assistance Program or the comparable body in other  
1865 | jurisdictions;
- 1866 | ~~(v)~~ (5) The Board to Determine Fitness of Bar Applicants or the comparable body  
1867 | in other jurisdictions;
- 1868 | ~~(vi)~~ (6) The Judicial Qualifications Commission or the comparable body in other  
1869 | jurisdictions;
- 1870 | ~~(vii)~~ (7) The Executive Committee with the specific approval of the following  
1871 | representatives of the ~~Investigative Panel of the~~ State Disciplinary Board: the  
1872 | ~~chairperson~~Chair, the ~~vice-chairperson~~Vice-chair and a third representative designated by  
1873 | the ~~chairperson~~Chair;
- 1874 | ~~(viii)~~ (8) The Formal Advisory Opinion Board;
- 1875 | ~~(ix)~~ (9) The Consumer Assistance Program;
- 1876 | ~~(x)~~ (10) The General Counsel Overview Committee;
- 1877 | ~~(xi)~~ (11) An office or committee charged with discipline appointed by the United  
1878 | States Circuit or District Court or the highest court of any state, District of Columbia,  
1879 | commonwealth or possession of the United States; and
- 1880 | ~~(xii)~~ (12) The Unlicensed Practice of Law Department.
- 1881 | ~~(6)~~ (f) Any information used by the Office of the General Counsel in a proceeding under  
1882 | Rule 4-108 or in a proceeding to obtain a ~~Receiver~~receiver to administer the files of a ~~member of~~  
1883 | ~~the State Bar of Georgia~~lawyer, shall not be confidential under this Rule.
- 1884 | ~~(7)~~ (g) The Office of the General Counsel may reveal confidential information when  
1885 | required by law or court order.
- 1886 | ~~(8)~~ (h) The authority or discretion to reveal confidential information under this Rule shall  
1887 | not constitute a waiver of any evidentiary, statutory or other privilege which may be asserted by  
1888 | the State Bar of Georgia or the State Disciplinary Board under Bar Rules or applicable law.
- 1889 | ~~(9)~~

1904 |       (i)       Nothing in this Rule shall prohibit the Office of the General Counsel or the  
1905 | ~~Investigative Panel~~State Disciplinary Board from interviewing potential witnesses or placing the  
1906 | Notice of Investigation out for service by sheriff or other authorized person.

1907 | ~~(10)~~

1908 |       (j)       Members of the Office of the General Counsel and State Disciplinary Board may  
1909 | respond to specific inquiries concerning matters that have been made public by the complainant,  
1910 | respondent or third parties but are otherwise confidential under these Rules by acknowledging  
1911 | the existence and status of the proceeding.

1912 | ~~(11)~~

1913 |       (k)       The State Bar of Georgia shall not disclose information concerning discipline  
1914 | imposed on a lawyer under prior Supreme Court of Georgia Rules that was confidential when  
1915 | imposed, unless authorized to do so by said prior Rules-

1916 | ~~(e)~~

1917 | **Rule 4-221.2. Burden of Proof; Evidence.**

1918 | ~~(1)~~

1919 |       (a)       In all proceedings under this Chapter the burden of proof shall be on the State Bar  
1920 | of Georgia, except for proceedings under Rule 4-106.

1921 | ~~(2)~~

1922 |       (b)       In all proceedings under this chapter occurring after a finding of probable cause as  
1923 | described in Rule 4-204.4, the procedures and rules of evidence applicable in civil cases under  
1924 | the laws of Georgia shall apply, except that the quantum of proof required of the State Bar ~~of~~  
1925 | Georgia shall be clear and convincing evidence.

1926 | ~~(f) Pleadings and Copies. Original pleadings shall be filed with the Clerk of the State~~  
1927 | ~~Disciplinary Board at the headquarters of the State Bar of Georgia and copies served upon the~~  
1928 | ~~Special Master and all parties to the disciplinary proceeding. Depositions and other original~~  
1929 | ~~discovery shall be retained by counsel and shall not be filed except as permitted under the~~  
1930 | ~~Uniform Superior Court Rules.~~

1931 | ~~(g)~~

1932 | **Rule 4-221.3. Pleadings and Communications Privileged-**

1933 |

1934 |        Pleadings and oral and written statements of members of the ~~State Disciplinary~~  
1935 | ~~Board~~Boards, members and designees of the Lawyer Assistance Program, Special Masters, Bar  
1936 | counsel and investigators, complainants, witnesses, and respondents and their counsel made to  
1937 | one another or filed in the record during any investigation, intervention, hearing or other  
1938 | disciplinary proceeding under this Part IV, and pertinent to the disciplinary proceeding, are made  
1939 | in performance of a legal and public duty, are absolutely privileged, and under no circumstances  
1940 | form the basis for a right of action.

1941 |

1942 | **Rule 4-222. Limitation-**

1943 |

1944 |       (a)-       No proceeding under Part IV, Chapter 2, shall be brought unless a Memorandum  
1945 | of Grievance has been received at the State Bar of Georgia headquarters or instituted ~~by the~~  
1946 | ~~Investigative Panel~~pursuant to these Rules within four years after the commission of the act-  
1947 | Provided : provided, however, this limitation shall be tolled during any period of time, not to  
1948 | exceed two years, that the offender or the offense is unknown, the ~~offender-~~offender's

1949 | whereabouts are unknown, or the ~~offender's~~offender's name is removed from the roll of those  
1950 | authorized to practice law in this State.

1951 |  
1952 |        (b)-        Referral of a matter to the ~~Investigative Panel~~State Disciplinary Board by the  
1953 | Office of the General Counsel shall occur within ~~twelve~~12 months of the receipt of the  
1954 | Memorandum of Grievance at ~~the~~the State Bar of Georgia headquarters or institution of a  
1955 | ~~Memorandum of Grievance by the Investigative Panel-~~an investigation.

1956 |

1957 | **Rule 4-224. Expungement of Records-**

1958 |

1959 |        (a)-        The record of any grievance against a respondent under these Rules which does  
1960 | not result in discipline against the respondent shall be expunged by the ~~State Disciplinary~~  
1961 | ~~Board~~Office of the General Counsel in accordance with the following:

1962 |

1963 |            (1)-        those grievances closed by the Office of the General Counsel after  
1964 | screening pursuant to Rule 4-202(~~ee~~) shall be expunged after one year;

1965 |

1966 |            (2)-        those grievances dismissed by ~~the Investigative Panel~~ of the State  
1967 | Disciplinary Board after a probable cause investigation pursuant to Rule 4-204 (a) shall  
1968 | be expunged after two years; and

1969 |

1970 |            (3)-        those complaints dismissed by the Supreme Court of Georgia after formal  
1971 | proceedings shall be expunged after two years.

1972 |

1973 |        (b)-        Definition. The ~~terms "term "expunge" and "expunction"~~ shall mean that all  
1974 | records or other evidence of the existence of the complaint shall be destroyed.

1975 |

1976 |        (c)-        Effect of Expungement. After a file has been expunged, any ~~agency~~ response to  
1977 | an inquiry requiring a reference to the matter shall state that any record ~~the agency may have had~~  
1978 | of such matter has been expunged ~~pursuant to court rule~~ and, in addition, shall state that no  
1979 | inference adverse to the respondent is to be drawn on the basis of the incident in question. The  
1980 | respondent may answer any inquiry requiring a reference to an expunged matter by stating that  
1981 | the grievance or formal complaint was dismissed and thereafter expunged ~~pursuant to court rule.~~

1982 |

1983 |        (d)-        Retention of Records. Upon application to the State Disciplinary Board by ~~Bar~~  
1984 | ~~counsel~~the Office of the General Counsel, for good cause shown ~~and~~ with notice to the  
1985 | respondent and an opportunity to be heard, records which ~~should~~would otherwise be expunged  
1986 | under this Rule may be retained for such additional period of time not exceeding three years as  
1987 | the ~~State Disciplinary~~ Board deems appropriate. Counsel may seek a further extension of the  
1988 | period for which retention of the records is authorized whenever a previous application has been  
1989 | granted for the maximum period permitted hereunder.

1990 |

1991 |        (e)-        A lawyer may respond in the negative when asked if there are any complaints  
1992 | against the lawyer if the matter has been expunged pursuant to this Rule. Before making a  
1993 | negative response to any such inquiry, the lawyer shall confirm ~~the expunction of~~that the record  
1994 | was expunged and shall not presume that any matter has been expunged.

1995 |  
1996 | \_\_\_\_\_(f)-\_\_\_\_ A lawyer may respond in the negative when asked if he ~~or she~~ has ever been  
1997 | professionally disciplined or determined to have violated any professional disciplinary rules if all  
1998 | grievances filed against the lawyer have either been referred to the Consumer Assistance  
1999 | Program, dismissed or dismissed with a letter of instruction.

2000 |  
2001 | **Rule 4-226. Immunity-**

2002 |  
2003 | The regulatory proceedings of the State Bar of Georgia are judicial in nature. Therefore,  
2004 | members of the State Disciplinary ~~Board, members and designees of Boards,~~ the Committee on  
2005 | Lawyer Impairment, Special Masters ~~Coordinating special master, special masters,~~ Bar counsel,  
2006 | special prosecutors, investigators and staff are entitled to judicial immunity when engaged in  
2007 | regulatory activities.

2008 |  
2009 | **Rule 4-227. Petitions for Voluntary Discipline-**

2010 |  
2011 | \_\_\_\_\_(a)-\_\_\_\_ A petition for voluntary discipline shall contain admissions of fact and admissions  
2012 | of conduct in violation of Part IV, Chapter 1 of these Rules sufficient to authorize the imposition  
2013 | of discipline.

2014 |  
2015 | \_\_\_\_\_(b)-\_\_\_\_ Prior to the issuance of a formal complaint, a respondent may submit a petition  
2016 | for voluntary discipline seeking any level of discipline authorized under these Rules.

2017 |  
2018 | \_\_\_\_\_(1)-\_\_\_\_ Those petitions seeking ~~private confidential~~ discipline shall be ~~filed~~  
2019 | ~~with~~ served on the Office of the General Counsel and assigned to a member of the  
2020 | ~~Investigative Panel, State Disciplinary Board.~~ The ~~Investigative Panel of the~~ State  
2021 | Disciplinary Board shall conduct an investigation and determine whether to accept or  
2022 | reject the petition as outlined at Rule 4-203 ~~(a)-(9)-g).~~

2023 |  
2024 | \_\_\_\_\_(2)\_\_\_\_ Those petitions seeking public discipline shall be filed directly with the  
2025 | Clerk of the Supreme Court of Georgia. The Office of the General Counsel shall have 30  
2026 | days within which to file a response. The Court shall issue an appropriate order.

2027 |  
2028 | \_\_\_\_\_(c)-\_\_\_\_ After the issuance of a formal complaint a respondent may submit a petition for  
2029 | voluntary discipline seeking any level of discipline authorized under these Rules.

2030 |  
2031 | \_\_\_\_\_(1)-\_\_\_\_ The petition shall be filed with the Clerk of the State Disciplinary  
2032 | ~~Board~~ Boards at the headquarters of the State Bar of Georgia and copies served upon the  
2033 | Special Master and all parties to the disciplinary proceeding. The Special Master shall  
2034 | allow Bar counsel 30 days within which to respond. The Office of the General Counsel  
2035 | may assent to the petition or may file a response, stating objections and giving the  
2036 | reasons ~~therefor~~ therefore. The Office of the General Counsel shall serve a copy of its  
2037 | response upon the respondent.  
2038 |

2039 | ~~\_\_\_\_\_~~ (2)-~~\_\_\_\_\_~~ The Special Master shall consider the petition, the State Bar of  
2040 | ~~Georgia's~~Georgia's response, and the record as it then exists and may accept or reject the  
2041 | petition for voluntary discipline.

2042 |  
2043 | ~~\_\_\_\_\_~~ (3)-~~\_\_\_\_\_~~ The Special Master may reject a petition for such cause or causes as seem  
2044 | appropriate to the Special Master. Such causes may include but are not limited to a  
2045 | finding that:

2046 |  
2047 | (i)-~~\_\_\_\_\_~~ the petition fails to contain admissions of fact and admissions of  
2048 | conduct in violation of Part IV, Chapter 1 of these Rules sufficient  
2049 | to authorize the imposition of discipline;

2050 |  
2051 | (ii)-~~\_\_\_\_\_~~ the petition fails to request appropriate discipline;

2052 |  
2053 | (iii)-~~\_\_\_\_\_~~ the petition fails to contain sufficient information concerning the  
2054 | admissions of fact and the admissions of conduct;

2055 |  
2056 | (iv)-~~\_\_\_\_\_~~ the record in the proceeding does not contain sufficient  
2057 | information upon which to base a decision to accept or reject.

2058 |  
2059 | ~~\_\_\_\_\_~~ (4)-~~\_\_\_\_\_~~ The Special ~~Master's~~Master's decision to reject a petition for voluntary  
2060 | discipline does not preclude the filing of a subsequent petition and is not subject to  
2061 | review by ~~either the Review Panel or~~the Supreme Court of Georgia. If the Special  
2062 | Master rejects a petition for voluntary discipline, the disciplinary case shall proceed as  
2063 | provided by these Rules.

2064 |  
2065 | ~~\_\_\_\_\_~~ (5)-~~If the \_\_\_\_\_~~ The Special Master ~~acceptsmay accept~~ the petition for voluntary  
2066 | discipline, ~~he or she shall enter by entering~~ a report making findings of fact and  
2067 | conclusions of law and ~~delivereddelivering~~ same to the Clerk of the State Disciplinary  
2068 | ~~Board~~Boards. The Clerk of the State Disciplinary ~~Board~~Boards shall file the report and  
2069 | the complete record in the disciplinary proceeding with the Clerk of the Supreme Court  
2070 | of Georgia. A copy of the Special ~~Master's~~Master's report shall be served upon the  
2071 | respondent. The ~~Supreme Court of Georgia~~ shall issue an appropriate order.

2072 |  
2073 | ~~\_\_\_\_\_~~ (6)-~~\_\_\_\_\_~~ Pursuant to Rule 4-210 (5), the Special Master may, in his or her  
2074 | discretion, extend any of the time limits in these Rules in order to adequately consider a  
2075 | petition for voluntary discipline.

2076 |  
2077 | **Rule 4-228. Receiverships-**

2078 |  
2079 | ~~\_\_\_\_\_~~ (a)-~~\_\_\_\_\_~~ Definitions

2080 |  
2081 | Absent ~~Attorney~~~~-A~~Lawyer - a member of the State Bar of Georgia (or a foreign or  
2082 | domestic lawyer authorized to practice law in Georgia) who ~~shall have~~has disappeared, died,  
2083 | ~~become~~been disbarred, disciplined or incarcerated, ~~or~~ become so impaired as to be unable to  
2084 | properly represent ~~his or her~~clients, or ~~as to pose~~who poses such a substantial threat of harm to

2085 ~~his or her~~ clients or the public ~~as to justify appointment of a Receiver hereunder by~~ that it is  
2086 necessary for the Supreme Court of Georgia- to appoint a receiver.

2087

2088       (b)-       Appointment of ~~a~~-Receiver

2089

2090       (1)-       Upon a final determination by the Supreme Court of Georgia, on a petition  
2091 filed by the State Bar of Georgia, that ~~an attorney~~ lawyer has become an ~~Absent~~  
2092 ~~Attorney~~absent lawyer, and that no partner, associate or other appropriate representative  
2093 is available to notify his or her clients of this fact, the Supreme Court of Georgia may  
2094 order that a member or members of the State Bar of Georgia be appointed as  
2095 ~~Receiver~~receiver to take charge of the ~~Absent Attorney~~ absent lawyer's files and records.  
2096 Such ~~Receiver~~receiver shall review the files, notify the ~~Absent Attorney's~~ absent lawyer's  
2097 clients and take such steps as seem indicated to protect the interests of the clients and the  
2098 public. A motion for reconsideration may be taken from the issuance or denial of such  
2099 protective order by the respondent, his or her partners, associates or legal representatives  
2100 or by the State Bar of Georgia.

2101

2102       (2)-       If the ~~Receiver~~receiver should encounter, or anticipate, situations or issues  
2103 not covered by the ~~Order~~order of appointment, including but not limited to, those  
2104 concerning proper procedure and scope of authority, the ~~Receiver~~receiver may petition  
2105 the Supreme Court of Georgia or its designee for such further order or orders as may be  
2106 necessary or appropriate to address the situation or issue so encountered or anticipated.

2107

2108       (3)-       The ~~Receiver~~receiver shall be entitled to release to each client the papers,  
2109 money or other property to which the client is entitled. Before releasing the property, the  
2110 ~~Receiver~~receiver may require a receipt from the client for the property.

2111

2112       (c)-       Applicability of ~~Attorney~~Lawyer-Client Rules

2113

2114       (1)-       Confidentiality—       The ~~Receiver~~receiver shall not be permitted to  
2115 disclose any information contained in the files and records in his or her care without the  
2116 consent of the client to whom such file or record relates, except as clearly necessary to  
2117 carry out the order of the Supreme Court of Georgia- or, upon application, by order of the  
2118 Supreme Court of Georgia.

2119

2120       (2)- ~~Attorney~~ Lawyer-Client Relationship; Privilege—       The ~~Receiver~~receiver  
2121 relationship standing alone does not create ~~an attorney~~ lawyer-client relationship  
2122 between the ~~Receiver~~receiver and the clients of the ~~Absent Attorney~~ absent lawyer.  
2123 However, the ~~attorney~~lawyer-client privilege shall apply to communications by or  
2124 between the ~~Receiver~~receiver and the clients of the ~~Absent Attorney~~ absent lawyer to the  
2125 same extent as it would have applied to communications by or to the ~~Absent~~  
2126 ~~Attorney~~ absent lawyer.

2127

2128       (d)-       Trust Account

2129

2130 \_\_\_\_\_(1)- If after appointment the Receiverreceiver should determine that the Absent  
2131 Attorneyabsent lawyer maintained one or more trust accounts and that there are no  
2132 provisions extant- that would allow the clients, or other appropriate entities, to receive  
2133 from the accounts the funds to which they are entitled, the Receiverreceiver may petition  
2134 the Supreme Court of Georgia- or its designee for an order extending the scope of the  
2135 Receivershipreceivership to include the management of the said trust account or  
2136 accounts.- In the event the scope of the Receivershipreceivership is extended to include  
2137 the management of the trust account or accounts, the Receiverreceiver shall file quarterly  
2138 with the Supreme Court of- Georgia- or its designee a report showing the activity in and  
2139 status of said accounts.

2140 \_\_\_\_\_(2)- Service on a bank or financial institution of a copy of the order extending  
2141 the scope of the Receivershipreceivership to include management of the trust account or  
2142 accounts shall operate as a modification of any agreement of deposit among such bank or  
2143 financial institution, the Absent Attorneyabsent lawyer and any other party to the account  
2144 so as to make the Receiverreceiver a necessary signatory on any trust account maintained  
2145 by the Absent Attorneyabsent lawyer with such bank or financial institution. The  
2146 Supreme Court of Georgia- or its designee, on application by the Receiverreceiver, may  
2147 order that the Receiverreceiver shall be sole signatory on any such account to the extent  
2148 necessary for the purposes of these Rules and may direct the disposition and distribution  
2149 of client and other funds.-  
2150

2151 \_\_\_\_\_(3)- In determining ownership of funds in the trust accounts, including by  
2152 subrogation or indemnification, the Receiverreceiver should act as a reasonably prudent  
2153 lawyer maintaining a client trust account.- The Receiverreceiver may (1) rely on a  
2154 certification of ownership issued by an auditor employed by the Receiverreceiver; or (2)  
2155 interplead any funds of questionable ownership into the appropriate Superior Court; or  
2156 (3) proceed under the terms of the Disposition of Unclaimed Property Act (O.G.C.A.  
2157 §44-12-190 et seq.). If the Absent Attorney'sabsent lawyer's trust account does not  
2158 contain sufficient funds to meet known client balances, the Receiverreceiver may  
2159 disburse funds on a pro rata basis.  
2160

2161 \_\_\_\_\_(e)- Payment of Expenses of Receiver

2162 \_\_\_\_\_(1)- The Receiverreceiver shall be entitled to reimbursement for actual and  
2163 reasonable costs incurred by the Receiverreceiver for expenses, including, but not limited  
2164 to, (i) the actual and reasonable costs associated with the employment of accountants,  
2165 auditors and bookkeepers as necessary to determine the source and ownership of funds  
2166 held in the Absent Attorney'sabsent lawyer's trust account, and (ii) reasonable costs of  
2167 secretarial, postage, bond premiums, and moving and storage expenses associated with  
2168 carrying out the Receiver'sreceiver's duties. Application for allowance of costs and  
2169 expenses shall be made by affidavit to the Supreme Court of Georgia, or its designee,  
2170 who may determine the amount of the reimbursement. The application shall be  
2171 accompanied by an accounting in a form and substance acceptable to the Supreme Court  
2172 of Georgia or its designee. The amount of reimbursement as determined by the Supreme  
2173 Court of Georgia or its designee shall be paid to the Receiverreceiver by the State Bar of  
2174  
2175



2176 Georgia. The State Bar of Georgia may seek from a court of competent jurisdiction a  
2177 judgment against the ~~Absent Attorney~~absent lawyer or his or her estate in an amount  
2178 equal to the amount paid by the State Bar of Georgia to the ~~Receiver~~receiver. The amount  
2179 of reimbursement as determined by the Supreme Court of Georgia or its designee shall be  
2180 considered as prima facie evidence of the fairness of the amount, and the burden of proof  
2181 shall shift to the ~~Absent Attorney~~absent lawyer or his or her estate to prove otherwise.

2182  
2183       (2)-       The provision of paragraph (1) above shall apply to all ~~Receivers~~receivers  
2184 serving on the effective date of this Rule and thereafter.

2185  
2186       (f)-       Receiver-Client Relationship

2187  
2188       With full disclosure and the informed consent, as defined in ~~Bar~~Rule 1.0 (hi), of any  
2189 client of the ~~Absent Attorney~~absent lawyer, the ~~Receiver~~receiver may, but need not, accept  
2190 employment to complete any legal matter. Any written consent by the client shall include an  
2191 acknowledgment that the client is not obligated to use the ~~Receiver~~receiver.

2192  
2193       (g)-       Unclaimed Files

2194  
2195       (1)-       If upon completion of the Receivership there are files belonging to the  
2196 clients of the ~~Absent Attorney~~absent lawyer that have not been claimed, the  
2197 ~~Receiver~~receiver shall deliver them to the State Bar of Georgia. The State Bar of Georgia  
2198 shall store the files for six years, after which time the State Bar of Georgia may exercise  
2199 its discretion in maintaining or destroying the files.

2200  
2201       (2)-       If the ~~Receiver~~receiver determines that an unclaimed file contains a Last  
2202 Will and Testament, the ~~Receiver~~receiver may, but shall not be required to do so, file said  
2203 Last Will and Testament in the office of the Probate Court in such county as to the  
2204 ~~Receiver~~receiver may seem appropriate.

2205  
2206       (h)-       Professional Liability Insurance

2207  
2208       Only ~~attorneys~~lawyers who maintain errors and omissions insurance ~~that includes~~  
2209 ~~coverage for conduct as a Receiver, or other appropriate insurance,~~ may be appointed to the  
2210 position of ~~Receiver~~receiver.

2211  
2212       (i)-       Requirement of Bond

2213  
2214       The Supreme Court of Georgia or its designee may require the ~~Receiver~~receiver to post  
2215 bond conditioned upon the faithful performance of his or her duties.

2216  
2217       (j)-       Immunity

2218  
2219       (1)-       The Supreme Court of Georgia recognizes the actions of the State Bar of  
2220 Georgia and the appointed ~~Receiver~~receiver to be within the ~~Court's~~court's judicial and  
2221 regulatory functions, and being regulatory and judicial in nature, the State Bar of Georgia

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and ~~Receiver~~receiver are entitled to judicial immunity. Any person serving as a receiver under these rules shall be immune from suit for any conduct undertaken in good faith in the course of his or her official duties.

\_\_\_\_(2)-\_\_\_\_ The immunity ~~recognized~~granted in paragraph (1) above shall not apply if the Receiver is employed by a client of the ~~Absent Attorney~~absent lawyer to continue the representation.

\_\_\_\_(k)-\_\_\_\_ Service

\_\_\_\_ Service under this Rule may be perfected under ~~Bar~~ Rule 4-203.1.

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Thursday, December 15, 2016  
Little Ocmulgee State Park & Lodge/Helena, GA**

Members Participating:

Patrick T. O'Connor, President; Brian D. (Buck) Rogers, President-elect; Kenneth B. Hodges, III, Treasurer; Darrell L. Sutton, Secretary; Robert J. Kauffman, Immediate Past President; Jennifer Campbell Mock, YLD President; Nicole C. Leet, YLD President-elect (by phone); John R.B. Long, YLD Immediate Past President; Thomas R. Burnside, III; Elizabeth Louise Fite; Phyllis Holmen; Dawn Jones; David S. Lipscomb; and Nicki Vaughn.

Staff Participating:

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

Call to Order

President Pat O'Connor called the meeting to order. Members of the Executive Committee in attendance are indicated above.

Future Meetings Schedule

President Pat O'Connor referred the Executive Committee to the Future Meetings Schedule.

Executive Committee Minutes

The minutes of the Executive Committee meeting held on November 17, 2016, were approved by unanimous voice vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee, by unanimous voice vote, approved the following resignation requests: Margo Hall-319213, William H. Newton-542425, Matthew Scott Orrell-111044, R. Clayton Seaman-633050.

Bar Rules Part XVI: CLE

After distributing to the Executive Committee the most recent version, Bill NeSmith, Paula Frederick, and Jeff Davis reported on proposed Part XVI to the Bar's rules regarding the Institute for Continuing Legal Education. The Executive Committee, by unanimous voice vote, approved recommending the proposed rules to the Board of Governors, provided no substantive changes are made to them prior to submission to the Board of Governors (Exhibit A).

### ICLE Update

Immediate Past President Bob Kauffman reported that per the proposed Bar rules, the ICLE Board will be composed of thirteen members to be appointed as follows: the Bar's Immediate Past President, seven members appointed by the Bar President, and one member from each of Georgia's accredited law schools. He reported that there has been no change in ICLE's scheduled seminars during the transition. When ICLE moves to the State Bar, the quality and quantity of the programs will remain the same. President Pat O'Connor thanked Immediate Past President Bob Kauffman, Jeff Davis, Bill NeSmith, and Paula Frederick for their time working on the various transactions generated by the move. He stated that the spirit and intent of the transition is to continue the excellent programs by ICLE as well as providing economies of scale for the program, which will result in additional benefits to the Bar's membership.

### Technology Section Bylaw Amendments

Following a report by Bill NeSmith, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed amendments (Exhibit B) to the Technology Law Section's Bylaws.

### Sponsorship Request – YLD 2017 Signature Fundraiser

Following a request by YLD President Jennifer Mock for a \$5,000 sponsorship of the 2017 Signature Fundraiser, the Executive Committee took the following action:

- 1) A motion to approve the \$5,000 sponsorship request was made and seconded, but upon review of the Bar's Sponsorship Policy providing that a sponsorship request cannot exceed 10% of the sponsorship line item in the Bar's budget, which is \$40,000 for the 2016-17 Bar year, a subsidiary motion with a second to waive the Sponsorship Policy failed by a hand vote of 5 in favor to 6 opposed.
- 2) A motion and second to provide a \$4,000 sponsorship for the 2017 Signature Fundraiser, consistent with the Sponsorship Policy, was approved by unanimous voice vote.

### President's Report

President Pat O'Connor reported that he has been supporting and working with Immediate Past President Bob Kauffman and Bar staff on the ICLE transition. He has also been working on the Judicial Qualifications Commission (JQC), about which he deferred to a report by President-elect Buck Rogers. He did, however, report that the Task Force is adhering to the plan put in place by the Georgia Legislature that requires the State Bar to create a list of ten nominees. Rusty Sewell, Christine Butcher, Jeff Davis and others are dealing with this issue on a daily basis. President O'Connor further reported that he has been mediating the discussions on the proposed changes to the disciplinary rules, trying to get a consensus among everyone working on them so that the

rules can be presented to the Board of Governors at the Midyear Meeting. He reported that elections for State Bar Officers and Executive Committee positions will take place at the Midyear Board of Governors meeting.

### Strategic Plan

Jeff Davis provided an update on the Strategic Plan. He reported that the Access to Justice Committee received a \$95,000 grant from the National Center for State Courts for the development of a Justice for All Strategic Plan. It is a joint effort of the State Bar, Supreme Court of Georgia, Administrative Office of the Courts, the Georgia Legal Services Program, and the Atlanta Legal Aid Society. Phyllis Holmen reported that the National Center for State Courts and the ABA are helping states develop a more coordinated effort in the delivery of legal services. She stated that Georgia is the only state in the south without an Access to Justice Commission, and she is hoping that one will be created through this effort. President Pat O'Connor reported that Past President Charlie Lester has agreed to spearhead this effort and that Elizabeth Fite has agreed to serve on the committee. President O'Connor also reported that the Member Benefits Committee will be making a recommendation about ZeekBeek, an enhanced members' directory, to the Board of Governors at the Midyear Meeting.

### Treasurer's Report

Steve Laine provided an update on the Bar finances. He presented pro formas showing the spend-down of the Bar's surplus and the trend analysis of Bar members' growth. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of October 31, 2016; Income Statement YTD for the Three Months Ended October 31, 2016; Bar Center Revenues and Expenditures for the Four Months Ended October 31, 2016; State Bar Balance Sheet as of October 31, 2016; Summary of Dues and Voluntary Contributions as of October 31, 2016; Legislative Fund and Cornerstones of Freedom Fund Activity Reports through October 31, 2016; and Summary of Investment Portfolio as of October 31, 2016.

Steve Laine reported that two new accountants need to be hired effective January 1<sup>st</sup> to handle ICLE's accounting functions and assist with the ramp up of ICLE. These are ICLE staff positions to be paid with ICLE funds. He asked for approval to hire Rita Henderson, currently working at ICLE in a temp position, as an Account Manager, and for authorization to fill the second accounting position that is currently vacant. Employment offers for the two positions will be made contingent upon the successful completion of the ICLE transition. The Executive Committee considered this to be an internal operating decision to be made by key State Bar staff, so it took no action on the request.

### YLD Report

YLD President Jennifer Campbell Mock reported on the activities of the YLD. The new Leadership Academy participants have been selected and met for the first time at a

luncheon held last week. She encouraged the Executive Committee members to consider providing a sponsorship to and attending the 2017 Signature Fundraiser on February 25. She announced that the annual Legal Food Frenzy will start up again after the first of the year.

#### Executive Director's Report

Jeff Davis did not make an additional report beyond what he reported in his Strategic Plan report and ICLE report.

#### Office of General Counsel Report

Paula Frederick reported the activities of the Office of General Counsel. She announced that Bill Smith's last day in the office is December 22, and that his retirement dinner will take place at the Midyear Board of Governors dinner. She reported that two new attorneys have been hired; one to replace a vacant position and one to replace Bill Smith, and that some of the attorney positions are being reorganized. She reported that her office may need to hire someone part-time to handle the numerous receivership files her office has in storage and continues to receive.

#### Executive Session

Following a motion and second, the Executive Committee went into Executive Session to discuss pending litigation and the Law Practice Management Program. Thereafter, by unanimous voice vote, the Executive Committee moved out of Executive Session.

#### 2017-18 Budget Timeline

President-elect Buck Rogers referred the Executive Committee the 2017-18 Budget Timeline.

#### JQC Task Force

President-elect Buck Rogers, Chair of the JQC Task Force, reported that the Task Force has formalized its procedures. The Task Force is proposing that it become a Standing Committee after the Midyear Meeting and serve as a nominating committee for the State Bar's JQC nominees. He presented a list of potential nominees recommended by the Task Force. The Executive Committee discussed the list and added names to it. President Pat O'Connor suggested no action be taken so that the process of identifying additional appropriate nominees could continue.

#### Policy on Removal of Executive Committee Members

Paula Frederick and Bill NeSmith presented for discussion a proposed policy on the removal of an Officer or an Executive Committee member "for cause." She asked that any comments and suggestions be addressed to both of them.

#### Update of Proposed Disciplinary Procedure Changes

Paula Frederick discussed the most recent proposed disciplinary rules changes. She

announced that the Review Panel has been retained, but with compressed timelines to review cases. The proposed rules changes will go to the Board of Governors at the Midyear Meeting for information, and the Board will be asked to vote on them at the Spring Board meeting. It was the consensus of the Executive Committee to have a separate Board meeting before the Spring Board meeting, if necessary, for the Board members to discuss the rules.

#### Legislative Update

Christine Butcher reported that the 2017 legislative session will begin January 9. Thereafter, she provided an update on the actions taken by the Advisory Committee on Legislation at its meeting on December 29. She reported that she may bring back the weekly web video updates to keep Bar members updated on the Bar's legislative agenda and other bills of importance.

#### Attorney Conflict Registry

Jeff Davis reported that Justice Harold Melton and Judge David Emerson have made arrangements to convene a meeting on Friday, January 13, 2017, at 10:30 am, in the YLD Boardroom to begin discussions about a vision for a conflict registry. Anyone interested in volunteering and attending is welcome to attend the meeting.

#### ABA President Linda Klein – ABA Board of Governors Meeting

The Executive Committee received a copy of a letter from ABA President Linda Klein thanking the State Bar for facilitating a luncheon during the American Bar Association Board of Governors meeting in Atlanta.

#### Old Business

There was no old business.

#### New Business

There was no new business.

#### Adjournment

There being no further business the meeting was adjourned.



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Darrell L. Sutton, Secretary

Approved:



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Patrick T. O'Connor, President

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Thursday, December 22, 2016  
Teleconference**

Members Participating:

Patrick T. O'Connor, President; Brian D. (Buck) Rogers, President-elect; Kenneth B. Hodges, III, Treasurer; Darrell L. Sutton, Secretary; Robert J. Kauffman, Immediate Past President; Jennifer Campbell Mock, YLD President; John R.B. Long, YLD Immediate Past President; Elizabeth Louise Fite; Phyllis Holmen; Dawn Jones; and Nicki Vaughn.

Members Absent:

Nicole C. Leet, YLD President-elect; Thomas R. Burnside, III; and David S. Lipscomb.

Staff Participating:

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

Call to Order

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

ICLE Transition

President Pat O'Connor reported that the ICLE Board of Trustees voted to transfer the assets of ICLE to the State Bar of Georgia Foundation. Those members of the ICLE Board who are also members of the State Bar of Georgia Executive Committee abstained. President O'Connor thanked Bill NeSmith for his work preparing the transfer documents. The Executive Committee, by unanimous voice vote, with President Pat O'Connor and Immediate Past President and ICLE Chair Bob Kauffman abstaining, 1) approved the transition of all ICLE assets into the State Bar of Georgia Foundation, and 2) authorized President Pat O'Connor to execute all necessary documents for the asset transfer.

Executive Session

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



Adjournment

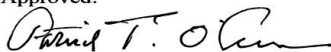
There being no further business the meeting was adjourned.



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Darrell L. Sutton, Secretary

Approved:



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Patrick T. O'Connor, President

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Thursday, January 26, 2017  
State Bar Building/Atlanta, GA**

Members Participating:

Patrick T. O'Connor, President; Brian D. (Buck) Rogers, President-elect; Kenneth B. Hodges, III, Treasurer; Darrell L. Sutton, Secretary; Robert J. Kauffman, Immediate Past President; Jennifer Campbell Mock, YLD President; Nicole C. Leet, YLD President-elect; John R.B. Long, YLD Immediate Past President (by phone); Thomas R. Burnside, III; Elizabeth Louise Fite (by phone); Dawn Jones; David S. Lipscomb; and Nicki Vaughn.

Members Absent

Phyllis Holmen.

Staff Participating:

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

Call to Order

President Pat O'Connor called the meeting to order. Members of the Executive Committee in attendance are indicated above.

Future Meetings Schedule

President Pat O'Connor referred the Executive Committee to the Future Meetings Schedule.

Executive Committee Minutes

The minutes of the Executive Committee meetings held on December 15 and 22, 2016, were approved by unanimous voice vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: James Linsey-453275; Kelly Weston-750225; Edward Mandel-138466; Carol DiBattiste-076187; Suzanne Laird-431098; Kristi Mason-743881; Kaprice Thomas-088189.

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee approved the following requests for disabled status by unanimous voice vote: Patrina Mitchell-457774; Gary E. McClanahan-482875.

### Response to Letter About Executive Committee Member Representing Disciplinary Proceeding Respondents

Paula Frederick reported that she received a letter from a lawyer representing a grievant in a disciplinary proceeding who expressed a concern about Executive Committee members representing respondents in those proceedings. The Executive Committee asked Paula Frederick to formulate a policy governing this issue and to bring it back to the Executive Committee for consideration at its next meeting.

### Sponsorship Request

The Executive Committee, by unanimous voice vote, approved a \$2,500 sponsorship request from the BASICS Committee for the BASICS 40<sup>th</sup> Anniversary Gala on March 4, 2017.

### President's Report

President Pat O'Connor reported that Jeff Davis and he recently met with Speaker David Ralston and Supreme Court Justice David Nahmias about the JQC legislation. That meeting took place before the JQC legislative bill was filed by House Judiciary Chairman Wendell Willard. Senator John Flanders Kennedy is prepared to help the Bar with the bill, and we will continue to work with House leaders and with Senator Kennedy and the Senate to seek changes to the bill to increase Bar involvement in the appointment of members to the 7-person investigative panel and 3-person hearing panel proposed by the bill (HB 126). In the meantime, the JQC Task Force is working on a second list of nominees for appointment to the current JQC to be approved by the Board of Governors for submission to the Speaker.

### Executive Session

Following a motion and second, the Executive Committee went into Executive Session to discuss legislative matters and pending litigation. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

### Strategic Plan

Jeff Davis provided an update on the Strategic Plan, including the identification of various objective criteria to measure the Bar's success in fulfilling that plan.

### Treasurer's Report

Treasurer Ken Hodges and Steve Laine provided an update on the Bar's finances. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of November 30, 2016; Income Statement YTD for the Three Months Ended November 30, 2016; Bar Center Revenues and Expenditures for the Five Months Ended November 30, 2016; State Bar Balance Sheet as of November 30, 2016; Summary of Dues and Voluntary Contributions at December 1, 2016; Legislative Fund and Cornerstones of Freedom Fund Activity Reports through November 30, 2016;

and Summary of Investment Portfolio as of November 30, 2016. The Executive Committee also received a report on Recent Non-Assessed Programs.

#### YLD Report

YLD President Jennifer Campbell Mock reported on the activities of the YLD. She stated that the Leadership Academy will be attending the YLD's 29<sup>th</sup> Annual Capitol Leadership Luncheon on February 9, 2017. She reminded the Executive Committee about the Annual Signature Fundraiser on February 25, 2017, and encouraged them to purchase tickets or a sponsorship. This year's beneficiary is Georgia Casa, Inc.

#### Executive Director's Report

Jeff Davis reported that the Bar has been busy dealing with the ICLE transition. It has been going well and will be a great benefit to the Bar, its members, and ICLE.

#### Office of General Counsel Report

Paula Frederick reported on two changes made to the proposed new disciplinary rules (restoring the Review Panel and increasing the size of the pool of Special Masters) following a recent Q&A session with the Disciplinary Rules Committee. Following that, the Executive Committee, by unanimous voice vote, approved the two proposed changes. The proposed rules will now be posted on the Bar's website. She announced that Bill Smith's retirement dinner will take place at the Spring Board of Governors meeting.

#### JQC Update

This information was presented during the President's Report.

#### Legislative Update

Christine Butcher provided a legislative update.

#### ICLE Board Appointments

President Pat O'Connor reported on the ICLE Board appointments he will have under the new ICLE rules once they are approved by the Supreme Court. The ICLE Board will be composed of 13 members: the Immediate Past President of the State Bar, seven members appointed by the President with the approval of the Board of Governors, and one member from each of the ABA accredited law schools in Georgia appointed by the dean of the respective law school. President O'Connor's appointments are Carol V. Clark; Past President Harold (Hal) T. Daniel, Jr.; Laverne Lewis Gaskins; Allegra Lawrence-Hardy; James C. McCallar; YLD President Jennifer Campbell Mock; and Past President Kenneth L. Shigley. President O'Connor has asked Immediate Past President Bob Kauffman to chair the Board through the end of this Bar year on June 30.

#### ZeekBeek

President Pat O'Connor reported that he and the Member Benefits Committee are still in the process of gathering more information about ZeekBeek to see how it can benefit State

Bar members.

#### Aging Lawyers Task Force Recommendations

Secretary Darrell Sutton, co-chair of the Task Force, reported that following feedback from the Programs Committee and other stakeholders, the Task Force recommends the formation of a standing committee on aging lawyers, in lieu of the Senior Lawyers Division that was originally proposed. The purpose of the committee is three-fold: 1) assistance to lawyers who are cognitively impaired but still practicing, 2) aid to lawyers in preparing their practices for succession upon death, impairment or otherwise, including aid to Bar entities such as the Office of General Counsel in the disposition of practices of lawyers who leave their practice without a succession plan; and 3) production of comprehensive educational programs about cognitive impairment, financial planning, and practice succession. President O'Connor reported that he plans to work with Darrell Sutton about expanding the Task Force's membership, reconstituting it as a Special Committee, and changing the name. The Task Force's recommendation that the Bar hire a full-time staff person who can work in conjunction with the committee's membership was discussed in the Personnel Committee, but has not yet been resolved. President-elect Buck Rogers asked to serve as the Staff Liaison on the reconstituted committee.

#### Posting Officer Nominating Speeches on Website

The Executive Committee discussed whether or not to place the speeches nominating the slate of Bar officers on the Bar's website, and by consensus, agreed to not post the speeches at this time.

#### New Articles

The Executive Committee received copies of the following articles:

- 1) *Daily Report: Cagle Names First Appointee to New Judicial Watchdog Agency*
- 2) *Law Sites: MN Bar Returns to Fastcase, Six Months After Switching to Casemaker*

#### Redesigned 2017-18 Dues Notice

The Executive Committee received a copy of the redesigned 2017-18 Dues Notice. The Executive Committee asked that a section be added to it for Bar members to voluntarily check off or state that they have designated a lawyer to take over their files in the case of their death or impairment.

### Old Business

There was no old business.

### New Business

Bill NeSmith reported that the Judicial Procedure and Administration Committee is reviewing proposed amendments to Uniform Superior Court Rule 22. The rule will be distributed to the Executive Committee members for review and comments should be directed back to Bill NeSmith. He will distribute all of the comments to the Executive Committee, which will decide if any additional response is needed.

### Recess

By unanimous voice vote, the Executive Committee recessed for the purpose of taking up business of the State Bar of Georgia Foundation. After completing the business of the Foundation, the meeting of the Executive Committee was reconvened by unanimous voice vote.

### Executive Session

Following a motion and second, the Executive Committee went into Executive Session to discuss personnel items. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

### Adjournment

There being no further business the meeting was adjourned.



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Darrell L. Sutton, Secretary

Approved:



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Patrick T. O'Connor, President

## **Lawyers for Equal Justice Update to the Board of Governors**

Lawyers for Equal Justice, Inc. ("L4EJ") will be celebrating its first anniversary by the time you read this! We have had a very busy and successful first year. Of course, we would not have accomplished any of this without the generous support from the State Bar of Georgia and the Board of Governors—thank you!

Here are some highlights from our first year:

### **Meet Our Participants:**

We currently have 16 participants representing all five of Georgia's law schools. For the first two classes, we received 32 applications, invited 23 lawyers to participate and have had 19 attorneys participate in the incubator. We currently have 16 attorneys participating in the program:

Gregory Clement, Emory 2011

JoAnna Smith, Emory 2014

Sarah Kelsey, Emory 2016

Jonathan Anderson, Emory 2015

Meredith Rainey Permar, Emory 2015

Alicia Mack, GSU 2013

Ansley Sluss, GSU 2013

Francis Dixon, GSU 2014

Tamorra Boyd, Mercer 2013

Erwin Mark Stevens, Mercer 2015

Kathryn Thompson, Mercer 2013

Olga Gambini, UGA 2016

CJ Williams, John Marshall 2013

Meron Tadesse, John Marshall 2015

Robert Duda, John Marshall 2015

Quinton Lewis, John Marshall 2012

### **Client Successes!**

The attorneys participating in the program have already enjoyed some great successes for their clients. A few highlights for their low bono and pro bono cases include:

- A participant won a jury trial in a criminal defense case for a low bono case
- A participant won before a school tribunal for 2 low bono clients facing disciplinary proceedings
- A participant won a motion to suppress evidence leading to a dismissal of all charges for a low bono client
- A participant secured 4 temporary protective orders for his pro bono clients through settlements sparing the clients from having to testify to sensitive facts at trial
- Several participants have had victories in dispossessory court for pro bono clients – winning judgments for tenants, securing settlements allowing the tenants to stay in their homes longer, and paying reduced fees to landlords

## **Trainings and Boot Camp**

L4EJ provides training to the participating attorneys in a variety of areas: substantive law, legal skills, law practice management, professional development, finance and accounting, and business development. Since April of 2016, L4EJ has offered 74.5 hours of substantive law training and 110 hours of professional development/business training.

**Boot Camp:** Each class starts the program by participating in a two-week "boot camp." During this time, participants created a vision and strategic goals for their firms, learned about tools they need to set up their office, discovered techniques for working with clients and practiced client intake calls, created a client engagement process, learned how to market their new firms, and learned best practices for IOLTA accounting and business accounting. In addition, the training included skills development and substantive law as detailed below.

**Skills Development:** The Fall 2016 class participated in a "Trial Day" as part of the pro bono component. Each participant interviewed a "client," participated in a mock mediation, and conducted a mock trial of either an eviction defense or temporary protective order matter. Our legal services partners Atlanta Legal Aid, Georgia Legal Services, and Atlanta Volunteer Lawyers Foundation kindly provided guest judges and observers.

The ongoing training for all participants includes regular trainings on skills such as witness examination, discovery, and negotiation.

**Substantive Law Training:** In addition to landlord/tenant, housing, wrongful foreclosure cases and temporary protective order training in Boot Camp, participants have also had training on the basics of public benefits, wills and probate, evidence, ethics, consumer law, family law, and bankruptcy.

## **Pro Bono Programming**

Every L4EJ participating attorney commits to perform 30-40 hours of pro bono work every month while in the program. The focus of the pro bono component continues to be integrating pro bono work into each participant's anticipated area of practice. Participants are now initially placed in one of two tracks – family law or landlord/tenant – and provided with substantive law and skills training related to those areas. The attorneys also participate in structured pro bono opportunities in these tracks, including staffing the Fulton County Answer Clinic and representing Temporary Protective Order petitioners. All attorneys continue to accept pro bono referrals from our partner organizations.

### **Pro Bono by the numbers:**

From April 2016 - January 2017, the participating attorneys have:

- Served over 300 clients referred through our legal services partners (Atlanta Legal Aid, Atlanta Volunteer Lawyers Foundation, Georgia Legal Services Program, DeKalb Volunteer Lawyers Foundation, Georgia Justice Project, Pro Bono Partnership, Georgia Law Center for the Homeless), including:



- Approximately 40 landlord/tenant matters, in addition to assisting approximately 200 clients at the Fulton County Answer Clinic
- 14 Temporary Protective Order cases
- 20 divorce cases
- 18 other family law matters, such as relative caregiver adoption and Guardian ad Litem service
- Provided over 1,500 hours of pro bono representation to clients in need
- Provided pro bono representation to clients in 20 counties across the state, from Floyd County to Chatham County, and many in between (a copy of a map indicating where we have served pro bono clients is attached).

**Marketing for our next class:**

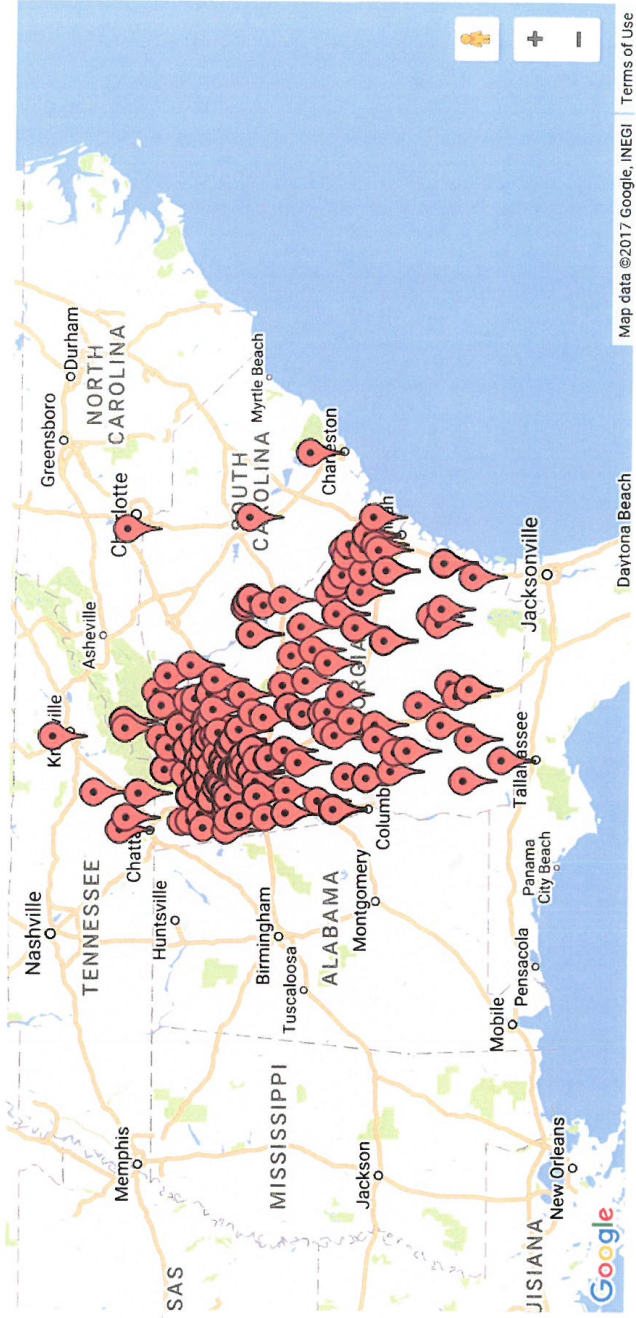
We are currently recruiting our next group of participants. We will have two open houses at the L4EJ office on April 11 at 8:00 am and April 20 at 6:00 pm. Applications will be due by close of business on Monday, May 8, 2017 and the third group will begin on Monday, June 5, 2017. Please encourage someone you know to apply by visiting [lawyersforequaljustice.org](http://lawyersforequaljustice.org).

If you have any questions or need additional information, please contact our Executive Director, Stephanie Everett at [stephanie@L4EJ.org](mailto:stephanie@L4EJ.org) or 404-695-5480.



## Low Bono Referrals

From May 1, 2016 through March 1, 2017, L4EJ has received 3088 requests from potential clients across Georgia seeking low bono legal help. Participants have handled over 2,130 consultations resulting in hundreds of engagements.





**PAULA J. FREDERICK**  
*General Counsel*

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

## Memorandum

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

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

Discipline: During February 2017 the Office of the General Counsel sent 295 Grievance forms to members of the public and received 132 filed Grievances. The Supreme Court of Georgia entered orders in five disciplinary cases during the month. The Year-to-Date Report on Lawyer Regulation (covering the period May 1, 2016 through February 28, 2017) appears at page 3 of this memorandum.

### Rules Changes:

- By order of November 2, 2016 the Supreme Court approved changes to Rule 1.7(d), creating an exception to the conflicts rules for part-time prosecutors; Rule 4.4(b) regarding receipt of information that was inadvertently sent; and Rule 5.3(d) regarding a lawyer's obligations to supervise a staff person who is a suspended or disbarred lawyer. The rules as revised appear on the Bar's website.
- The Board will vote on comprehensive revisions to the procedural rules for disciplinary cases at the Spring meeting. The proposed rules are available on the Bar's website and copies will be distributed with the Board Book.
- At the Fall meeting the Board approved a revision to Rule 5.5 to provide penalties for a lawyer who is admitted *pro hac vice* who fails to pay all required fees. The Rule is

included in Motion 2017-1, which will be filed with the Supreme Court around the time of the Spring meeting.

- At the Midyear meeting the Board approved a new Part XVI of the Bar Rules to establish the Institute for Continuing Legal Education as a program of the State Bar of Georgia. Notice of the change appears in the February 2017 issue of the Georgia Bar Journal and the Motion will be filed with the Supreme Court in late March or early April.
  - Motion 2017-3 includes proposed amendments to Bar Rules 1-205 and 1-304 clarifying that a bar member is considered to be a member of the judicial district of his or her official bar address. In the alternative a lawyer may elect to be designated as a member of the judicial circuit of her residence or the judicial circuit where her physical office is located. The Motion will be filed with the Supreme Court of Georgia in late May and members may file comments directly with the Court.

#### Formal Advisory Opinions:

- Opinion 16-3 finds that a sole practitioner may not use a firm name that includes the words “group” or “& Associates” because both terms imply that the solo practices with other lawyers, and thus are misleading. The opinion was filed with the Supreme Court of Georgia but neither party requested discretionary review by the Court, thus it is binding only on the Bar and the requester. The Court will treat the opinion as persuasive authority.
- Formal Advisory Opinion 16-2 is a redrafted version of old opinion 10-2 that prohibits a lawyer appointed to serve as both legal counsel and guardian *ad litem* for a child in a termination of parental rights case from advocating termination over the child’s objection.

CLE Presentations: OGC lawyers and staff served as presenters at 16 Continuing Legal Education programs since my last report.

**Year-to-Date Report on Lawyer Regulation  
May 1, 2016 through February 28, 2017**

Grievance forms requested and sent to public .....2,602

Grievance forms sent back to Office of General Counsel for screening .....1,513

Grievances pending as of 4/30/16.....343

TOTAL 1,856

Grievances referred to State Disciplinary Board members..... 159

Grievances being screened by Grievance Counsel (GC) ..... 344

Grievances closed by Grievance Counsel..... 1,341

Grievances moved to moot status by GC after attorney was disbarred .....12

TOTAL 1,856

**Regulatory Action May 1, 2016 through February 28, 2017**

|   | <u>Attorneys</u> | <u>Cases</u> |
|---|------------------|--------------|
| Letters of Admonition Accepted              | 21               | 21           |
| Investigative Panel Reprimands Administered | 18               | 20           |
| Review Panel Reprimands                     | 4                | 5            |
| Public Reprimands                           | 2                | 14           |
| Suspensions                                 | 19               | 32           |
| Disbarments/Voluntary Surrenders            | <u>15</u>        | <u>17</u>    |
| TOTAL                                       | 79               | 109          |
| Reinstatements Granted                      | 3                |              |
| Reinstatements Denied                       |                  |              |

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

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

**DATE: March 3, 2017**

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

**Background and Overview of Work:** The main objective of the Military Legal Assistance has been and remains to connect lawyers with service members and veterans who need legal assistance. Thus far, 1,837 service members or veterans have been so connected as shown below. Here are program highlights since the report to the Board of Governor at its last meeting on January 13, 2017, at State Bar Headquarters.

- 1) Legal Clinics at Georgia Law Schools.** Along with Professor Charles Shanor, Lane Dennard, and Drew Early at Emory University; and Dean Steve Kaminshine, Associate Dean Roy Sobelson, Patricia Shewmaker, and Steve Shewmaker at Georgia State University, helped facilitate establishment of legal clinics in the law schools at Emory (which began in February 2013 [current status shown at **Attachment A**]) and Georgia State University (which began in November 2014). Similar clinics are also being planned or considered at the University of Georgia and at Mercer University. Further, an article has just appeared in the Winter 2017 issue of *The Judges' Journal* featuring Emory's Law Volunteer Clinic for Veterans, authored by Candace Gibson (**Attachment B**).
- 2) Legal Assistance Clinics at VA Medical Facilities.** In addition to the MLAP and the law schools, legal assistance clinics are operating at five VA medical facilities: VA Medical Centers (VAMC) at Augusta and Decatur, VA medical facilities at Carrollton, Fort McPherson, and Rome. Other legal clinics remain under consideration for the Dublin VAMC and at the VA medical facility in Savannah (a subcommittee for which is being co-chaired by Patti-Elrod Hill and Pat Hooks), in Athens, Columbus, and in Macon.
- 3) Veterans' Courts.** Veterans' courts are organized and remain operational now in 20 judicial circuits representing 42 counties. Attached for further information are two articles from the Winter 2017 issue of *The Judges' Journal*. They are:

- *Veterans Treatment Courts and Veterans' Legal Services*, authored by Linda Klein (**Attachment C**); and,
- *Military Members' Right to Veterans Treatment Court*, authored by Daniel R. Devoy (**Attachment D**).

4) **Travel to Belgium and France, Oct. 2-13, 2017, re: 100<sup>th</sup> Anniversary of World War I.** Together with the MLAP Committee and GA ICLE, the Military and Veterans Law Section is scheduled to conduct a Law Section-sponsored trip over the period October 2-13, 2017, to Belgium and France with a CLE program commemorating the 100<sup>th</sup> Anniversary of various World War I battle sites, memorials, and related events (**Attachment E**). This trip remains available to Georgia lawyers and their guests who may still register and take part through Road Scholar of Boston, Massachusetts. At this writing Road Scholar advises that several cabins remain. Interested lawyers should contact Norman Zoller at 404/527-8765 or Road Scholar directly at 800/322-5315 for Program #22851.

5) **Cases Processed.** Below is a summary of the number and types of requests for legal assistance received and referred to lawyers under the State Bar's Military Legal Assistance Program. Under the program, **a total of 1,837 cases have been processed.** Further, a total of 46 additional cases are in process (i.e., in the pipeline), awaiting agreement authorizations from potential clients (35) or agreements from attorneys (9) to accept a case. Further, although the program does not handle criminal cases directly, about 400 inquiries have been received from veterans or service members seeking help on a criminal law matter (which are referred to the applicable county public defender or to a local bar association). A summary of cases processed by the MLAP by category follows:

|                       |     |                             |
|-----------------------|-----|-----------------------------|
| Family Law            |     | 935 (including 59 previous) |
| Contested Divorce     | 375 |                             |
| Uncontested Divorce   | 17  |                             |
| Divorce Enforcement   | 16  |                             |
| Child Support         | 123 |                             |
| Guardianship/Adoption | 96  |                             |
| Visitation            | 40  |                             |
| Child Custody         | 209 |                             |
| Consumer Law          |     | 120                         |
| Housing/Property      |     | 109                         |
| Foreclosure           |     | 26                          |



|                              |            |
|------------------------------|------------|
| Veterans Benefits/Disability | 257        |
| Wills/Estates/Probate        | 100        |
| Employment/USERRA/SCRA       | 54         |
| Bankruptcy                   | 25         |
| Insurance                    | 20         |
| Personal Injury              | 41         |
| Property Damage              | 3          |
| Worker's Compensation        | 2          |
| Contract                     | 7          |
| Medical Malpractice          | 6          |
| Toxic Substances             | 5          |
| Other                        | <u>127</u> |
|                              | 1,837      |

Attachments:

- A) Report from Emory Law Clinic Volunteer for Veterans, February 28, 2017.
- B) Emory's Law Volunteer Clinic for Veterans, *The Judges' Journal*, Winter 2017
- C) Veterans Treatment Courts and Veterans' Legal Services, *The Judges' Journal*, Winter 2017
- D) Military Members' Right to Veterans Treatment Court, *The Judges' Journal*, Winter 2017
- E) Brochure concerning Military and Veterans Law Section sponsored-trip, October 3-14, 2017, to Belgium and France commemorating 100<sup>th</sup> Anniversary of WW I battle sites, memorials, and commemorative events.



**Summary of Clinic's Work**

**Date: February 28<sup>th</sup>, 2017**

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

1. 166 Cases/Matters.
2. 38 Favorable Dispositions. Roughly \$4 million in projected economic benefits obtained, including backpay, estimated future economic benefits, and projected educational benefits.
3. Over 100 Student Volunteers have participated at this point (including nine summer interns from 2014–2016).
4. 72 Lawyers volunteered for participation; 52 have participated at this point.

B. Referral sources

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

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

C. Work accomplished since December 11, 2016

1. Roughly 115 veterans have been assisted, either through intake or substantial filings on behalf of the veteran.
2. Veterans have received roughly \$30,669.5 in back pay and increases in disability benefits since December 11, 2016.

D. Recent Publicity/Activities

1. Gave presentation at a VA Hospital Vocational Rehabilitation and Employment Program class where those present were able to ask questions and receive follow-up guidance.
2. Awarded chess set by the President of the Atlanta Chapter of the Blinded Veterans Association while attending the 2017 Holiday Luncheon.
3. Co-Hosted multiple Military Mondays events with Starbucks where veterans were given a free beverage and an hour-long consultation on their legal claims at a local Starbucks

E. Clinic Wins Since December 9, 2016:

1. An elderly Army Veteran was awarded \$23,505.50 in back pay and a substantial increase in her service-connection disability due to her severe physical disabilities.
2. A blinded Vietnam Veteran was awarded his Special Monthly Pension increase to include Aid and Attendance and was also awarded \$7, 164.00 in back pay.

F. Challenges for the future

1. Maintain and increase student and attorney volunteer interest.
2. Continue to expand our sources of cases. This includes our desire to expand our test case footprint and involvement with county veterans courts.
3. Fund raising.

J. Summary

The Clinic continues to maintain a good number of cases. There has been very active student participation but the need currently exists to recruit more outside attorney/mentors to work with the students. Those interested can contact Keely Youngblood at keely.youngblood@emory.edu or 404-727-1044.

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

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



## Emory Law's Volunteer Clinic for Veterans Recovers \$4.75 Million in Benefits—and Counting

By Candace M. Gibson

The U.S. Department of Veterans Affairs posts weekly reports on its website with data about pending claims. As of October 22, 2016, there were 379,735 of them. This number represents veterans who have so far successfully navigated the necessary procedures and paperwork to get the benefits due to them. One can imagine there are many more veterans who have not yet begun to explore their options—some because they do not know how to start the process, others because they do not know what they are entitled to, and still more who are not sound enough to seek assistance. American Bar Association (ABA) President Linda Klein has prioritized the initiative of providing legal services for veterans, calling on the profession to aid veterans when the justice system lets them down. What obstacles are there to prevent community-minded legal professionals from assisting veterans? And how

can these professionals get connected with the individuals who need help?

At Emory Law, the Volunteer Clinic for Veterans (VCV) has established itself as an early, exemplary model of community service that answers the ABA's call for veterans' assistance. The VCV focuses on disability claims and pension claims, as well as cases of post-traumatic stress disorder (PTSD) and traumatic brain injury. More recently, it has begun looking at ways to lift barriers of reentry to veterans who have received less than honorable discharges. Helping veterans reenter society and become active, healthy citizens is no small task, and while the VCV receives calls from across the United States, its primary efforts are focused on the estimated 200,000 veterans who reside in the Atlanta metropolitan area.

Even before the ABA made clear its veterans assistance initiative, the Georgia State Bar, in accord with the Military and Veterans Law Section of the Georgia Bar

and the Military Legal Assistance Program Committee, urged law schools in the state to establish legal clinics to aid veterans. Emory Professor of Law Charlie Shanor, VCV codirector and author of books about military and national security law, was teaching counterterrorism law and serving as the faculty sponsor of the Military Law Society when this request quite naturally reached him. "It was a request based on their perception that a lot of veterans couldn't pay for counsel," Shanor explains. "Emory was the only school that responded affirmatively."

Establishing a legal clinic is expensive. According to Shanor, the typical model requires hiring lawyers as clinicians, including a senior lawyer to serve as director and one or two younger lawyers to work on the cases. There is usually a group of 8 to 10 students who work at the clinic with the clinicians' oversight. "It's not terribly hard to envision a clinic's cost being somewhere

ATTACHMENT B

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in the neighborhood of half to three-quarters of a million dollars per year," he says. The dean of the law school offered Professor Shanor office space and staff support for the clinic; it was up to Shanor to build a volunteer team.

Shanor met with Martin Bunt, president of the National Security Law Society, about the possibility of founding the clinic. Bunt and Shanor attended a meeting of the leaders of the Military and Veterans Law Section of the Georgia Bar. Emory Law Adjunct Professor Lane Dennard, retired partner with King & Spalding, was also in attendance. Shanor had worked with Dennard on another project and wondered whether he would be a willing codirector of a no-cost clinic. "I said to him, 'If you will agree to be codirector, I will do the same. No compensation. We'll see if we can link up lawyers and law students to work these cases.'" Shanor's offer was a perfect extension of the work Dennard was already doing. "For the last four to five years of my retirement, I'd been doing pro bono work for veterans. I'm a vet myself," Dennard says. Dennard was an Army captain and company commander in Vietnam and was awarded the Silver Star, Air Medal, Army Commendation Medal, and Purple Heart with Oak Leaf Cluster. He found his first clients from a website roster of all the veterans from his company. He contacted the webmaster and said he would represent anyone from his company who needed assistance. Dennard got four cases from that list alone. "I wanted to give back to my profession, community, and country," he says. He saw the VCV as an opportunity to organize and broaden his efforts—and he said yes to Shanor.

Shanor and Dennard each put up \$5,000 in start-up funds for the clinic. Then, they began recruiting students and legal professionals. As far as the students are concerned, Shanor says, this is a chance early in their careers to learn the importance of pro bono work, but there is an even more practical aspect to the volunteerism. "They get trained in veterans benefits law and have actual, live client contact. They learn what it's like to represent somebody," he explains. It's important to note that this is not a credit-granting clinic at Emory Law; it's all volunteer work.

As busy as lawyers are with their practice, "Some just recognize the need to give something back to their profession and the community," Dennard says. They might not be able to take on multiple cases, but working with a student makes the load more manageable.

The clinic opened its doors in February 2013 with Shanor, Dennard, and two energetic student leaders, Bunt, and a friend, Rachel Erdman. "But we didn't have any clients!" Dennard laughs. Within the following six months, they had plenty to do and had recruited a large number of student and professional volunteers. After a year and a half of operations, cofounder and codirector Dennard took emeritus status. He continued to accept cases (and has 14 active ones right now), but Shanor needed a codirector. Because Shanor and Dennard had been successful raising funds from local lawyers, alumni, and foundations, he had some money to pay a part-time professional to help. In addition to staffing that one part-time legal professional, Shanor hoped to get a few full-time employees for the clinic. The VCV applied for and received an Equal Justice Works (EJW) AmeriCorps Legal Fellow funding position, and that grant, combined with an equal contribution from Emory Law School, paid for a one-year fellowship. The VCV raised funds to pay for an additional year with the inaugural fellow, Christopher Pitts, half of whose salary was covered by a follow-up AmeriCorps grant. Mallory Ball is currently in that position as senior AmeriCorps EJW fellow, and Keely Youngblood is the junior fellow. Rounding out this group is paid practitioner and codirector Drew Early. "We haven't been able to do it all for free," Shanor explains, "but it's been little burden on Emory or Emory Law School. We were a no-cost clinic, and now we are a low-cost clinic."

Shanor says Drew Early "is about as knowledgeable a lawyer on veterans' benefits law as anyone in the state." While Shanor commits his time to fundraising and internal administration, as well as taking the occasional appellate case and encouraging student involvement and volunteerism, Early is involved in day-to-day case management and weekly meetings with student leadership. Because Early also

teaches a fall semester Veterans Benefits Law class at Emory, his classroom is a natural conduit of eager volunteers to the VCV. "A student who's taken that class and works in the clinic has a huge leg up in being able to do useful things for our clients," Shanor says. Early allows Atlanta attorneys to audit the class, and he asks the incoming fellow at the VCV to audit it as well so that it can be used as a training vehicle for the student and professional volunteers.

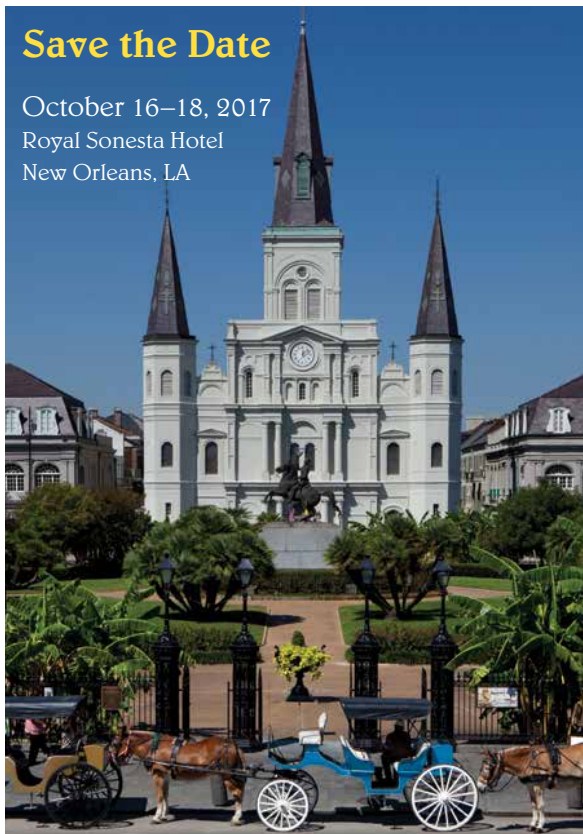
An elder law attorney by trade, Early sees his overall role at the VCV as gatekeeper. The clinic cannot handle every request, so Early makes decisions about what cases they accept. "I'm sensitive to the limited resources we have and the needs of the clients. We might have good people calling in, but I focus like a laser beam on how we can maximize the effectiveness of what we do for those people," Early explains. His daily role is guiding the two fellows, Ball and Youngblood, and providing technical background for the volunteer students and legal professionals. "We might have a well-meaning bankruptcy attorney who needs advice on veterans' law," Early says. Early can give the attorney that guidance, as well as invite him or her to his Veterans Benefits Law class. Early meets with the VCV fellows on Mondays to go over cases, and to supplement the ever-growing roster of cases, there is a concerted effort to grow the volunteer base at the clinic. Ball jokes about "Drew's Bootcamp," which is the program used to on-board student volunteers. Students get a comprehensive overview of veterans' and military law before they are sent to the clinic to start helping with cases. There are 60 names on the current volunteer list and about 20 working actively with the clinic right now. As for volunteer legal



**Candace M. Gibson** is a freelance writer residing in the Old Town district of Alexandria, Virginia. She writes about education, health care, and history.

## Save the Date

October 16–18, 2017  
Royal Sonesta Hotel  
New Orleans, LA



### Join the National Conference of Federal Trial Judges and the Lawyers Conference for “Anatomy of a Federal Trial: Soup to Nuts” educational summit.

Programming will consist of trial demonstrations followed by roundtable discussion groups. Each table discussion will be led by a federal trial judge. In addition, panel discussions will include best practices for federal trial work and ethical issues in the courtroom. The summit will be open to ABA and non-ABA lawyers.

If you would like to be notified when registration opens, please contact Amanda Banninga at [amanda.banninga@americanbar.org](mailto:amanda.banninga@americanbar.org).

professionals, the VCV has around 70. That number varies depending on the case-load and the professionals' availability.

As fellows staffed full-time at the clinic, Ball and Youngblood have the most direct line to veterans—literally. While not every call placed to the VCV will result in a case, they all represent the kind of earnest understanding and effort required by working with veterans. “We’ve got phones ringing off the hook; it’s great,” Ball enthuses. When a potential case arises, the fellows do intake with the veterans, getting basic facts and organizing the students who will be working with them on their case. In addition to receiving incoming veterans’ calls, the VCV also takes counsel to the veterans in a unique outreach program. Back in February 2016, the VCV launched Military Mondays, a partnership with the Starbucks located at 650 Ponce de Leon Avenue in Atlanta. Every other Monday, legal fellows and students sit at reserved tables, and Starbucks provides free coffee and snacks while they offer sessions with veterans. The volunteers answer questions, and Ball explains, “If we can’t help them long term, we try to point them in the right direction and give them a roadmap of what evidence is needed in order for their case to have the best chance at success.” In every Starbucks in the Atlanta metro area, there is a postcard on their community board promoting the Ponce Avenue Military Mondays.

Ball has seen her fair share of veterans’ claims cases, and if you ask her why veterans are being denied benefits, she’ll attribute it to missing evidence. “Most of the time, they’re missing a piece of paper, like the nexus letter, a doctor’s opinion that links their condition to what happened to them during their time in service,” she says. What’s more, “We see a lot of mistakes on claims, both factual and legal,” Ball continues. Sometimes mistakes are on the client end; sometimes they’re on the VA end. This is why it’s helpful to have a legal professional intervene and represent the vet. “The people involved in these cases are encumbered by the nature of the disability, and they can’t navigate the process,” Early adds. “Or they’re elderly and overwhelmed by the bureaucracy of the government.” Being asked to submit

documents by fax or email can thwart some veterans completely if they do not understand or have access to those technologies. Early estimates that 35 to 40 percent of the VCV's calls are from the elderly. "I want that number to get higher. I think that as we do more, it'll grow. We're out there to help them all," he says.

Helping as many veterans as possible might be the ultimate goal, but in the meantime, as the VCV develops its resources and grows its body of volunteers, it's taking a close look at the issues in its backyard. "The biggest problem in Atlanta is the backlog in veterans getting their claims considered,"



behavioral issues. This led to a bad discharge. The VCV can work with the veteran to get the discharge upgraded so that he or she can get benefits. "If we can get a homeless person off the street, that's the perfect scenario. We're helping someone who's really in need," Early says. Of course, this does not describe every call that comes through to the VCV. The clinic gets its share of calls from people who think they are entitled to claims they're not eligible for, and the clinic's staff has even heard some fraudulent claims. Early describes a recent call from a man who said he fell off a plane while in the Air Force in

VCV measures quarterly the number of calls they receive and how many of those callers get legal advice. Last quarter, Ball estimates they took 120 calls; five of those became cases. Shanor points out, "We keep a running tab of the benefits we've obtained for our clients, and our basic calculation is that we've received \$4.75 million in lifetime benefits for clients since February 2013." He specifies that these cases involved substantive work helping the client through the VA process, but the clinic also does its share of informal counseling, simple wills, and powers of attorney. None of that work gets counted among

Since the clinic opened in 2013, they have closed or are currently involved with about 160 cases.

Dennard says. In addition to helping restore veterans' benefits that were cut back, the VCV has helped veterans obtain benefits they were entitled to by statute, but that they could not get on their own. Shanor says in some cases, this amounted to an increase of \$1,500 to \$3,000 per month. "That's the difference between eating peanut butter and regular meals," he points out. When veterans lose benefits, or do not have access to them to begin with, they can lose their homes or find themselves reliant on public assistance. For veterans with less than honorable discharges, though, public assistance might not be an option.

"Opportunities open up when we get an upgrade for veterans with these less than honorable discharges," Shanor says. If the vet has been given the discharge wrongly, it's a barrier to employment and public housing. The VCV has a grant from the American College of Trial Lawyers to help with discharge upgrades. Early paints a picture of the ideal kind of case that the VCV can help with: There's a homeless veteran who had PTSD, which caused

1980. "His back hurts him now, 36 years later. He has no proof of the accident, no safety report, no witnesses. He didn't go on sick call. We're not wasting time on something like that," Early says. "It took all of two seconds to decide we're not doing this."

Since the clinic opened in 2013, they have closed or are currently involved with about 160 cases. Ball explains that cases are constantly open because VA wait times are long. "When everything has been submitted, you're just waiting on the VA to make a decision or ask for any other documents to keep the appeal going," she says. An initial application might take six months to a year for review. If that application is denied and goes to a decision review officer at the local level, it could mean another year and a half to two years. After that, taking the case to the Board of Veterans Appeals could take four years. Discharge upgrades take anywhere from one to two years, Ball says, depending on the branch of service.

How do you measure results and efficacy when cases are constantly open? The

total cases, but it takes dedicated time and effort, too.

As the VCV continues to expand, the clinic is looking to actively increase its staff. Shanor says, "We have a grant proposal out now. If we're successful, it will enable us to do a project we think is really worthwhile and serve as a model for other legal clinics around the country." This is dependent, of course, on getting more money to hire another person. The VCV wants to maintain its status as a low-cost clinic, but it must balance that aim with resource demands. No one begrudges the hard work and the constantly ringing phones—those are signs that the VCV's mission is reaching veterans. "If America only knew the number [of pending claims] and the totality of the backlog," Early says. "There are more people out there who can't navigate the system and give up." Emory's VCV is focused on preventing its local veterans from giving up on their benefits, and as the clinic demonstrates the big impact possible from low operational costs, perhaps other schools will adopt this clinical model. ■



Phyllis, an elderly veteran, was disabled, homeless, and losing hope. She had lost her identification card and all her personal paperwork and, as a result, couldn't apply for food stamps, housing, and other assistance.

But Phyllis went to Stand Down—a program providing food supplies, clothing, health screenings, and benefits counseling to homeless veterans. Legal Aid of Wyoming attorneys were there, and one helped Phyllis apply for a new Social Security card, a copy of her birth certificate, and a state-issued identification card. Her Legal Aid lawyer helped Phyllis access Medicaid, food stamps, and veterans' benefits.

Phyllis is one of the lucky ones. The U.S. Department of Housing and Urban Development has estimated that almost 40,000 veterans are homeless. Veterans make up 20 percent of the male homeless population, while the fastest-growing homeless population in America is women veterans. And more than 13 percent of our nation's heroes live near or below the poverty line.

Often veterans' troubles are caused by legal problems—evictions, child custody disputes, and wrongful denial of benefits. In fact, a U.S. Department of Veterans Affairs study found that at least half of the top 10 problems leading to homelessness among veterans are legal problems.

To help address this problem, the American Bar Association (ABA) has launched a major initiative to mobilize lawyers to ensure that veterans receive the legal assistance they deserve. The ABA Veterans Legal Services Commission is a multipronged, holistic effort being led by a distinguished 20-member commission headed by Nanette DeRenzi, a retired three-star vice admiral who led the Navy's Judge Advocate General's Corps, and Dwight Smith, a Tulsa, Oklahoma, attorney who has held several key leadership roles in the ABA.

The commission has ambitious goals, including

- Employing medical-legal partnerships that pair Veterans Affairs (VA) facilities with lawyers to solve clients' legal problems.
- Engaging law schools and bar associations to promote legal-services

incubators, and assisting those legal incubator programs, particularly in rural areas, to bring services to veterans while providing valuable training for new and underemployed lawyers.

- Promoting legal checkups for veterans and their families and caregivers because many do not know the problems they have are legal ones.
- Addressing the unique needs of female veterans and homeless veterans.
- Creating a certification of law specialty on veterans' legal issues.

In addition, an important component of our veterans initiative is promoting veterans treatment courts (VTCs) and exploring expansion of the concept to civil matters, such as debt collection and domestic relations. While the ABA is drawing on its members' expertise to promote veterans' legal services, it is also drawing lessons from the innovative efforts to help veterans taking place in courtrooms across the country.

Currently, 306 courtrooms in 37 states offer mandatory rehabilitation and medical treatment for veterans arrested for certain felonies or misdemeanors. They have the support of the American Judges Association, the National District Attorneys Association, and the National Sheriffs' Association.

And the U.S. Department of Veterans Affairs now mandates that every VA medical center have a veterans' justice outreach specialist who provides legal assistance to veterans and supports VTCs in their region.

While VTCs are growing in prevalence, they are needed in even more states and even more court systems because they are effective and successful. According to data provided by Justice for Vets, an advocacy group that provides training for court staff, two-thirds of veterans who go through the system successfully complete their programs, and 88 percent of courts see a reduction in veterans' arrests.

### The Promise of Veterans Treatment Courts

Veterans treatment courts began in 2008 when Judge Robert Russell noticed the unique needs of veterans coming through

his drug court in Buffalo, New York. So he adapted the drug and mental health court model to provide an alternative to the criminal justice system for veterans whose misdemeanor or felony stemmed from disorders arising from their combat experience (i.e., brain injury, post-traumatic stress disorder (PTSD), sexual trauma, substance abuse, and other psychological disorders). The VTC set up by Judge Russell was designed to give veterans a chance to get their lives back on track by addressing the problems underlying their criminal behavior. The program emphasized jail diversion and therapy for trauma-specific conditions, such as PTSD and sexual assault. To aid that recovery, Judge Russell paired each vet going through the program with a mentor veteran to act as coach, role model, and advocate.

That first effort relied on the collaboration and coordination among the Western New York (WNY) Veterans Project, Buffalo Police Department, Buffalo Veterans Administration Health Care System, Buffalo Criminal Courts, Buffalo Drug and Mental Health Treatment Courts, Erie County Pre-Trial Services, the C.O.U.R.T.S. Program (Court Outreach Unit Referral and Treatment Service), and the Buffalo Veteran Mentor Group (a separate nonprofit organization).

Eight years later, the numbers in Buffalo speak for themselves: Recidivism rates for veterans in the area are just 5 percent, compared to 50 percent among the formerly incarcerated nationwide.

Because VTCs depend on a number of



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partnering agencies, startup and sustaining costs are low, but good coordination is important. The programs veterans participate in typically run 12 to 24 months and combine therapeutic treatment, social services, and judicial oversight. Participants meet regularly with their parole officers and attend court hearings to review their progress. Those who are making progress are encouraged, while those not fulfilling the program requirements are warned that they could be dropped from the program and face their original sentence.

At the beginning of the program, the emphasis is on maintaining sobriety and mental stability and showing up at all meetings. Individual therapy sessions, group counseling, and self-help meetings also are

### Research Suggests Long-Term Success

The model is too new to provide research about such aspects as long-term recidivism, although some studies are underway. Still, so far, VTC outcomes have equaled or exceeded the outcomes from drug courts. This is believed to be in part because vets typically haven't spent years cycling in and out of the criminal justice system. Because treatment is mandated in lieu of measures such as fines, probation, and jail time, veterans are quicker to buy into the program, where recovery becomes their mission. Most embrace the VTC setting and thrive in it.

A study published in the February 2015 *Community Mental Health Journal* looked

emotional wellbeing, relationships with others, recovery status, social connectedness, family functioning and sleeping."

The study singled out the importance of "trauma-specific treatment, peer mentor services and medication" in achieving the outcomes. "A fundamental strength of the treatment court approach is its ability to hold participants accountable in seeking and complying with a treatment plan."

Other figures may also demonstrate the success of Judge Russell's noble experiment: According to a 2015 U.S. Department of Justice study, the number of veterans incarcerated in state and federal prisons and local jails decreased from 203,000 in 2004 to 181,500 in 2011–12. And in 2011–12, the rate of incarceration of veterans was lower than the rate for nonveterans.


The VTC model has served as an example for other vet-specific programs and services. For instance, in Orange County, California, both the Family Law Court dealing with domestic violence and the Department of Child Support Services have programs that specifically serve the needs of veterans coming before them.

The ABA has had a policy since 2010 urging "state, local and territorial courts to facilitate the development of VTCs, including but not limited to, specialized court calendars or the expansion of available resources within existing civil and criminal court models focused on treatment-oriented proceedings."

The ABA Veterans Legal Services Initiative supports the efficacy, use of best practices, and expansion of VTCs.

We hope that even more court systems will institute the VTC model and consider expanding their scope.

Our nation's veterans made a sacred commitment to die for us, for our country, in defense of our liberty. When our justice system fails these men and women, we must recognize that veterans also protect something near and dear to our profession: the just rule of law throughout the world. And we need to answer by invoking our own oath on their behalf. Through the ABA veterans initiative and your effort, we can help many more veterans get back on their feet and become contributing members of our society again. ■



Veterans make up 20 percent of the male homeless population, while the fastest-growing homeless population in America is women veterans.

required, as are random drug or alcohol testing. Later, the focus shifts to reintegrating the veteran into society, including finding employment, locating a suitable living situation, and reunifying with family. The local VA office provides counseling resources for veterans in the program and coordinates services such as employment training and educational counseling.

VTCs got a national vote of confidence in September 2016, when the U.S. Department of Justice awarded more than \$4 million to 13 state and local jurisdictions to develop their own programs. The grants this year will go to court systems in California, Florida, Kansas, Louisiana, Minnesota, Missouri, Montana, Pennsylvania, Texas, Virginia, and Wisconsin.

at 86 veterans enrolled in a jail diversion and trauma recovery VTC program. They were interviewed at the start of the program and again after 6 and 12 months.

The study found that the VTC approach held promise for long-term success: "The structured, yet peer-driven environment of the VTC can provide a more tolerable path to recovery for many who otherwise would likely not have sought help," it found.

Of the 86 participants, nine were rearrested during their time in the program. The study concluded: "The results suggest that veterans involved in Veterans Treatment Court programs experienced significant improvement in PTSD, depression, substance abuse, overall functioning,

## UNCONVENTIONAL REHABILITATION

# Military Members' Right to Veterans Treatment Court

By Daniel R. Devoy



**Y**ou have the right to remain silent. . . . You have the right to an attorney. . . . Are you a military veteran? If you are arrested in Tulsa, Oklahoma, this is what you will hear after you are read your *Miranda* rights.<sup>1</sup> In Tulsa and in more than 300 law enforcement jurisdictions in the United States, being a military veteran entitles a person to participate in an alternative court, a veterans treatment court.<sup>2</sup> As unique as it sounds, arrested military veterans can choose to go to veterans treatment court rather than face punishment in the traditional criminal justice system.

As the longest war in American history is concluding in Afghanistan and Iraq, more than 2.6 million military members have returned home.<sup>3</sup> Nearly half suffer from mental health or physical injuries<sup>4</sup> and

one-fifth will be diagnosed with post-traumatic stress disorder (PTSD).<sup>5</sup> These issues make it difficult for veterans to reintegrate into civilian life and may lead to homelessness, unemployment, arrest, or worse.

Nearly 700,000 veterans are in the criminal justice system.<sup>6</sup> Many of the charges involve alleged conduct caused by, or associated with, addiction or mental health injuries.<sup>7</sup> Traditionally, the criminal justice system in the United States has concentrated on punishment to alter behavior. This model, however, has been particularly unsuccessful when applied to military veterans.

A veterans treatment court provides an alternative to incarceration. These courts offer structure, accountability, and treatment for mental health injuries and addiction. Instead of incarceration,

veterans are offered treatment and opportunities to prove they are willing to rehabilitate. Veterans are surrounded by other veterans, receive health treatment for their specific injury, and meet regularly with veteran mentors and/or U.S. Department of Veterans Affairs (VA) counselors. Moreover, veterans treatment courts connect veterans to their earned benefits, such as disability compensation for military injuries, education benefits, job training, home loans, and health care. Access to these benefits can help veterans regain their footing and transition to a more productive civilian life.

Without veterans treatment courts, many veterans could be incarcerated, meaning they would be removed from their family and support system. This often leads to a repeated cycle of incarceration. In 2014, there were approximately 11,000 veterans who received treatment in veterans treatment court.<sup>8</sup> If these courts did not exist, many of these veterans would have been incarcerated. The average cost to incarcerate an individual in the United States is approximately \$29,000 per year.<sup>9</sup> If these 11,000 veterans were to be incarcerated, the total cost would exceed \$319 million per year. Accordingly, veterans treatment courts not only help veterans get their life back on track, but also save taxpayers a substantial amount of costs. Moreover, those who go through veterans treatment court are less likely to be arrested again. For example, the very first veterans treatment court enjoyed a 0 percent recidivism rate in its first year.<sup>10</sup>

A number of veterans treatment courts have grown out of community justice courts as well as drug and mental health courts. These alternative courts were created based on an understanding that some criminal defendants face significant obstacles to being productive members of society and that an alternative process could achieve greater success by reducing

recidivism. Similarly, veterans who come into the criminal justice system are better served by alternative courts. Building on the philosophy underpinning these courts might provide further insights that could benefit the criminal justice system more broadly and society as a whole. Without question, communities benefit from reduced recidivism. Therefore, a brief history and synopsis of veterans treatment courts and an exploration of what works is in order.

### Change Begins in Buffalo

The first veterans treatment court was established in 2008 in Buffalo, New York.<sup>11</sup> At that time, the Honorable Robert Russell served on the drug court and mental health court.<sup>12</sup> He began to notice an increase in the number of veterans appearing on the docket.<sup>13</sup> At the same time, several of his staff members, who were veterans themselves, were assisting veteran defendants in drug court.<sup>14</sup> Judge Russell noticed this assistance was beneficial to the defendant.<sup>15</sup> He theorized that more could be done to ensure veterans were connected to specific resources they needed when facing criminal charges.<sup>16</sup> By collaborating with local community resources, Judge Russell founded the first veterans treatment court.<sup>17</sup>

As Judge Russell continued his success with the first veterans treatment court, other jurisdictions began to take notice, and the idea quickly spread. By 2010, there were 24 veterans treatment courts;<sup>18</sup> by 2012 there were 88,<sup>19</sup> and currently there are 306 veterans treatment courts in the United States.<sup>20</sup>

The main decisions about the scope and breadth of a veterans treatment court include who are the eligible veterans, the status of their discharge, type of offense involved, if the veteran has a mental health injury, and whether the veteran has a criminal record. The National Conference of Commissioners on Uniform State Laws is drafting a Veterans Court Act for use by the various states.<sup>21</sup> While there are several variations to veterans treatment courts, the basic model centers on collaboration between the criminal justice system and important community resources. The most influential and vital individual in veterans

treatment court is the presiding judge. The judge must be flexible, must want the veteran to succeed, and must be willing to work with the veteran to understand any mental health factors that caused the crime. Most importantly, the judge must be willing to monitor the veteran throughout the treatment plan. At the same time, the court must be aware that it owes a duty to the public to bring justice to the aggrieved individual, protect society at large, and work to prevent repeat offenses.

### Expansion of Veterans Treatment Court—Santa Clara County, California

"You don't decrease recidivism when you deny services to people who need help," according to the Honorable Stephen V. Manley of the Santa Clara County, California, Veterans Treatment Court.<sup>22</sup> "If we don't address it now, are we going to wait until there's another crime? That doesn't make sense."<sup>23</sup>

The Santa Clara County court was created shortly after the creation of Judge Russell's court in 2008.<sup>24</sup> Judge Manley, who also founded the drug treatment court and mental health court in Santa Clara County, was extensively qualified to manage the veterans treatment court. He possessed over 30 years of monitoring the most at-risk defendants in the system.<sup>25</sup> Judge Manley believes that the court must not only treat the veteran, but also act in the interest of public safety, protect the victim, and make sure the victim has received restitution.<sup>26</sup> Judge Manley is exactly the type of judge that is needed to make the court work. He understands the balance between the potentially conflicting views of the individuals and the organizations involved.

Judge Manley has grown to understand the mindset of many military veterans and promotes the idea that each treatment plan is unique and the court cannot simply treat all defendants the same.<sup>27</sup> Post-traumatic stress disorder (PTSD) is the perfect example of unique treatment. Without treating PTSD, many veterans may reenter the criminal justice system at a later date. Citing the number of Vietnam veterans with PTSD currently behind bars, Judge Manley

believes that these veterans were left untreated upon their return home and he vowed not to make the same mistake with returning Afghanistan and Iraq veterans.<sup>28</sup> Treatment for those with PTSD consists of individual therapy or similar mental health counseling. This type of treatment reduces an individual's PTSD symptoms and reduces the rate of repeat offenses.<sup>29</sup> It is exactly this type of treatment that separates veterans treatment court from the traditional criminal justice system model.

The Santa Clara County Veterans Treatment Court is an outlier in that it accepts all military veterans regardless of discharge status.<sup>30</sup> Accordingly, even a dishonorably discharged veteran is entitled to appear in the court.<sup>31</sup> In addition, unlike many veterans treatment courts, Santa Clara County does not exclude veterans due to the seriousness of the crime and accepts both misdemeanor and felony cases.<sup>32</sup> The openness of Santa Clara County therefore casts a wider net of participation and is able to support more veterans. By doing so, Santa Clara County has the potential for a far greater impact in the community.

While some may say the eligibility rate of the Santa Clara County court is too broad, Judge Manley points to the success rate of his court.<sup>33</sup> Currently the court has a 15 percent recidivism rate.<sup>34</sup> This rate is far lower than for traditional criminal courts.<sup>35</sup> The primary reason for success is the military culture itself, which places an emphasis on a rigid structure and



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discipline. When veterans are placed together, they fall back on their military teamwork training and do not want to be responsible for letting the team down. This is contrasted with traditional prison sentences, where the individual alone faces the challenge of survival without a support group. By engaging a team and a support group, the veteran is faced with responsibility, not only for his or her own rehabilitation, but also for the success of the team. This frame of mind transports the veteran back to his or her military days and a time when the veteran enjoyed great success in life.

mentor is of vital importance and is often just the sort of individual that is missing in the life of a veteran.

Along with the collaboration with the VA, Judge Manley believes peer mentors are a strong predictor of success.<sup>39</sup> Says Judge Manley, "If you have someone who has been through what they are going through, it's much more powerful and meaningful. You can motivate them to turn their lives around; you can guide them through the VA system."<sup>40</sup>

The Santa Clara County Veterans Treatment Court has enjoyed great success. Not only has the rate of recidivism

Once it is determined the individual is eligible, the veteran has the choice to participate.<sup>44</sup> If the veteran chooses to do so, a VA benefit check is performed and a mental health provider screens the veteran.<sup>45</sup> The provider, not the court, decides what treatment the veteran needs in regard to mental health treatment.<sup>46</sup> Most often this treatment consists of VA counseling.<sup>47</sup> Veterans who fail to follow their treatment or those who violate a court order may face fines, community service, jail, or entry back into the traditional criminal justice system.<sup>48</sup>

Participants in the court are given a detailed handbook that outlines the program.<sup>49</sup> Veterans are required to read and consent to the rules of the handbook before they begin treatment.<sup>50</sup> All participants must acknowledge their responsibilities and consequences of failure via their signature on multiple pages of the handbook.<sup>51</sup>

Graduation requirements for the Tulsa program are clear and provided to the veteran in the handbook. Among other requirements, veterans must

- Have no missed, abnormal, or positive drug tests for six months;
- Have no major sanctions for 90 days; no minor sanction for 30 days;
- Be employed or attending school full-time or be exempted;
- Have a high school diploma or receive a GED or be exempted;
- Have completed a treatment and case management plan;
- Have made payment in full of veterans treatment court program fees; and
- Have completed volunteer requirements.<sup>52</sup>

As with many veterans treatment courts, graduation from the program is the final day in court. It is not unusual to hear the judge require all those in attendance to clap for the graduate and to offer a handshake.<sup>53</sup> As a reward for successful completion, the veteran has his or her life on track and may possibly have the criminal charge reduced or dismissed.

While a requirement to read a handbook may seem excessive, it is a small price to pay to avoid the traditional criminal

## While there are several variations to veterans treatment courts, the basic model centers on collaboration between the criminal justice system and important community resources.

Who is on this team? The veteran is supported by a VA representative and treatment staff, doctors, substance-abuse counselors, probation officers, a public defender, and, most importantly, a peer mentor.<sup>36</sup> A peer mentor is a fellow veteran who lives in the local community and "sponsors" the veteran.<sup>37</sup> In the military, a service member is surrounded by peers. These peers look out for one another and act as a team. This support network disappears for many upon reintegration into civilian life. But with a peer mentor, a veteran can experience the familiar feeling of camaraderie. As fellow veterans, peer mentors understand the unique stresses of being a veteran while living a civilian life. Over time they often become friends with the defendant veteran. This relationship allows the mentor to become a close friend of the veteran and gives the mentor credibility to address the court on behalf of the veteran.<sup>38</sup> A peer

been reduced, but many veterans have now become productive members of society. Without the veterans treatment court, it is entirely possible that these same veterans would have been outcasts in society. By offering successful rehabilitation and not punishment, the Santa Clara County Veterans Treatment Court has succeeded in its mission.

### Tulsa, Oklahoma

Tulsa, Oklahoma, is yet another example of a successful veterans treatment court and shows the transformative power of such a program. In Tulsa, an arresting police officer will ask the individual if he or she is a veteran.<sup>41</sup> If so, the veteran is eligible for the veterans treatment court if the veteran is suffering from a mental health injury or substance abuse.<sup>42</sup> In addition, only those who have committed nonviolent crimes can participate.<sup>43</sup>

justice system. Additionally, the handbook promotes the idea of a rigid structure by placing the requirements of the program strictly on the veteran.

Requiring employment, education, and community service promotes confidence and a sense of belonging in the community. Drug testing and avoidance of sanctions support the strict requirements of the military-like structure of the program. Lastly, payment of the program fees furthers a sense of responsibility and lessens the cost of the program to the community.

### Successes

A veteran, let's call him Eric, received an other than honorable discharge from the military due to an altercation with a military police officer at the end of his service.<sup>54</sup> Unbeknownst to Eric, he was also suffering from PTSD.<sup>55</sup> In addition, his wife passed away, and he was left as a single parent to his two-year-old child.<sup>56</sup> Upon appearing in the veterans treatment court, Eric received

counseling and the court assisted him in finding childcare so that he could keep his full-time job.<sup>57</sup> No other court would go this far for a defendant. Due to the help he received, Eric became another success story. His success is an example of the individualized treatment aspect of veterans treatment court.

Another veteran, let's call him Nicolas, served two combat tours overseas in both Iraq and Afghanistan.<sup>58</sup> Upon returning home, he developed an addiction to pain killers.<sup>59</sup> His addiction led to run-ins with the law, and he was eventually arrested for being in possession of a stolen check.<sup>60</sup> He was then given the choice of going to jail or spending a year in the veterans treatment court.<sup>61</sup> He chose to participate in the veterans treatment court and credits it with saving his life.<sup>62</sup> Through his work in the program, he was able to stop using pain killers and live a drug-free life.<sup>63</sup> His story is an example of the rehabilitation aspect of veterans treatment court.

### Future Challenges and Needs

While veterans treatment courts have a strong structure and proven results, there are areas for improvement. There are a number of challenges faced by these courts. One is the lack of VA staffing.<sup>64</sup> As the courts expand, they depend on VA for mental health and other benefit-related services.<sup>65</sup> With more and more veterans entering into the program, not every jurisdiction has adequate staffing at the VA level to provide services.<sup>66</sup> The VA is not organized or structured around partnerships with the judiciary, and this leaves some veterans out in the cold and makes it challenging.<sup>67</sup> Additionally, not all veterans are qualified for VA care due to their discharge status and the courts struggle to find counseling and other resources for these veterans.<sup>68</sup>

Veterans treatment courts are taking an increased role in monitoring public safety.<sup>69</sup> Since their creation in 2008, there is an increase in veterans being charged

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with serious offenses involving public safety.<sup>70</sup> This puts pressure on the court to serve justice to the victim, while also simultaneously rehabilitating the veteran. It complicates the treatment plan because it places tension between the court's attempt to help the veteran and the desire of society to punish the defendant.

Courts also suffer from a severe shortage of peer mentors.<sup>71</sup> It is difficult to have a mentor for every veteran, although, ideally, every veteran would have a mentor.<sup>72</sup> Some courts have more than 300 participants and do not have a mentor for each veteran.<sup>73</sup> Obtaining mentors takes training and coordinating.<sup>74</sup> Further, there are some jurisdictions that do not have a large number of veterans in their population to even qualify as peer mentors. Currently, there are more than 13,000 veterans served by the courts, but only 5,000 mentors.<sup>75</sup>

In an attempt to combat this problem, many courts have asked successful graduates of the court to come back and serve as a mentor.<sup>76</sup> Because mentorship is such a vital component of veterans treatment court, previous graduates become crucial as they not only understand the veteran mindset, but also what the veteran is going through within the court system.<sup>77</sup>

Finally, as with all new government programs, funding is badly needed for the courts.<sup>78</sup> As more and more veterans return home from Iraq and Afghanistan, the risk of criminal behavior increases because so many of these veterans suffer from a mental health injury.<sup>79</sup> As the docket for the court increases, more resources of the court, the district attorney, the public defender, and VA will be consumed. Funding will be needed to continue to succeed and meet the increased demand for services.

If these challenges can be met, veterans treatment courts can grow and continue their success. Their success not only is vital for the veteran, but it is in the best interest of the community. The fact that these veterans are kept out of the traditional criminal justice system saves costs for other criminal courts. Saving these costs may potentially expand their resources and reduce recidivism in other courts.

## Veterans Have Earned the Right to Veterans Treatment Court

Military veterans are a tremendously underserved and sympathetic population. Due to their service and the gratitude of the nation, they have earned the right to rehabilitation. Moreover, those who suffer from military-related injuries, such as PTSD, are entitled to treatment. This is especially true when PTSD is the underlying cause of the committed offense. At the same time, those who are the victims of a crime committed by a veteran are entitled to restitution. Veterans treatment courts provide the perfect blend of treatment, gratitude, and justice. The last eight years have established a pattern of success, and there is no reason to believe this success cannot continue.

Due to the creation of the veterans treatment courts, thousands of individuals have avoided joining the ranks of incarcerated veterans, while at the same time rehabilitating themselves.<sup>80</sup> By providing treatment for mental health injuries and substance abuse, veterans treatment courts have reduced the risk of repeat offenses. Without these courts, thousands of veterans would face incarceration, homelessness, unemployment, and untreated mental health injuries. Thanks to the creative and collaborative legal justice approach introduced by Judge Russell in 2008, thousands of veterans are once again some of the most productive and upstanding members of society. ■

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58. Jen Christensen, *Pill-Addicted Veterans Get Second Chance with Treatment Court*, CNN, <http://www.cnn.com/2014/08/26/health/veterans-treatment-court> (last updated Aug. 27, 2014, 3:25 PM).
59. *Id.*
60. *Id.*
61. *Id.*
62. *Id.*
63. *Id.*
64. Moga, *supra* note 24.
65. *Id.*
66. *See id.*
67. *Id.*
68. *Id.*
69. *See id.*
70. *Id.*
71. *Id.*
72. *Id.*
73. *Id.*
74. *Id.*
75. 2016 Veterans Day Field Kit, *supra* note 2.
76. *See Vets Courts Serve Veterans Not Just the Criminal System*, *supra* note 38.
77. *Id.*
78. Olson, *supra* note 22.
79. *Id.*
80. 2016 Veterans Day Field Kit, *supra* note 2.

REGISTRATION IS NOW OPEN FOR THE 2017 TRAFFIC COURT SEMINAR

**Beyond the Rearview Mirror:  
Advancing the View in Today's Traffic Cases**

March 6–8, 2017

MANSION ON FORSYTH PARK • 700 DRAYTON STREET • SAVANNAH, GEORGIA

The complete agenda and all registration information can be found at  
[www.ambar.org/2017trafficseminar](http://www.ambar.org/2017trafficseminar).



# ROAD SCHOLAR

## Road Scholar's Proposal to the Military and Veterans Law Section Of the State Bar of Georgia World War I Commemorative Voyage in Belgium and France Monday, October 2 to Friday, October 13, 2017

### Background Information

Road Scholar, founded in 1975 as Elderhostel, is the not-for-profit leader in offering educational travel programs specifically designed for Baby Boomers and beyond. The breadth and depth of our offerings is unsurpassed with more than 5,500 learning adventures in 150 countries and all 50 states, serving more than 100,000 participants per year. At any given time, 2,000 Road Scholars are experiencing the world on our learning adventures.

Road Scholar's mission is to inspire adults to learn, discover and travel. Our learning adventures engage expert instructors, provide extraordinary access, and stimulate discourse and friendship among people for whom learning is the journey of a lifetime.

### World War I Commemorative Voyage in Belgium and France

Road Scholar proposes offering Members of the Military and Veterans Law Section of the State Bar of Georgia the following exclusive learning adventure – **World War I Commemorative Voyage in Belgium and France – from Monday, October 2 to Friday, October 13, 2017.**

#### Program Summary:

Arras. Somme. Chateau Thierry. Belleau Wood. Ypres. Flanders Field. These battlefields tell tales of great heroism and terrible loss. The German invasion of Belgium and France in World War I was devastating. Millions lost their lives, and millions more were wounded or displaced. On a journey both somber and powerful, honor their sacrifice and learn WWI history where it happened. Sail along the Belgian coastline and through the French countryside on a commemorative voyage to the major battlefields, memorials and cemeteries of the "Great War." Explore the underground tunnels of Arras, traverse the battlefields of Somme, and reflect at memorials across Belgium and France.

#### Special Guest Lecturer and Program Leader: Lieutenant Colonel Andrew Duff

Lieutenant Colonel Andrew Duff was educated at Christ Church Cathedral Choir School and Dauntseys School. It was while he was at school and visiting his parents in Cyprus and India that his interest in history generally, and military history in particular, were kindled. He was commissioned from Sandhurst into the Royal Anglian Regiment. He served with 3 Royal Anglian (the successor regiment to the Essex, Bedfordshire and Hertfordshire Regiments) in UK, Germany,

Cyprus, Northern Ireland and Belize, commanding companies on operational tours in Cyprus, Northern Ireland and Belize. He also carried out regimental tours of duty as Adjutant/Training Officer of the Bermuda Regiment and as Training Major of 5 Royal Anglian. As a staff officer, he did tours in Military Operations, Intelligence and Security, Exercise Planning and finished his regular service as the officer responsible for the Arctic Warfare Training and Operations of the UK Element of the Allied Mobile Force. On leaving the Regular Army, Lieutenant Colonel Duff settled in Wiltshire and joined the Territorial Army (TA) serving with HQ 5 Airborne Brigade and then HQ 16 Air Assault Brigade.

Since leaving the TA, Lieutenant Colonel Duff has been able to indulge his lifelong interest in Military History by becoming a Battlefield Tour Guide and has conducted successful tours for schools, military groups and adults. His experience as an infantry soldier allows him to explain the battlefield from the view of the protagonists and thus combine the personal, professional and historical stories to bring the battlefield 'alive.' In addition, Lieutenant Colonel Duff is the Executive Producer and a Director of Battlefield History Television, a company producing military history documentaries. <http://www.battlefieldhistory.tv/>

#### **Program Highlights:**

- Pay your respects at the Somme American Cemetery and Memorial, and honor the fallen with a wreath-laying ceremony.
- Visit the Tyne Cot Memorial to the Missing, the largest memorial for Commonwealth forces in the world.
- Hear from World War I expert, Lieutenant Colonel Duff, about:
  - Europe 1914 – Causes of War
  - Battles 1914 – Armies
  - Battles 1915 – Trench Warfare
  - Major Battles conducted in 1916 and 1917

**Activity Notes:** This is an active program for people who enjoy walking as much as two miles a day.

#### **Accommodations:**

##### **MS Victor Hugo, 6 nights**

- Four-Star 2 deck ship built in 2000 and refurbished in 2010
- Cabins: 46 available<sup>1</sup>
- Amenities: lounge-bar with a dance floor; dining room; large sundeck with deckchairs; gift shop; central heating and air-conditioning, 220V electricity, radar, radiophone, hairdryer, satellite TV, safe and Wi-Fi on board.

##### **Hotel Mercure, Riems, 2 nights**

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<sup>1</sup>Total capacity 92 double occupancy, however, we can offer single accommodations for an additional fee.

## **Crowne Plaza Paris Hotel, Paris, 2 nights**

### **Cabin Categories**

- Category 1: 19 upper deck cabins with one double bed or two twin beds, a picture window and private en suite facilities; 75 square feet
- Category 2: 27 main deck cabins with one double bed or two twin beds, a picture window and private en suite facilities; 75 square feet

### **Pricing:**

- Category 1: Upper Deck – Double Occupancy: \$3,295
- Category 1: Upper Deck – Single Occupancy: \$4,855
- Category 2: Main Deck – Double Occupancy: \$3,095
- Category 2: Main Deck – Single Occupancy: \$4,555

### **Estimated Roundtrip Airfare:**

Airfare is available through Road Scholar Travel Services with upgrades both to Premium Economy Class and Business Class upon request. For those travelling from cities other than Atlanta or New York, we will offer customized travel arrangements. We will also include a program only option for those who want to arrange their own travel or use frequent flyer miles.

- Atlanta, GA to Brussel, Belgium and Paris, France to Atlanta, GA \$1,200
- NYC, NY (JFK) to Brussel, Belgium and Paris, France to NYC, NY \$1,000

### **Program Price Includes:**

- 10 nights of accommodations
- 28 Meals: B-10; L-8; D-10
- Expert-led lectures and field trips
- 2 CLE Classes (exclusive of customary GA ICLE fees)
- Group travel and transfers throughout the program
- English-Speaking Group Leaders to accompany you throughout the program to handle all logistics
- All gratuities
- All taxes and destination fees
- Pre-program informational materials including a recommended reading list
- The Road Scholar Emergency and Travel Assistance Plan, including 24-hour assistance for medical and other emergencies

### **Meals on the Ship:**

- Breakfast: self-service breakfast buffet includes a variety of choices such as eggs, sausages and cold cuts, yogurt, fresh fruit, breads and pastries, jams and jellies, juice, coffee, tea, water.
- Lunch: 3-course plated and served meals prepared fresh daily. Beverages include coffee, tea, mineral water, fruit juice, house wine, beer.
- Dinner: 3-course plated and served meals prepared fresh daily. Beverages include coffee, tea, mineral water, fruit juice, house wine, beer; other beverages such as Champagne and the special wine list are available for purchase.

### **Proposed Daily Itinerary:**

#### **Day 1 – Monday, October 2: Overnight Flight to Brussels, Belgium**

#### **Day 2 – Tuesday, October 3: Arrive Brussels and transfer to the Ship in Ostend**

Arrive to Brussels and motor coach transfer to Ostend. We will board the ship starting at 6:00 pm. After settling into our cabins, join the Captain and crew for a Welcome Cocktail Party followed by dinner.

*Dinner*

#### **Day 3 – Wednesday, October 4: Arrive Bruges, City Exploration**

This morning enjoy the scenery and feel the rhythm of the cruise as we glide along. Arrival in Bruges is expected late morning. Following lunch, we'll set out on a field trip through this picturesque city. Founded around the 9th Century C.E., Bruges (Brugge) has been one of the most important cultural centers in northern Europe. It has also been of strategic importance in times of war. The Germans used the port of Zeebrugge in World War I for their U-boats. The historic city center is a designated UNESCO World Heritage Site: "an outstanding example of a medieval historic settlement, which has maintained its historic fabric as this has evolved over the centuries, and where original Gothic constructions form part of the town's identity." Bruges is renowned for fine lace and fine arts, including one of Michelangelo's masterpieces, a marble Madonna With Child in the Church of Our Lady, the only one of his sculptures to leave Italy during his lifetime. Following our visit, we will enjoy a trip along the town's canals on board small motor boats where we will be able to see the town's most important buildings and monuments from a different perspective. Enjoy a free evening after dinner or join us in the lounge for entertainment.

*Breakfast, Lunch and Dinner*

#### **Day 4 – Thursday, October 5: Bruges-Kortrijk, CLE Class, City of Ghent**

*This morning, we will offer the first of our CLE courses on board the ship. For those not participating in the class, there will be free time to take in the passing sights.*

Following lunch, we will depart for a guided tour of the historic city of Ghent, often referred to as “Belgium’s Best Kept Secret” – small enough to feel cozy but big enough to stay vibrant. It’s the capital and largest city of the East Flanders province and after Antwerp the largest municipality of Belgium. Much of the city’s medieval architecture remains intact and is remarkably well preserved and restored. Its center is the largest car free area in Belgium. We’ll return to the ship in Kortrijk. After dinner, enjoy an evening of music and dancing aboard the ship.

*Breakfast, Lunch and Dinner*

#### **Day 5 – Friday, October 6: Kortrijk, Tyne Cot Commonwealth War Graves Cemetery, Ypres**

This morning, our full day field trip will begin with a visit to the Tyne Cot Commonwealth War Graves Cemetery and Memorial to the Missing, the largest for Commonwealth forces in the world. We’ll continue with a visit to the Passchendaele Museum, located in Zonnebeke Castle, which offers an overview of the deadly battle of 1917. An underground tunnel gives us an idea of what the life of a British soldier was like during that period. At lunch in a restaurant, we will enjoy some regional cheeses and wine. This afternoon, we’ll head for Ypres via Canada Corner, the site of the first Gas Attacks of WW1 and Essex Farm Cemetery, where John McCrae wrote the poem, “In Flanders Fields.” We will next visit the In Flanders Fields Museum, which presents the history of the First World War in the region of the Western Flanders Front, where more than 600,000 combatants died in these lands. After a short break in town, we’ll attend the Last Post Ceremony. The “Last Post” was the call of the bugle played particularly in the British Army to mark the end of the day’s work and the beginning of the evening’s rest. After our tour, we’ll return to the ship for dinner.

*Breakfast, Lunch and Dinner*

#### **Day 6 – Saturday, October 7: Comines, Poperinge, Military Cemetery at Lijssenthoek**

Following breakfast, we will depart by motor coach to Poperinge. On our way we will stop at Messines Ridge, the site of the highly successful British Offensive in 1917. In Poperinge, we will explore this charming town on a walking tour. This is one of only two towns in Belgium that was not occupied by the Germans during World War I. We’ll continue on to the military cemetery at Lijssenthoek. From 1915 to 1920, this was also the location of the largest evacuation hospital from the Ypres Salient battle zone. The visitor center tells the story of this unique site through the use of interactive exhibits. We’ll return to the ship in Kortrijk for lunch and enjoy some free time this afternoon. Following dinner, tonight’s entertainment will be provided by the crew.

*Breakfast, Lunch, Dinner*

### **Day 7 – Sunday, October 8: Arras-Carriere Wellington**

Our field trip today will be to Arras. Each year, Arras attracts thousands of visitors to explore the city's architecture and historic buildings. We'll visit the Carrière Wellington, an enormous underground network of tunnels used by British Empire and Commonwealth forces during the World War I. After descending some 65 feet in a glass elevator, we'll learn about the memorial to the Battle of Arras of 1917 with audio guides. This afternoon, we cruise to Lille and tonight, for our last night aboard the ship, we will enjoy our gala evening and special dinner hosted by the Captain.

*Breakfast, Lunch and Dinner*

### **Day 8 – Monday, October 9: Lille-Reims, Somme Cemetery & Memorial**

Following breakfast, we'll say goodbye to the crew and disembark in Lille. We will travel by motor coach to the Somme American Cemetery and the site where United States troops assisted the British in breaking the Hindenburg Line in 1918. The actions of these men are often forgotten because they did not fight under General Pershing, but they won more Medals of Honor than any other United States Corps. In honor of the fallen, we will participate in a solemn wreath-laying ceremony. Late this afternoon, we will check into our hotel in Reims. Tonight dinner will be on your own to explore local cuisine in Reims.

*Breakfast, Lunch and Dinner*

### **Day 9 – Tuesday, October 10: Meuse Argonne American Battlefields**

Following breakfast, we will visit the Meuse Argonne American Battlefields. This is the biggest and most costly of US battles in WW1 with over 26,000 American dead. We will visit the sites of battles where Patton, Bradley, MacArthur and many other famous US politicians and soldiers fought. We will also visit Montfaucon, the Lost Battalion and Sergeant Alvin C. York Battles finishing our tour at the ABMC Cemetery at Romagne to pay our respect to 100,000 Americans who died in WW1.

*Breakfast, Lunch and Dinner*

### **Day 10 – Wednesday, October 11: Reims Cathedral, Chateau Thierry, Belleau Wood**

This morning we will visit the Reims Cathedral, Notre-Dame de Reims (Our Lady of Reims), the seat of the Archdiocese of Reims, where the kings of France were crowned. Along with the cathedrals of Chartres and Amiens, Reims is a member of the illustrious triad of "High Gothic" or "Classical" French cathedrals built in the 13th century. Our next field trip is to Chateau-Thierry, where American troops – the American Expeditionary Force under General John "Black Jack" Pershing – engaged in one of their first battles. We'll see the Battle of the Marne monument and also visit the cemetery at Belleau Wood. We will then travel to Paris and check in at the Crowne Plaza Paris.

*Breakfast, Lunch and Dinner*

**Day 11 – Thursday, October 12: CLE Class, Free Time**

We will offer our second CLE Class at the hotel. For those not participating in the class, you will have free time to explore Paris. Lunch on your own and free afternoon. Tonight we will enjoy a special Farewell dinner.

*Breakfast, Dinner*

**Day 12 – Friday, October 13 – Program Concludes**

Program concludes following breakfast.

*Breakfast*

**Terms and Conditions**

**Commitment and Deposit Deadline: Thursday, December 1, 2016**

To reserve only a portion of the ship for members of the Georgia Bar Association, Road Scholar will require a non-refundable \$1000 per person double occupancy for each bed; \$2,000 per person single occupancy.

After the December 1, 2016 deadline, Road Scholar will release the remaining space back to the cruise line.

Road Scholar's minimum number to operate the program: 34

Road Scholar's maximum number to operate the program: 92

While the \$1,000 per person deposit is non-refundable, the Georgia Bar Association will have the opportunity to substitute members (i.e. name change) without a fee up until 90 days prior to departure.

**Individual Cancellation Schedule:**

|   |                            |                             |
|---|----------------------------|-----------------------------|
| <b>Final Payment<br/>Due: 6/25/2017</b>                     |                            |                             |
| <b>Action:</b>  | <b>Applies After:</b>      | <b>Fee per Person:</b>      |
| <b>Deposit</b>  | <b>Due with enrollment</b> | <b>\$ 1000</b>              |
| <b>Cancel up to 90 days prior to program start date</b>     | <b>Date of Enrollment</b>  | <b>\$ 1000</b>              |
| <b>Cancel 89 to 60 days prior to program start date</b>     | <b>7/6/2017</b>            | <b>50 % of order total</b>  |
| <b>Cancel less than 60 days prior to program start date</b> | <b>8/5/2017</b>            | <b>100 % of order total</b> |

*Please note that these penalties apply to the program only; airfare subject to different penalties.*

**Optional Trip Cancellation Insurance**

Road Scholar is pleased to offer Road Scholar Trip Cancellation, Interruption & Travel Delay Insurance, protecting you against transfer/cancellation fees should you need to transfer to another program or cancel your program registration altogether. The insurance also provides benefits if you are delayed getting to or returning home from your program and protects your investment should you have an emergency during your program that causes you to miss program days or return home earlier than expected. Your airfare, whether purchased through Road Scholar or independently, is covered — an exceptional benefit and value offered exclusively to Road Scholar participants. This plan provides cancellation coverage for your trip and other insurance coverages that apply only during the covered trip.

Estimated Price:      \$350



**CONSUMER ASSISTANCE PROGRAM  
STATE BAR OF GEORGIA**

March 8, 2017

The Consumer Assistance Program (CAP) continues to serve both the public and members of the Bar, as it has since 1995. So far during the last calendar year CAP has handled around 10,732 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 78.58% of these contacts. The remaining 21.42% have been referred to the Office of General Counsel (OGC) for investigation by way of grievances sent to persons complaining about alleged violations of the Georgia Rules of Professional Conduct. It is beyond the scope of CAP’s responsibility to investigate or handle allegations of such violations and ethical misconduct.

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

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

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

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

CAP remains within its annual budget of \$566,563, and it is anticipated that it will continue to do so.

# Law Practice Management Program

(Abbreviated report for the 2016-2017 Bar Year)

This is a summary of program events scheduled and completed during the period July 1, 2016-March 3, 2017.

## Consultations

| # of Consultations by City |   |             |   | # of Consultations by Firm Size |   | # of Consultations by Consultation Type |           |
|----------------------------|---|-------------|---|---------------------------------|---|---|-----------|
| Atlanta                    | 4 | McDonough   | 1 | 1 Attorney                      | 8 | General                                 | 11        |
| Douglas                    | 1 | Stockbridge | 1 | 2-4 Attorney                    | 2 | Technical                               | 1         |
| Dunwoody                   | 1 | Tucker      | 2 | 5-8 Attorney                    | 1 | <b>Grand Total</b>                      | <b>12</b> |
| Evans                      | 1 |             |   | 9-15 Attorney                   | 1 |   |           |
| Marietta                   | 1 |             |   | 16+ Attorneys                   | 0 |   |           |

## Office Visits

LPM distributed **289** *Starting Your Georgia Law Practice* booklets as requested by attorneys. There were **55** startup discussions conducted by the Program via office visits.

## Resource Library

Our lending library has a grand total of **1,504** 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 **281** 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, **7** office visits were made to look at software programs in the Software Library.

## Speaking Engagements

There were a total of **21** completed and scheduled programs during this period. The Program's staff has given **18** continuing legal education and special presentations to Georgia lawyers and other related groups. These presentations have been held at various local and national venues. **3** programs are scheduled for future dates.

July 15-16, 2016 Georgia's 2016 Solo and Small Firm Institute and Technology Showcase (*sponsored*), Program Chair, Kathleen Womack, Georgia Bar Conference Center, Atlanta, Georgia, **160 attendees**.

August 18, 2016 Paulding County Bar Association CLE, *Law Practice Management* (Natalie Kelly), Huey Luey's, Hiram, Georgia, **25 attendees**.

- August 30, 2016 Convocation on Professionalism CLE: The New Normal for Delivery of Legal Services, *Embracing and Thriving with Tomorrow's Innovation and Today's Technology Panel Discussion* (Moderator: Rita Sheffey and Panelists: Ed Walters, Andrew M.J. Arruda, John Mayer, and Natalie Kelly), Georgia Bar Conference Center, Atlanta, Georgia, **141 attendees**.
- September 13, 2016 Law Office Management ICLE Webinar Series, *Law Office Management* (Natalie Kelly), Athens, Georgia.
- September 15, 2016 Atlanta Technical College, *Fastcase Training* (Sheila Baldwin), Atlanta, Georgia, **15 attendees**.
- September 16, 2016 College of Law Practice Management Futures Conference, *Where Will the Legal Jobs Be and Who Will Fill Them Panel Discussion* (Moderator: Dan Pinnington; Panel: Jordan Furlong, William D. Henderson, Natalie Kelly, and Mark A. Robertson), University of Missouri-School of Law, Kansas City, Missouri, **35 attendees**.
- September 16, 2016 Georgia Association of Black Women Attorneys (GABWA) Solo and Small Firm Symposium, *Services of the Law Practice Management Program* (Sheila Baldwin), Georgia Bar Conference Center, Atlanta, Georgia, **35 attendees**.
- September 30, 2016 Henry County Bar Association CLE, *Fastcase Training* (Sheila Baldwin), Deep South Deli & Pub, McDonough, Georgia, **15 attendees**.
- October 18, 2016 Atlanta Bar Association Young(er) Lawyers Law Practice Management Series Session II: Building Your Business, *Developing Your Financial Management Acumen* (Natalie Kelly), King & Spalding, LLP, Atlanta, Georgia, **15 attendees**.
- November 4, 2016 Real Property Law Foreclosure CLE, *The Changing Foreclosure Practice: Professionalism, Practical Concerns, Insurance, Regulatory and Other Issues Related to Merging Practices, Consolidating Practices, Shutting Down Practices, Retirement or Practice Reorientation: A Panel Discussion* (Moderator: Jeffery A. Berman; Speakers: Aubrey Smith, Natalie Kelly, Tom L. Lane, Jr., W. Scott Schulten, and Kory S. Pryor), Georgia Bar Conference Center, Atlanta, Georgia, **46 attendees**.
- November 17, 2016 Transition into Law Practice (TILPP) Mentor Orientation CLE: Relationship Building in the 21<sup>st</sup> Century, *Creating a Great Mentoring Experience* (Natalie Kelly) Georgia Bar Conference Center, Atlanta, Georgia, **36 attendees**.
- November 18, 2016 Henry County Bar Association CLE, *Fastcase Training* (Sheila Baldwin), **9 attendees**.

- January 5, 2017 State Bar of Georgia's Midyear Meeting CLE, *Technology in Practice: Avoiding Ethical Landmines and Maximizing Today's Technology Skills and Tools* (Natalie Kelly, Sheila Baldwin and Bill Cobb), Ritz Carlton Buckhead, Atlanta, Georgia, **16 attendees**.
- January 25, 2017 Atlanta Legal Innovation & Technology Meetup, *What Keeps You from Adapting? EvolveLaw Panel Discussion* (Natalie Kelly), Atlanta, GA, **40 attendees**.
- February 3-4, 2017 NCBP Midyear Meeting, *The Bar's Role in Virtual Law* (Moderator: A. Scott Chinn; Speakers: Chad E. Burton, Richard S. Granat, and Natalie Kelly) and *Embracing Today's Technology and Tomorrow's Innovations Plenary* (Moderator: Rita A. Sheffey; Speakers: Andrew Arruda, Josh Becker, Natalie Kelly, and Sharon Nelson), Hyatt Regency Miami, Miami, FL, **100+ attendees**.
- February 23, 2017 Morehouse-Spelman National Bar Association (NBA) Pre-Law Program, *The Bar's Role in Virtual Law* (Keith Perry, Keith Watters, Juan Thomas and Natalie Kelly), Morehouse College, Atlanta, GA, **45 attendees**.
- February 25, 2017 Georgia-Alabama Chapter 5<sup>th</sup> Annual Immigration Law Conference: Spinning the Hits! Recording Award-Winning Immigration Strategies, *You Gotta Be: Best Practices for Your Practice - Budgeting and Finance; Technology, Nuts and Bolts (Insurance, Software, Vendors), Client Development and Marketing; Client and Practice Management; Billing and Rates; Resources: Panel Discussion* (Speakers: Tracie Klinke, Natalie Kelly, and Reid Trautz), The Georgian Terrace Hotel, Atlanta, Georgia, **35 attendees**.
- February 27, 2017 TILPP Beginning Lawyer's Program, *Managing My Days as a New Lawyer* (Natalie Kelly), Georgia Bar Conference Center, Atlanta, GA, **350+ attendees**.

### **Upcoming Programs**

- March 13, 2017 University of Georgia School of Law, *Law Office Management* (Natalie Kelly), University of Georgia School of Law, Athens, GA.
- March 30, 2017 Gwinnett Bar Criminal Defense Section CLE, *The Business of Law: Developing Efficient Practices* (Natalie Kelly), Gwinnett Justice and Administration Center, Lawrenceville, GA.
- July 14-15, 2017 **Georgia's 2017 Solo and Small Firm Institute** (sponsored), Program Chair, Natalie Kelly, Georgia Bar Conference Center, Atlanta, Georgia. Visit the conference website at <http://bit.ly/SSFInstitute> for updates.

## Fastcase Report

During this period, a grand total of 114 members and 15 staff have attended Fastcase CLE seminars.

Since the decision was made to transition to Fastcase, 1,588 attorneys and 84 staff members have attended Fastcase live training. Others have taken advantage of webinar training.

### Fastcase Partner Usage Report for State Bar of Georgia From July 1, 2016 – February 28, 2017

|                                  | July           | Aug            | Sept           | Oct            | Nov            | Dec            | Jan            | Feb            | Total            |
|----------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| <b>First Time Logins</b>         | 109            | 136            | 114            | 86             | 153            | 140            | 146            | 174            | <b>1,058</b>     |
| <b>Total Logins</b>              | 16,472         | 20,567         | 18,048         | 16,256         | 15,204         | 14,047         | 17,719         | 17,548         | <b>135,861</b>   |
| <b>Total Users Who Logged In</b> | 3,821          | 4,155          | 3,886          | 3,778          | 3,765          | 3,560          | 3,994          | 4,041          | <b>31,000</b>    |
| <b>Searches Conducted</b>        | 85,865         | 110,591        | 99,027         | 90,082         | 80,548         | 68,422         | 89,089         | 89,613         | <b>713,237</b>   |
| <b>Documents Viewed</b>          | 125,245        | 163,525        | 146,433        | 133,109        | 122,386        | 105,947        | 133,455        | 133,389        | <b>1,063,489</b> |
| <b>Documents Printed</b>         | 12,050         | 16,164         | 14,323         | 13,018         | 12,837         | 11,921         | 13,722         | 14,283         | <b>108,318</b>   |
| <b>Total Transactions</b>        | <b>243,562</b> | <b>315,138</b> | <b>281,831</b> | <b>256,329</b> | <b>234,893</b> | <b>204,037</b> | <b>258,125</b> | <b>259,048</b> | <b>2,052,963</b> |

| Fastcase Reported Problems  |  |
|---|--|
| Member Reported Issue(s)  | Fastcase Response / Resolutions  |
| <p><b>12/12/16</b><br/><b>Member Reported:</b><br/>Fastcase’s captions to Ga. Court of Appeals cases, do not always contain a space between the “Ga.” and the “App.”, as suggested by Blue Book and as used by the Court, itself. Their practice is not consistent.</p> | <p><b>12/15/16</b><br/><b>FC Response:</b><br/>These cases were likely converted by a vendor that we do not use anymore. All recent cases and cases going forward will follow the Bluebook.</p>  |
| <p><b>12/21/17</b><br/><b>Administrator Reported:</b><br/>Problems with Fastcase 7 display, blocks of text run into each other.</p>   | <p><b>12/21/17</b><br/><b>FC Response:</b><br/>Aware of the problem in FC Version 7 and they are working on it.</p>  |
| <p><b>1/26/17</b><br/><b>Member Reported:</b><br/>Cannot get Fastcase to open.</p>  | <p><b>1/27/17</b><br/><b>FC Response:</b><br/>Fastcase reported they are having some sporadic problems with bar logins. At present all seems to be resolved.</p>   |
| <p><b>01/30/17</b><br/><b>Member Inquired:</b><br/>Does Fastcase have a screen reader function/display for the visually impaired?</p>   | <p><b>02/01/17</b><br/><b>FC Response:</b><br/>“Unfortunately we do not have screen reader capabilities but I’ve been told that it’s a project under production. When I have more updates I’ll be sure to let you know and we’ll make announcements to let effected members know.”</p> |

**STATE BAR OF GEORGIA – PRIVATE EXCHANGE REPORT**  
 March 7, 2017

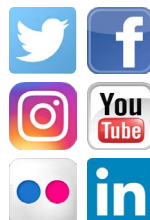
| <b>INDIVIDUAL MARKETPLACE</b>   |               |   |
|---|---------------|---|
| <b>Individual Visits</b>  | <b>12,716</b> | <b>Individuals that have visited the Individual Marketplace Registration page at least once</b> |
| <b>Individual Registrations</b>   | <b>9,924</b>  | <b>Individuals that have registered to begin shopping for benefits</b>                          |
| <b>Product Enrollments</b>  | <b>2,121</b>  | <b>Total Individual Product Enrollments</b>   |
| <ul style="list-style-type: none"> <li>• Medical</li> </ul>             | 1,131         | Total Individual Major Medical, Short-Term Medical and Limited Medical Enrollments              |
| <ul style="list-style-type: none"> <li>• Medicare Supplement</li> </ul> | 9             | Total Individual Medicare Supplement Enrollments  |
| <ul style="list-style-type: none"> <li>• Dental</li> </ul>              | 342           | Total Individual Dental Enrollments   |
| <ul style="list-style-type: none"> <li>• Vision</li> </ul>              | 159           | Total Individual Vision Enrollments   |
| <ul style="list-style-type: none"> <li>• Teladoc</li> </ul>             | 59            | Total Individual Teladoc Enrollments  |
| <ul style="list-style-type: none"> <li>• LifeLock</li> </ul>            | 24            | Total Individual LifeLock Enrollments   |
| <ul style="list-style-type: none"> <li>• Life/AD&amp;D</li> </ul>       | 203           | Total Individual Life/AD&D Enrollments  |
| <ul style="list-style-type: none"> <li>• Disability</li> </ul>          | 150           | Total Individual Disability Enrollments   |
| <ul style="list-style-type: none"> <li>• Long-Term Care</li> </ul>      | 44            | Total Individual Long-Term Care Enrollments   |

| <b>EMPLOYER GROUP EXCHANGE</b>                                    |            |  |
|---|------------|--|
| <b>Employer Visits</b>  | <b>644</b> | <b>Employers that have visited the Employer Registration page at least once</b>    |
| <b>Employer Registrations</b>                                     | <b>174</b> | <b>Employers that have submitted a quote request to initiate the sales process</b> |
| <b>Product Enrollments</b>  | <b>292</b> | <b>Total Employee Product Enrollments</b>  |
| <ul style="list-style-type: none"> <li>• Major Medical</li> </ul> | 121        | Total Employee Medical Enrollments   |
| <ul style="list-style-type: none"> <li>• Ancillary</li> </ul>     | 171        | Total Employee Ancillary Enrollments   |

# COMMUNICATIONS

## at a glance

Spring 2017 Board Report (updated 03.07.17)



### GEORGIA BAR JOURNAL

Redesigned: August 2016  
 Budget: \$47,000/issue\*  
 Mailing List: 33,000  
 Unique digital visits Jan, 2017: 835/day

\*Partially offset by advertising.

### DIRECTORY & HANDBOOK

Budget: \$56,000\*  
 Mailing List: 2,000  
 Member cost: \$25  
 Non-member cost: \$46

\*Partially offset by income.

### WWW.GABAR.ORG

Redesigned: April 2012  
 Pages: 1,381  
 Budget: \$28,800/year  
 Sessions/day: 8,408\* (March 1, 2017)  
 Sessions/month: 186,171 (Jan. 2017)  
 Sessions/year: 1,996,769 (03/16-02/17)  
 Most popular page: Member Directory  
 Recently Launched: lawyerslivingwell.org, thelawmuseum.org, ganeedslawyers.org, theyldreview.org  
 Coming soon: georgiaLHL.org

\*A session is the time period a user is actively engaged with a website. On average, a user views 5.46 pages per session.

### PRESS RELEASES / MEDIA REPORT

2014-15 impressions: 4,276,899  
 2015-16 impressions: 2,667,461  
 2016-17 impressions: 1,555,248\*  
 Top media outlets: *Albany Herald, Daily Report, Marietta Daily Journal, Savannah Morning News*

\*To date.

### SOCIAL MEDIA

Twitter: 2,549 followers  
 Facebook: 4,095 likes  
 Instagram: 23 posts  
 Flickr: 4,412 photos  
 YouTube: 62,076 views  
 LinkedIn: 2,603 followers

### GEORGIA NEEDS LAWYERS PSA CAMPAIGN

Agency: Dalton Agency  
 Budget: \$90,000 (creative)  
 \$250,000 (media buy)  
 Launched: Dec. 7, 2016  
 Runs through: June 30, 2017  
 Deliverables: 3 PSAs (1-min./30-sec./10-sec. of each), a social media campaign plan, radio buy, TV buy, print ads and outdoor ads





## Cornerstones of Freedom Campaign Summary, 2016-17

**Idea:** **Who Needs Lawyers? We do.  
Georgia Needs Lawyers.**

**Summary:** The State Bar of Georgia's new public service awareness (PSA) campaign, Georgia Needs Lawyers, is aimed at showcasing examples of the kind of indelible difference Georgia lawyers make every day in the lives of Georgia citizens. The campaign features stories drawn from Georgia lawyers' own experiences as told by their clients.

The point is to highlight how lawyers and the legal system have benefitted real people. There is no mention of big verdicts, fees, superior ratings or the like. This kind of public outreach is informative and builds confidence in our profession and the legal system, which is good for the public as well as lawyers.

While the Bar is utilizing a small advertising budget from the Cornerstones of Freedom fund, our hope is that Bar members will share the campaign in their own communities, websites, local TV or radio stations, billboards and social media channels.

**Goal:** In support of the Bar's strategic plan, the goal is to highlight the good things that lawyers do every day to help citizens in their times of need.

**Campaign:** New PSAs (public service announcements) were created that highlight the importance of using lawyers to help navigate the judicial system. This includes a statewide TV campaign, radio ads and digital ads. Other deliverables such as print ads and billboard artwork are also available by request (but not included in the Bar's media buy this year).

**Deliverables:** *Jarryd's Story*  
1-minute video  
30-second video  
10-second video  
Print ads  
Outdoor media (billboard)

*Queenyona's Story*  
1-minute video  
30-second video  
10-second video  
Print ads  
Outdoor media (billboard)

*Murray's Story*  
1-minute video  
30-second video  
10-second video  
Print ads  
Outdoor media (billboard)

*Radio Spots*

The People Speak

Jarryd's Story

Who Needs Lawyers?

Wonderful Things

**Additional PR:** AJC Article re: Queenyona & AJ: [“Life with Gracie: Who needs lawyers?”](#)  
Pat appeared on Focus Atlanta on Sunday, March 5.

**Costs:** \$90,000 for creative  
\$5,000 for PR support  
\$225,000 for media buy  
\$25,000 for time of staff, updates to creative and additional production costs  
**\$345,000 total budget**

**Measuring Success:** *Hard metrics (possible measures)*

- Digital campaign performance
- Traffic to web site
- Video views
- Inquiries from members
- New stories from members
- Media exposure (PR)
- Public perceptions –public opinion survey
- Member survey

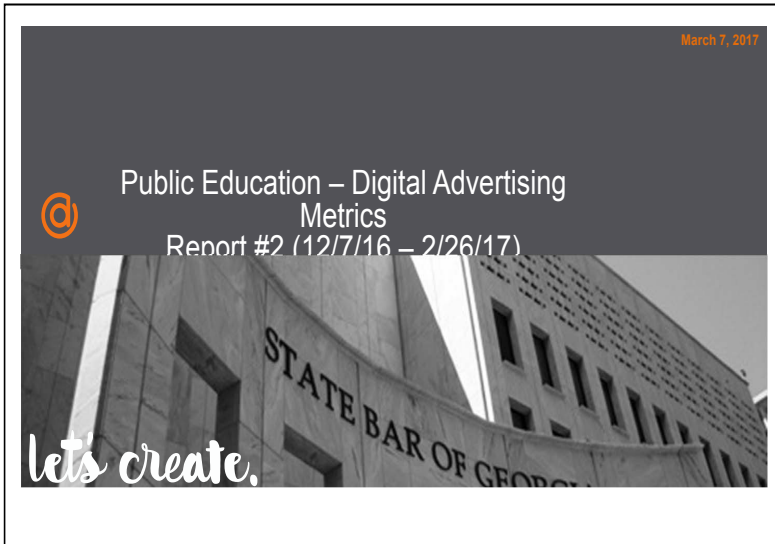
*Soft metrics (possible measures)*

- Anecdotal feedback from members
- Anecdotal feedback from internal staff

| Market / Medium   | 2016     |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | Total Net Cost | % of Budget |    |    |
|---|----------|---|----|----------|----|---|---------|----|----|----------|---|----|-------|----|---|-------|----|----|-----|---|----|------|----|---|----|----|----|---|---|----|----|----------------|-------------|----|----|
|   | November |   |    | December |    |   | January |    |    | February |   |    | March |    |   | April |    |    | May |   |    | June |    |   |    |    |    |   |   |    |    |                |             |    |    |
|   | 31       | 7 | 14 | 21       | 28 | 4 | 11      | 18 | 25 | 1        | 8 | 15 | 22    | 29 | 5 | 12    | 19 | 26 | 1   | 8 | 15 | 22   | 29 | 5 | 12 | 19 | 26 | 1 | 8 | 15 | 22 | 29             | 5           | 12 | 19 |
| <b>ATLANTA</b>  |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    |                |             |    |    |
| WISB-TV (30)  |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    |                |             |    |    |
| Digital Media: Local TV Website Video, Native Video, Facebook Newsfeed Video, Display |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$47,500       | 43%         |    |    |
|   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$51,000       |             |    |    |
| <b>SAVANNAH</b>   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    |                |             |    |    |
| TV (30)   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$10,000       |             |    |    |
| Cable (30)  |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$4,900        |             |    |    |
| Digital Media: Local TV Website Video, Native Video, Facebook Newsfeed Video, Display |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$12,750       | 14%         |    |    |
|   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$7,905        |             |    |    |
| <b>MACON GA</b>   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    |                |             |    |    |
| TV (30)   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$5,400        |             |    |    |
| Cable (30)  |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$4,000        |             |    |    |
| Digital Media: Local TV Website Video, Native Video, Facebook Newsfeed Video, Display |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$5,950        | 7%          |    |    |
|   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$6,356        |             |    |    |
| <b>AUGUSTA GA</b>   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    |                |             |    |    |
| TV (30)   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$5,200        |             |    |    |
| Cable (30)  |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$3,700        |             |    |    |
| Digital Media: Local TV Website Video, Native Video, Facebook Newsfeed Video, Display |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$5,900        | 8%          |    |    |
|   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$1,937        |             |    |    |
| <b>COLUMBUS GA</b>  |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    |                |             |    |    |
| TV (30)   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$4,300        |             |    |    |
| Cable (30)  |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$3,000        |             |    |    |
| Digital Media: Local TV Website Video, Native Video, Facebook Newsfeed Video, Display |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$6,800        | 6%          |    |    |
|   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$1,550        |             |    |    |
| <b>State of Georgia</b>   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    |                |             |    |    |
| Radio Networks (30)   |          |   |    |          |    |   |         |    |    |          |   |    |       |    |   |       |    |    |     |   |    |      |    |   |    |    |    |   |   |    |    | \$50,400       | 22%         |    |    |

\*Costs are estimated, non-negotiated

**TOTAL: \$327,400**  
Budget: \$325,000  
Variance: (\$2,400)



## Overview

- **Campaign Objective:** Promote the positive role of lawyers and the value of the legal system in Georgia to positively impact public opinion of the profession.
- **Media Strategy:** In addition to broad reach traditional media (TV & Radio), utilize digital elements to generate engagement and to drive consumers to the campaign landing page where they can learn more.
- **Digital Media Tactics:** Display and Video Ads
- **Priority Markets:** Atlanta, Savannah, Augusta, Columbus, Macon
- **Campaign Duration:** 12/7/16 – 6/30/17
- **Success Metrics:** Click Thru Rate (CTR)

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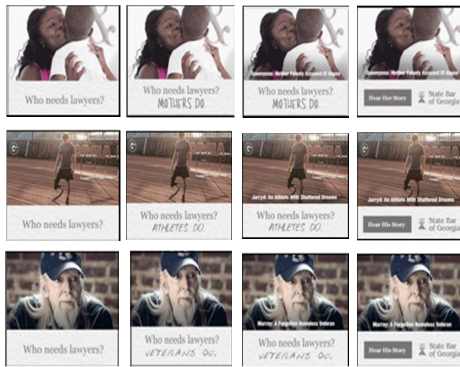
## @ Digital Partner/Tactics – MNI Targeted Media

- **MNI Targeted Media:**

- Audience Targeting/Display/Banner Ads
  - Standard banners Run-Of-Network
    - 300 x 250
    - 728 x 90
    - 160 x 600
- Video Ads
  - Pre-Roll
  - Native
  - Facebook Newsfeed



## @ Creative – Display Banner Ads (300 x 250)



- M1 (Queenoya)

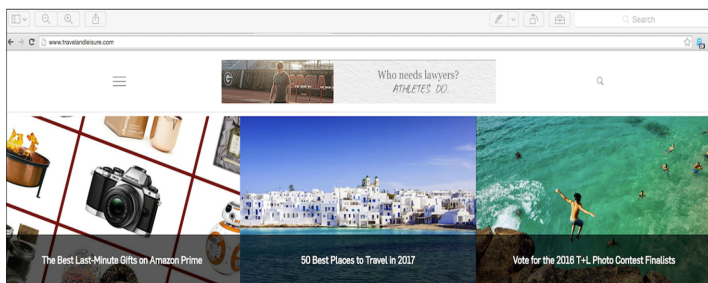
- M2 (Jarryd)

- M3 (Murray)



## Creative – Display Banner Ads - Screenshots

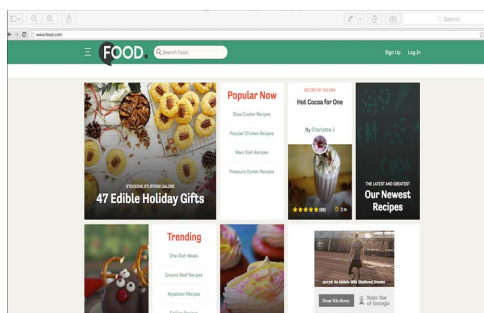
728x90 Banner



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## Creative – Display Banner Ads - Screenshots

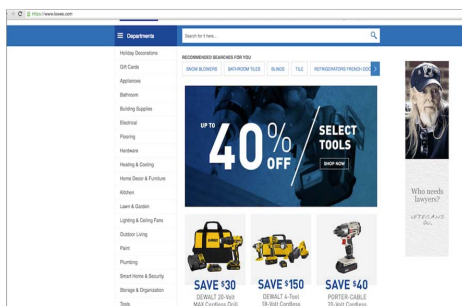
300x250 Banner



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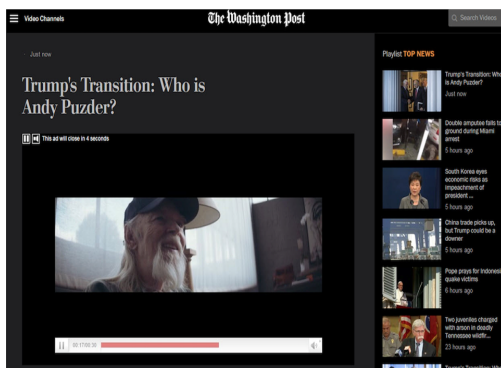
## Creative – Display Banner Ads - Screenshots

160x600 Banner



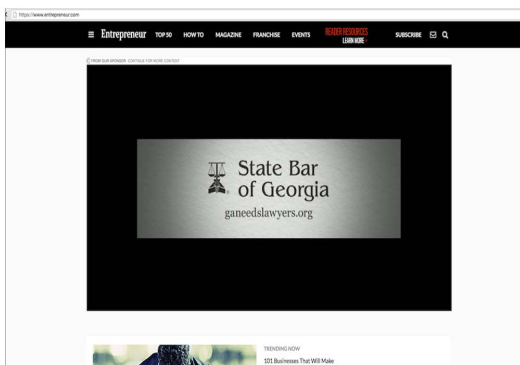
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## Creative – Video Pre-Roll - Screenshot



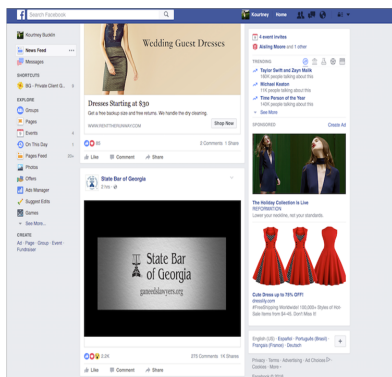
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## @ Creative – Video (Native) - Screenshot



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## @ Creative – Video (Facebook) - Screenshot



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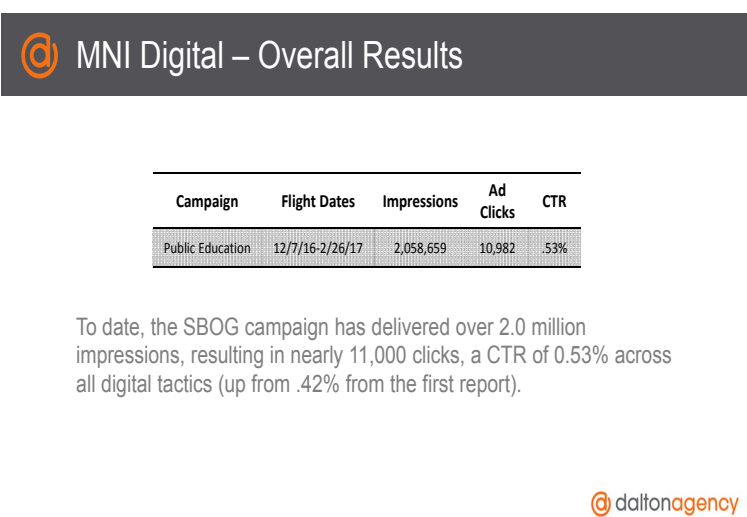




@ Metrics – Report #2 (12/7/16-2/26/17)

*let's create*

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@ MNI Digital – Overall Results

| Campaign         | Flight Dates    | Impressions | Ad Clicks | CTR  |
|------------------|-----------------|-------------|-----------|------|
| Public Education | 12/7/16-2/26/17 | 2,058,659   | 10,982    | .53% |

To date, the SBOG campaign has delivered over 2.0 million impressions, resulting in nearly 11,000 clicks, a CTR of 0.53% across all digital tactics (up from .42% from the first report).

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## @ CTR Results by Market

| Market   | CTR  |
|----------|------|
| Atlanta  | .53% |
| Columbus | .57% |
| Macon    | .44% |
| Savannah | .47% |
| Augusta  | .55% |
| Total    | .53% |

The highest CTR is from Columbus (unseating Augusta in the last report), followed closely by Atlanta.

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## @ Results by Tactic

| Tactic     | Impressions | Ad Clicks | CTR  |
|------------|-------------|-----------|------|
| Banner Ads | 78,306      | 333       | .43% |
| Video Ads  | 1,980,353   | 10,649    | .54% |
| Total      | 1,514,091   | 6,421     | .53% |

- Video ads continue to generate the highest number of clicks vs traditional banner ads, at 10,649 total. This is likely due to the sight/sound/motion aspect of video and the highly engaging content.
- The click-thru-rate for the Video ads considerably outperformed the banner ads, with Facebook Video ads pulling the overall rate higher due to a 1.24% CTR (considerably higher than industry average).

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## Banner Ad Results by Size

| Ad Size | Impressions | Clicks | CTR   |
|---------|-------------|--------|-------|
| 300x250 | 31,632      | 116    | .37%  |
| 728x90  | 39,507      | 98     | .25%  |
| 160x600 | 7,167       | 119    | 1.66% |
| Total   | 78,306      | 333    | .43%  |

The 160x600 ad size continues to be the best performing size, posting a 1.66% CTR.

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## Banner Ad Results by Creative

| Creative       | Impressions | Clicks | CTR  |
|----------------|-------------|--------|------|
| M1 (Queenyona) | 26,077      | 127    | .49% |
| M2 (Jarryd)    | 26,083      | 71     | .27% |
| M3 (Murray)    | 26,146      | 135    | .52% |
| Total          | 78,306      | 333    | .32% |

The M3 (Murray) creative performed best, with a .52% CTR.

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## Video Ad Results by Placement

| Placement    | Impressions      | Clicks        | CTR         | Video Starts     | Video Completions | Video Completion Rate (VCR) |
|--------------|------------------|---------------|-------------|------------------|-------------------|-----------------------------|
| Pre Roll     | 639,761          | 4,232         | .66%        | 632,126          | 347,890           | 55%                         |
| Native       | 933,549          | 1,387         | .15%        | 933,549          | 585,362           | 63%                         |
| Facebook     | 407,043          | 5,030         | 1.24%       | 407,043          | 358,302           | 88%                         |
| <b>Total</b> | <b>1,980,353</b> | <b>10,649</b> | <b>.54%</b> | <b>1,972,718</b> | <b>1,291,554</b>  | <b>65.54%</b>               |

- Overall, video ads are outperforming industry average VCR of 65%.
- Pre-Roll is on pace posting a .66% CTR with a 55% VCR.
- Native is pacing ahead of ideal and posting a 0.15% CTR with a 63% VCR, within range of the industry benchmark.
- Facebook is performing very well, posting a 1.24% CTR with a 88% VCR, exceeding the industry benchmark.

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## Video Ad Results by Creative

| Creative     | Impressions      | Clicks        | CTR         | Video Starts     | Video Completions | Video Completion Rate (VCR) |
|--------------|------------------|---------------|-------------|------------------|-------------------|-----------------------------|
| Jarryd       | 664,341          | 3,583         | .54%        | 661,911          | 435,282           | 65.76%                      |
| Murray       | 653,216          | 3,523         | .54%        | 650,464          | 425,681           | 65.44%                      |
| Queenyona    | 662,796          | 3,543         | .53%        | 660,343          | 430,591           | 65.21%                      |
| <b>Total</b> | <b>1,980,353</b> | <b>10,649</b> | <b>.54%</b> | <b>1,972,718</b> | <b>1,291,554</b>  | <b>65.47%</b>               |

- The Jarryd video creative saw the most clicks, at 3,583, and the highest VCR, at 65.76%. However, the VCRs are still so close across creative executions that it is essentially the same rate.

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## Conclusions/Optimization Recommendations

- Overall, this campaign is performing very well in the digital space, cumulatively posting 2,058,659 impressions and a collective 0.53% CTR.
- As always, some tactical elements outperform others, as do some creative executions.
- MNI Digital and Dalton will continue to make optimizations on the backend by shifting more impressions to the top performing ad sizes and creative executions.
- No major campaign adjustments are recommended at this time.

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Questions?

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| <b>PUBLISHED ARTICLES 2016-2017</b> |                                       |   | <b>Circulation</b> |
|-------------------------------------|---------------------------------------|---|--------------------|
| <b>Date</b>                         | <b>Newspaper</b>                      | <b>Headline</b>   |                    |
| 6/7/2016                            | Daily Report                          | State Bar of Georgia Opens Virtual Law Museum                                   | 3,055              |
| 6/12/2016                           | Gwinnett Daily Post, Lawrenceville    | State Bar congratulates Brantley on DFCS advisory appointment                   | 61,511             |
| 6/15/2016                           | Daily Report                          | Outgoing Ga. Bar President Reflects on Successful Year                          | 3,055              |
| 6/15/2016                           | Tifton Gazette                        | Bar president congratulates award winner  | 4,431              |
| 6/17/2016                           | Savannah Morning News                 | Local attorney to be sworn in as State Bar of Ga. President                     | 30,841             |
| 6/22/2016                           | Albany Herald                         | Ken Hodges named Georgia Bar Association treasurer                              | 10,793             |
| 6/22/2016                           | Elberton Star                         | Judge R. Chris Phelps receives State Bar of Georgia Distinguished Service Award | 3,584              |
| 6/22/2016                           | Hartwell Sun                          | Phelps honored by State Bar   | 5,027              |
| 6/23/2016                           | Marietta Daily Journal                | Marietta lawyer installed as secretary of State Bar                             | 13,556             |
| 6/23/2016                           | Albany Herald                         | Dougherty Judicial Circuit wins State Bar award                                 | 10,793             |
| 6/23/2016                           | Franklin County Citizen, Lavonia      | Judge Phelps honored by State Bar of Georgia                                    | 3,469              |
| 6/24/2016                           | Henry Herald, McDonough               | Henry County Bar Association receives awards during annual State Bar meeting    | 1,822              |
| 6/24/2016                           | Macon Telegraph                       | State Bar of Georgia selects award recipient                                    | 26,050             |
| 6/26/2016                           | Athens Banner-Herald                  | State Bar of Georgia awards UGA program   | 19,033             |
| 6/26/2016                           | Gwinnett Daily Post, Lawrenceville    | Gwinnett Bar Association honored by State Bar                                   | 61,511             |
| 6/27/2016                           | Athens Banner-Herald                  | Family Law Section wins State Bar award   | 19,033             |
| 6/27/2016                           | Daily Tribune News, Cartersville      | State Bar honors Cartersville native  | 5,209              |
| 6/28/2016                           | Statesboro Herald                     | Jennifer Mock will lead Ga. Young Lawyers Division                              | 8,000              |
| 6/28/2016                           | Daily Report                          | (Officers Roundup)  | 3,055              |
| 6/29/2016                           | Elberton Star                         | Campbell elected to serve on the State Bar of Georgia Board of Governors        | 3,584              |
| 6/30/2016                           | Madison County Journal, Danielsville  | Phelps Receives State Bar of Georgia Distinguished Service Award                | 2,660              |
| 6/30/2016                           | Baldwin Bulletin, Milledgeville       | Cansino elected to Georgia State Bar Board of Governors                         | 2,640              |
| 7/1/2016                            | Atlanta Business Chronicle            | GABWA honored with President's Cup  | 37,000             |
| 7/1/2016                            | Dekalb Champion, Decatur              | Dekalb Bar Association honored with award                                       | 527                |
| 7/5/2016                            | Statesboro Herald                     | Statesboro native will lead State Bar of Georgia                                | 8,000              |
| 7/6/2016                            | Daily Report                          | Georgia Legal Community Mourns Loss of Mike Cranford, Bar President Writes      | 3,055              |
| 7/6/2016                            | Soperton News                         | O'Connor Installed as 54th President of State Bar of Georgia                    | 1,139              |
| 7/7/2016                            | Wilkinson County Post, Irwinton       | Milledgeville attorney elected to State Bar's Board of Governors                | 1,331              |
| 7/7/2016                            | Franklin County Citizen, Lavonia      | Campbell elected to State Bar's Board of Governors                              | 3,469              |
| 7/10/2016                           | Columbus Ledger-Enquirer              | Columbus attorney Amy Walters elected to board of State Bar of Georgia          | 21,789             |
| 7/12/2016                           | Jackson Progress-Argus                | Jackson attorney honored by State Bar of Georgia's Young Lawyers Division       | 2,665              |
| 7/12/2016                           | Newnan Times-Herald                   | Congratulations to district attorney on state appointment                       | 9,551              |
| 7/14/2016                           | LaGrange Daily News                   | Congratulations to district attorney on state appointment                       | 3,837              |
| 7/15/2016                           | Albany Herald                         | O'Connor: Judges are the foundation of the justice system                       | 10,793             |
| 7/15/2016                           | Douglas County Sentinel, Douglasville | Kauffman finishes term as president of State Bar                                | 2,428              |

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| 7/16/2016  | Gainesville Times                       | Vaughan to serve again on committee for State Bar of Ga.                 | 5,000  |
| 7/16/2016  | Gainesville Times                       | Gainesville's Davies cited by State Bar's Young Lawyers group            | 5,000  |
| 7/18/2016  | Savannah Morning News                   | Judge Abbot deserved prestigious honor                                   | 30,841 |
| 7/19/2016  | Newton Citizen, Covington               | Rogers installed as president-elect of State Bar; Geoffrey honored       | 2,091  |
| 7/20/2016  | Troup County News, LaGrange             | Congratulations to district attorney on state appointment                | 6,500  |
| 7/22/2016  | Atlanta Business Chronicle              | Honors & Awards (Sears - Burnside Award)                                 | 37,000 |
| 7/24/2016  | Douglas County Sentinel, Douglasville   | Leonard elected to Board of Governors of State Bar of Georgia            | 2,428  |
| 7/25/2016  | Marietta Daily Journal                  | Congratulations to local attorney on presidency                          | 13,556 |
| 7/27/2016  | Calhoun Times                           | Letter to the Editor (Gordon County Bar)                                 | 4,170  |
| 8/1/2016   | Macon Telegraph                         | Back to school   | 26,050 |
| 8/3/2016   | Savannah Tribune                        | Savannah Law Camp Commended  | 8,000  |
| 8/5/2016   | Daily Report                            | Georgia Legal Community Mourns Loss of John Mayoue, Bar President Writes | 3,055  |
| 8/6/2016   | Houston Home Journal, Perry             | Congratulations to district attorney on state appointment                | 7,822  |
| 8/10/2016  | Northside Neighbor                      | Congratulations to Buckhead attorney on appointment to state committee   | 18,050 |
| 8/11/2016  | Augusta Chronicle                       | Young Lawyers of Augusta honored   | 36,696 |
| 8/11/2016  | Bryan County News, Richmond Hill        | Congratulations to Ray C. Smith  | 2,241  |
| 8/29/2016  | Daily Report                            | Georgia Legal Community Mourns Loss of Jeff Bramlett                     | 3,055  |
| 8/31/2016  | Marietta Daily Journal                  | Georgia legal community mourns loss of Jeff Johnson                      | 13,556 |
| 8/31/2016  | Montgomery Monitor, Mount Vernon        | Congratulations to Georgia's District Attorney of the Year               | 753    |
| 9/5/2016   | Savannah Morning News                   | Aron Weiner: A gentleman, friend and inspirational lawyer                | 30,841 |
| 9/14/2016  | Dodge County News, Eastman              | Letter to the Editor (Timothy Vaughn)                                    | 4,681  |
| 9/28/2016  | Americus Times-Recorder                 | Americus attorneys, judges named to State Bar of Georgia committees      | 2,209  |
| 9/28/2016  | Baxley News Banner                      | Johnson named to State Bar's Children and the Courts Committee           | 4,628  |
| 9/30/2016  | Statesboro Herald                       | Honoring Judge Neville on his passing                                    | 8,000  |
| 10/2/2016  | Athens Banner-Herald                    | State Bar taps local attorneys, judges for boards                        | 19,033 |
| 10/2/2016  | Marietta Daily Journal                  | State Bar congratulates Chief Justice Harris Hines                       | 13,556 |
| 10/3/2016  | Daily Report                            | State Bar Congratulates Hines on Election as Chief Justice               | 3,055  |
| 10/6/2016  | Franklin County Citizen, Lavonia        | Judge Malcom named to State Bar committee                                | 3,469  |
| 10/7/2016  | Dalton Daily Citizen                    | Four local state bar members named to committees                         | 8,415  |
| 10/9/2016  | Columbus Ledger-Enquirer                | Columbus judges and attorneys to serve on committees                     | 21,789 |
| 10/9/2016  | Douglas Enterprise                      | Local Attorney Named to State Bar's Member Benefits Committee            | 7,240  |
| 10/10/2016 | Clayton News Daily, Jonesboro           | Clayton County Bar members named to State Bar of Georgia committees      | 1,701  |
| 10/10/2016 | Henry Herald, McDonough                 | Henry County attorneys, judges named to State Bar of Georgia committees  | 1,822  |
| 10/11/2016 | Griffin Daily News                      | Griffin attorneys named to State Bar of Georgia committees               | 4,732  |
| 10/12/2016 | Adel News Tribune                       | Perkins named to State Bar of Georgia Bench & Bar Committee              | 2,940  |
| 10/12/2016 | Polk County Standard Journal, Cedartown | Cedartown Attorneys Named to State Bar of Georgia Committees             | 2,901  |
| 10/12/2016 | Columbia County News-Times, Evans       | 3 to serve on Bar committees   | 14,000 |

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| 10/12/2016 | Fitzgerald Herald Leader             | Chasteen named to state Bar spot                                     | 4,827  |
| 10/12/2016 | Jackson Herald, Jefferson            | Jefferson attorney named to committee                                | 3,980  |
| 10/12/2016 | Metter Advertiser                    | Local attorney named to committee                                    | 1,868  |
| 10/12/2016 | Berrien Press, Nashville             | Judge Perkins named to State Bar of Georgia's Bench & Bar Committee  | 3,678  |
| 10/13/2016 | Madison County Journal, Danielsville | Judge Malcom named to State Bar of Georgia's bench and bar committee | 2,660  |
| 10/13/2016 | Hartwell Sun                         | Malcom named to state committee                                      | 5,027  |
| 10/13/2016 | Pickens County Progress, Jasper      | Jasper Attorneys named to State Bar of Georgia Committees            | 6,360  |
| 10/13/2016 | Washington News-Reporter             | DA Dennis Sanders new vice chairman of finance committee             | 2,612  |
| 10/13/2016 | Oconee Enterprise, Watkinsville      | Attorney appointed to state committees                               | 3,435  |
| 10/16/2016 | Gainesville Times                    | Hall Countians chosen to State Bar of Ga. committees                 | 5,000  |
| 10/18/2016 | Rockdale Citizen, Conyers            | Local judge, attorney named to State Bar committees                  | 2,705  |
| 10/19/2016 | Monroe County Reporter, Forsyth      | Local attorney Jenkins named to Ga. bar panel                        | 4,210  |
| 10/19/2016 | Coastal Courier, Hinesville          | Two attorneys on Bar panels  | 5,500  |
| 10/19/2016 | Catoosa County News, Ringgold        | Ringgold attorney named to State Bar of Georgia Committee post       | 1,529  |
| 10/20/2016 | Valdosta Daily Times                 | Coleman Talley wins awards for food drive                            | 10,290 |
| 10/22/2016 | Savannah Morning News                | 37 area attorneys appointed to State Bar committees                  | 30,841 |
| 10/22/2016 | Valdosta Daily Times                 | A Round of Applause (Food Frenzy)                                    | 10,290 |
| 10/26/2016 | Walker County Messenger, Lafayette   | Judge, attorney named to State Bar of Georgia committee posts        | 2,009  |
| 10/27/2016 | Alphaetta/Roswell Revue & News       | North Fulton attorneys named to State Bar of Georgia committees      | 28,000 |
| 10/27/2016 | Forsyth Herald                       | North Fulton attorneys named to State Bar of Georgia committees      | 17,000 |
| 10/27/2016 | Johns Creek Herald                   | North Fulton attorneys named to State Bar of Georgia committees      | 20,000 |
| 10/27/2016 | Milton Herald                        | North Fulton attorneys named to State Bar of Georgia committees      | 8,500  |
| 11/4/2016  | Union Recorder, Milledgeville        | Milledgeville attorney named to State Bar of Georgia Committees      | 5,030  |
| 11/6/2016  | Times Herald, Newnan                 | Newnan bar members named to State Bar of Georgia committees          | 9,551  |
| 11/14/2016 | Dalton Daily Citizen                 | Congratulations to Sen. Bethel on Court of Appeals appointment       | 8,415  |
| 11/21/2016 | Daily Report                         | State Bar congratulates Georgia Judicial, AG appointees              | 3,055  |
| 11/25/2016 | Dekalb Champion, Decatur             | Congratulations to Asian Americans Advancing Justice honorees        | 527    |
| 11/27/2016 | Macon Telegraph                      | Congratulations (Judge Self)   | 28,050 |
| 11/28/2016 | Daily Report                         | Georgia Legal Community Mourns Loss of Judge Jack Etheridge          | 3,055  |
| 12/2/2016  | Newton Citizen, Covington            | Congrats to Kye Haymore  | 2,091  |
| 12/3/2016  | Gainesville Times                    | Letter: State legal community mourns Judge Mallis                    | 5,000  |
| 12/3/2016  | Savannah Morning News                | State Bar recognizes two prosecutors                                 | 30,841 |
| 12/9/2016  | Daily Report                         | Law Community Mourns State Bar Past President from Macon             | 3,055  |
| 12/9/2016  | Daily Report                         | State Bar, Partners Present Pro Bono Awards for 2016                 | 3,055  |
| 12/14/2016 | Lanier County Advocate, Lakeland     | Georgia legal community mourns loss of George Wynn                   | 944    |
| 12/14/2016 | Macon Telegraph                      | The loss of Cubbedge Snow Jr..                                       | 28,050 |
| 12/15/2016 | Lincoln Journal, Lincolnton          | Sanders applauded for years of service                               | 3,000  |



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| 12/17/2016 | Albany Herald                         | Albany Area Business Portfolio (Joe Dent)                          | 10,793 |
| 12/21/2016 | Brunswick News                        | Congratulations to Judge Wilkes on distinguished career            | 12,988 |
| 12/21/2016 | Jeff Davis Ledger, Hazlehurst         | Congratulations to Judge Wilkes                                    | 3,214  |
| 12/25/2016 | Douglas County Sentinel, Douglasville | Congratulations and thanks to Judge James                          | 2,428  |
| 12/28/2016 | Baxley News Banner                    | State Bar of Georgia pens congratulations to Judge Wilkes          | 4,628  |
| 12/29/2016 | Albany Herald                         | O'Connor: Judge A. Wallace Cato thanked for his service            | 10,793 |
| 12/30/2016 | Courier Herald, Dublin                | Letter to the Editor: Judge Flanders                               | 9,555  |
| 12/30/2016 | Statesboro Herald                     | Congratulations and thanks to Judge Turner                         | 8,000  |
| 12/31/2016 | Union Recorder, Milledgeville         | O'Connor: Congratulations and thanks to Judge Wingfield            | 5,030  |
| 1/1/2017   | Columbia County News-Times, Evans     | Letter: Congrats to Judge Overstreet                               | 14,000 |
| 1/3/2017   | Cordele Dispatch                      | State Bar of Georgia President Congratulates Judge Priddgen        | 3,391  |
| 1/3/2017   | Millen News                           | Letter: Judge Turner   | 2,200  |
| 1/4/2017   | Adel News Tribune                     | Congratulations and thanks to Judge Perkins                        | 2,940  |
| 1/4/2017   | Americus Times-Recorder               | Congratulations and thanks to Judge Peagler                        | 2,209  |
| 1/4/2017   | Blackshear Times                      | Thanks to Judge Mike DeVane  | 3,342  |
| 1/4/2017   | Fitzgerald Herald Leader              | To the Editor: Judge Priddgen                                      | 4,827  |
| 1/4/2017   | Chariton County Herald, Folkston      | Congratulations and thanks to Judge DeVane                         | 2,099  |
| 1/4/2017   | Jones County News, Gray               | State Bar congratulates retired judge (Wingfield)                  | 4,186  |
| 1/4/2017   | Clinch County News, Homerville        | State Bar congratulates Judge Perkins on retirement                | 1,497  |
| 1/4/2017   | Lanier County Advocate, Lakeland      | State Bar extends congratulations to retiring Judge Dane Perkins   | 944    |
| 1/4/2017   | Soperton News                         | Letter to the Editor: Judge Flanders                               | 1,139  |
| 1/5/2017   | Wilkinson County Post, Irwinton       | Congratulations and thanks to Judge Wingfield                      | 1,331  |
| 1/5/2017   | Lincoln Journal, Lincolnton           | Recognizing Judge Dunaway  | 3,000  |
| 1/5/2017   | Atkinson County Citizen, Pearson      | Congratulations and thanks to Judge Dane Perkins                   | 1,200  |
| 1/5/2017   | News Reporter, Washington             | Thanks for inspirational service (Judge Dunaway)                   | 2,612  |
| 1/6/2017   | Brunswick News                        | Thanks to Judge Barton for service                                 | 12,988 |
| 1/6/2017   | Gainesville Times                     | Letter: A salute to Judge Wynne for a stellar career in law        | 5,000  |
| 1/6/2017   | Marietta Daily Journal                | Congratulations and thanks to retiring State Court judges          | 13,556 |
| 1/8/2017   | Daily Citizen, Dalton                 | Best wishes to Judge Jack Partain                                  | 8,415  |
| 1/8/2017   | Douglas Enterprise                    | State Bar of Georgia Commends Judge DeVane for 34 Years of Service | 7,240  |
| 1/10/2017  | Columbus Ledger-Enquirer              | Loss to us all (Richard Bunn)                                      | 21,789 |
| 1/10/2017  | Johnson Journal, Wrightsville         | Letter to the Editor (Judge Flanders)                              | 1,038  |
| 1/12/2017  | Lincoln Journal, Lincolnton           | State Bar extends condolences (Ben Ross)                           | 3,000  |
| 1/13/2017  | Post Searchlight, Bainbridge          | Letter to the Editor in reference to George Floyd                  | 4,948  |
| 1/13/2017  | Northside Neighbor                    | Congratulations to Beskin on commission appointment                | 18,050 |
| 1/15/2017  | Griffin Daily News                    | State Bar congratulates Esary                                      | 4,732  |
| 1/15/2017  | Savannah Morning News                 | State bar salutes Judge Harris Lewis                               | 30,841 |

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| 1/18/2017 | Times Georgian, Carrollton                   |  | Congratulations and thanks to Judge Harold Murphy                         | 5,264            |
| 1/29/2017 | Columbia County News-Times, Evans            |  | Congratulations to Ashley Wright  | 14,000           |
| 1/31/2017 | Daily Report                                 |  | Georgia Legal Community Mourns Loss of Rick Malone                        | 3,055            |
| 2/1/2017  | Metter Advertiser                            |  | Georgia Legal Community Mourns Loss of Rick Malone                        | 1,868            |
| 2/1/2017  | True Citizen, Waynesboro                     |  | Letter to the Editor (Wright)   | 4,427            |
| 2/2/2017  | News & Farmer/Jefferson Reporter, Louisville |  | Letter: Georgia legal community mourns loss of Rick Malone                | 2,445            |
| 2/3/2017  | Augusta Chronicle                            |  | New judge a good one  | 36,696           |
| 2/6/2017  | Albany Herald                                |  | State bar to honor Karen Baynes-Dunning with Benham Award                 | 10,793           |
| 2/8/2017  | Douglas County Sentinel, Douglasville        |  | Congratulations to new Superior Court judge                               | 2,428            |
| 2/8/2017  | Savannah Tribune                             |  | State Bar of Georgia Presents the 18th Annual Community Service Awards    | 8,000            |
| 2/9/2017  | Daily Report                                 |  | State Bar Writes in Remembrance of Atlanta Legal Community Leaders        | 3,055            |
| 2/13/2017 | Augusta Chronicle                            |  | Attorney's service earns honor  | 36,696           |
| 2/13/2017 | Daily Report                                 |  | Letter: State Bar Congratulates a White House Appointee                   | 3,055            |
| 2/13/2017 | Savannah Morning News                        |  | Savannah assistant city attorney recognized for community service         | 30,841           |
| 2/15/2017 | Marietta Daily Journal                       |  | Cobb Bar Association lauded for successful fundraising event              | 13,556           |
| 2/17/2017 | Athens Banner-Herald                         |  | Biasingame scholarship benefits legal profession, lauds honorable alumnus | 19,033           |
| 2/22/2017 | Polk County Standard Journal, Cedartown      |  | Congratulations to new West Georgia Young Lawyers' Association            | 2,901            |
| 2/22/2017 | Jackson Herald, Jefferson                    |  | Congratulates local attorney on award                                     | 3,980            |
|           |  |  | <b>TOTAL CIRCULATION</b>  | <b>1,555,248</b> |