

# Board Book

State Bar of Georgia  
Board of Governors  
Agenda Book



2017 Fall Meeting  
Jekyll Island, Ga.



# State Bar of Georgia

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

**Saturday, October 28, 2017**

**8:00 a.m.–11:00 a.m.**

The Westin Jekyll Island

Jekyll Island, Georgia

*Dress: Business Casual*

## AGENDA

<u>Topics</u>	<u>Presenter</u>	<u>Page No.</u>
---------------	------------------	-----------------

### 1) ADMINISTRATION

- |   |                                   |       |
|---|-----------------------------------|-------|
| a) Welcome and Call to Order.....                 | Buck Rogers, President.....       | 1-4   |
| b) Invocation and Pledge of Allegiance .....      | Jeff Ward                         |       |
| c) Recognition of Former Presidents, Judges ..... | Buck Rogers<br>And Special Guests |       |
| d) Recognition of new Board Member.....           | Buck Rogers                       |       |
| e) Roll Call (by signature) .....                 | Dawn Jones, Secretary .....       | 5-11  |
| f) Future Meetings Schedule .....                 | Buck Rogers .....                 | 12-13 |

### 2) ACTION

- |  |                 |   |
|--|-----------------|---|
| a) Minutes of the 268 <sup>th</sup> & 269 <sup>th</sup> Meeting..... | Dawn Jones..... | 14-24<br>of the Board of Governors on June 9-10, 2017 |
| b) Appointments to the Commission on Continuing ...                  | Buck Rogers     |   |
| Lawyer Competency (CCLC)   |                 |   |

- (1) Re-Appointment of Aasia Mustakeem, 2018-2020
- (2) Appointment of Honorable Shondeana Morris, 2018-2020

### 3) LEGISLATION

- a) Advisory Committee on Legislation.....Michael Geoffroy, Chair . 25-28  
New Legislative Proposals (action)
  - (1) Georgia Appellate Practice and Educational Resource Center ..... 29-37
    - Support for Continued State Funding
  - (2) Committee to Promote Inclusion in the Profession.....38
    - Support for Funding Legal Representation  
for Victims of Domestic Violence
  - (3) Fiduciary Law Section ..... 39-108
    - Proposed Amendments to the Uniform Power of Attorney Act
    - Proposed Amendments to the Uniform Adult Guardianship  
and Conservatorship Proceedings Jurisdiction Act
    - Proposed Amendments to the Revised Georgia Trust Code of 2010
  
- b) Legislative Update .....Christine Butcher Hayes  
Rusty Sewell

### 4) INFORMATIONAL REPORTS

- a) President’s Report .....Buck Rogers
  
- b) Treasurer’s Report .....Darrell Sutton ..... 109-140  
Treasurer
  
- c) Young Lawyers Division.....Nicole Leet ..... 141-143  
YLD President
  
- d) Lawyer’s Assistance Program.....Jeff Kuester, Chair ..... 144-161
  
- e) Member Benefits Committee .....John Kennedy, Chair  
CloudLaw / Zeekbeek Bill NeSmith

## 5) WRITTEN REPORTS

a) Executive Committee Minutes .....	162-175
(1) May 19, 2017	
(2) July 14, 2017	
(3) August 2, 2017	
b) Strategic Plan and Updates .....	176
c) Office of the General Counsel Report .....	177-179
d) Military Legal Assistance Program .....	180-191
e) Consumer Assistance Program.....	192-193
f) Law Practice Management Program .....	194-198
g) Communications Update .....	199-202
h) Chief Justice’s Commission on Professionalism.....	203-208

## 6) CLOSING

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

# 2017 FALL BOARD OF GOVERNORS MEETING

WESTIN JEKYLL ISLAND • JEKYLL ISLAND, GA • OCT. 27-29



PHOTO PROVIDED BY WESTIN JEKYLL ISLAND



**HOTEL CUT-OFF: FRIDAY, SEPT. 29**  
**REGISTRATION CUT-OFF: FRIDAY, OCT. 20**




PHOTO BY MICHAEL HARRIS/ISTOCK


## SCHEDULE OF EVENTS

### FRIDAY, OCT. 27

- 10 a.m. – 12 p.m.  
Commission on Continuing  
Lawyers Competency (CCLC)
- 10 a.m. – 1 p.m.  
Clients' Security Fund
- 10 a.m. – 3 p.m.  
Investigative Panel
- 10:30 a.m. – 12:30 p.m.  
Joint Meeting with Military/Veterans  
Law Section and MLAP Committee
- 12 – 1 p.m.  
CCLC and ICLE Joint Lunch
- 12 – 3 p.m.  
Review Panel
- 1 – 3 p.m.  
ICLE Meeting
- 2 – 5 p.m.  
Disciplinary Rules and Procedures  
Committee
- 3 – 4 p.m.   
Historical Walking Tour

- 3 – 5 p.m.  
ICJE Fall Board of Trustees Meeting
- 3:30 – 5 p.m.  
Member Benefits Committee
- 4 – 5 p.m.   
Bike Ride
- 6:30 – 9:30 p.m.  
Board of Governors Dinner

### SATURDAY, OCT. 28

- 7 – 7:30 a.m.   
Fun Run
- 7:30 – 8 a.m.  
SOLACE Committee
- 8 – 11 a.m.  
Board of Governors Meeting
- 12 p.m.  
Georgia-Florida Tailgate Party  
in Jacksonville
- 3 – 7:30 p.m.  
Hotel Tailgate Party

## SOCIAL EVENTS

### Board of Governors Dinner Friday, Oct. 27 • 6:30 p.m.

Please join us Friday evening for dinner and drinks, along with the opportunity to relax and network with fellow Board members and their guests.

### Georgia-Florida Tailgate Party in Jacksonville

**Saturday, Oct. 28 • 12 p.m.**  
For those interested in tailgating at the Georgia-Florida game, whether or not you have tickets, we will be traveling by bus to Jacksonville and tailgating just outside the gates of EverBank Field. The bus will leave at 12 p.m. sharp and will be available to take everyone back to The Westin Jekyll Island at the end of the evening.

### Hotel Tailgate Party Saturday, Oct. 28 • 3 p.m.

If you prefer a more laid back approach to watching the game, we are hosting a tailgate and game-watching party at the hotel, complete with food and beverages.

If football isn't your thing, we invite you to enjoy your free time and explore the island on your own. For information on activities the resort has to offer, please visit [www.westinjekyllisland.com](http://www.westinjekyllisland.com).

## HOTEL ACCOMMODATIONS

Cut-off date is Friday, Sept. 29  
Westin Jekyll Island  
110 Ocean Way  
Jekyll Island, GA 31527  
912-635-4545

The Westin Jekyll Island will be our host hotel offering discounted room rates. A block of rooms has been reserved for the meeting. Our room rates are \$179 (island view) and \$209 (ocean view). Rooms are subject to a \$12 resort fee, \$5 hotel/motel fee, plus applicable taxes.

To make reservations and receive these special rates, visit <https://www.starwoodmeeting.com/Book/StateBarofGABOG>, or call The Westin Jekyll Island at 888-627-8316 or 1-800-WESTIN-1 and mention you are with the State Bar of Georgia Fall Board of Governors Meeting. Reservations must be made by Friday, Sept. 29, as rooms will be on a space and rate availability basis after this date.

Cancellation deadline for reservations is three days prior to arrival or you will be charged one night's room rate plus taxes.

Check-in • 4 p.m.  
Check-out • 12 p.m.

### ATTIRE

Business casual dress for all meetings.

THANK YOU TO OUR  
5 GAVEL CORPORATE SPONSOR

**MB** | MemberBenefits



## WELLNESS ACTIVITIES

### Historical Walking Tour

Friday, Oct. 27 • 3 – 4 p.m.

100 Stable Road, Jekyll Island, GA 31527

Roam where the nation's elite created an exclusive gilded-era island retreat. See where they lived and played. Take a step back in time as each building's story unfolds and the National Landmark Historic district comes alive. Learn the secrets of the Island's majestic trees and beautiful flowers, and discover their historic uses. A tour guide will educate and inform as you dig deeper into the Island's history. This tour will depart from the Jekyll Island Museum located in the Historic District.

### Bike Ride

Friday, Oct. 27 • 4 – 5 p.m.

*(Sponsored by the Bike Law Section)*

Explore Jekyll Island's picturesque bike paths and trails on this relaxed-pace bike ride led by Damon Elmore. Bring your bike from home or rent one from Kennedy Outfitters—912-319-2079 or visit [www.kennedyoutfitters.com](http://www.kennedyoutfitters.com). Cyclists will meet outside the hotel at the front drive.

### Fun Run

Saturday, Oct. 28 • 7 – 7:30 a.m.

Meet in the lobby of the hotel for the start of this 5K fun run/walk along the beach.

### Spa Treatments and Massage Therapy offered by Beach Life Massage, LLC

Jimmy and Laura Dyer, Georgia licensed massage therapists, perform on-site massage therapy and spa treatments in the fitness area of the Westin Jekyll Island. For a full menu, including specials, visit <http://beachlifemassage.com> or call 912-237-8601.

## REGISTRATION FORM

Please complete and remit the enclosed registration form by Friday, Oct. 20, 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, Oct. 20, 2017. Cancellations will receive a full refund, less a \$25 administrative charge. Absolutely no refunds will be made after Friday, Oct. 20. Requests should be mailed to the State Bar of Georgia, Attn: Michelle Garner, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303; faxed to 404-527-8717 or emailed to michelleg@gabar.org.

### Board of Governors Functions

- Board of Governors Dinner (Fri.) \_\_\_\_\_ \$70  
 Board of Governors Meeting (Sat.) \_\_\_\_\_ N/C

### Tailgates

- Tailgate Party in Jacksonville (Sat.) \_\_\_\_\_ \$150  
*(Includes: transportation to and from Jacksonville, snacks and drinks on the bus, lunch and drinks at tailgate, and snacks after the game.)*  
 Tailgate Party at Hotel (Sat.) \_\_\_\_\_ \$35

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

### Committee Functions

- CCLC Meeting (Fri.) \_\_\_\_\_ N/C  
 ICLE Meeting (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

### Wellness Activities

- Bike Ride (Fri.) \_\_\_\_\_ \$5  
 Fun Run (Sat.) \_\_\_\_\_ N/C  
 Historical Walking Tour (Fri.) \_\_\_\_\_ \$10

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. Please make checks payable to State Bar of Georgia and mail to:

Michelle Garner, Director of Meetings  
 Fall 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.

PHOTO BY ISTOCK.COM/KARLIUX\_





## Board of Governors Attendance Record

	1-15	4-15	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17
	ATL	Brass	Fri.	StoneMtn	Sav	Buford	phone/ ATL	ATL	Amelia	Amelia	Callaway	ATL	Oconee	Jekyll	Jekyll
Sarah Brown Akins	•	e	•	•	•	e	•	•	•	•	e	e	e	•	•
Mark W. Alexander	•	•	•	•	•	•	•	•	e	e	•	•	•	•	•
Kent Edward Altom	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	•	•	•	•	•	•
Diane E. Bessen	•	e	e	•	•	•	•	•	•	•	•	e	•	•	•
James D. Blich IV	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Sherry Boston	•	•	•	•	e	•	•	e	•	•	•	•	•	•	•
Thomas R. Burnside	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Stephanie D. Burton	•	e	•	•	•	•	•	e	•	•	•	•	•	•	•
JaDawnya C. Butler	•	•	•	•	e	•	•	e	•	•	•	•	•	•	•
Ivy Neal Cadle	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Richard D. Campbell	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	•	•	•	•	•	•
Chris M. Carr	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•
Carol V. Clark	•	e	e	•	e	•	•	•	•	•	•	•	•	•	•
Edward R. Collier	•	e	e	e	•	•	•	•	•	•	•	•	•	e	e
Stephanie Kirijan Cooper	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•
Martin L. Cowen III	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Susan W. Cox	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e

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

### Board of Governors Attendance Record

	1-15	4-15	6-15	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17			
	ATL	Brass	Stone	Mtn	Stone	Mtn	Sav	Buford	ATL	phone/ ATL	ATL	Amelia	Amelia	Callaway	ATL	Oconee	Jekyll	Sat.	
Terrence Lee Croft	•	•	•	e	e	•	•	•	e	•	e	•	•	•	•	•	e	•	•
David P. Darden	•	•	•	•	•	•	•	•	e	•	•	•	•	•	•	•	•	•	•
Gerald Davidson Jr.	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	•	•	•	•	•	•	•	•
Foy R. Devine	•	•	•	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•
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	•	•	•	•	•	•
Gregory W. Edwards	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•	•	•	•	•
Damon E. Elmore	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Archibald A. Farrar	•	•	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•
D. Kirk Farrar	e	•	•	•	•	e	•	e	•	•	•	•	•	•	•	•	e	e	e
Elizabeth L. Fite	•	•	•	•	•	e	•	e	•	•	•	•	•	•	•	•	•	•	•
Gary Stuart Freed	n/a	n/a	n/a	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Gregory A. Futch	•	•	•	•	•	•	•	•	•	•	•	•	•	e	•	e	e	•	e
William Gil Gainer																			
William C. Gentry	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
H. Emily George	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	•
Walter J. Gordon Sr.	e	•	•	•	•	e	•	•	•	•	e	•	e	•	•	•	•	•	e
Patricia A. Gorham	•	•	•	e	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Karlise Y. Grier	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Thomas F. Gristina	•	•	•	•	•	•	•	•	•	•	•	•	e	•	•	•	•	•	•

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

### Board of Governors Attendance Record

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

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

## Board of Governors Attendance Record

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

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

## Board of Governors Attendance Record

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

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

### Board of Governors Attendance Record

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

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

### Board of Governors Attendance Record

	1-15	4-15	6-15	6-15	10-15	1-16	1-16	5-16	6-16	6-16	10-16	1-17	4-17	6-17	6-17
	ATL	Brass	Fri.	Sat.	Sav	Buford	phone/ ATL	ATL	Amelia	Amelia	Callaway	ATL	Oconee	Jekyll	Sat.
		Stone Mtn	Stone Mtn	Stone Mtn											
Martin E. Valbuena	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Carl R. Varnedoe	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Nicki N. Vaughan	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Carl A. Veline, Jr.	•	•	•	•	•	•	•	•	•	•	•	•	•	e	e
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	•	•	e	•	e	•
Jeffrey S. Ward	•	•	•	•	•	•	•	e	•	•	•	•	e	•	•
Harold B. Watts	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
John P. Webb	•	•	•	•	•	•	•	•	•	•	•	•	•	•	e
Christopher F. West	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	•	•	•	•	•	•
Kathleen Womack	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Douglas Woodruff	•	•	e	•	e	•	•	•	•	•	•	e	•	e	e
Gerald P. Word	•	e	e	e	•	•	e	•	•	•	•	e	•	e	e
• - attended meeting		n/a - not on BOG						e - excused absence							

# Future Meetings Schedule

(9/26/2017)



## **Executive Committee**

---

October 12, 2017	Bar Center – 2 p.m.
October 26, 2017	12:20 p.m. Westin Hotel, Jekyll Island, GA
November 16, 2017	Columbus Bar Association – 12:00 p.m. River Club, Columbus, GA
December 14, 2017	Bar Center – 12:00 p.m.
February 8, 2018	Bar Center – 12:00 p.m.
April 13-15, 2018	Supreme Court/Executive Committee Retreat Barnsley Resort, Adairsville, GA

## **Board of Governors**

---

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**

---

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
Spring 2018	March 15-18, 2018	Kimpton Aerston Hotel, Nashville, TN
Annual 2018	June 7-10, 2018	Omni Amelia Island, Amelia Island, FL



### **American Bar Association Meetings**

---

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**

---

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

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

October 19, 2018      Reception for National HSMT Board of Directors  
(Bar leadership encouraged to attend reception)

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

**D-R-A-F-T**  
**STATE BAR OF GEORGIA**  
**BOARD OF GOVERNORS**  
**MEETING MINUTES**

**Friday, June 9, 2017**

**Jekyll Island Convention Bureau/Jekyll Island, GA**

The 268<sup>th</sup> meeting of the Board of Governors/Plenary Session 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.

Recognition of Retiring Executive Committee and Retiring Board Members

President Pat O'Connor recognized the following retiring Board of Governors Members: Carson Dane Perkins (Alapaha Circuit), Paul T. Carroll, III (Rome Circuit), Thomas Neal Brunt (Cherokee Circuit), John Christopher Clark (Macon Circuit), John Alexander Fitzner, III (Middle Circuit), Laverne Lewis Gaskins (Southern Circuit), Sandra N. Wisenbaker (Coweta Circuit), Jeb Tolliver Branham (Out-of-State), Fred A. Zimmerman (Clayton Circuit), Tommy Duck (Dougherty Circuit), and Aimee Pickett Sanders (Member-At-Large).

President Pat O'Connor recognized the following retiring Executive Committee members: Immediate Past President Bob Kauffman, YLD Immediate Past President Jack Long, and Thomas R. Burnside, III.

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-elect Buck Rogers reported on the Future Meetings Schedule.

Minutes of the 267<sup>th</sup> Meeting of the Board of Governors

The minutes of the Board of Governors meeting held April 1, 2017 at the Ritz-Carlton Reynolds at Lake Oconee in Greensboro, Georgia, were approved by unanimous voice vote.

Awards and Presentations

President Pat O'Connor presented the following State Bar awards and presentations:

Resolution for Senior Judge Clarence Blount

President Pat O'Connor presented a resolution (Exhibit B) to Senior Superior Court Judge Clarence Blount, a Bar member for 67 years.

Resolution for Avarita Hanson

President Pat O'Connor presented a resolution (Exhibit C) to Avarita L. Hanson, the retiring Executive Director of the Chief Justice's Commission on Professionalism.

Judge Willie Lovett Award for Advancing the Field of Juvenile Law

Nicki Vaughan, Chair of the Child Protection and Advocacy Section, announced the creation of a new award in memory of Juvenile Court Judge William J. Lovett (1973-2017). Ms. Vaughan presented the inaugural award posthumously to Judge Lovett and it was accepted by his wife, Seletha Lovett.

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

Justice David Nahmias presented the award to attorney Temika Williams-Murry (DeKalb County Child Advocacy Center) and to Joan Chambers (Newton County DFACS case manager).

Georgia Legal Services Program

President Pat O'Connor presented Phyllis Holmen, Executive Director of the Georgia Legal Services Program, a replica check in the amount of \$567,890, which represents contributions from attorneys and law firms received during the 2016 Justice For All Campaign.

Corporate Sponsors

President Pat O'Connor acknowledged the State Bar's two corporate sponsors: Member Benefits (Five Gavel Sponsor) and AXA (Two Gavel Sponsor).

Bench and Bar Committee Thomas O. Marshall Professionalism Award

Judge Recipient: Honorable Alvin T. Wong, Jr.

Lawyer Recipient: Jeffrey O. Bramlett (1953-2016). The award will be presented to the Bramlett family at the 2018 Midyear meeting.

Local and Voluntary Bar Awards

Thomas R. Burnside, Jr. Excellence in Bar Leadership Award: Avarita L. Hanson

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

Law Day Award of Achievement: Glynn County Bar Association (101-250 members), Gwinnett County Bar Association (251-500 members), Cobb County Bar Association (501 or more members)

Best New Entry: Paulding County Bar Association

Best Newsletter: Gate City Bar Association (251-500 members), Georgia Defense Lawyers Association (501 or more members)

Best Website: Troup County Bar Association (under 50 members), Blue Ridge Bar Association (101-250 members), Gwinnett County Bar Association (251-500 members), Savannah Bar Association (501 or more members)

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

Sections

Section of the Year: Labor and Employment Law Section

Awards of Achievement: Military/Veterans Law, Family Law, and Intellectual Property Law Sections

Military Legal Assistance Program Marshall-Tuttle Award

Eric Ballinger presented the award to Missy Robinson.

State of the Supreme Court of Georgia

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

State of the Court of Appeals of Georgia

The Honorable Sara L. Doyle, Chief Judge of the Court of Appeals of Georgia, delivered the State of the Court of Appeals of Georgia address.

State of the Federal Judiciary

The Honorable Lisa Godbey Wood, Chief Judge of the U.S. District Court for the Southern District of Georgia, delivered the State of the Federal Judiciary address.

State of the Georgia Law Department

Attorney General Chris Carr delivered the State of the Georgia Law Department address. Thereafter, Attorney General Carr, YLD President Jennifer C. Mock, and President Pat O'Connor presented the following Legal Food Frenzy awards:

Sole Proprietor: Attorney Justin Oliverio, LLC

Small Firm: Durham Law Firm, PC

Medium Firm: Whelchel, Dunlap, Garrard & Walker, LLP  
Hull Barrett, PC

Legal Organizations: Georgia Institute of Technology Office of Legal Affairs  
Miles Mediation & Arbitration Services

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

Corporate Legal Organization: Serta Simmons Bedding, LLC

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

Bar President's Award: Coleman Talley LLP

Attorney General's Cup: Jenkins & Roberts LLC

State of the Georgia House Judiciary Committee

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

State of the Georgia Senate Judiciary Committee

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

State of the Georgia Senate Special Judiciary Committee

Senator Curt Thompson, Chair of the Senate Special Judiciary Committee, reported on the activities of the Senate Special Judiciary Committee.

Memorials

President Pat O'Connor presented the Memorials report.

Young Lawyers Division

YLD President Jennifer Campbell Mock reported about the activities of the Young Lawyers Division. She announced that the annual Signature Fundraiser raised a substantial amount of money, with net proceeds benefitting Georgia CASA. She also reported that a recording-breaking 1.34 million pounds of food was collected during this year's Legal Food Frenzy to benefit Georgia's nine regional food banks. She further reported that she had the opportunity to work with great committee chairs that accomplished much this year. She recognized Morgan Clemons and Baylie Frye for their work last August presenting *Women in the Profession: 100 Years of Georgia Women Lawyers* celebration. She encouraged the Board of Governors members to continue their investment in the YLD and the State's young lawyers in order to develop the Bar's future leaders. Lastly, she thanked everyone for their help and support this Bar year.

Investigative Panel

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

Review Panel

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

Formal Advisory Opinion Board

Jeff Schneider reported on the activities of the Formal Advisory Opinion Board. He recognized John Shiptenko and Betty Derrickson for their staff support to the Board.

Clients' Security Fund

Randy Davis reported on the activities of the Clients' Security Fund. He thanked Betty Derrickson for her staff support, and Bill NeSmith, who provides counsel to the Board.

President's Address

Following an introduction by Immediate Past President Bob Kauffman, President Pat O'Connor delivered the President's Address (Exhibit D).

Adjournment

There being no further business, the meeting was adjourned.

---

Darrell L. Sutton, Secretary

---

Patrick T. O'Connor, President

**D-R-A-F-T**  
**STATE BAR OF GEORGIA**  
**BOARD OF GOVERNORS**  
**MEETING MINUTES**  
**Saturday, June 10, 2017**  
**Jekyll Island Convention Bureau/Jekyll Island, GA**

The 269<sup>th</sup> meeting of the Board of Governor of the State Bar of Georgia was held at the date and location shown above. Buck Rogers, President, presided.

Special Recognition

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

Welcome New Officers and Board Members

President Buck Rogers recognized the new Officers and Board of Governors members.

Roll Call

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

Future Meetings Schedule

President Buck Rogers referred the Board of Governors members to the Future Meetings Schedule.

Approval of President's Appointments to the State Disciplinary Boards

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

Investigative Panel

District 4: William Gilmore Gainor, Conyers (2018)  
District 5: William Hickerson Thomas, Jr., Atlanta (2020)  
District 6: Elizabeth Pool O'Neal, Jackson (2020)  
District 7: Lawrence Alan Stagg, Ringgold (2020)

Review Panel

Northern District: Halsey George Knapp, Jr., Atlanta (2020)  
Middle District: Jeffrey O'Neal Monroe, Macon (2020)  
Southern District: Amy Lynn Pickett, Augusta (2020)

Formal Advisory Opinion Board

Georgia Trial Lawyers Association: C. Andrew Childers, Atlanta (2019)  
Georgia Defense Lawyers Association: Jacob Daly, Atlanta (2019)  
Young Lawyers Division: Jennifer Campbell Mock, Statesboro (2019)  
John Marshall: Jeffrey Alan Van Detta, Atlanta (2019)  
Mercer University: Patrick E. Longan, Macon (2019)  
University of Georgia: Lonnie Theodore Brown, Jr., Athens (2019)  
Investigative Panel: William Hickerson Thomas, Jr., Atlanta (2018)  
Review Panel: Charles B. Marsh, Atlanta (2018)  
At-Large: Edward B. Krugman, Atlanta (2019)  
David Neal Lefkowitz, Athens (2019)

Approval of President's Appointments to the ICLE Board

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

ICLE Board

Jennifer Campbell Mock , Statesboro (2020)  
Patrick T. O'Connor, Savannah (2020)  
Kenneth L. Shigley, Atlanta (2020)

Approval of 2017-2018 Standing and Special Committees, Program Committees and Boards

The Board of Governors approved the proposed 2017-2018 Standing and Special Committees, Program Committees and Boards by unanimous voice vote.

Treasurer's Report

Treasurer Darrell L. Sutton reported on the Bar's finances and investments and shared some membership, dues, and staff statistics. The Board of Governors received copies of the combined Operations and Bar Center Consolidated Revenues and Expenditures Report as of March 31, 2017; Income Statement YTD for the Nine Months Ended March 31, 2017; Bar Center Revenues and Expenditures Summary for the Nine Months Ended March 31, 2017; State Bar Balance Sheet for March 31, 2017; and the Summary of Dues and Voluntary Contributions at March 31, 2017, State Bar Investment Performance Comparison 2005-2017, Legislative Fund Activity Report through February 28, 2017, and Cornerstones of Freedom Fund Activity Report through March 31, 2017.

2017-2018 State Bar Budget

Treasurer Darrell L. Sutton presented the consolidated 2017-2018 (4<sup>th</sup> Draft) Proposed State Bar Budget (Exhibit B) that was approved by the Board of Governors by unanimous voice vote and reflects the following:

- 1) Dues at \$250 for active members and \$125 for inactive members, which represents a \$2 dues increase for active members and a \$1 increase for inactive members; and
- 2) Section dues to be reflected on the dues statement ranging from \$10-\$35; and
- 3) Continuation of assessments required by Bar Rules regarding the Clients' Security Fund (\$100 @ \$25/year) and Bar Center Facility (\$200 @ \$50/year); and
- 4) Continuation of a \$100 opt-out contribution for the Legislative and Public Education Fund; and
- 5) A suggested \$300 opt-in provision for individual contributions (\$100 for young lawyers) for the Georgia Legal Services Program.

Financial Resolutions

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

- 1) Authorization for President to Secure Blanket Bonds for Officers and Staff  
As required by Article V, Section 8 of the Bylaws, to authorize the President to secure a blanket fidelity bond to cover all officers, employees and other persons handling State Bar funds.

- 2) Designation of Depositories for General Operations of State Bar of Georgia  
Pursuant to Article V, Section 6 of the Bylaws, that the State Bar of Georgia and related entities open appropriate accounts with such banks in Georgia, but excluding any bank that does not participate in the IOLTA Program, and other such depositories as may be recommended by the Finance Committee and designated by the Executive Committee of the Board of Governors of the State Bar of Georgia; and that the persons whose titles are listed below are authorized to sign an agreement to be provided by such banks and customary signature cards; and that the said banks are hereby authorized to pay or otherwise honor any check drafts or other orders issued from time to time for debit to said accounts when signed by two of the following: the Treasurer, the Secretary, the President, the Immediate Past President, the President Elect, the Executive Director, the Office Manager and the General Counsel, provided either the President, the Secretary or the Treasurer shall sign all checks or vouchers and that said accounts can be reconciled from time to time by said persons or their designees. The authority herein given is to remain irrevocable so far as said banks are concerned until they are notified in writing of such revocation of authority and in writing, acknowledge receipt thereof.
  
- 3) Employment of Independent Auditing Firm to Audit Financial Records of State Bar for FY 2016  
That Mauldin & Jenkins be designated as the independent auditing firm to audit the financial records of the State Bar of Georgia for the fiscal year 2016-2017.

#### Investment Policy

Following a report by Donna G. Barwick, the Board of Governors, by unanimous voice vote, approved proposed amendments to the State Bar of Georgia Investment Policy (Exhibit C).

#### Executive Director Election

The Board of Governors elected Jeff Davis as Executive Director for the 2017-2018 Bar year by unanimous voice vote.

#### JQC Nominations

Following a report by President Buck Rogers, the Board of Governors, by unanimous voice vote, approved the JQC Nominating Committee's proposed list of nominees (Exhibit D). The list will be provided to the various appointing authorities (Governor, Lieutenant Governor, Speaker of the House and Supreme Court).

#### Election Schedule 2017-2018

The Board of Governors approved the proposed 2017-18 Election Schedule (Exhibit E) by unanimous voice vote.

#### Executive Committee Election

The Executive Committee election was held with the following results, and the Board of Governors accepted the slate of candidates by unanimous voice vote:

#### One-Year Term 2017-18

##### Nominations:

Candidate: Damon E. Elmore  
Nominator: Joseph W. Dent  
Seconded: R. Gary Spencer

##### Results:

Elected by unanimous voice vote for a one-year term



Two-Year Term 2017-19

Nominations:

Candidate: Elizabeth L. Fite Elected by unanimous voice vote for a two-year term

Nominator: Carl R. Varnedoe

Seconded: Amy V. Howell

Candidate: David S. Lipscomb Elected by unanimous voice vote for a two-year term

Nominator: Tina Shadix Roddenbery

Seconded: Judge R. Rucker Smith

Candidate: Frank B. Strickland Elected by unanimous voice vote for a two-year term

Nominator: Judge Shondeana G. Morris

Seconded: Edward Donald Tolley

Georgia Legal Services Appointments

The Board of Governors approved the appointments of Albert Reichert, Jr. and Tennell Lockett to the Georgia Legal Services Board of Trustees, for two-year terms, by unanimous voice vote.

Chief Justice's Commission on Professionalism Appointment

The Board of Governors approved the appointments of Raymond Kyle Williams and Claudia Saari to the Chief Justice's Commission on Professionalism, for three-year terms, by unanimous voice vote.

Enhanced Membership Directory (Zeekbeek/CloudLaw Contract)

President Buck Rogers reported that we will have a term sheet and a contract in the near future with Zeekbeek/CloudLaw for an enhanced membership directory.

Creation of a Bike Law Section

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved the creation of a Bike Law Section (Exhibit F)

Proposed Amendment (Rescind) – Rule 1-205 Bar Judicial Circuit

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, rescinded its prior vote approving a proposed amendment to Rule 1-205 Bar Judicial Circuit (Exhibit G) The rule will go back to the Executive Committee for vetting before it is brought back to the Board of Governors for action in the fall.

Clients' Security Fund Part X Proposed Amendment

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved proposed rules amendments to Clients' Security Fund Part X (Exhibit H).

Uniform Juvenile Code Rule 1.5 (New Judge Orientation Training)

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, supported proposed changes to Uniform Juvenile Court 1.15 (new judge orientation training).

Uniform Court Superior Rule 22 Recording and Coverage of Judicial Procedures

Following a report by Bill NeSmith, the Board of Governors, by majority voice vote, supported proposed changes to Uniform Court Superior Rule 22 Recording and Coverage of Judicial Procedures as approved by the Judicial Procedure & Administration/Uniform Rules Committee and the Executive Committee.

#### Creation of the Attorney Wellness Standing Committee

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved making the Attorney Wellness Task Force into a Standing Committee on Attorney Wellness.

#### President's Remarks

President Buck Rogers addressed the Board of Governors with his 2017-18 programs (Exhibit I).

#### YLD Report

YLD President Nicole Leet presented an overview of her proposed program of activities for the 2017-2018 Bar year. She thanked the Executive Committee and the Board of Governors for being leaders in the profession and for their continued support of the YLD. She announced that all of the YLD meetings have been planned as follows: 1) Summer Meeting - Austin, Texas, 2) Fall Meeting - Brasstown Valley Resort, and 3) Spring Meeting - Nashville, Tennessee. She reported that she has created a continuity of themes and purpose moving the YLD forward this year. She pointed out that it is only the second time in the history of the YLD wherein the President, President-elect, and the Immediate Past President are all females. She reported that her signature project this year will be a challenge to all YLD members to pledge 50 hours of pro bono service. She is partnering this effort with the Bar's Access to Justice Committee and its *Do Justice, Do 50* Campaign. Her goal is to make it as easy as possible for YLD members to accomplish this goal, thereby reducing the access to justice gap and enhancing the legal profession.

#### Lawyers for Equal Justice Report

Stephanie Everett, Executive Director, reported on the activities of the Lawyers for Equal Justice Program (incubator program).

#### Georgia Bar Foundation Report

Len Horton, Executive Director, reported on the activities of the Georgia Bar Foundation and IOLTA.

#### Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on February 17-18, April 14, and April 21, 2017.

#### Office of the General Counsel

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

#### Insurance Committee

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

#### Consumer Assistance Program

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

#### Committee to Promote Inclusion in the Profession

The Board of Governors received a written report on the activities of the Committee to Promote Inclusion in the Profession.

#### Fee Arbitration Program

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

Law-Related Education Program

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

Law Practice Management Program

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

Military Legal Assistance Program

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

Transition into Law Practice Program

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

Unlicensed Practice of Law

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

Media Report

The Board of Governors received a copy of the 2016-17 Media Report.

Georgia Legal Services Program Report

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

Sections' Annual Reports

The Board of Governors received written reports on the activities of the following State Bar Sections: Animal Law, Appellate Practice, Aviation, Child Protection & Advocacy, Corporate Counsel, Creditor's Rights, Dispute Resolution, Employee Benefits, Family Law, Fiduciary Law, General Practice & Trial, Health Law, Intellectual Property Law, International Law, Local Government Law, Military and Veterans Law, Taxation Law, and Workers' Compensation Law.

Old Business

There was no old business.

New Business

YLD President Nicole Leet referred the Board of Governors to the following pro bono web sites: [georgia.freelegalanswers.org](http://georgia.freelegalanswers.org) and [duejusticedo50.org](http://duejusticedo50.org).

Secretary Dawn Jones provided her email address to the Board of Governors to use when requesting excused absences or changes to their attendance records.

Adjournment

There being no further business, the meeting was adjourned.

---

Dawn M. Jones, Secretary

---

Buck Rogers, President

## **ADVISORY COMMITTEE ON LEGISLATION**

2017-2018

### **MINUTES OF MEETING 1**

September 19, 2017

State Bar of Georgia Headquarters

Atlanta, GA

The first meeting of the 2017-2018 State Bar of Georgia Advisory Committee on Legislation ("ACL") was held on Tuesday, September 19, 2017 at the State Bar of Georgia headquarters in Atlanta, Georgia.

#### **ATTENDANCE**

The following members and liaisons were present: Michael Geoffroy (Chairman), Thomas Worthy (Vice Chairman), Pat O'Connor (Executive Committee Liaison), Buck Rogers (State Bar President), Mark Alexander, Tracee Benzo, Ivy Cadle, Carol Clark, Josh Bell, Amy Howell, Curtis Jenkins, Edward Lindsey, Judge Paige Whitaker, Judge Kathy Palmer, Rep. Mary Margret Oliver, and Christine Butcher Hayes (staff liaison).

The following members and liaisons participated via conference call: Thomas Burnside, Edward Collier, J. Anderson Davis, Elizabeth Fite, Patricia Gorham, Lawton Heard, Donna Hix, J. Mark Howard, Dawn Jones, Jonathan Pannell, Dennis Sanders, Judge Lawton Stephens, Jason Swindle, Carl Varnadoe, and Nancy Whaley.

Others present or participating by phone included: Ken Hodges (Executive Committee), Rusty Sewell (consultant), Wanda Segars (consultant), Roy Robinson (consultant), Bill Clark, Paula Frederick, Bill NeSmith, Rusi Patel, Tracy Mason, Jeff Davis, Bob Bray, Shannon Weathers, Eric John, Brian Kammer, Kyla Lines, Bryan Tyson, Cheryl Karounos, Vicky Kimbrell, Phyllis Holman, Kyle King, and Jim Spratt.

#### **CALL TO ORDER**

ACL Chair Michael Geoffroy called the meeting to order at 10:05 AM. Roll call was taken by signature. Persons attending the meeting, including those participating by phone, introduced themselves.

#### **APPROVAL OF MINUTES**

The minutes of the November 29, 2016 meeting were unanimously approved.

#### **KELLER REVIEW**

Paula Frederick, General Counsel of the State Bar of Georgia, presented a review of *Keller v. State Bar of California*, 496 U.S. 1 (1990).

## LEGISLATIVE MATTERS

Rusty gave an overview of the 2016-2017 State Bar legislative package. The Nonprofit Law Section's proposal regarding out-of-state nonprofit corporations passed as HB 87. The General Assembly appropriated the requested funds for the Georgia Resource Center and the domestic violence legal services grant. The upcoming 2018 legislative session will be the second year of a two year legislative cycle. The State Bar will carry over seven bills into the 2018 session: **Juvenile Practice and Proceedings** (SB 130), **Amendments to Georgia's Rule Against Perpetuities** (HB 122), **Additional Methods for Modifying an Irrevocable Trust** (HB 121), **Creation of a Georgia Revised Uniform Fiduciary Access to Digital Assets Act** (SB 301), **Antenuptial Agreement Proposal** (HB 190), and **Legislation Regarding Constructive Notice of Improperly Executed Deeds, Mortgages, Deeds to Secure Debt, and Other Recordable Instruments** (SB 120).

The ACL reviewed the following new proposals. The proposals that were approved by the ACL will be considered by the Board of Governors at its fall meeting in Jekyll Island, Georgia on October 28, 2017.

- 1. Georgia Appellate Practice and Educational Resource Center.** Brian Kammer of the Georgia Resource Center presented this proposal, which requests the traditional state appropriation of \$800,000 to the Administrative Office of the Courts to fund the Georgia Appellate Practice and Educational Resource Center. The *Keller* vote was unanimous. The vote for supporting this proposal was unanimous. The Board of Governors will consider this proposal on October 28, 2017.
- 2. Funding Request for Legal Representation for Victims of Domestic Violence.** Vicky Kimbrell presented this proposal on behalf of the Committee to Promote Inclusion in the Profession. The proposal asks for renewed funding of \$2.5 million to the Administrative Office of the Courts for grants to legal services providers for representation of victims of domestic violence. The *Keller* vote was unanimous. The vote supporting this proposal was unanimous. The Board of Governors will consider this proposal on October 28, 2017.
- 3. Proposed Amendments to the Uniform Power of Attorney Act.** Kyle King presented this proposal on behalf of the Fiduciary Section. The proposal recommends changes that clarify certain terms and provisions of the 2017 Uniform Power of Attorney Act. Some of the suggested amendments clarify when and how Chapter 6B of the statute applies. The proposal also defines the term gift, clarifies what constitutes a "statutory power of attorney", and eliminates an anomaly that makes it easier for out-of-state power of attorneys to trigger acceptance provisions. The *Keller* vote was unanimous. The vote supporting this proposal was unanimous. The Board of Governors will consider this proposal on October 28, 2017.
- 4. Proposed Amendments to the Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act.** Kyle King presented this proposal

on behalf of the Fiduciary Section. The proposal intends to revise the 2016 Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act. The addition of Chapter 11 to Title 29 created incongruities and inconsistencies with Chapters 4 and 5 of the same title. The proposed amendments would integrate citations to provisions in Title 29 Chapter 11 in order to provide clarity for attorneys practicing in this area and to prevent litigation based on ambiguities between these chapters. The *Keller* vote was unanimous. The vote supporting this proposal was unanimous. The Board of Governors will consider this proposal on October 28, 2017.

5. **Proposed Amendments to O.C.G.A. 19-8-19, Relating to the Effect of Adoption on the Construction of Documents.** Jim Spratt presented this proposal on behalf of the Fiduciary Section. The proposed amendment would expand an exception in O.C.G.A. 19-8-19(b), which provides that if a child's legal parent dies and the child is subsequently adopted, he or she still holds the right to inherit the deceased parent's property. The exception in O.C.G.A. 19-8-19(b) only applies if the deceased parent dies intestate; this proposal would expand the exception to apply to the construction of documents, statutes, and instruments (wills). After discussion, the committee recommended that the leaders of the Fiduciary Section coordinate with the Family Law Section to determine whether the language of this proposal would conflict with the adoption code rewrite legislation currently pending in the Georgia Senate. The committee will revisit this proposal and the section's findings at its meeting on November 28, 2017.
6. **Proposed Amendments to the Revised Georgia Trust Code of 2010.** Jim Spratt presented this proposal on behalf of the Fiduciary Section. These proposed amendments are intended to be added to HB 121, which is currently pending in the Georgia House Judiciary Committee. HB 121 is part of the 2017 State Bar legislative package. The proposed amendments would make the following changes: (a) provide that if a trust is named as the grantee of a transfer of property, the transfer is deemed to have been made to the trustee of the trust (O.C.G.A. § 53-12-25); (b) provide that for purposes of a spendthrift provision in a trust, a settlor will not be considered a beneficiary of a trust merely because the settlor has a right to receive discretionary distributions to reimburse the settlor's income tax liability attributable to the trust (O.C.G.A. § 53-12-80); (c) provide that the assets in a lifetime marital deduction trust will be deemed to have been contributed by the settlor's spouse and not the settlor after the death of the settlor's spouse (O.C.G.A. § 53-12-82); (d) clarify the computation of an individual trustee's annual fee (O.C.G.A. § 53-12-210); (e) add provisions regarding trust directors (directed trusts) (new Article 18 of Title 53; O.C.G.A. § 53-12-303; HB 121 § 3 [amending O.C.G.A. § 53-12-61]). The *Keller* vote was unanimous. The vote supporting this proposal was unanimous. The Board of Governors will consider this proposal on October 28, 2017.

## **ELECTION AND POLITICAL UPDATE**

Christine Butcher Hayes updated the committee on special elections that will take place in November 2017. A number of Georgia House and Senate members have resigned to run for statewide office or other political positions at the state and municipal level. Others seats have become vacant as members are appointed to judgeships or to state leadership positions. Recent resignations and appointments have led to the loss of four lawyers in the House: Rep. Regina Quick, Rep. Stacy Abrams, Rep. Ladawn Jones, and Rep. Stacy Evans.

## **UPDATES FROM THE JUDICIARY**

Tracy Mason with the Administrative Office of the Courts discussed the August 9<sup>th</sup> Judicial Council meeting.

## **ADJOURNMENT**

With no further business before the committee, Chair Michael Geoffroy adjourned the meeting at 10:59 AM.



**LEGISLATIVE PROPOSAL**  
**TO THE BOARD OF GOVERNORS**  
**STATE BAR OF GEORGIA**  
**September 2017**

This Proposal is submitted by the Board of Directors (“Board”) of the Georgia Appellate Practice and Educational Resource Center, Inc. (“Resource Center”). The Proposal seeks continued State Bar support for adequate state funding for the Resource Center, specifically that continuation funding of eight hundred thousand dollars (\$800,000) be included in the budget of the Judicial Council for the next session of the General Assembly. State Bar support for the Resource Center remains critical, and, as always, deeply appreciated.

**I. HISTORICAL BACKGROUND**

In 1985, the State Bar of Georgia created the Special Committee to Review the Georgia Attorney Role in Post-Conviction Proceedings (“Special Committee”) to address the lack of competent counsel for indigent, death-sentenced inmates in post-conviction proceedings. The Special Committee documented the need for counsel in such proceedings and assessed the impact of this situation on the quality and administration of justice in state and federal courts. The Special Committee proposed a multi-faceted solution involving the State Bar, the state law schools, the federal

courts, and the Supreme Court of Georgia and the creation of the Georgia Resource Center. The Special Committee's report and recommendation were unanimously adopted by the State Bar Board of Governors in January 1986. The State Bar of Georgia was one of the three recipients in the United States of the 1988 Harrison Tweed Award from the American Bar Association for the Special Committee's work on this project.

The Resource Center was established in 1988 as a 501(c)(3) non-profit corporation. It is governed by a Board of Directors of one (1) non-attorney and thirteen (13) attorneys from throughout Georgia who are appointed by the Supreme Court of Georgia and the State Bar of Georgia. The Resource Center staff is currently comprised of the Executive Director, one (1) Senior Litigator, three (3) full-time Staff Attorneys, one (1) part-time Staff Attorney, two (2) full-time Investigators, two (2) part-time Investigators, and an Office Manager. The Resource Center's office space is spartan and its cases are litigated on a limited budget.

Georgia is the only state which does not appoint or compensate counsel in state habeas corpus proceedings.<sup>1</sup> This poses an especially acute problem in capital cases

---

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

where post-conviction review has been recognized to be a critical stage in the death penalty appellate process.<sup>2</sup> The Resource Center is mandated to oversee *all* capital post-conviction cases in Georgia, either through direct representation or through support of pro bono counsel.<sup>3</sup> As the Supreme Court has recognized, capital habeas corpus proceedings are among the most complex in the legal field and require intensive investigation and litigation by experienced attorneys and investigators.<sup>4</sup> The responsibilities of Resource Center counsel also extend to advocating for clemency after prisoners have exhausted their habeas appeals and face execution. At a time when many prisoners are approaching the end stage of their legal challenges, clemency proceedings, which require substantial evidentiary development and skilled advocacy in their own right, have consumed an ever greater portion of the Center's time and resources.

---

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

<sup>3</sup> This means the Resource Center is currently responsible for overseeing 62 cases from 30 counties across the state.

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

The Resource Center is the most efficient and cost-effective means of moving capital cases to final adjudication<sup>5</sup> and is a necessary safeguard against wrongful execution.<sup>6</sup> By providing representation at this stage, moreover, the Resource Center allows Georgia's capital punishment system to function expeditiously (in particular by streamlining federal habeas review) in bringing these cases to final resolution.

The work of the Georgia Resource Center has not gone unnoticed. The Resource Center's efforts on behalf of its clients earned it the 2012 Indigent Defense Award by the Georgia Association of Criminal Defense Lawyers. In addition, the Resource Center received the 2013 Legal Legends Award by the American Constitution Society in recognition of its integral role in protecting the rights of indigent death-sentenced prisoners and ensuring fairness in the administration of

---

<sup>5</sup> A performance audit requested by the Georgia Senate Appropriations Committee and conducted by the Department of Audits in 2005 found that Resource Center attorneys handled more cases and expended less money per case than similar organizations providing post-conviction representation to death sentenced prisoners in other states.

<sup>6</sup> According to a Columbia University study of error rates in capital cases from 1973 to 1995, Georgia had an 80% reversal rate. See James S. Liebman, *A Broken System: Error Rates in Capital Cases, 1973-1995*, available at [http://www2.law.columbia.edu/instructionalservices/liebman/liebman\\_final.pdf](http://www2.law.columbia.edu/instructionalservices/liebman/liebman_final.pdf). Since 1996, 55 death penalty cases have resulted in sentencing relief. During that same period, 52 executions have been carried out. Accordingly, for every one execution carried out in Georgia since 1996, approximately 1.06 death sentences have been reversed. The significance of this rate of error is obvious: proving that the system can be fundamentally fair only if there is a Resource Center to provide checks and balances to the system in state habeas review.

capital punishment in Georgia. In August of 2013, the Resource Center was honored with the Deirdre O'Brien Award for Outstanding Advocacy on Behalf of Persons with Intellectual Disabilities from the ARC of Georgia.

For the past twenty-nine (29) years, the State Bar of Georgia has actively supported the Resource Center's legislative proposal. The formal and active support for this legislative proposal by the State Bar is crucial to obtain continued funding from the State, so that the important work of the Resource Center can continue.

## **II. SPECIFIC LEGISLATION**

No specific legislation is pending, but the Resource Center funding request will be included in the appropriations bill of the Georgia General Assembly.

The Georgia Resource Center respectfully requests support for a continuation of baseline funding of \$800,000, which the General Assembly has awarded the Resource Center each year from FY 2002 to FY 2008 and from FY 2013 to FY 2018.

The more recent history of state funding for the Resource Center is as follows: Beginning in FY 2002, and through FY 2008, the Resource Center's baseline funding from the General Assembly was \$800,000. Because state funding was stagnant for those seven years, despite ever increasing costs, the Resource Center sought, and was awarded, grants from the Georgia Bar Foundation in FY 2006-

2009. In response to the increased funding from the Georgia Bar Foundation, the General Assembly then cut the Resource Center's grant to \$580,000 for FY 2009.

When the economic downturn devastated the Georgia Bar Foundation's revenues from IOLTA, it drastically reduced grants to the Resource Center in FY 2010 and FY 2011. In FY 2012, the Foundation did not provide any financial support to the Resource Center, and the General Assembly once again reduced funding of the Resource Center – this time to \$565,500. However, as noted above, for FY 2013-2018, the General Assembly returned the Resource Center funding to the FY 2002-2008 level of \$800,000. The Georgia Bar Foundation has not provided a grant to the Resource Center since 2011.

However, the Georgia Bar, a founding partner and strong supporter of the Georgia Resource Center since its inception in 1988, has provided direct financial assistance in the past several years. While the continuation of this financial support is uncertain, the Resource Center's FY 2019 budget cautiously projects continued support of \$111,330 from the State Bar of Georgia. The budget reflects revenue of \$340,000 in federal court compensation for work representing Georgia state prisoners in federal capital habeas cases in FY 2019.<sup>7</sup> In addition, the budget projects

---

<sup>7</sup> Federal court compensation is received in periodic amounts that vary substantially according to the number of federal habeas cases which are approaching resolution at any given time,

charitable donations of \$8,500 for FY 2019. The Resource Center's total budget for FY 2019 is \$1,260,230.

The core state funding of \$800,000 allows the Resource Center to maintain the minimum staff necessary to fulfill its mandate to provide adequate legal services to Georgia's indigent death-sentenced clients and take on additional cases that will enter the system in FY 2018 and FY 2019, including those of prisoners who are approaching final adjudication of their legal claims and facing the need to prepare for clemency proceedings. The effectiveness, efficiency and credibility of Georgia's death penalty system depend on an adequately-staffed and sufficiently-funded Resource Center, but without continuation of baseline funding, the Resource Center will be forced to lay off legal staff. Accordingly, the Georgia Resource Center urgently requests that the State Bar of Georgia support a continuation of baseline funding of \$800,000.

Endorsement of this proposal is consistent with the purposes of the State Bar of Georgia. Members of the bar are uniquely qualified to analyze the technical and public policy issues inherent in this proposal and can fulfill a duty of public service by

---

and the time it takes the courts to fulfill payment vouchers. This budgeted figure is a revenue projection as federal billing is wholly dependent on the progression of cases through the federal courts.

examining these issues and making a statement to the General Assembly. Endorsement of these proposals will also improve the administration of justice in appellate and post-conviction capital proceedings in Georgia.

### **III. SUMMARY OF EXISTING LAW**

To our knowledge, there is no existing law applicable to this proposal.

### **IV. PROPONENTS OR OPPONENTS**

The State Bar of Georgia has supported full funding for the Resource Center since its inception in 1988. The Georgia Supreme Court has also supported funding for the Resource Center, as has the Board of Governors and the Judicial Council of Georgia.

There are no known opponents of this proposal.

### **V. OTHER COMMITTEES AND SECTIONS**

A copy of this proposal will be sent to the following other committees or sections which may have an interest in the legislation: the Advisory Committee on Legislation; the Criminal Law Section; and the Individual Rights Section of the State Bar. These committees and sections have previously supported funding for the Resource Center.



## VI. CONCLUSION

For the above-stated reasons, the Board of Directors of the Georgia Resource Center petitions the State Bar of Georgia for endorsement of continuation funding of \$800,000 for the Resource Center and that such funding be placed in the budget of the Judicial Council for the next session of the General Assembly.

Submitted: September 8, 2017.

Respectfully submitted,



---

Brian S. Kammer  
Executive Director  
Georgia Resource Center  
303 Elizabeth Street, NE  
Atlanta, Georgia 30307  
404-222-9202  
[brian.kammer@garesource.org](mailto:brian.kammer@garesource.org)

Anne Ware Lewis  
Chair/President of the  
Board of Directors  
Strickland Brockington Lewis  
Midtown Proscenium, Ste 2200  
1170 Peachtree Street, NE  
Atlanta, Georgia 30309  
678-347-2200  
[awl@sblaw.net](mailto:awl@sblaw.net)



# State Bar of Georgia

*Lawyers Serving the Public and the Justice System*

August 31, 2017

COMMITTEE TO PROMOTE  
INCLUSION IN THE PROFESSION

CO-CHAIRS  
Joyce Gist Lewis  
Derrick Alexander Pope

COMMITTEE MEMBERS  
Denise Loraine Allen  
Michelle Arington (Immediate Past Co-Chair)  
Sharon Bates  
Justin A. Bevan  
Jacqueline F. Bunn  
Constance Carter  
Morgan Mahonna Clemens  
Yennifer Staffery Delgado  
Kathleen Sullivan Dod  
Miguel Angel Dominguez  
Jesse J. Edwards-Casper  
Lynnette Denise Easy-Williams  
Sharon Kamaard Figueroa  
Laverne Lewis Gaskins  
Khalin L. Hall  
Aurilia L. Hanson  
Katherine Collier Harris  
Amanda Nichols Heath  
R. Jaquana Hicks  
Robert M. Lewis, Jr. (Immediate Past Co-Chair)  
Katelyn O. McGee  
Sharon Cecilia Menzies  
Stephanie Woods Miller  
Tina Thomas Nichols  
Tonnelle Foy Michelle Sikes  
Donna Coleman Stribling  
Gwendolyn B. Faison Waring  
Blairna Ethelred Williams  
Brenda King Woodard

EXECUTIVE COMMITTEE LIAISON  
Phyllis J. Haiman

STATE BAR STAFF LIAISON  
Sharon L. Bryant, Chief Operating Officer

Ms. Christine Butcher  
Director of Governmental Affairs  
State Bar of Georgia  
104 Marietta Street, N.E.  
Atlanta, GA 30303

Re: Legislative Proposal – Domestic Violence Funding for 2019 SFY

Dear Christine:

We write on behalf of the State Bar's Committee to Promote Inclusion in the Profession to request the State Bar of Georgia's endorsement of legislation that would provide an appropriation for civil legal services to low-income victims of domestic violence. Each year the Committee seeks the endorsement of the State Bar of Georgia for this legislation, which provides for an appropriation to the non-profit organizations that provide civil legal services to low-income Georgians. It is our understanding that for the State Bar of Georgia to endorse this legislation for the upcoming fiscal year, the proposal must be renewed before the advisory Committee on legislation. As a result, our Committee wished to again propose an appropriation of \$2,500,000 for the 2019 SFY. We understand that the Judicial Council is also making this specific dollar request in their budget and we ask that the advisory Committee on Legislation to support it as well.

In 1998, the General Assembly appropriated \$2 million as part of the Administrative Office of the Court's budget. The funds were appropriated for use in providing civil legal services to low-income victims of domestic violence. The General Assembly has recognized the importance of providing legal services to victims of domestic violence, and has provided funding to do so every year since. This year's appropriation was \$2,500,000, which is the same request that we are making for SFY 2018-19. This funding helps to provide assistance for the legal needs of survivors of domestic violence that would otherwise go unmet. In addition, each \$1 spent on temporary protective orders, saves \$30.75 in costs for law endorsements, hospital, incarceration, and community services. The Judicial Council is committing to this level and the State Bar of Georgia should stand with it.

The Committee to Promote Inclusion in the Professional is aware of no opposition to this proposal for the appropriation of \$2,500,000 for the 2019 SFY year. It is our understanding that we do not need to submit the specific language for the legislation at this time because this is a budget item. Furthermore, this proposal satisfies the Keller criteria because it is within the scope and purposes of the State Bar of Georgia to advance the administration of justice. It also is consistent with past actions by the Board of Governors in support of access to legal services by the poor.

We thank you for your consideration of our request.

Very truly yours,

Joyce Gist Lewis, Co-Chair  
Committee to Promote Inclusion  
in the Profession

Derrick Alexander Pope, Co-Chair  
Committee to Promote Inclusion  
in the Profession

cc: Bryan D. "Buck" Rogers  
Mr. Jon Pannell  
Ms. Cynthia Clanton

#### HEADQUARTERS

104 Marietta St. NW, Suite 100  
Atlanta, GA 30303-2743  
404-527-8700 / 800-334-6865  
Fax 404-527-8717

[www.gabar.org](http://www.gabar.org)

#### COASTAL GEORGIA OFFICE

18 E. Bay St.  
Savannah, GA 31401-9910  
912-239-9910 / 877-239-9910  
Fax 912-239-9970

#### SOUTH GEORGIA OFFICE

244 E. 2nd St. (B1794)  
P.O. Box 1890  
Tifton, GA 31793-1390  
229-387-0446 / 800-330-0446

Fax 229-382-7435

## FIDUCIARY LAW SECTION

### PROPOSED AMENDMENTS TO THE UNIFORM POWER OF ATTORNEY ACT

1. Specific legislation has been prepared and is attached. The proposed legislation amends Chapter 6B of Title 10 (Uniform Power of Attorney Act).
2. In 2017, the General Assembly enacted a version of the Uniform Power of Attorney Act as Chapter 6B of Title 10 (HB 221). The proposed legislation will clarify some aspects of Chapter 6B as well as correct a handful of flaws:
  - (a) Clarify that Chapter 6B is not retroactive.
  - (b) Clarify when Chapter 6B applies, including addressing concerns about Chapter 6B's application to common provisions found in operating and other similar agreements for entities.
  - (c) Modify the execution requirements for powers of attorney to be in line with the requirements for the execution of wills.
  - (d) Clarify what constitutes a "statutory form power of attorney."
  - (e) Eliminate an anomaly that makes it easier for out-of-state power of attorneys to trigger the acceptance provisions.
  - (f) In some instances, include grandchildren in the class of persons for whom support, such as tuition, can be paid.
  - (g) Define the term "gift."
  - (h) Clarify and simplify the references to federal tax law regarding gifts of an agent's property.
  - (i) Fix formatting problems with the statutory form.
3. There are no known opponents of the proposed legislation. The Uniform Power of Attorney Act passed unanimously in both houses of the General Assembly during the 2017 legislative session before being signed into law by the Governor, and the proposed amendments will facilitate the effective implementation of a modified Uniform Act that enjoyed bipartisan support.
4. No other section is believed to have an interest in this proposed legislation.

5. The Fiduciary Law Section recommends that this proposal be adopted by the State Bar of Georgia.

September 7, 2016  
Nikola R. Djuric  
Atlanta, Georgia  
Chair, Fiduciary Law Section Legislation Committee

1 A BILL TO BE ENTITLED

2 AN ACT

3

4 To amend Chapter 6B of Title 10 of the Official Code of Georgia Annotated, relating to powers  
5 of attorney, so to clarify certain aspects of the law, including but not limited to the retroactive  
6 application of the law; to make technical and stylistic corrections; and for other purposes.

7

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9

10 SECTION 1.

11

12 Chapter 6B of Title 10 of the Official Code of Georgia Annotated, relating to powers of attorney,  
13 is amended as follows:

14

15 ARTICLE 1

16

17 10-6B-1.

18 This chapter shall be known and may be cited as the '[Georgia](#) Uniform Power of Attorney Act.'

19

20 10-6B-2.

21 As used in this chapter, the term:

22 (1) 'Agent' means a person granted authority to act in the place of an individual, whether  
23 denominated by such term, attorney-in-fact, or otherwise. Such term shall include a coagent,  
24 successor agent, and a person to which authority is delegated.

25 (2) 'Durable' means not terminated by the principal's incapacity.

26 (3) 'Electronic' means relating to technology having electrical, digital, magnetic, wireless,  
27 optical, electromagnetic, or similar capabilities.

28 ( ) '[Gift](#)' means a transfer of property for less than an adequate consideration in money or  
29 [money's worth that is not a renunciation within the meaning of Code section 53-1-20.](#)

30 (4) 'Good faith' means honesty in fact.

- 31 (5) 'Incapacity' means inability of an individual to manage property or business affairs because  
32 the individual:
- 33 (A) Has an impairment in the ability to receive and evaluate information or make or  
34 communicate decisions even with the use of technological assistance; or  
35 (B) Is:
- 36 (i) Missing;  
37 (ii) Detained, including incarcerated in a penal system; or  
38 (iii) Outside the United States and unable to return.
- 39 (6) 'Person' means an individual, corporation, business trust, estate, trust, partnership, limited  
40 liability company, association, joint venture, public corporation, government or governmental  
41 subdivision, agency, or instrumentality, or any other legal or commercial entity.
- 42 (7) 'Power of attorney' means a writing or other record that grants authority to a person to act in  
43 the place of an individual, whether or not such term is used.
- 44 (8) 'Presently exercisable general power of appointment,' with respect to property or a property  
45 interest subject to a power of appointment, means power exercisable at the time in question to vest  
46 absolute ownership in the principal individually, the principal's estate, the principal's creditors, or  
47 the creditors of the principal's estate. Such term shall include a power of appointment not  
48 exercisable until the occurrence of a specified event, the satisfaction of an ascertainable  
49 standard, or the passage of a specified period only after the occurrence of the specified event, the  
50 satisfaction of the ascertainable standard, or the passage of the specified period. Such term shall  
51 not include a power exercisable in a fiduciary capacity or only by will.
- 52 (9) 'Principal' means an individual who grants authority to a person to act in the place of such  
53 individual.
- 54 (10) 'Property' means anything that may be the subject of ownership, whether real or personal,  
55 or legal or equitable, or any interest or right therein.
- 56 (11) 'Record' means information that is inscribed on a tangible medium or that is stored in an  
57 electronic or other medium and is retrievable in perceivable form.
- 58 (12) 'Sign' means, with present intent to authenticate or adopt a record, to execute or adopt a  
59 tangible symbol.

60 (13) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United  
61 States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the  
62 United States.

63 (14) 'Stocks and bonds' means stocks, bonds, mutual funds, and all other types of securities  
64 and financial instruments, whether held directly, indirectly, or in any other manner. Such term  
65 shall not include commodity futures contracts and call or put options on stocks or stock indexes.

66

67 10-6B-3.

68 ~~(a)~~ This chapter shall apply to all powers of attorney except:

69 (1) A power to the extent it is coupled with an interest in the subject of the power, including  
70 a power given to or for the benefit of a creditor in connection with a credit transaction;

71 (2) A power to make health care decisions;

72 (3) Any delegation of voting, management, or other similar rights related to the governance or  
73 administration of an entity, including but not limited to a~~A proxy or other~~ delegation to  
74 exercise of voting rights or management rights ~~with respect to an entity;~~

75 (4) A power created on a form prescribed by a government or governmental subdivision, agency, or  
76 instrumentality for a governmental purpose; and

77 ~~(5) Transaction specific powers of attorney, including, but not limited to, powers of attorney~~  
78 ~~under Chapter 6 of this title; and~~

79 (6) Powers of attorney provided for under Titles 19 and 33.

80 ~~(b) A power of attorney shall not authorize an agent to create a will.~~

81

82 10-6B-4.

83 A power of attorney created under this chapter shall be durable unless it expressly provides that it  
84 is terminated by the incapacity of the principal.

85

86 10-6B-5.

87 ~~(a)~~ A power of attorney shall be:

88 (1) Signed by the principal or by another individual in such principal's presence at the principal's  
89 express direction;

90 | (2) Attested in the presence of the principal by ~~one or more~~ competent witnesses who is not also  
91 | named as an agent in the power of attorney being attested; and

92 | (3) Attested in the presence of the principal ~~before by~~ a notary public or other individual  
93 | authorized by law to administer oaths who is not a witness for purposes of paragraph (2) of this  
94 | Code section and who is not also named as an agent in the power of attorney being attested.

95 | ~~(b) All signatures and attestations required by subsection (a) of this Code section shall be~~  
96 | ~~performed and conducted in the presence of all parties provided for in subsection (a) of this Code~~  
97 | ~~section.~~

98 |  
99 | 10-6B-6.

100 | (a) A power of attorney executed in this state on or after July 1, 2017, shall be valid if its  
101 | execution complies with Code Section 10-6B-5.

102 | ~~(b) This chapter shall not affect a power of attorney executed prior to July 1, 2017, to which the~~  
103 | ~~former provisions of Article 7 of Chapter 6 of this title, as such existed on June~~  
104 | ~~30, 2017, shall continue to apply.~~

105 | ~~(e)~~ (e) A power of attorney executed other than in this state shall be valid in this state if, when the  
106 | power of attorney was executed, the execution complied with:

107 | (1) The law of the jurisdiction that determines the meaning and effect of the power of  
108 | attorney pursuant to Code Section 10-6B-7; or

109 | (2) The requirements for a military power of attorney pursuant to 10 U.S.C. Section  
110 | 1044b, in effect on February 1, 2017.

111 | ~~(d)~~ (d) Except as otherwise provided by law other than this chapter, a photocopy or electronically  
112 | transmitted copy of an original power of attorney shall have the same effect as the original;  
113 | provided, however, that when recording a power of attorney in connection with a conveyance  
114 | involving real property, an original power of attorney shall be used.

115 |  
116 | 10-6B-7.

117 | The meaning and effect of a power of attorney shall be determined by the law of the jurisdiction  
118 | indicated in the power of attorney and, in the absence of an indication of jurisdiction, by the law  
119 | of the jurisdiction in which the power of attorney was executed.

120 |



121 10-6B-8.

122 (a) In a power of attorney, a principal may nominate a conservator of the principal's estate for  
123 consideration by the court if protective proceedings for the principal's estate are begun after the  
124 principal executes the power of attorney. Except for good cause shown or disqualification,  
125 the court shall make its appointment in accordance with the principal's most recent nomination.

126 (b) Unless expressly provided otherwise by the power of attorney or ordered otherwise by the court  
127 appointing the conservator, if, after a principal executes a power of attorney, a court appoints a  
128 conservator of the principal's estate or other fiduciary charged with the management of some or  
129 all of the principal's property, then the appointment of a conservator or other fiduciary shall  
130 terminate all or part of the power of attorney that relates to the matters within the scope of the  
131 conservatorship or management by another fiduciary. If such power of attorney does not wholly  
132 terminate, the agent shall be accountable to the conservator or other fiduciary as well as to the  
133 principal.

134 (c) If the court orders the power of attorney shall not terminate, the court may impose upon the  
135 power of attorney or agent such terms and conditions as it determines are in the best interest of  
136 the principal.

137

138 10-6B-9.

139 (a) A power of attorney shall be effective when executed unless the principal provides in the  
140 power of attorney that it becomes effective at a future date or upon the occurrence of a future  
141 event or contingency.

142 (b) If a power of attorney becomes effective upon the occurrence of a future event or  
143 contingency, the principal, in the power of attorney, may authorize one or more persons to  
144 determine in a writing or other record that the event or contingency has occurred.

145 (c) If a power of attorney becomes effective upon the principal's incapacity and the  
146 principal has not authorized a person to determine whether the principal is incapacitated, or the  
147 person authorized is unable or unwilling to make the determination, the power of attorney shall  
148 become effective upon a certification in a writing or other record by:

149 (1) A physician or licensed psychologist determining that the principal has an  
150 impairment in the ability to receive and evaluate information or make or communicate  
151 decisions even with the use of technological assistance; or

152 (2) An attorney at law, a judge, or an appropriate governmental official determining that the  
153 principal is missing, detained, including incarcerated in a penal system, or is outside the  
154 United States and unable to return.

155 (d) A person authorized by the principal in the power of attorney to determine that the principal  
156 is incapacitated may act as the principal's personal representative pursuant to the Health Insurance  
157 Portability and Accountability Act, Sections 1171 through 1179 of the Social Security Act, 42  
158 U.S.C. Section 1320d, in effect on February 1, 2017, and applicable regulations in effect on  
159 February 1, 2017, to obtain access to the principal's health care information and communicate  
160 with the principal's health care provider.

161

162 10-6B-10.

163 (a) A power of attorney shall terminate when:

164 (1) The principal dies;

165 (2) The principal becomes incapacitated, if the power of attorney specifically provides that it  
166 is not durable;

167 (3) The principal revokes the power of attorney, ~~provided that the principal provides the~~  
168 ~~agent with notice of such revocation by certified mail and provided that such notice is~~  
169 ~~filed with the clerk of superior court in the county of domicile of the principal;~~

170 (4) The agent resigns, becomes incapacitated, or dies ~~and the power of attorney does not~~  
171 ~~provide for another agent to act under the power of attorney;~~

172 (5) The power of attorney provides that it terminates; ~~or~~

173 (6) The purpose of the power of attorney is accomplished; ~~or~~

174 ~~(7) One of the events specified in paragraph (3) or (4) of this subsection occurs and the~~  
175 ~~power of attorney does not provide for another agent to act under the power of attorney;~~

176 (b) An agent's authority shall terminate when:

177 (1) The agent resigns, becomes incapacitated, or dies;

178 (2) The principal revokes the agent's authority, ~~provided that the principal provides the~~  
179 ~~agent with notice of such revocation by certified mail and provided that such notice is~~  
180 ~~filed with the clerk of superior court in the county of domicile of the principal;~~

181 (3) An action is filed for the dissolution or annulment of the agent's marriage to the  
182 principal or their legal separation, unless the power of attorney otherwise provides; or

- 183 (4) The power of attorney terminates.
- 184 (c) Unless the power of attorney otherwise provides, an agent's authority is exercisable until the  
185 authority terminates under subsection (b) of this Code section, notwithstanding a lapse of time  
186 since the execution of the power of attorney.
- 187 (d) Termination of an agent's authority or of a power of attorney shall not be effective as to the  
188 agent or another person that, without actual knowledge of the termination, acts in good faith  
189 under the power of attorney. An act so performed, unless otherwise invalid or unenforceable,  
190 shall bind the principal and the principal's successors in interest.
- 191 (e) Incapacity of the principal of a power of attorney that is not durable shall not revoke or  
192 terminate the power of attorney as to an agent or other person that, without actual knowledge of  
193 the incapacity, acts in good faith under the power of attorney. An act so performed, unless  
194 otherwise invalid or unenforceable, shall bind the principal and the principal's successors in  
195 interest.
- 196 (f) The execution of a power of attorney shall not revoke a power of attorney previously executed  
197 by the principal unless the subsequent power of attorney provides that the previous power of  
198 attorney shall be revoked or that all other powers of attorney are revoked.
- 199
- 200 10-6B-11.
- 201 (a) A principal may designate two or more persons to act as coagents. Unless the power of  
202 attorney otherwise provides, coagents shall exercise their authority independently.
- 203 (b) A principal may designate one or more successor agents to act if an agent resigns, dies,  
204 becomes incapacitated, is no longer qualified to serve, has declined to serve, or dies. A principal  
205 may grant authority to designate one or more successor agents to an agent or other person  
206 designated by name, office, or function. Unless the power of attorney otherwise provides, a  
207 successor agent shall:
- 208 | (A<sub>1</sub>) Have the same authority as that granted to the original agent; and  
209 | (B<sub>2</sub>) Not act until all predecessor agents have resigned, become incapacitated, are no  
210 | longer qualified to serve, have declined to serve, or died.
- 211 | ~~(2) Once a predecessor agent resigns, becomes incapacitated, is no longer qualified to~~  
212 | ~~serve, or has declined to serve, he or she shall be permanently barred from serving as an~~  
213 | ~~agent under the then existing power of attorney.~~

214 (c) Except as otherwise provided in the power of attorney and subsection (d) of this Code section,  
215 an agent that does not participate in or conceal a breach of fiduciary duty committed by another  
216 agent, including a predecessor agent, shall not be liable for the actions of the other agent.

217 (d) An agent that has actual knowledge of a breach or imminent breach of fiduciary duty by  
218 another agent shall notify the principal and, if the principal is incapacitated, take any action  
219 reasonably appropriate in the circumstances to safeguard the principal's best interest. An agent that  
220 fails to notify the principal or take action as required by this subsection shall be liable for the  
221 reasonably foreseeable damages that could have been avoided if the agent had notified the principal  
222 or taken such action.

223

224 10-6B-12

225 Unless the power of attorney otherwise provides, an agent shall not be entitled to compensation  
226 for services rendered. An agent shall be entitled to reasonable reimbursement of expenses  
227 incurred in performing the acts required by the principal under the power of attorney.

228

229 10-6B-13

230 Except as otherwise provided in the power of attorney, a person accepts appointment as an agent  
231 under a power of attorney by exercising authority or performing duties as an agent or by any  
232 other assertion or conduct indicating acceptance.

233

234 10-6B-14.

235 (a) Notwithstanding provisions in the power of attorney, an agent that has accepted  
236 appointment shall act:

237 (1) In accordance with the principal's reasonable expectations to the extent actually  
238 known by the agent and, otherwise, in the principal's best interest;

239 (2) In good faith; and

240 (3) Only within the scope of authority granted in the power of attorney.

241 (b) Except as otherwise provided in the power of attorney, an agent that has accepted  
242 appointment shall:

243 (1) Act loyally for the principal's benefit;

- 244 (2) Act so as not to create a conflict of interest that impairs the agent's ability to act  
245 impartially in the principal's best interest;
- 246 (3) Act with the care, competence, and diligence ordinarily exercised by agents in similar  
247 circumstances;
- 248 (4) Keep a record of all receipts, disbursements, and transactions made on behalf of the  
249 principal;
- 250 (5) Cooperate with a person that has authority to make health care decisions for the  
251 principal to carry out the principal's reasonable expectations to the extent actually known  
252 by the agent and, otherwise, act in the principal's best interest; and
- 253 (6) Attempt to preserve the principal's estate plan, to the extent actually known by the  
254 agent, if preserving such plan is consistent with the principal's best interest based on all  
255 relevant factors, including:
- 256 (A) The value and nature of the principal's property;
  - 257 (B) The principal's foreseeable obligations and need for maintenance;
  - 258 (C) Minimization of taxes, including income, estate, inheritance, generation-  
259 skipping transfer, and gift taxes; and
  - 260 (D) Eligibility for a benefit, a program, or assistance under a law or regulation.
- 261 (c) An agent that acts in good faith shall not be liable to any beneficiary of the principal's estate  
262 plan for failure to preserve such plan.
- 263 (d) An agent that acts with care, competence, and diligence for the best interest of the principal  
264 shall not be liable solely because the agent also benefits from the act or has an individual or  
265 conflicting interest in relation to the property or affairs of the principal.
- 266 (e) If an agent is selected by the principal because of special skills or expertise possessed by the  
267 agent or in reliance on the agent's representation that the agent has special skills or expertise, the  
268 special skills or expertise shall be considered in determining whether the agent has acted with  
269 care, competence, and diligence under the circumstances.
- 270 (f) Absent a breach of duty to the principal, an agent shall not be liable if the value of the  
271 principal's property declines.
- 272 (g) An agent that exercises authority to delegate to another person the authority granted by the  
273 principal or that engages another person on behalf of the principal shall not be liable for an act,

274 error of judgment, or default of that person if the agent exercises care, competence, and diligence  
275 in selecting and monitoring the person.

276 (h) Except as otherwise provided in the power of attorney, an agent shall not be required to  
277 disclose receipts, disbursements, or transactions conducted on behalf of the principal unless  
278 ordered by a court or requested by the principal, a guardian, a conservator, another fiduciary  
279 acting for the principal, a governmental agency having authority to protect the welfare of the  
280 principal, or, upon the death of the principal, by the personal representative or successor in  
281 interest of the principal's estate. If so requested, within 30 days the agent shall comply with the  
282 request or provide a writing or other record substantiating why additional time is needed and  
283 shall comply with the request within an additional 30 days.

284

285 10-6B-15.

286 A provision in a power of attorney relieving an agent of liability for breach of duty shall be  
287 binding on the principal and the principal's successors in interest except to the extent the  
288 provision:

289 (1) Relieves the agent of liability for breach of duty committed in bad faith, or with reckless  
290 indifference to the purposes of the power of attorney or the best interest of the principal; or

291 (2) Was inserted as a result of an abuse of a confidential or fiduciary relationship with the  
292 principal.

293

294 10-6B-16.

295 (a) The following persons may petition a court to construe a power of attorney or review the  
296 agent's conduct, and grant appropriate relief:

297 (1) The principal or the agent;

298 (2) A guardian, conservator, or other fiduciary acting for the principal;

299 (3) A person authorized to make health care decisions for the principal;

300 (4) The principal's spouse, parent, or descendant;

301 (5) An individual who would qualify as a presumptive heir of the principal;

302 (6) A person named as a beneficiary to receive any property, benefit, or contractual right on  
303 the principal's death or as a beneficiary of a trust created by or for the principal that has a  
304 financial interest in the principal's estate;

- 305 (7) A governmental agency having authority to protect the welfare of the principal;
- 306 (8) The principal's caregiver or another person that demonstrates sufficient interest in the
- 307 principal's welfare; and
- 308 (9) A person asked to accept the power of attorney.

309 (b) If a petition under this Code section was in the best interest of the principal and resulted  
310 in a finding or admission of a violation of this chapter by an agent, the persons, other than a  
311 governmental agency, who made the petition shall be entitled to reimbursement from the  
312 principal of reasonable attorney's fees and costs that were not imposed upon the agent, were  
313 related to the agent's violation of this chapter, and were reasonable in the context of the agent's  
314 misconduct and the general circumstances of the principal.

315 (c) Upon motion by the principal, the court shall dismiss a petition filed under this Code  
316 section, unless the court finds that the principal lacks capacity to revoke the agent's  
317 authority or the power of attorney.

318

319 10-6B-17.

320 An agent that violates this chapter shall be liable to the principal or the principal's  
321 successors in interest for the amount required to:

- 322 (1) Restore the value of the principal's property to what it would have been had the violation
- 323 not occurred; and
- 324 (2) Reimburse the principal or the principal's successors in interest for the attorney's fees and
- 325 costs paid on the agent's behalf.

326

327 10-6B-18.

328 Unless the power of attorney provides a different method for an agent's resignation, an agent  
329 may resign by giving notice to the principal and, if the principal is incapacitated:

330 (1) To the conservator or guardian, if one has been appointed for the principal, and a coagent or  
331 successor agent; or

332 (2) If there is no person described in paragraph (1) of this Code section, to:

333 (A) The principal's caregiver; or

334 (B) Another person reasonably believed by the agent to have sufficient interest in the  
335 principal's welfare.

336

337 10-6B-19.

338 | (a) For purposes of this section and Code Section 10-6B-20, 'attested' means purportedly  
339 | attested in the presence of the principal by a notary public or other individual authorized by law  
340 | to administer oaths.

341 | ~~(ab)~~ A person that in good faith accepts ~~a~~ an attested power of attorney without actual knowledge  
342 | that the signature is not genuine may rely upon the presumption under Code Section 10-6B-5 that  
343 | the signature is genuine.

344 | ~~(bc)~~ A person that in good faith accepts an attested power of attorney without actual knowledge  
345 | that the power of attorney is void, invalid, or terminated, that the purported agent's authority is  
346 | void, invalid, or terminated, or that the agent is exceeding or improperly exercising the agent's  
347 | authority may rely upon the power of attorney as if the power of attorney were genuine, valid,  
348 | and still in effect, the agent's authority were genuine, valid, and still in effect, and the agent had  
349 | not exceeded and had properly exercised the authority.

350 | ~~(ed)~~ A person that is asked to accept an attested power of attorney may request, and rely  
351 | upon, without further investigation:

352 | (1) An agent's certification under penalty of perjury of any factual matter concerning the  
353 | principal, agent, or power of attorney;

354 | ~~(2) A coagent's certification under penalty of perjury of any factual matter concerning~~  
355 | ~~the principal, agent, or power of attorney;~~

356 | (3) An English translation of the power of attorney if the power of attorney contains, in  
357 | whole or in part, language other than English; and

358 | (4) An opinion of an attorney as to any matter of law concerning the power of attorney if  
359 | the person making the request provides in a writing or other record the reason for the  
360 | request.

361 | ~~(de)~~ An English translation or an opinion of an attorney requested under this Code section shall be  
362 | provided at the principal's expense unless the request is made more than seven business days  
363 | after the power of attorney is presented for acceptance.

364 | ~~(ef)~~ For purposes of this Code section, a person that conducts activities through employees shall be  
365 | without actual knowledge of a fact relating to a power of attorney, a principal, or an agent if the



366 employee conducting the transaction involving the power of attorney is without actual  
 367 knowledge of the fact.

368

369 10-6B-20.

370 (a) As used in this Code section, the term 'statutory form power of attorney' means a power of  
 371 attorney using:

372 (1) ~~The~~ Substantially in the form set forth in Code Section 10-6B-70;

373 (2) ~~A~~ That meets the requirements for a military power of attorney pursuant to 10  
 374 U.S.C. Section 1044b, in effect on

375 February 1, 2017; or

376 (3) ~~A document~~ That substantially reflects the language in the form set forth in Code  
 377 Section 10-6B-70, ~~so long as it is witnessed as required by Code Section 10-6B-5.~~

378 (b) For purpose of Code Section 10-6B-20(a)(3), a power of attorney shall be deemed to  
 379 substantially reflect the language in the form set forth in Code Section 10-6B-70 if it

380 (1) grants or withholds authority for the descriptive terms for the subjects stated in Code  
 381 Sections 10-6B-43 through 10-6B-56, either by reference to the descriptive terms or  
 382 citation to Code Sections 10-6B-43 through 10-6B-56;

383 (2) grants or withholds authority for the powers stated in Code Section 10-6B-40(a),  
 384 either by reference to the powers or citation to the subsections of Code Section 10-6B-40(a);  
 385 and

386 (3) contains a provision substantially similar to the following: "any person, including my  
 387 agent, may rely upon the validity of this power of attorney or a copy of it unless that  
 388 person has actual knowledge it has terminated or is invalid."

389 (bc) Except as otherwise provided in subsection (c) of this Code section:

390 (1) A person shall either accept ~~a~~ an attested statutory form power of attorney or request  
 391 a certification, a translation, or an opinion of an attorney under subsection (c) of Code  
 392 Section 10-6B-19 no later than seven business days after presentation of the power of  
 393 attorney for acceptance;

394 (2) If a person requests a certification, a translation, or an opinion of an attorney under  
 395 subsection (c) of Code Section 10-6B-19, the person shall accept the power of attorney no

396 later than five business days after receipt of the certification, translation, or opinion of an  
397 attorney; and

398 (3) A person shall not require an additional or different form of power of attorney for  
399 authority granted in the power of attorney presented.

400 | (ed) A person shall not be required to accept an attested statutory form power of attorney if:

401 (1) The person is not otherwise required to engage in a transaction with the principal in the  
402 same circumstances;

403 (2) Engaging in a transaction with the agent or the principal in the same circumstances  
404 would be inconsistent with federal law;

405 (3) The person has actual knowledge of the termination of the agent's authority or of the  
406 power of attorney before exercise of the power;

407 (4) A request for a certification, a translation, or an opinion of an attorney under  
408 subsection (c) of Code Section 10-6B-19 is refused;

409 (5) The person in good faith believes that the power is not valid or that the agent does not  
410 have the authority to perform the act requested, whether or not a certification, a  
411 translation, or an opinion of an attorney under subsection (c) of Code Section 10-6B-19 has  
412 been requested or provided; or

413 (6) The person makes, or has actual knowledge that another person has made, a report to  
414 protective services as such term is defined in Code Section 30-5-1 stating a good faith belief  
415 that the principal may be subject to physical or financial abuse, neglect, exploitation, or  
416 abandonment by the agent or a person acting for or with the agent.

417 | (de) A person that refuses to accept an attested statutory form power of attorney in violation of  
418 this Code section shall be subject to:

419 (1) A court order mandating acceptance of the power of attorney; and

420 (2) Liability for reasonable attorney's fees and expenses of litigation incurred in any  
421 action or proceeding that confirms the validity of the power of attorney or mandates  
422 acceptance of the power of attorney.

423 | (ef) For purposes of this Code section, a person that conducts activities through employees shall be  
424 without actual knowledge of a fact relating to a power of attorney, a principal, or an agent if the  
425 employee conducting the transaction involving the power of attorney is without actual  
426 knowledge of the fact.

427

428 10-6B-21.

429 Unless displaced by a provision of this chapter, the principles of law and equity supplement this  
430 chapter.

431

432 10-6B-22.

433 (a) This chapter shall not supersede any other law applicable to financial institutions or other  
434 entities, and the other law controls if inconsistent with this chapter.

435 (b) This chapter shall not supersede the Bank Secrecy Act of 1970, 31 U.S.C. Section 5311, in  
436 effect on February 1, 2017, and the corresponding regulations thereto, in effect on February 1, 2017.

437

438 10-6B-23.

439 The remedies under this chapter shall not be exclusive and shall not abrogate any right or remedy  
440 under the laws of this state other than this chapter.

441

442

## ARTICLE 2

443 10-6B-40.

444 (a) An agent under a power of attorney may do the following on behalf of the principal or with the  
445 principal's property only if the power of attorney expressly grants the agent the authority and  
446 exercise of the authority is not otherwise prohibited by another agreement or instrument to which  
447 the authority or property is subject:

448

(1) Create, [fund](#), amend, revoke, or terminate an inter vivos trust;

449

(2) Make a gift;

450

(3) Create or change rights of survivorship;

451

(4) Create or change a beneficiary designation;

452

(5) ~~Delegate~~ [Authorize another person to exercise](#) authority granted under the power of  
453 attorney;

454

(6) Waive the principal's right to be a beneficiary of a joint and survivor annuity,  
455 including a survivor benefit under a retirement plan;

456

(7) Exercise fiduciary powers that the principal has authority to delegate;

457 (8) Exercise authority over the content of electronic communications, as defined in 18  
458 U.S.C. Section 2510(12), in effect on February 1, 2017, sent or received by the principal;  
459 or

460 (9) ~~Disclaim~~ Renounce an interest in property, including a power of appointment.

461 (b) Notwithstanding a grant of authority to do an act described in subsection (a) of this Code  
462 section, unless the power of attorney otherwise provides, an agent that is not an ancestor,  
463 spouse, or descendant of the principal, shall not exercise authority under a power of attorney to  
464 create in the agent, or in an individual to whom the agent owes a legal obligation of support, an  
465 interest in the principal's property, whether by gift, right of survivorship, beneficiary  
466 designation, disclaimer, or otherwise.

467 (c) Subject to subsections (a), (b), (d), and (e) of this Code section, if a power of attorney grants to  
468 an agent authority to do all acts that a principal could do, the agent has the general authority  
469 described in Code Sections 10-6B-43 through 10-6B-55.

470 (d) Unless the power of attorney otherwise provides, a grant of authority to make a gift shall be  
471 subject to Code Section 10-6B-56.

472 (e) Subject to subsections (a), (b), and (d) of this Code section, if the subjects over which authority  
473 is granted in a power of attorney are similar or overlap, the broadest authority shall control.

474 (f) Authority granted in a power of attorney is exercisable with respect to property that the  
475 principal has when the power of attorney is executed or acquires later, whether or not the  
476 property is located in this state and whether or not the authority is exercised or the power of  
477 attorney is executed in this state.

478 (g) An act performed by an agent pursuant to a power of attorney shall have the same effect and  
479 inures to the benefit of and binds the principal and the principal's successors in interest as if the  
480 principal had performed the act.

481 (bh) A power of attorney shall not authorize an agent to create a will.

482

483

484 10-6B-41.

485 (a) An agent shall have authority described in this article if the power of attorney refers to  
486 general authority with respect to the descriptive term for the subjects stated in Code Sections 10-  
487 6B-43 through 10-6B-56 or cites the Code section in which the authority is described.

488 (b) A reference in a power of attorney to general authority with respect to the descriptive term for  
489 a subject stated in Code Sections 10-6B-43 through 10-6B-56 or a citation to a specific Code  
490 section in Code Sections 10-6B-43 through 10-6B-56 shall incorporate the entire Code section as  
491 if it were set out in full in the power of attorney.

492 (c) A principal may modify authority incorporated by reference.

493

494 10-6B-42.

495 Except as otherwise provided in the power of attorney, by executing a power of attorney that  
496 incorporates by reference a subject described in Code Sections 10-6B-43 through  
497 10-6B-56 or that grants to an agent authority to do all acts that a principal could do pursuant  
498 to subsection (c) of Code Section 10-6B-40, a principal shall authorize the agent, with respect to  
499 that subject, to:

500 (1) Demand, receive, and obtain by litigation or otherwise, money or any other thing of value to  
501 which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or  
502 use anything so received or obtained for the purposes intended;

503 (2) Contract in any manner with any person, on terms agreeable to the agent, to accomplish a  
504 purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or  
505 modify the contract or another contract made by or on behalf of the principal;

506 (3) Execute, acknowledge, seal, deliver, file, or record any instrument or communication  
507 the agent considers desirable to accomplish a purpose of a transaction, including creating at any  
508 time a schedule listing some or all of the principal's property and attaching it to the power of  
509 attorney;

510 (4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or  
511 accept a compromise with respect to a claim existing in favor of or against the principal or  
512 intervene in litigation relating to the claim;

513 (5) Seek on the principal's behalf the assistance of a court or other governmental agency to carry  
514 out an act authorized in the power of attorney;

515 (6) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager,  
516 expert witness, or other advisor;

517 (7) Prepare, execute, and file a record, report, or other document to safeguard or promote the  
518 principal's interest under a law or regulation;

- 519 (8) Communicate with any representative or employee of a government or governmental  
520 subdivision, agency, or instrumentality, on behalf of the principal;
- 521 (9) Except as otherwise provided under federal privacy laws, access communications intended  
522 for, and communicate on behalf of the principal, whether by mail, electronic transmission,  
523 telephone, or other means; and
- 524 (10) Do any lawful act with respect to the subject and all property related to the subject.  
525
- 526 10-6B-43.
- 527 Unless the power of attorney otherwise provides, language in a power of attorney granting general  
528 authority with respect to real property shall authorize the agent to:
- 529 (1) Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or  
530 otherwise acquire or reject an interest in real property or a right incident to real property;
- 531 (2) Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim;  
532 release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to  
533 an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or  
534 consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity  
535 in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real  
536 property or a right incident to real property;
- 537 (3) Pledge or mortgage an interest in real property or right incident to real property as security to  
538 borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt  
539 guaranteed by the principal;
- 540 (4) Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust,  
541 conditional sale contract, encumbrance, lien, or other claim to real property which exists or is  
542 asserted;
- 543 (5) Manage or conserve an interest in real property or a right incident to real property owned or  
544 claimed to be owned by the principal, including:
- 545 (A) Insuring against liability or casualty or other loss;
- 546 (B) Obtaining or regaining possession of or protecting the interest or right by litigation or  
547 otherwise;
- 548 (C) Paying, assessing, compromising, or contesting taxes or assessments or applying for  
549 and receiving refunds in connection with such taxes or assessments; and

- 550 (D) Purchasing supplies, hiring assistance or labor, and making repairs or alterations to  
551 the real property;
- 552 (6) Use, develop, alter, replace, remove, erect, or install structures or other improvements upon  
553 real property in or incident to which the principal has, or claims to have, an interest or right;
- 554 (7) Participate in a reorganization with respect to real property or an entity that owns an interest in  
555 or right incident to real property and receive, and hold, and act with respect to stocks and bonds or  
556 other property received in a plan of reorganization, including:
- 557 (A) Selling or otherwise disposing of them;
- 558 (B) Exercising or selling an option, right of conversion, or similar right with respect to  
559 them; and
- 560 (C) Exercising any voting rights in person or by proxy;
- 561 (8) Change the form of title of an interest in or right incident to real property; and
- 562 (9) Dedicate to public use, with or without consideration, easements or other real property  
563 in which the principal has, or claims to have, an interest.
- 564
- 565 10-6B-44.
- 566 Unless the power of attorney otherwise provides, language in a power of attorney granting general  
567 authority with respect to tangible personal property shall authorize the agent to:
- 568 (1) Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise  
569 acquire or reject ownership or possession of tangible personal property or an interest in tangible  
570 personal property;
- 571 (2) Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim;  
572 release; surrender; create a security interest in; grant options concerning; lease; sublease; or  
573 otherwise dispose of tangible personal property or an interest in tangible personal property;
- 574 (3) Grant a security interest in tangible personal property or an interest in tangible  
575 personal property as security to borrow money or pay, renew, or extend the time of payment of a  
576 debt of the principal or a debt guaranteed by the principal;
- 577 (4) Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other  
578 claim on behalf of the principal, with respect to tangible personal property or an interest in tangible  
579 personal property;

580 (5) Manage or conserve tangible personal property or an interest in tangible personal property  
581 on behalf of the principal, including:

582 (A) Insuring against liability or casualty or other loss;

583 (B) Obtaining or regaining possession of or protecting the property or interest, by  
584 litigation or otherwise;

585 (C) Paying, assessing, compromising, or contesting taxes or assessments or applying for  
586 and receiving refunds in connection with such taxes or assessments;

587 (D) Moving the property from place to place;

588 (E) Storing the property for hire or on a gratuitous bailment; and

589 (F) Using and making repairs, alterations, or improvements to the property; and

590 (6) Change the form of title of an interest in tangible personal property.

591

592 10-6B-45.

593 Unless the power of attorney otherwise provides, language in a power of attorney granting general  
594 authority with respect to stocks and bonds shall authorize the agent to:

595 (1) Buy, sell, and exchange stocks and bonds;

596 (2) Establish, continue, modify, or terminate an account with respect to stocks and bonds;

597 (3) Pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment  
598 of a debt of the principal;

599 (4) Receive certificates and other evidences of ownership with respect to stocks and bonds; and

600 (5) Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting  
601 trusts, and consent to limitations on the right to vote.

602

603 10-6B-46.

604 Unless the power of attorney otherwise provides, language in a power of attorney granting general  
605 authority with respect to commodities and options shall authorize the agent to:

606 (1) Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put  
607 options on stocks or stock indexes traded on a regulated option exchange; and

608 (2) Establish, continue, modify, and terminate option accounts.

609

610 10-6B-47.



611 Unless the power of attorney otherwise provides, language in a power of attorney granting general  
612 authority with respect to banks and other financial institutions shall authorize the agent to:

- 613 (1) Continue, modify, and terminate an account or other banking arrangement made by or on  
614 behalf of the principal;
- 615 (2) Establish, modify, and terminate an account or other banking arrangement with a bank, trust  
616 company, savings and loan association, credit union, thrift company, brokerage firm, or other  
617 financial institution selected by the agent;
- 618 (3) Contract for services available from a financial institution, including renting a safe deposit  
619 box or space in a vault;
- 620 (4) Withdraw, by check, order, electronic funds transfer, or otherwise, money or property of the  
621 principal deposited with or left in the custody of a financial institution;
- 622 (5) Receive statements of account, vouchers, notices, and similar documents from a financial  
623 institution and act with respect to them;
- 624 (6) Enter a safe deposit box or vault and withdraw or add to the contents;
- 625 (7) Borrow money and pledge as security personal property of the principal necessary to borrow  
626 money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed  
627 by the principal;
- 628 (8) Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks,  
629 drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the  
630 principal's order, transfer money, receive the cash or other proceeds of those transactions, and  
631 accept a draft drawn by a person upon the principal and pay it when due;
- 632 (9) Receive for the principal and act upon a sight draft, warehouse receipt, or other document  
633 of title whether tangible or electronic, or other negotiable or nonnegotiable instrument;
- 634 (10) Apply for, receive, and use letters of credit, credit and debit cards, electronic  
635 transaction authorizations, and traveler's checks from a financial institution and give an indemnity  
636 or other agreement in connection with letters of credit; and
- 637 (11) Consent to an extension of the time of payment with respect to commercial paper or a  
638 financial transaction with a financial institution.

639

640 10-6B-48.

641 Subject to the terms of a document or an agreement governing an entity or an entity  
642 ownership interest, and unless the power of attorney otherwise provides, language in a power of  
643 attorney granting general authority with respect to operation of an entity or business shall  
644 authorize the agent to:

- 645 (1) Operate, buy, sell, enlarge, reduce, or terminate an ownership interest;
- 646 (2) Perform a duty or discharge a liability and exercise in person or by proxy a right, power,  
647 privilege, or option that the principal has, may have, or claims to have;
- 648 (3) Enforce the terms of an ownership agreement;
- 649 (4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or  
650 accept a compromise with respect to litigation to which the principal is a party because of an  
651 ownership interest;
- 652 (5) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege,  
653 or option the principal has or claims to have as the holder of stocks and bonds;
- 654 (6) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or  
655 accept a compromise with respect to litigation to which the principal is a party concerning stocks  
656 and bonds;
- 657 (7) With respect to an entity or business owned solely by the principal:
  - 658 (A) Continue, modify, renegotiate, extend, and terminate a contract made by or on  
659 behalf of the principal with respect to the entity or business before execution of the  
660 power of attorney;
  - 661 (B) Determine:
    - 662 (i) The location of its operation;
    - 663 (ii) The nature and extent of its business;
    - 664 (iii) The methods of manufacturing, selling, merchandising, financing, accounting,  
665 and advertising employed in its operation;
    - 666 (iv) The amount and types of insurance carried; and
    - 667 (v) The mode of engaging, compensating, and dealing with its employees  
668 and accountants, attorneys, or other advisors;
  - 669 (C) Change the name or form of organization under which the entity or business is  
670 operated and enter into an ownership agreement with other persons to take over all or part  
671 of the operation of the entity or business; and

- 672 (D) Demand and receive money due or claimed by the principal or on the principal's  
673 behalf in the operation of the entity or business and control and disburse the money in the  
674 operation of the entity or business;
- 675 (8) Put additional capital into an entity or business in which the principal has an interest;
- 676 (9) Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the  
677 entity or business;
- 678 (10) Sell or liquidate all or part of an entity or business;
- 679 (11) Establish the value of an entity or business under a buy-out agreement to which the principal is  
680 a party;
- 681 (12) Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers  
682 with respect to an entity or business and make related payments; ~~and~~
- 683 (13) Pay, compromise, or contest taxes, assessments, fines, or penalties and perform any other act  
684 to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with  
685 respect to an entity or business, including attempts to recover, in any manner permitted by law,  
686 money paid before or after the execution of the power of attorney-; and
- 687 (14) exercise the principal's fiduciary powers with respect to the operation of an entity or  
688 business.
- 689
- 690 10-6B-49.
- 691 Unless the power of attorney otherwise provides, language in a power of attorney granting general  
692 authority with respect to insurance and annuities shall authorize the agent to:
- 693 (1) Continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or  
694 terminate a contract procured by or on behalf of the principal which insures or provides an  
695 annuity to either the principal or another person, whether or not the principal is a beneficiary  
696 under the contract;
- 697 (2) Procure new, different, and additional contracts of insurance and annuities for the principal  
698 and the principal's spouse, children, and other dependents, and select the amount, type of  
699 insurance or annuity, and mode of payment;
- 700 (3) Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a  
701 contract of insurance or annuity procured by the agent;
- 702 (4) Apply for and receive a loan secured by a contract of insurance or annuity;

- 703 (5) Surrender and receive the cash surrender value on a contract of insurance or annuity;  
704 (6) Exercise an election;  
705 (7) Exercise investment powers available under a contract of insurance or annuity;  
706 (8) Change the manner of paying premiums on a contract of insurance or annuity;  
707 (9) Change or convert the type of insurance or annuity with respect to which the principal  
708 has or claims to have authority described in this Code section;  
709 (10) Apply for and procure a benefit or assistance under a law or regulation to guarantee or pay  
710 premiums of a contract of insurance on the life of the principal;  
711 (11) Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal  
712 in a contract of insurance or annuity;  
713 (12) Select the form and timing of the payment of proceeds from a contract of insurance or annuity;  
714 and  
715 (13) Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in  
716 connection with, a tax or assessment levied by a taxing authority with respect to a contract of  
717 insurance or annuity or its proceeds or liability accruing by reason of such tax or assessment.  
718  
719 10-6B-50.  
720 (a) As used in this Code section, the term 'estate, trust, or other beneficial interest' means a trust,  
721 probate estate, guardianship, conservatorship, escrow, or custodianship or a fund from which the  
722 principal is, may become, or claims to be, entitled to a share or payment.  
723 (b) Unless the power of attorney otherwise provides, language in a power of attorney granting  
724 general authority with respect to estates, trusts, and other beneficial interests shall authorize the  
725 agent to:  
726 (1) Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment  
727 from an estate, trust, or other beneficial interest;  
728 (2) Demand or obtain money or any other thing of value to which the principal is, may  
729 become, or claims to be, entitled by reason of an estate, trust, or other beneficial interest, by  
730 litigation or otherwise;  
731 (3) Exercise for the benefit of the principal a presently exercisable general power of  
732 appointment held by the principal;

- 733 (4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or  
734 propose or accept a compromise with respect to litigation to ascertain the meaning,  
735 validity, or effect of a deed, will, declaration of trust, or other instrument or transaction  
736 affecting the interest of the principal;
- 737 (5) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or  
738 propose or accept a compromise with respect to litigation to remove, substitute, or  
739 surcharge a fiduciary;
- 740 (6) Conserve, invest, disburse, or use anything received for an authorized purpose;
- 741 (7) Transfer an interest of the principal in real property, stocks and bonds, accounts with  
742 financial institutions or securities intermediaries, insurance, annuities, and other property  
743 to the trustee of a revocable trust created by the principal as settlor; and
- 744 ~~(8) Reject, renounce, disclaim, release, or~~ With respect to a bona fide dispute, consent to a  
745 reduction in or modification of a share in or payment from an estate, trust, or other  
746 beneficial interest.

747

748 10-6B-51.

749 Unless the power of attorney otherwise provides, language in a power of attorney granting general  
750 authority with respect to claims and litigation shall authorize the agent to:

- 751 (1) Assert and maintain before a court or administrative agency a claim, claim for relief, cause of  
752 action, counterclaim, offset, recoupment, or defense, including an action to recover property or  
753 any other thing of value, recover damages sustained by the principal, eliminate or modify tax  
754 liability, or seek an injunction, specific performance, or other relief;
- 755 (2) Bring an action to determine adverse claims or intervene or otherwise participate in litigation;
- 756 (3) Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or  
757 intermediate relief and use an available procedure to effect or satisfy a judgment, order, or  
758 decree;
- 759 (4) Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on  
760 an agreed statement of facts, consent to examination, and bind the principal in litigation;
- 761 (5) Submit to alternative dispute resolution, settle, and propose or accept a compromise;
- 762 (6) Waive the issuance and service of process upon the principal, accept service of process,  
763 appear for the principal, designate persons upon which process directed to the principal may be

764 served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek  
765 appellate review, procure and give surety and indemnity bonds, contract and pay for the  
766 preparation and printing of records and briefs, receive, execute, and file or deliver a consent,  
767 waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other  
768 instrument in connection with the prosecution, settlement, or defense of a claim or litigation;  
769 (7) Act for the principal with respect to bankruptcy or insolvency, whether voluntary or  
770 involuntary, concerning the principal or some other person, or with respect to a reorganization,  
771 receivership, or application for the appointment of a receiver or trustee which affects an interest of  
772 the principal in property or any other thing of value;  
773 (8) Pay a judgment, award, or order against the principal or a settlement made in  
774 connection with a claim or litigation; and  
775 (9) Receive money or any other thing of value paid in settlement of or as proceeds of a claim or  
776 litigation.  
777  
778 10-6B-52.  
779 (a) Unless the power of attorney otherwise provides, language in a power of attorney granting  
780 general authority with respect to personal and family maintenance shall authorize the agent to:  
781 (1) Perform the acts necessary to maintain the customary standard of living of the  
782 principal, the principal's spouse, and the following individuals, whether living when the  
783 power of attorney is executed or later born:  
784 (A) The principal's minor children;  
785 (B) The principal's adult children who are pursuing a postsecondary school  
786 education and are under 25 years of age;  
787 (C) The principal's parents or the parents of the principal's spouse, if the principal  
788 had established a pattern of such payments or indicated a clear intent to make such  
789 payments;  
790 (D) The principal's minor descendants who are not also the principal's children, if the  
791 principal had established a pattern of such payments or indicated a clear intent to make such  
792 payments;  
793 (E) The principal's adult descendants who are not also the principal's children and who  
794 are both pursuing a postsecondary school education and under 25 years of age, if the

795 | [principal had established a pattern of such payments or indicated a clear intent to make such](#)  
796 | [payments; and](#)

- 797 (D) Any other individuals legally entitled to be supported by the principal.
- 798 (2) Make periodic payments of child support and other family maintenance required by a  
799 court or governmental agency or an agreement to which the principal is a party;
- 800 (3) Provide living quarters for the individuals described in paragraph (1) of this  
801 subsection by:
- 802 (A) Purchase, lease, or other contract; or
- 803 (B) Paying the operating costs, including interest, amortization payments,  
804 repairs, improvements, and taxes, for premises owned by the principal or  
805 occupied by those individuals;
- 806 (4) Provide normal domestic help, usual vacations and travel expenses, and funds for  
807 shelter, clothing, food, appropriate education, including postsecondary and vocational  
808 education, and other current living costs for individuals described in paragraph (1) of this  
809 subsection to enable such individuals to maintain their customary standard of living;
- 810 (5) Pay expenses for necessary health care and custodial care on behalf of the individuals  
811 described in paragraph (1) of this subsection;
- 812 (6) Act as the principal's personal representative pursuant to the Health Insurance  
813 Portability and Accountability Act, Sections 1171 through 1179 of the Social Security  
814 Act, 42 U.S.C. Section 1320d, in effect on February 1, 2017, and applicable regulations in  
815 effect on February 1, 2017, in making decisions related to the past, present, or future  
816 payment for the provision of health care consented to by the principal or anyone  
817 authorized under the laws of this state to consent to health care on behalf of the principal;
- 818 (7) Continue any provision made by the principal for automobiles or other means of  
819 transportation, including registering, licensing, insuring, and replacing them, for the  
820 individuals described in paragraph (1) of this subsection;
- 821 (8) Maintain credit and debit accounts for the convenience of the individuals described in  
822 paragraph (1) of this subsection and open new accounts; and
- 823 (9) Continue payments incidental to the membership or affiliation of the principal in a  
824 religious institution, club, society, order, or other organization or to continue  
825 contributions to those organizations.

826 (b) Authority with respect to personal and family maintenance shall be neither dependent upon,  
827 nor limited by, authority that an agent may or may not have with respect to gifts under this  
828 chapter.

829

830 10-6B-53.

831 (a) As used in this Code section, the term 'benefits from governmental programs or civil or  
832 military service' means any benefit, program, or assistance provided under a law or regulation,  
833 including Social Security, medicare, and Medicaid.

834 (b) Unless the power of attorney otherwise provides, language in a power of attorney granting  
835 general authority with respect to benefits from governmental programs or civil or military service  
836 shall authorize the agent to:

837 (1) Execute vouchers in the name of the principal for allowances and reimbursements  
838 payable by the United States or a foreign government or by a state or political subdivision  
839 of a state to the principal, including allowances and reimbursements for transportation of  
840 the individuals described in paragraph (1) of subsection (a) of Code Section 10-6B-52,  
841 and for shipment of their household effects;

842 (2) Take possession and order the removal and shipment of property of the principal  
843 from a post, warehouse, depot, dock, or other place of storage or safekeeping, either  
844 governmental or private, and execute and deliver a release, voucher, receipt, bill of  
845 lading, shipping ticket, certificate, or other instrument for such purpose;

846 (3) Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's  
847 behalf, a benefit or program;

848 (4) Prepare, file, and maintain a claim of the principal for a benefit or assistance,  
849 financial or otherwise, to which such principal may be entitled under a law or regulation;

850 (5) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or  
851 propose or accept a compromise with respect to litigation concerning any benefit or  
852 assistance the principal may be entitled to receive under a law or regulation; and

853 (6) Receive the financial proceeds of a claim described in paragraph (4) of this  
854 subsection and conserve, invest, disburse, or use for a lawful purpose anything so  
855 received.

856



857 10-6B-54.

858 (a) As used in this Code section, the term ‘retirement plan’ means a plan or account created by an  
859 employer, the principal, or another individual to provide retirement benefits or deferred  
860 compensation of which such principal is a participant, beneficiary, or owner, including a plan or  
861 account under the following sections of the Internal Revenue Code:

862 (1) An individual retirement account under Internal Revenue Code Section 408, 26  
863 U.S.C. Section 408, in effect on February 1, 2017;

864 (2) A Roth individual retirement account under Internal Revenue Code Section 408A, 26  
865 U.S.C. Section 408A, in effect on February 1, 2017;

866 (3) A deemed individual retirement account under Internal Revenue Code Section  
867 408(q), 26 U.S.C. Section 408(q), in effect on February 1, 2017;

868 (4) An annuity or mutual fund custodial account under Internal Revenue Code Section  
869 403(b), 26 U.S.C. Section 403(b), in effect on February 1, 2017;

870 (5) A pension, profit-sharing, stock bonus, or other retirement plan qualified under  
871 Internal Revenue Code Section 401(a), 26 U.S.C. Section 401(a), in effect on February 1,  
872 2017;

873 (6) A plan under Internal Revenue Code Section 457(b), 26 U.S.C. Section 457(b), in  
874 effect on February 1, 2017; and

875 (7) A nonqualified deferred compensation plan under Internal Revenue Code Section  
876 409A, 26 U.S.C. Section 409A, in effect on February 1, 2017.

877 (b) Unless the power of attorney otherwise provides, language in a power of attorney granting  
878 general authority with respect to retirement plans shall authorize the agent to:

879 (1) Select the form and timing of payments under a retirement plan and withdraw  
880 benefits from a plan;

881 (2) Make a rollover, including a direct trustee-to-trustee rollover, of benefits from one  
882 retirement plan to another;

883 (3) Establish a retirement plan in the principal’s name; (4) Make contributions to a  
884 retirement plan;

885 (5) Exercise investment powers available under a retirement plan; and

886 (6) Borrow from, sell assets to, or purchase assets from a retirement plan.

887

888 10-6B-55.

889 Unless the power of attorney otherwise provides, language in a power of attorney granting general  
890 authority with respect to taxes shall authorize the agent to:

- 891 (1) Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property,  
892 Federal Insurance Contributions Act, and other tax returns, claims for refunds, requests  
893 for extension of time, petitions regarding tax matters, and any other tax-related  
894 documents, including receipts, offers, waivers, consents, including consents and  
895 agreements under Internal Revenue Code Section 2032A, 26 U.S.C. Section 2032A, in  
896 effect on February 1, 2017, closing agreements, and any power of attorney required by the  
897 Internal Revenue Service or other taxing authority with respect to a tax year upon which  
898 the statute of limitations has not run and the following 25 tax years;
- 899 (2) Pay taxes due, collect refunds, post bonds, receive confidential information, and  
900 contest deficiencies determined by the Internal Revenue Service or other taxing authority; (3)  
901 Exercise any election available to the principal under federal, state, local, or foreign tax  
902 law; and
- 903 (4) Act for the principal in all tax matters for all periods before the Internal Revenue  
904 Service, or other taxing authority.

905  
906 10-6B-56.

- 907 (a) As used in this Code section,
- 908 (1) the term a gift 'for the benefit of' a person includes a gift to a trust, an account under  
909 the Uniform Transfers to Minors Act, and a tuition savings account or prepaid tuition  
910 plan as defined under Internal Revenue Code Section 529, 26 U.S.C. Section 529, in  
911 effect on February 1, 2017,
- 912 (2) the 'Section 2503(b) amount' shall mean the federal gift tax exclusion under Internal  
913 Revenue Code Section 2503(b), 26 U.S.C. Section 2503(b), in effect on February 1,  
914 2017, indexed for future years under the provisions in effect on February 1, 2017, and,
- 915 (3) 'gift splitting' shall mean the election to have a gift treated as made one-half by the  
916 transferor and one-half by the spouse pursuant to Internal Revenue Code Section 2513, 26  
917 U.S.C. Section 2513, in effect on February 1, 2017.

918 (b) Unless the power of attorney otherwise provides, language in a power of attorney granting  
 919 general authority with respect to gifts shall authorize the agent only to:

920 (1) Make outright to, or for the benefit of, a person, a gift of any of the principal's  
 921 property, including by the exercise of a presently exercisable general power of  
 922 appointment held by the principal, ~~in the following amounts, without regard to~~  
 923 ~~whether the federal gift tax exclusion applies to the gift:~~

924 ~~(i) if the principal is not married or is legally separated at the time of the gift, in~~  
 925 ~~an amount per donee not to exceed the Section 2503(b) amount annual dollar~~  
 926 ~~limits of the federal gift tax exclusion under Internal Revenue Code Section~~  
 927 ~~2503(b), 26 U.S.C. Section 2503(b), in effect on February 1, 2017, without regard~~  
 928 ~~to whether the federal gift tax exclusion applies to the gift,~~

929 ~~(ii) or if the principal's spouse agrees to consent to a split gift pursuant to Internal~~  
 930 ~~Revenue Code Section 2513, 26 U.S.C. Section 2513, in effect on February 1,~~  
 931 ~~2017, principal is married and not legally separated at the time of the gift, in an~~  
 932 ~~amount per donee not to exceed twice the Section 2503(b) amount annual federal~~  
 933 ~~gift tax exclusion limit; and~~

934 (2) Consent, ~~pursuant to Internal Revenue Code Section 2513, 26 U.S.C. Section 2513, in~~  
 935 ~~effect on February 1, 2017, to the gift splitting if the principal has a spouse for purposes~~  
 936 ~~of gift splitting, of a gift made by the principal's spouse in an amount per donee not to~~  
 937 ~~exceed the aggregate annual gift tax exclusions for both spouses.~~

938 (c) An agent may make a gift of the principal's property only as the agent determines is  
 939 consistent with the principal's objectives if actually known by the agent and, if unknown, as the  
 940 agent determines is consistent with the principal's best interest based on all relevant factors,  
 941 including:

- 942 (1) The value and nature of the principal's property;
- 943 (2) The principal's foreseeable obligations and need for maintenance;
- 944 (3) Minimization of taxes, including income, estate, inheritance, generation-skipping  
 945 transfer, and gift taxes;
- 946 (4) Eligibility for a benefit, a program, or assistance under a law or regulation; and
- 947 (5) The principal's personal history of making or joining in making gifts.
- 948

949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977

**ARTICLE 3**

**§ 10-6B-70. Form power of attorney**

A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this chapter.

State of Georgia  
County of \_\_\_\_\_

**STATUTORY FORM POWER OF ATTORNEY**

**IMPORTANT INFORMATION**

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in O.C.G.A. Chapter 6B of Title 10.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent’s authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you. ~~If you revoke the power of attorney, you must communicate your revocation by notice to the agent in writing by certified mail and file such notice with the clerk of superior court in your county of domicile.~~

978 Your agent is not entitled to any compensation unless you state otherwise in the Special  
979 Instructions. Your agent shall be entitled to reimbursement of reasonable expenses incurred in  
980 performing the acts required by you in your power of attorney.

981

982 This form provides for designation of one agent. If you wish to name more than one agent, you  
983 may name a successor agent or name a coagent in the Special Instructions. Coagents will not be  
984 required to act together unless you include that requirement in the Special Instructions.

985

986 If your agent is unable or unwilling to act for you, your power of attorney will end unless you  
987 have named a successor agent. You may also name a second successor agent.

988

989 ~~This power of attorney shall be durable unless you state otherwise in the Special Instructions.~~

990

991 This power of attorney becomes effective immediately unless you state otherwise in the Special  
992 Instructions.

993

994 **If you have questions about the power of attorney or the authority you are granting to your**  
995 **agent, you should seek legal advice before signing this form.**

996

997

**DESIGNATION OF AGENT**

998

999 I, \_\_\_\_\_, name the following person as my agent:

1000

1001 Name of agent: \_\_\_\_\_

1002 Agent's address: \_\_\_\_\_

1003 Agent's telephone number: \_\_\_\_\_

1004 Agent's e-mail address is: \_\_\_\_\_

1005

1006

**DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)**

1007

1008 If my agent is unable or unwilling to act for me, I name as my successor agent:

1009

1010 Name of successor agent: \_\_\_\_\_

1011 Successor agent's address: \_\_\_\_\_

1012 Successor agent's telephone number: \_\_\_\_\_

1013 Successor agent's e-mail address: \_\_\_\_\_

1014

1015 If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

1016

1017 Name of second successor agent: \_\_\_\_\_

1018 Second successor agent's address: \_\_\_\_\_

1019 Second successor agent's telephone number: \_\_\_\_\_

1020 Second successor agent's e-mail address: \_\_\_\_\_

1021

**GRANT OF GENERAL AUTHORITY**

1022

1023  
1024 I grant my agent and any successor agent general authority to act for me with respect to the  
1025 following subjects as defined in O.C.G.A. Chapter 6B of Title 10:

1026

1027 (INITIAL each subject you want to include in the agent's general authority. If you wish to grant  
1028 general authority over all of the subjects you may initial "all preceding subjects" instead of  
1029 initialing each subject.)

1030

1031  Real property

1032  Tangible personal property

1033  Stocks and bonds

1034  Commodities and options

1035  Banks and other financial institutions

1036  Operation of entity or business

1037  Insurance and annuities

1038  Estates, trusts, and other beneficial interests

1039  Claims and litigation

- 1040  Personal and family maintenance
- 1041  Benefits from governmental programs or civil or military service
- 1042  Retirement plans
- 1043  Taxes
- 1044  All preceding subjects

1045

1046 **GRANT OF SPECIFIC AUTHORITY (OPTIONAL)**

1047

1048 | My agent ~~SHALL~~MAY NOT do any of the following specific acts for me UNLESS I have  
 1049 INITIALED the specific authority listed below: (CAUTION: Granting any of the following will  
 1050 give your agent the authority to take actions that could significantly reduce your property or  
 1051 change how your property is distributed at your death. INITIAL ONLY the specific authority  
 1052 you WANT to give your agent. You should give your agent specific instructions in the Special  
 1053 Instructions when you authorize your agent to make gifts.)

1054

- 1055 |  Create, fund, amend, revoke, or terminate an inter vivos trust
- 1056  Make a gift, subject to the limitations of O.C.G.A. § 10-6B-56 and any Special Instructions
- 1057 in this power of attorney
- 1058  Create or change rights of survivorship
- 1059  Create or change a beneficiary designation
- 1060  Authorize another person to exercise the authority granted under this power of attorney
- 1061  Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a
- 1062 survivor benefit under a retirement plan

- 1063 |  Exercise fiduciary powers that the principal has authority to delegate
- 1064  ~~Access~~Exercise authority over the content of electronic communications sent or received
- 1065 by the principal
- 1066  ~~Exercise fiduciary powers that the principal has authority to delegate~~
- 1067  ~~Disclaim or refuse~~Renounce an interest in property, including a power of appointment

1068

1069 **LIMITATION ON AGENT'S AUTHORITY**

1070

1071 | An agent that is not my ancestor, spouse, or descendant SHALL-MAY NOT use my property to  
1072 benefit the agent or a person to whom the agent owes an obligation of support unless I have  
1073 included that authority in the Special Instructions.

1074

1075

**SPECIAL INSTRUCTIONS (OPTIONAL)**

1076

1077 You may give special instructions on the following lines (you may add lines or place your special  
1078 instructions in a separate document and attach it to the power of attorney):

1079

1080 \_\_\_\_\_

1081 \_\_\_\_\_

1082 \_\_\_\_\_

1083 \_\_\_\_\_

1084 \_\_\_\_\_

1085 \_\_\_\_\_

1086

1087

**EFFECTIVE DATE**

1088

1089 This power of attorney is effective immediately unless I have stated otherwise in the Special  
1090 Instructions.

1091

1092

**NOMINATION OF CONSERVATOR (OPTIONAL)**

1093

1094 If it becomes necessary for a court to appoint a conservator of my estate, I nominate the  
1095 following person(s) for appointment:

1096

1097 Name of nominee for conservator of my estate: \_\_\_\_\_

1098 Nominee's address: \_\_\_\_\_

1099 Nominee's telephone number: \_\_\_\_\_

1100 Nominee's e-mail address: \_\_\_\_\_

1101



1102

**RELIANCE ON THIS POWER OF ATTORNEY**

1103

1104 Any person, including my agent, may rely upon the validity of this power of attorney or a copy  
1105 of it unless that person has actual knowledge it has terminated or is invalid.

1106

1107

**SIGNATURE AND ACKNOWLEDGMENT**

1108

1109

1110 Your signature

\_\_\_\_\_ Date

1111

1112

1113 Your name printed

1114

1115

1116

1117 Your address

1118

1119

1120 Your telephone number

1121

1122

1123 Your e-mail address

1124

1125

1126 | This document was signed or acknowledged in my presence on \_\_\_\_\_, 2017 by

1127

1128

1129 (Name of Principal)

1130 |

1131

1132

1133 | (Witness's name printedsignature)

1134

1135 | \_\_\_\_\_

1136 | \_\_\_\_\_

1137 Printed name of witness

1138

1139 | \_\_\_\_\_

1140 | \_\_\_\_\_

1141 Witness's address

1142

1143 | \_\_\_\_\_

1144 Witness's telephone number

1145

1146 | \_\_\_\_\_

1147 Witness's e-mail address

1148

1149 State of Georgia

1150 County of \_\_\_\_\_

1151

1152 | This document was signed or acknowledged in my presence on \_\_\_\_\_, 2017 by

1153

1154 | \_\_\_\_\_.

1155 (Name of Principal)

1156

1157 | \_\_\_\_\_ (Seal)

1158 | (Signature of notary)

1159

1160 My commission expires: \_\_\_\_\_

1161

1162 This document prepared by: \_\_\_\_\_.

1163

1164  
1165  
1166  
1167  
1168  
1169  
1170  
1171  
1172  
1173  
1174  
1175  
1176  
1177  
1178  
1179  
1180  
1181  
1182  
1183  
1184  
1185  
1186  
1187  
1188  
1189  
1190  
1191  
1192  
1193  
1194

**IMPORTANT INFORMATION FOR AGENT**

**Agent’s Duties**

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked.

You must:

- (1) Do what you know the principal reasonably expects you to do with the principal’s property or, if you do not know the principal’s expectations, act in the principal’s best interest;
- (2) Act in good faith;
- (3) Do nothing beyond the authority granted in this power of attorney; and
- (4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as “agent” in the following manner:

\_\_\_\_\_ (Principal’s name) by (Your Signature)  
 \_\_\_\_\_ as Agent.  
 (Principal’s name) (Your signature)

Unless the Special Instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal’s benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal’s best interest;
- (3) Act with care, competence, and diligence;
- (4) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
- (5) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal’s expectations, to act in the principal’s best interest; and
- (6) Attempt to preserve the principal’s estate plan if you know the plan and preserving the plan is consistent with the principal’s best interest.

1195 **Termination of Agent’s Authority**

1196

1197 You must stop acting on behalf of the principal if you learn of any event that terminates this  
1198 power of attorney or your authority under this power of attorney. Events that terminate a power  
1199 of attorney or your authority to act under a power of attorney include:

1200 (1) Death of the principal;

1201 (2) The principal’s revocation of your authority or the power of attorney ~~so as long as the~~  
1202 ~~revocation of the power of attorney is communicated to you in writing by certified mail and~~  
1203 ~~provided that such notice is filed with the clerk of superior court in the county of domicile of the~~  
1204 ~~principal;~~

1205 (3) The occurrence of a termination event stated in the power of attorney;

1206 (4) The purpose of the power of attorney is fully accomplished; or

1207 (5) If you are married to the principal, a legal action is filed with a court to end your marriage, or  
1208 for your legal separation, unless the Special Instructions in this power of attorney state that such  
1209 an action will not terminate your authority.

1210

1211 **Liability of Agent**

1212

1213 The meaning of the authority granted to you is defined in O.C.G.A. Chapter 6B of Title 10. If  
1214 you violate O.C.G.A. Chapter 6B of Title 10 or act outside the authority granted, you may be  
1215 liable for any damages caused by your violation.

1216

1217 **If there is anything about this document or your duties that you do not understand, you**  
1218 **should seek legal advice.**

1219

1220

1221 **§ 10-6B-71. Optional form for agent certification of facts**

1222 The following optional form may be used by an agent to certify facts concerning a power of  
1223 attorney.

1224

1225 AGENT'S CERTIFICATION AS TO THE VALIDITY OF  
1226 POWER OF ATTORNEY AND AGENT'S AUTHORITY

1227

1228 State of Georgia

1229 County of

1230

1231 I, \_\_\_\_\_ (name of agent), certify under penalty  
1232 of perjury that \_\_\_\_\_ (name of principal) granted  
1233 me authority as an agent or successor agent in a power of attorney dated \_\_\_\_\_

1234 \_\_\_\_\_.

1235

1236 I further certify that to my knowledge:

1237 (1) The principal is alive and has not revoked the power of attorney or  
1238 my authority to act under the power of attorney and the power of attorney and  
1239 my authority to act under the power of attorney have not terminated;

1240 (2) If the power of attorney was drafted to become effective upon the  
1241 happening of an event or contingency, the event or contingency has occurred;

1242 (3) If I were named as a successor agent, the prior agent is no longer  
1243 able or willing to serve; and

1244 (4) \_\_\_\_\_  
1245 \_\_\_\_\_  
1246 \_\_\_\_\_  
1247 \_\_\_\_\_  
1248 \_\_\_\_\_

1249 (Insert other relevant statements)

1250

1251 SIGNATURE AND ACKNOWLEDGMENT

1252

1253 \_\_\_\_\_

1254 Agent's signature

Date

1255

1256 \_\_\_\_\_

1257 Agent's name printed

1258

1259 \_\_\_\_\_

1260 \_\_\_\_\_

1261 Agent's address

1262

1263 \_\_\_\_\_

1264 Agent's telephone number

1265

1266 \_\_\_\_\_

1267 Agent's e-mail address

1268

1269 | This document was signed or acknowledged in my presence on \_\_\_\_\_

1270

1271 by \_\_\_\_\_.

1272 (Name of Agent)

1273

1274 \_\_\_\_\_ (Seal)

1275 Signature of notary

1276

1277 My commission expires: \_\_\_\_\_

1278

1279 This document prepared by: \_\_\_\_\_.

1280

1281 **ARTICLE 4**

1282 10-6B-80.

1283 This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and

1284 National Commerce Act, 15 U.S.C. Section 7001 et seq., but shall not modify, limit, or supersede

1285 Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the

1286 notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

1287

1288 [10-6B-81.](#)

1289 [\(a\) This Chapter shall not apply to a power of attorney created before July 1, 2017.](#)

1290 10-6B-~~81~~[82.](#)

1291 Chapter 6 of this title shall not apply to a power of attorney ~~created pursuant to this~~

1292 ~~chapter~~[to which this Chapter applies.](#)

1293

**FIDUCIARY LAW SECTION**

**PROPOSED AMENDMENTS TO THE  
UNIFORM ADULT GUARDIANSHIP AND  
CONSERVATORSHIP PROCEEDINGS JURISDICTION ACT**

1. Specific legislation has been prepared and is attached. The proposed legislation amends Chapters 4 and 5 of Title 29 of the Official Code of Georgia regarding adult guardianships and conservatorships.
2. In 2016, the General Assembly enacted the Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act, making Georgia one of 45 states to have adopted a version of this Uniform Act. This addition of Chapter 11 to Title 29 has been beneficial, but, because the Uniform Act establishes the basis for jurisdiction in all adult guardianship and conservatorship proceedings, it is necessary for previously existing provisions of Title 29 to be amended to address incongruities and inconsistencies between Chapters 4 and 5 and Chapter 11. By making minor adjustments to the Code, the General Assembly can clarify its intent and promote the efficient functioning of the courts by correcting potential conflicts between statutory provisions through legislation rather than through litigation.
3. There are no known opponents of the proposed legislation. The Uniform Act passed unanimously in both houses of the General Assembly during the 2016 legislative session before being signed into law by the Governor, and the proposed amendments to related portions of the Georgia Code will facilitate the effective implementation of a Uniform Act that enjoyed such overwhelming bipartisan support.
4. No other section is believed to have an interest in this proposed legislation.
5. The Fiduciary Law Section recommends that this proposal be adopted by the State Bar of Georgia.

September 7, 2016  
Nikola R. Djuric  
Atlanta, Georgia  
Chair, Fiduciary Law Section Legislation Committee



A BILL TO BE ENTITLED  
AN ACT

To amend Chapters 4 and 5 of Title 29 of the Official Code of Georgia Annotated, relating to guardians and conservators of incapacitated adults, so as to change provisions concerning jurisdiction and duration, in order to bring them into conformity with Chapter 11 of Title 29 of the Official Code of Georgia Annotated; to correct errors and inconsistencies in the Official Code of Georgia Annotated; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1**

Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is amended by revising subsection (b) of Code Section 29-4-1, relating to the appointment of a guardian for an adult, as follows:

“(b) No guardian, other than a guardian ad litem or a guardian in an emergency appointed pursuant to paragraph (1) of subsection (a) of Code Section 29-11-13, shall be appointed for an adult except pursuant to the procedures of this chapter.”

**SECTION 2**

Title 29 of the Official Code of Georgia Annotated is further amended by revising paragraph (1) of subsection (e) of Code Section 29-4-1, relating to the appointment of a guardian for an adult, as follows:

“(1) No adult shall be presumed to be in need of a guardian unless:

“(A) That adult has been adjudicated to be in need of a guardian, pursuant to this chapter; or

“(B) The court has recognized the determination of an incapacitated person’s incapacity, as provided in subsection (g) of Code Section 29-11-21.”

**SECTION 3**

Title 29 of the Official Code of Georgia Annotated is further amended by revising subsection (a) of Code Section 29-4-10, relating to petitions for the appointment of a guardian of an adult, as follows:

“(a) Any interested person or persons, including the proposed ward, may file a petition for the appointment of a guardian. The petition shall be filed in the court of the county:

“(1) ~~in which the proposed ward is domiciled; or~~

“(2) In which the proposed ward is found, provided that, if the court of the county where the proposed ward is found determines, shall not have jurisdiction to hear any guardianship petition if it appears that the proposed ward was removed to that county solely for the purposes of filing a petition for the appointment of a guardian and that the court of that county thereby acquired jurisdiction to appoint a guardian because of

unjustifiable conduct, the court may take any action authorized by Code Section 29-11-16; or

“(3) In which jurisdiction otherwise is proper pursuant to Code Section 29-11-12.”

#### SECTION 4

Title 29 of the Official Code of Georgia Annotated is further amended by revising subsection (a) of Code Section 29-4-14, relating to petitions for the appointment of an emergency guardian of an adult, as follows:

“(a) Any interested person or persons, including the proposed ward, may file a petition for the appointment of an emergency guardian. The petition shall be filed in the court of the county in which the proposed ward is domiciled, in which the proposed ward is found, or in which jurisdiction otherwise is proper pursuant to Code Section 29-11-12.”

#### SECTION 5

Title 29 of the Official Code of Georgia Annotated is further amended by revising paragraph (3) of subsection (b) of Code Section 29-4-16, relating to limitations on an emergency guardianship, as follows:

“(3) The emergency guardianship shall terminate on the earliest of:

“(A) The court’s removal of the emergency guardian, with or without cause;

“(B) The effective date of the appointment of a guardian;

“(C) Unless otherwise specified in the order of dismissal, the dismissal of a petition for appointment of a guardian;

“(D) The date specified for the termination in the order appointing the emergency guardian; ~~or~~

“(E) Sixty days from the date of appointment of the emergency guardian, if the court had jurisdiction to issue the order appointing the emergency guardian under paragraph (1) of Code Section 29-11-12; or

“(F) Ninety days from the date of appointment of the emergency guardian, if the court had jurisdiction to issue the order appointing the emergency guardian under either paragraph (2) or (3) of Code Section 29-11-12.”

#### SECTION 6

Title 29 of the Official Code of Georgia Annotated is further amended by revising subsection (b) of Code Section 29-5-1, relating to the appointment of a conservator for an adult, as follows:

“(b) No conservator, except a conservator appointed pursuant to paragraph (2) of subsection (a) of Code Section 29-11-13 or a conservator for the estate of an individual who is missing or who is believed to be dead, shall be appointed for any adult except pursuant to the procedures of this chapter.”

## SECTION 7

Title 29 of the Official Code of Georgia Annotated is further amended by revising paragraph (1) of subsection (e) of Code Section 29-5-1, relating to the appointment of a conservator for an adult, as follows:

“(1) No adult shall be presumed to be in need of a conservator unless:

“(A) That adult has been adjudicated to be in need of a conservator, pursuant to this chapter; or

“(B) The court has recognized the determination of a protected person’s incapacity, as provided in subsection (g) of Code Section 29-11-21.”

## SECTION 8

Title 29 of the Official Code of Georgia Annotated is further amended by revising subsection (a) of Code Section 29-5-10, relating to petitions for the appointment of a conservator of an adult, as follows:

“(a) Any interested person or persons, including the proposed ward, may file a petition for the appointment of a conservator. The petition shall be filed in the court of the county:

“(1) ~~In~~ in which the proposed ward is domiciled; or

“(2) In which the proposed ward is found, provided that, if the court of the county where the proposed ward is found determines shall not have jurisdiction to hear any conservatorship petition if it appears that the proposed ward was removed to that county solely for the purposes of filing a petition for the appointment of a conservator and that the court of that county thereby acquired jurisdiction to issue a conservatorship order because of unjustifiable conduct, the court may take any action authorized by Code Section 29-11-16; or

“(3) In which jurisdiction otherwise is proper pursuant to Code Section 29-11-12.”

## SECTION 9

Title 29 of the Official Code of Georgia Annotated is further amended by revising subsection (a) of Code Section 29-5-14, relating to petitions for the appointment of an emergency conservator of an adult, as follows:

“(a) Any interested person or persons, including the proposed ward, may file a petition for the appointment of an emergency conservator. The petition shall be filed in the court of the county in which the proposed ward is domiciled, in which the proposed ward ~~is~~ found, or in which jurisdiction otherwise is proper pursuant to Code Section 29-11-12.”

## SECTION 10

This Act shall become effective on July 1, 2018.

## SECTION 11

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

## FIDUCIARY LAW SECTION

### PROPOSED AMENDMENTS TO THE REVISED GEORGIA TRUST CODE OF 2010

1. Specific legislation has been prepared and is attached. The proposed legislation amends Chapter 12 of Title 53 of the Official Code of Georgia (The Revised Georgia Trust Code of 2010).
2. This is the second set of amendments to the Georgia Trust Code proposed by the Fiduciary Law Section Trust Code Revision Committee. The first set of amendments was introduced in the Georgia House of Representatives during the 2017 legislative session as HB 121, which was reported favorably by the Judiciary Committee, but was withdrawn and recommitted to the Judiciary Committee. We anticipate that this second set of amendments will be added to HB 121 during the 2018 session of the General Assembly.
3. This legislation will make the following changes to the Georgia Trust Code:
  - (a) Provide that if a trust is named as the grantee of a transfer of property, the transfer is deemed to have been made to the trustee of the trust (O.C.G.A. § 53-12-25).
  - (b) Provide that for purposes of a spendthrift provision in a trust, a settlor will not be considered a beneficiary of a trust merely because the settlor has a right to receive discretionary distributions to reimburse the settlor's income tax liability attributable to the trust (O.C.G.A. § 53-12-80).
  - (c) Provide that the assets in a lifetime marital deduction trust will be deemed to have been contributed by the settlor's spouse and not the settlor after the death of the settlor's spouse (O.C.G.A. § 53-12-82).
  - (d) Clarify the computation of an individual trustee's annual fee (O.C.G.A. § 53-12-210).
  - (e) Provide that a trustee shall be authorized to exercise all powers over trust property that an unmarried competent owner has over individually owned property; amend the list of enumerated trustee's powers so that the provisions are easier to apply when the powers are granted to a personal representative or incorporated into a will by reference; amend the provision regarding the trustee's power to make loans; restore the provision regarding the trustee's power to determine what is principal and what is income to the list of enumerated powers; and amend the provisions regarding the incorporation of fiduciary powers by reference in a will or trust instrument (O.C.G.A. §§ 53-12-261 and 53-12-263).
  - (f) Add provisions regarding trust directors (directed trusts) (new Article 18 of Title 53; O.C.G.A. § 53-12-303; HB 121 § 3 [amending O.C.G.A. § 53-12-61]).

4. There are no known opponents of the proposed legislation.
5. No other section is believed to have an interest in this proposed legislation.
6. The Fiduciary Law Section recommends that this proposal be adopted by the State Bar of Georgia.

September 7, 2016  
Nikola R. Djuric  
Atlanta, Georgia  
Chair, Fiduciary Law Section Trust Code Revision Committee  
Chair, Fiduciary Law Section Legislation Committee

**PROPOSED AMENDMENT TO THE  
REVISED GEORGIA TRUST CODE OF 2010**

**53-12-25. Transfer of property to trust**

(a) Transfer of property ~~to a~~in trust shall require a transfer of legal title to the trustee. In any transfer of property or any interest in property, if a trust is named as a grantee, whether the trust is held under the laws of this State or of any other jurisdiction, then the transfer is deemed to have been made to the trustee of the trust as though the trustee of the trust had been named as grantee instead of the trust.

(b) For any interest in real property to become trust property in a trust of which any transferor is a trustee, the instrument of conveyance shall additionally be recorded in the appropriate real property records.

**53-12-80. Spendthrift provisions**

(a) A spendthrift provision shall only be valid if it prohibits both voluntary and involuntary transfers.

(b) A term of a trust providing that the interest of a beneficiary is held subject to a spendthrift trust, or words of similar import, shall be sufficient to restrain both voluntary and involuntary transfer of the beneficiary's interest in the manner set forth in this article.

(c) A beneficiary shall not transfer an interest in a trust in violation of a valid spendthrift provision, and, except as otherwise provided in this Code section, a creditor or assignee of the beneficiary shall not reach the interest or a distribution by the trustee before its receipt by the beneficiary.

(d) A spendthrift provision shall not be valid as to the following claims against a beneficiary's right to a current distribution to the extent the distribution would be subject to garnishment under Article 1 of Chapter 4 of Title 18 if the distribution were disposable earnings:

- (1) Alimony or child support;
- (2) Taxes or other governmental claims;
- (3) Tort judgments;
- (4) Judgments or orders for restitution as a result of a criminal conviction of the beneficiary; or
- (5) Judgments for necessities.

The ability of a creditor or assignee to reach a beneficiary's interest under this subsection shall not apply to the extent that it would disqualify the trust as a special needs trust established pursuant to 42 U.S.C. Sections 1396p(d)(4)(A) or 1396p(d)(4)(C).

(e) A provision in a trust instrument that a beneficiary's interest shall terminate or become discretionary upon an attempt by the beneficiary to transfer it, an attempt by the beneficiary's creditors to reach it, or upon the bankruptcy or receivership of the beneficiary shall be valid except to the extent of the proportion of trust property attributable to such beneficiary's contribution.

(f) If a beneficiary is also a contributor to the trust, a spendthrift provision shall not be valid as to such beneficiary to the extent of the proportion of trust property attributable to such beneficiary's contribution. A contributor to a trust shall not be deemed a beneficiary of the trust merely because the contributor has a right to receive discretionary distributions to reimburse the contributor's income tax liability attributable to the trust. This subsection shall not apply to a special needs trust established pursuant to 42 U.S.C. Sections 1396p(d)(4)(A) or 1396p(d)(4)(C).

(g) Notwithstanding any other provision in this Code section, a spendthrift provision in a pension or retirement arrangement described in sections 401, 403, 404, 408, 408A, 409, 414, or 457 of the federal Internal Revenue Code of 1986 shall be valid with reference to the entire interest of the beneficiary in the income, principal, or both, even if the beneficiary is also a contributor of trust property, except where a claim is made pursuant to a qualified domestic relations order as defined in 26 U.S.C. Section 414(p).

### **53-12-82. Creditors' claims against settlor**

Whether or not the trust instrument contains a spendthrift provision, the following rules shall apply:

(1) During the lifetime of the settlor, the property of a revocable trust shall be subject to claims of the settlor's creditors;

(2) With respect to an irrevocable trust, creditors or assignees of the settlor may reach the maximum amount that can be distributed to or for the settlor's benefit during the settlor's life or that could have been distributed to or for the settlor's benefit immediately prior to the settlor's death. If a trust has more than one settlor, the amount the creditors or assignees of a particular settlor may reach shall not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution; ~~and~~

(3) After the death of a settlor, and subject to the settlor's right to direct the source from which liabilities shall be paid, the property of a trust that was revocable at the settlor's death or had become irrevocable as a result of the settlor's incapacity shall be subject to claims of the settlor's creditors to the extent the probate estate is inadequate. Payments that would not be subject to the claims of the settlor's creditors if made by way of beneficiary designation to persons other than



the settlor's estate shall not be made subject to such claims by virtue of this Code section unless otherwise provided in the trust instrument: and

(4) The assets in a trust described in section 2523(e) of the Internal Revenue Code of 1986, as amended, or a trust for which the election described in section 2523(f) of the Internal Revenue Code of 1986, as amended, has been made shall, after the death of the settlor's spouse, be deemed to have been contributed by the settlor's spouse and not by the settlor.

### **§ 53-12-210. Compensation of trustee**

(a) Trustees shall be compensated in accordance with either the trust instrument or any separate written agreement between the trustee and the settlor. After the settlor's death or incapacity or while the trust is irrevocable, the trust instrument or the agreement relating to the trustee's compensation may be modified as follows:

(1) If all the qualified beneficiaries are sui juris, or if some of the qualified beneficiaries are not sui juris but all of them have a guardian or conservator, the trustee and the sui juris qualified beneficiaries and the guardians or conservators of qualified beneficiaries who are not sui juris may by unanimous consent modify the trust instrument or agreement relating to the trustee's compensation without receiving the approval of any court; and

(2) If one or more of the qualified beneficiaries who are not sui juris have no guardian or conservator, and all of the other qualified beneficiaries, including the guardians or conservators of qualified beneficiaries who are not sui juris, and the trustee are in agreement, any sui juris qualified beneficiary or the guardian or conservator of a beneficiary who is not sui juris or the trustee shall petition the court to approve a modification of the trust instrument or agreement relating to the trustee's compensation. The court shall appoint a guardian ad litem for each beneficiary who is not sui juris and who does not have a guardian or conservator, and service of notice of the petition for modification of the trustee's compensation shall be made on each such guardian ad litem. The court shall hold a hearing and shall either allow or deny the modification that is requested in the petition.

(b) If there is no provision for trustee compensation in the trust instrument and there is no separate written agreement between the trustee and the settlor relating to the trustee's compensation, a separate written agreement relating to the trustee's compensation may be entered into between the trustee and the qualified beneficiaries as follows:

(1) If all the qualified beneficiaries are sui juris or if some of the qualified beneficiaries are not sui juris but all of them have a guardian or conservator, the trustee and the sui juris qualified beneficiaries and the guardians or conservators of beneficiaries who are not sui juris may by unanimous consent enter into an agreement relating to the trustee's compensation without receiving the approval of any court; or

(2) If one or more of the qualified beneficiaries who are not sui juris have no guardian or conservator, and all of the other qualified beneficiaries, including the guardians or conservators

of qualified beneficiaries who are not sui juris, and the trustee are in agreement, any sui juris qualified beneficiary or the guardian or conservator of a beneficiary who is not sui juris or the trustee shall petition the court to approve an agreement relating to the trustee's compensation. The court shall appoint a guardian ad litem for each beneficiary who is not sui juris and who does not have a guardian or conservator, and service of notice of the petition for approval of the agreement shall be made on each such guardian ad litem. The court shall hold a hearing and shall either allow or deny the agreement that is requested in the petition.

(c) In cases other than those described in subsections (a) and (b) of this Code section, the trustee shall be entitled to compensation as follows:

(1) With respect to a corporate trustee, its published fee schedule, provided such fees are reasonable under the circumstances; and

(2) With respect to an individual trustee:

(A) One percent of cash and the fair market value of any other principal asset received upon the initial funding of the trust and at such time as additional principal assets are received; and

(B) An annual fee calculated in accordance with the following schedule based upon the cash and the market value of the other principal assets valued as of the last day of the trust accounting year prorated based on the length of service by the trustee during that year:

Percentage Fee

Market Value

1.75 percent / year on the first.....	\$ 500,000.00, <u>plus</u>
1.25 percent / year on the next.....	\$ 500,000.00, <u>plus</u>
1.00 percent / year on the next.....	\$ 1,000,000.00, <u>plus</u>
0.85 percent / year on the next.....	\$ 3,000,000.00, <u>plus</u>
0.50 percent / year on values over.....	\$ 5,000,000.00

**53-12-261. Powers of trustees**

~~—(a) As used in this Code section, the term "fiduciary" means the one or more personal representatives of the estate of a decedent or the one or more trustees of a testamentary or inter vivos trust, whichever in a particular case is appropriate.~~

~~(b) A (a) A trustee of an express trust, without court authorization, shall be authorized to exercise:~~

~~(1) powers conferred by the trust instrument; and~~

~~(2) except as limited by the trust instrument;~~

(A) all powers over the trust property that an unmarried competent owner has over individually owned property;

(B) any other powers appropriate to achieve the proper investment, management, and distribution of the trust property; and

(C) any other powers conferred by this chapter.

(b) Without limiting the authority conferred by subsection (a), a trustee of an express trust, without court authorization, shall be authorized:

(1) To sell, exchange, grant options upon, partition, or otherwise dispose of any property or interest therein which the fiduciary may hold from time to time, at public or private sale or otherwise, with or without warranties or representations, upon such terms and conditions, including credit, and for such consideration as the fiduciary deems advisable and to transfer and convey the property or interest therein which is at the disposal of the fiduciary, in fee simple absolute or otherwise, free of all trust. The party dealing with the fiduciary shall not be under a duty to follow the proceeds or other consideration received;

(2) To invest and reinvest in any property which the fiduciary deems advisable, including, but not limited to, common or preferred stocks, bonds, debentures, notes, mortgages, or other securities, in or outside the United States; insurance contracts on the life of any beneficiary or of any person in whom a beneficiary has an insurable interest or in annuity contracts for any beneficiary; any real or personal property; investment trusts, including the securities of or other interests in any open-end or closed-end management investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. Section 80a-1, et seq.; and participations in common trust funds;

(3) To the extent and upon such terms and conditions and for such periods of time as the fiduciary shall deem necessary or advisable, to continue or participate in the operation of any business or other enterprise, whatever its form or organization, including, but not limited to, the power:

(A) To effect incorporation, dissolution, or other change in the form of the organization of the business or enterprise;

(B) To dispose of any interest therein or acquire the interest of others therein;

(C) To contribute or invest additional capital thereto or to lend money thereto in any such case upon such terms and conditions as the fiduciary shall approve from time to time; and

(D) To determine whether the liabilities incurred in the conduct of the business are to be chargeable solely to the part of the ~~trust~~property held by the fiduciary set aside for use in the business or to the ~~trust~~property held by the fiduciary as a whole.

In all cases in which the fiduciary is required to file accounts in any court or in any other public office, it shall not be necessary to itemize receipts, disbursements, and distributions of property; but it shall be sufficient for the fiduciary to show in the account a single figure or consolidation of figures, and the fiduciary shall be permitted to account for money and property received from the business and any payments made to the business in lump sum without itemization;

(4) To form a corporation or other entity and to transfer, assign, and convey to the corporation or entity all or any part of the ~~trust~~ property held by the fiduciary in exchange for the stock, securities, or obligations of or other interests in any such corporation or entity and to continue to hold the stock, securities, obligations, and interests;

(5) To continue any farming operation and to do any and all things deemed advisable by the fiduciary in the management and maintenance of the farm and the production and marketing of crops and dairy, poultry, livestock, orchard, and forest products, including, but not limited to, the power:

(A) To operate the farm with hired labor, tenants, or sharecroppers;

(B) To lease or rent the farm for cash or for a share of the crops;

(C) To purchase or otherwise acquire farm machinery, equipment, and livestock;

(D) To construct, repair, and improve farm buildings of all kinds needed, in the fiduciary's judgment, for the operation of the farm;

(E) To make or obtain loans or advances at the prevailing rate or rates of interest for farm purposes, such as for production, harvesting, or marketing; or for the construction, repair, or improvement of farm buildings; or for the purchase of farm machinery, equipment, or livestock;

(F) To employ approved soil conservation practices, in order to conserve, improve, and maintain the fertility and productivity of the soil;

(G) To protect, manage, and improve the timber and forest on the farm and to sell the timber and forest products when it is to the best interest of the ~~trust~~ persons to whom the fiduciary owes a duty of care;

(H) To ditch, dam, and drain damp or wet fields and areas of the farm when and where needed;

(I) To engage in the production of livestock, poultry, or dairy products and to construct such fences and buildings and to plant pastures and crops as may be necessary to carry on such operations;

(J) To market the products of the farm; and

(K) In general, to employ good husbandry in the farming operation;

(6) To manage real property:

(A) To improve, manage, protect, and subdivide any real property;

(B) To dedicate, or withdraw from dedication, parks, streets, highways, or alleys;

(C) To terminate any subdivision or part thereof;

(D) To borrow money for the purposes authorized by this paragraph for the periods of time and upon the terms and conditions as to rates, maturities, and renewals as the fiduciary shall deem advisable and to mortgage or otherwise encumber the property or part thereof, whether in possession or reversion;

(E) To lease the property or part thereof, the lease to commence at the present or in the future, upon the terms and conditions, including options to renew or purchase, and for the period or periods of time as the fiduciary deems advisable even though the period or periods may extend beyond the duration of the estate or trust, as the case may be;

(F) To make gravel, sand, oil, gas, and other mineral leases, contracts, licenses, conveyances, or grants of every nature and kind which are lawful in the jurisdiction in which the property lies;

(G) To manage and improve timber and forests on the property, to sell the timber and forest products, and to make grants, leases, and contracts with respect thereto;

(H) To modify, renew, or extend leases;

(I) To employ agents to rent and collect rents;

(J) To create easements and to release, convey, or assign any right, title, or interest with respect to any easement on the property or part thereof;

(K) To erect, repair, or renovate any building or other improvement on the property and to remove or demolish any building or other improvement in whole or in part; and

(L) To deal with the property and every part thereof in all other ways and for such other purposes or considerations as it would be lawful for any person owning the same to deal with the property either in the same or in different ways from those specified elsewhere in this paragraph;

(7) To lease personal property ~~held by~~ the ~~trust~~ fiduciary or part thereof, the lease to commence at the present or in the future, upon the terms and conditions, including options to renew or purchase, and for the period or periods of time as the fiduciary deems advisable even though the period or periods may extend beyond the duration of the estate or trust;

(8) (A) To pay debts, taxes, assessments, compensation of the fiduciary, and other expenses incurred in the collection, care, administration, and protection of the ~~trust~~property held by the fiduciary; and

(B) To pay from the ~~trust~~property held by the fiduciary all charges that the fiduciary deems necessary or appropriate to comply with laws regulating environmental conditions and to remedy or ameliorate any such conditions which the fiduciary determines adversely affect the ~~trust~~property held by the fiduciary or otherwise are liabilities of the estate or trust, as the case may be, and to apportion all such charges among the several bequests and trusts and the interests of the beneficiaries in such manner as the fiduciary deems fair, prudent, and equitable under the circumstances;

(9) To receive additional property from any source and to administer the additional property as a portion of the appropriate trust or estate under the management of the fiduciary, provided that the fiduciary shall not be required to receive the property without the fiduciary's consent;

(10) In dealing with one or more fiduciaries of the estate or any trust created by the decedent or the settlor or any spouse or child of the decedent or settlor and irrespective of whether the fiduciary is a personal representative or trustee of such other estate or trust:

(A) To sell real or personal property of the estate or trust to such fiduciary or to exchange such property with such fiduciary upon such terms and conditions as to sale price, terms of payment, and security as shall seem advisable to the fiduciary; and the fiduciary shall be under no duty to follow the proceeds of any such sale; and

(B) To borrow money from the estate or trust for such periods of time and upon such terms and conditions as to rates, maturities, renewals, and securities as the fiduciary shall deem advisable for the purpose of paying debts of the decedent or settlor, taxes, the costs of the administration of the estate or trust, and like charges against the estate or trust or any part thereof or of discharging any other liabilities of the estate or trust and to mortgage, pledge, or otherwise encumber such portion of the estate or trust as may be required to secure the loan and to renew existing loans;

(11) To borrow money for such periods of time and upon such terms and conditions as to rates, maturities, renewals, and security as the fiduciary shall deem advisable for the purpose of paying debts, taxes, or other charges against the estate or trust, as the case may be, or any part thereof and to mortgage, pledge, or otherwise encumber such portion of the ~~trust~~property held by the fiduciary as may be required to secure the loan and to renew existing loans either as maker or endorser;

~~(12) To make loans or advances for the benefit or the protection of the trust;~~

(12) To make loans out of the property held by the fiduciary, including loans to a beneficiary on terms and conditions the fiduciary considers to be fair and reasonable under the circumstances, and the fiduciary has a lien on future distributions for repayment of those loans;

(13) To vote shares of stock or other ownership interests owned held by the trust fiduciary, in person or by proxy, with or without power of substitution;

(14) To hold a security in the name of a nominee or in other form without disclosure of the fiduciary relationship, so that title to the security may pass by delivery; but the fiduciary shall be liable for any act of the nominee in connection with the security so held;

(15) To exercise all options, rights, and privileges to convert stocks, bonds, debentures, notes, mortgages, or other property into other stocks, bonds, debentures, notes, mortgages, or other property; to subscribe for other or additional stocks, bonds, debentures, notes, mortgages, or other property; and to hold the stocks, bonds, debentures, notes, mortgages, or other property so acquired as investments of the estate or trust so long as the fiduciary shall deem advisable;

(16) To unite with other owners of property similar to any which may be held at any time ~~in~~ by the trust fiduciary, in carrying out any plan for the consolidation or merger, dissolution or liquidation, foreclosure, lease, or sale of the property or the incorporation or reincorporation, reorganization, or readjustment of the capital or financial structure of any corporation, company, or association the securities of which may form any portion of an estate or trust; to become and serve as a member of a shareholders' or bondholders' protective committee; to deposit securities in accordance with any plan agreed upon; to pay any assessments, expenses, or sums of money that may be required for the protection or furtherance of the interest of the beneficiaries to whom the fiduciary owes a duty of any trust care with reference to any such plan; and to receive as investments of the estate or trust any securities issued as a result of the execution of such plan;

(17) To adjust the interest rate from time to time on any obligation, whether secured or unsecured, constituting a part of the estate or trust;

(18) To continue any obligation, whether secured or unsecured, upon and after maturity, with or without renewal or extension, upon such terms as the fiduciary shall deem advisable, without regard to the value of the security, if any, at the time of the continuance;

(19) To foreclose, as an incident to the collection of any bond, note, or other obligation, any deed to secure debt or any mortgage, deed of trust, or other lien securing the bond, note, or other obligation and to bid in the property at the foreclosure sale or to acquire the property by deed from the mortgagor or obligor without foreclosure; and to retain the property so bid in or taken over without foreclosure;

(20) To carry such insurance coverage as the fiduciary shall deem advisable;

(21) To collect, receive, and issue receipts for rents, issues, profits, and income of the estate or trust, as the case may be;

(22) (A) To compromise, adjust, mediate, arbitrate, or otherwise deal with and settle claims involving the trust fiduciary or the trustee property held by the fiduciary;

(B) To compromise, adjust, mediate, arbitrate, bring or defend actions on, abandon, or otherwise deal with and settle claims in favor of or against the estate or trust as the fiduciary shall deem advisable; the fiduciary's decision shall be conclusive between the fiduciary and the beneficiaries of the trust to whom the fiduciary owes a duty of care and the person against or for whom the claim is asserted, in the absence of fraud by such persons and, in the absence of fraud, bad faith, or gross negligence of the fiduciary, shall be conclusive between the fiduciary and the beneficiaries of the trust to whom the fiduciary owes a duty of care; and

(C) To compromise all debts, the collection of which are doubtful, belonging to the estate or trust when such settlements will advance the interests of those represented;

(23) To employ and compensate, out of income or principal or both and in such proportion as the fiduciary shall deem advisable, persons deemed by the fiduciary needful to advise or assist in the administration of any the estate or trust, including, but not limited to, agents, accountants, brokers, attorneys at law, attorneys in fact, investment brokers, rental agents, realtors, appraisers, and tax specialists; and to do so without liability for any neglect, omission, misconduct, or default of the agent or representative, provided such person was selected and retained with due care on the part of the fiduciary;

(24) To acquire, receive, hold, and retain undivided the principal of several trusts created by a single trust instrument until division shall become necessary in order to make distributions; to hold, manage, invest, reinvest, and account for the several shares or parts of shares by appropriate entries in the fiduciary's books of account and to allocate to each share or part of share its proportionate part of all receipts and expenses; provided, however, that this paragraph shall not defer the vesting in possession of any share or part of share of the trust;

(25) To set up proper and reasonable reserves for taxes, assessments, insurance premiums, depreciation, obsolescence, amortization, depletion of mineral or timber properties, repairs, improvements, and general maintenance of buildings or other property out of rents, profits, or other income received;

(26) To value assets of property held by the trust fiduciary and to distribute them such property in cash or in kind, or partly in cash and partly in kind, in divided or undivided interests, as the fiduciary finds to be most practical and in the best interest of the distributees, the fiduciary being able to distribute types of assets differently among the distributees;

(27) To transfer money or other property distributable to a beneficiary who is under age 21, an adult for whom a guardian or conservator has been appointed, or an adult who the fiduciary reasonably believes is incapacitated by distributing such money or property directly to the beneficiary or applying it for the beneficiary's benefit, or by:

(A) Distributing it to the beneficiary's conservator or, if the beneficiary does not have a conservator, the beneficiary's guardian;



(B) Distributing it to the beneficiary's custodian under "The Georgia Transfers to Minors Act" or similar state law and, for that purpose, creating a custodianship and designating a custodian;

(C) Distributing it to the beneficiary's custodial trustee under the Uniform Custodial Trust Act as enacted in another state and, for that purpose, creating a custodial trust; or

(D) Distributing it to any other person, whether or not appointed guardian or conservator by any court, who shall, in fact, have the care and custody of the person of the beneficiary.

The fiduciary shall not be under any duty to see to the application of the distributions so made if the fiduciary exercised due care in the selection of the person, including the beneficiary, to whom the payments were made; and the receipt of the person shall be full acquittance to the fiduciary;

~~(28)~~ (28) To determine: (A) What is principal and what is income of any estate or trust and to allocate or apportion receipts and expenses, as between principal and income, in the exercise of the fiduciary's discretion and, by way of illustration and not limitation of the fiduciary's discretion, to charge premiums on securities purchased at a premium against principal or income or partly against each; (B) Whether to apply stock dividends and other noncash dividends to income or principal or to apportion them as the fiduciary shall deem advisable; and (C) What expenses, costs, and taxes, other than estate, inheritance, and succession taxes and other governmental charges, shall be charged against principal or income or apportioned between principal and income and in what proportions;

(29) To make, modify, and execute contracts and other instruments, under seal or otherwise, as the fiduciary deems advisable; and

(2930) To serve without making and filing inventory and appraisal, without filing any annual or other returns or reports to any court, and without giving bond; but, a personal representative shall furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements.

(c) The exercise of a power is subject to the fiduciary duties prescribed by this chapter.

(d) If the probate court grants to a personal representative any of the powers contained in this Code section, then as used in this Code section:

(1) The term "trust" includes the estate held by the personal representative;

(2) The term "trustee" or "fiduciary" includes the personal representative; and

(3) The term "beneficiary" includes a distributee of the estate.

### **53-12-263. Incorporation of powers by reference**

(a) By an expressed intention of the testator or settlor contained in a will or in a trust instrument in writing whereby an express trust is created, any or all of the powers or any portion thereof enumerated in this part, as they exist at the time of the signing of the will by the testator or at the time of the signing by the first settlor who signs the trust instrument, may be, by appropriate reference made thereto, incorporated in the will or other written instrument with the same effect as though such language were set forth verbatim in the trust instrument.

(b) At any time after the execution of a revocable trust, the settlor or anyone who is authorized by the trust instrument to modify the trust may incorporate any or all of the powers or any portion thereof enumerated in this part, as they exist at the time of the incorporation.

(c) Incorporation of one or more of the powers contained in this part, by reference to the appropriate portion of Code Section 53-12-261, shall be in addition to and not in limitation of the common-law or statutory powers of the fiduciary.

(d) (1) A provision in any will or trust instrument which incorporates powers by citation to Georgia Laws 1973, page 846; Code 1933, Section 108-1204 (Harrison); ~~or former Code Section 53-12-40, 53-12-232;~~ or 53-15-3; or Code Section 53-12-261 which were in effect at the time the trust was created and which was valid under the law in existence at the time the will was signed by the testator or at the time of the signing by the first settlor who ~~signed~~ signed the trust instrument shall be effective notwithstanding the subsequent repeal or amendment of such statute.

(2) A provision in any will or trust instrument which was signed by the testator or by the first settlor to sign after June 30, 1991, but before July 1, 1992, and which incorporates powers by citation to former Code Section 53-~~12-40~~ ~~or 53-~~15-3 in effect on the date of such signing shall be deemed to mean and refer to the corresponding powers contained in former Code Section 53-12-232.

(e) If any or all of the powers contained in this part are incorporated by reference into a will by a testator, then as used in this part:

~~(1) The term "trust" includes the estate held by the personal representative;~~

(1) The term "trust" includes the estate held by the personal representative;

(2) The term "~~trustee~~" or "fiduciary" includes the personal representative; and

(3) The term "~~beneficiaries of the trust~~" beneficiary" includes ~~distributees~~ a distributee of the estate.

### 53-12-303. Relief of liability

(a) No provision in a trust instrument shall be effective to relieve the trustee of liability for a breach of trust committed in bad faith or with reckless indifference to the interests of the beneficiaries.

(b) A trustee of a revocable trust shall not be liable to a beneficiary for any act performed or omitted pursuant to written direction from a person holding the power to revoke, including a person to whom the power to ~~direct the trustee~~ revoke is delegated. If the trust is revocable in part, then this subsection shall apply with respect to the interest of the beneficiary in that part of the trust property.

(c) ~~Whenever Reserved.~~

\*\*\*

## ARTICLE 18 TRUST DIRECTORS

### 53-12-500. Definitions

As used in this Article, the term:

(a) “Directed trustee” means a trustee that is subject to a trust reserves to the settlor or vests in director’s power of direction.

(b) “Power of appointment” means a power that enables a person, acting in a nonfiduciary capacity, to designate a recipient of either an advisory ownership interest in or another power of appointment over trust property.

(c) “Power of direction” means a power over a trust granted by the trust instrument to a trust director. The term includes a power over the administration of the trust or the investment committee, management, or in any other person, distribution of the trust property; a power to consent to a trustee’s actions, whether through exercise of an affirmative power to consent or through nonexercise of a veto power over a trustee’s actions, where a trustee may not act without such consent; a power to represent a beneficiary, including a cotrustee, to the exclusion of one or more but not limited to the power to receive information and provide consent on behalf of such beneficiary; and, except as provided otherwise in the trust instrument, any further powers appropriate to the exercise or nonexercise of the powers of direction. The term excludes the powers described in subsection (b) of Code Section 53-12-501 and instances in which a dissenting trustee joins in an action at the direction of the other trustees, who may act for the authority to direct trust.

(d) “Trust director” means a person that is granted a power of direction by a trust, regardless of whether the making trust refers to the person as a trust director and regardless of whether the person is a beneficiary or retention settlor of the trust.

### **53-12-501. Applicability**

(a) This Article applies if the trust instrument evidences the settlor's intent to provide for the office and function of a trust director, regardless of the terms used to describe such office and functions.

(b) This Article does not apply to:

(1) A power of appointment;

(2) A power to appoint or remove a trustee or trust director;

(3) A power of a settlor to revoke the trust or amend the trust instrument;

(4) A power of a beneficiary to the extent the exercise or nonexercise of the power affects the beneficial interest of the beneficiary or a person represented by the beneficiary under Code Section 53-12-8; or

(5) A power over a trust if the trust instrument provides the power is to be held in a nonfiduciary capacity and must be so held to achieve the settlor's tax objectives under the Internal Revenue Code of 1986, as amended.

(c) Except as provided otherwise in the trust instrument, a power that is both a power of appointment and a power of direction shall be deemed a power of appointment and shall not be deemed a power of direction for purposes of this Article.

### **53-12-502. Powers of Trust Director**

(a) Except as provided in this Code Section, a trust instrument may grant powers of direction, and a trust director shall have only those powers of direction granted by the trust instrument.

(b) A trust director is subject to the same rules as a trustee in a like position and under similar circumstances in the exercise or nonexercise of a power of direction regarding:

(1) A payback provision in the trust necessary for compliance with the reimbursement requirements of Medicaid law in Section 1917 of the Social Security Act, 42 U.S.C. Section 1396p(d)(4)(A), as amended, and regulations issued thereunder; and

(2) A charitable interest in the trust, including notice regarding the interest to the Attorney General.

(c) The powers of direction of a trust director who is also a beneficiary are subject to the limitations of Code Section 53-12-270.

(d) In the case of a power to modify the trust, including but not limited to any investment, the power to grant, modify, or terminate a power of appointment:

(1) The duties or liabilities of a trustee may not be enlarged without the trustee's express consent; and

(2) A trustee shall not be liable for failing to act in accordance with a modification or termination of a trust of which the trustee had no notice.

### **53-12-503. Duty and Liability of Trust Director**

(a) Except as provided in this subsection, with respect to a power of direction:

(1) A trust director has the same fiduciary duty and liability in the exercise or nonexercise of the power of direction as a trustee in a like position and under similar circumstances; and

(2) The trust instrument may vary the director's duty or liability to the same extent the trust instrument may vary the duty or liability of a trustee in a like position and under similar circumstances.

(b) A trust instrument may make the existence of a trust director's power of direction contingent upon the occurrence of certain events, including a request to the trust director from a beneficiary or other similar party.

(c) A trust instrument may empower a trust director to delegate a power of direction to a trustee and provide that, upon written acceptance of such delegation by the trustee, the trustee shall assume the fiduciary duties and liabilities attendant to the power of direction until such time as the trust director or trustee terminates the delegation by written notice.

(d) Except as provided otherwise in the trust instrument, a trust director shall:

(1) Keep trustees and other trust directors reasonably informed of the exercise or nonexercise of the trust director's power of direction to the extent such exercise or nonexercise is relevant to the party's interests in and duties regarding the trust; and

(2) Respond to reasonable requests from trustees and other trust directors for information to the extent such information is relevant to the party's interest in or duties regarding the trust.

(e) A trust director that acts in reliance on information provided by a trustee or another trust director is not liable for a breach of trust to the extent the breach resulted from the reliance, unless by so acting the trust director engages in willful misconduct.

(f) Except as provided otherwise in the trust instrument, where a trust director legally provides health care in the ordinary course of the trust director's business, to the extent the trust director acts in that capacity, the trust director has no duty or liability under this Code section.

(g) Except as provided otherwise in the trust instrument, a trust director does not have a duty to:

(1) Monitor a trustee or another trust director regarding matters outside the scope of the trust director's powers of direction; or

(2) Inform or give advice to a settlor, beneficiary, trustee, or another trust director concerning an instance in which the director might have acted differently than a trustee or another trust director.

By taking one of the foregoing actions, a trust director does not assume any of the duties excluded trustee shall be liable, if at all, only as a ministerial agent and not as trustee for any loss resulting from the making or retention or any investment pursuant to the by this subsection.

(h) A trust instrument may impose a duty or liability on a trust director in addition to the duties and liabilities under this Code Section.

(i) A trust protector that has reasonable doubt about a duty imposed by this Code Section may petition the court for instructions.

### **53-12-504. Duty and Liability of Directed Trustee**

(a) Unless compliance by the directed trustee would clearly constitute willful misconduct on the part of the directed trustee, a directed trustee shall take reasonable action to comply with a trust director's exercise or nonexercise of a power of direction and shall not be liable for such action.

(b) Except as provided otherwise in the trust instrument, a directed trustee shall:

(1) Account at least annually to a trust director under Code Section 53-12-243 as if the trust director was a qualified beneficiary of an irrevocable trust to whom income is required or authorized ~~direction~~ in the trustee's discretion to be distributed; and

(2) Respond to reasonable requests from a trust director for information to the extent such information is relevant to the party's interest in or duties regarding the trust.

(c) A directed trustee that acts in reliance on information provided by a trust director is not liable for a breach of trust to the extent the breach resulted from the reliance, unless by so acting the directed trustee engages in willful misconduct.

(d) A trustee shall not be liable for a failure to sufficiently report or provide information to a beneficiary or other party when such failure is related to the failure of a trust director to provide information to the trustee.

(e) Except as provided otherwise in the trust instrument, a trustee does not have a duty to:

(1) Take any action in response to willful misconduct by the trust director other than the refusal to comply with such direction;

(2) Monitor, investigate, review, or evaluate a trust director, including a trust director's actions or inactions;

(3) Provide any accountings, reports, or other information to a trust director beyond that required by subsection (b) of this Code Section;

(4) Advise a trust director regarding the scope, nature, execution, standard of care, potential liability or other aspects of their status as trust director;

(5) Attempt to compel a trust director to act or not act;

(6) Petition a court regarding a trust director's action, inaction, capacity, or any similar matter; or

(7) Inform or give advice to a settlor, beneficiary, trustee, or trust director concerning an instance in which the trustee might have acted differently than the trust director.

By taking one of the foregoing actions, a directed trustee does not assume any of the duties excluded by this subsection.

(f) An exercise of a power of direction under which a trust director may release a trustee from liability for breach of trust is not effective if the breach was induced by willful misconduct or the provision of false or incomplete information by the trustee.

(g) A directed trustee that has reasonable doubt about a duty imposed by this Code Section may petition the court for instructions.

### **53-12-505. Provisions Applicable to Trust Director**

(a) Except as provided otherwise in the trust instrument, the rules applicable to a trustee apply to a trust director regarding:

- (1) Appointment and vacancies under Code Section 53-12-201;
- (2) Acceptance under Code Section 53-12-202;
- (3) Giving of a bond under Code Section 53-12-203;
- (4) Co-trustees under Code Section 53-12-204;
- (5) Compensation and reimbursement of expenses under Code Sections 53-12-210 through 53-12-214;
- (6) Resignation under Code Section 53-12-220;
- (7) Removal under Code Section 53-12-221; and
- (8) Service under Code Section 53-12-320.

(b) In an action against a trust director for breach of trust, the trust director may assert the same defenses a trustee in a like position and under similar circumstances could assert in an action for breach of trust against the trustee.

(c) By accepting appointment, the trust director submits personally to jurisdiction in this State regarding any matter related to a power or duty of the trust director. This subsection does not preclude use of another method to obtain jurisdiction over a trust director.

**[CHANGE TO HB 121, § 3, LINES 92-93, AMENDING CODE SECTION 53-12-61]**

**53-12-61.**

(a) The trust instrument may confer ~~upon a trustee or other person~~ a power to modify, consolidate, divide, or terminate the trust without court approval.

\* \* \*



9/27/2017

**State Bar of Georgia Consolidated Revenues and Expenditures as of June 30, 2017  
Operations and Bar Center Combined**

Activity	2016-17 Net Dues			Actual 2015-16			YTD 2016-17			Budget 2016-17			
	#	Memb.	%	Amount	#	Memb.	%	Amount	% of Bud	#	Memb.	%	Amount
Active	38,127	78.2		\$9,300,550	38,951	78.0		\$9,465,995	99.9%	38,560	78.2		\$9,476,080
Inactive	8,719	17.9		\$1,105,498	8,815	17.6		\$1,119,337	101.5%	8,890	18.0		\$1,103,060
Associates	16	0.0		\$1,600	15	0.0		\$1,300	65.0%	20	0.0		\$2,000
Foreign Legal Cnslt	8	0.0		\$1,984	7	0.0		\$1,736	87.5%	8	0.0		\$1,984
Students	159	0.3		\$0	179	0.4		\$0	0.0%	170	0.3		\$0
Emeritus	1,732			\$0	1,985			\$0	0.0%	1,650	0.0		\$0
Late Fees				\$214,470				\$292,060	116.8%				\$250,000
Prior Years Dues				\$5,398				\$2,455	35.1%				\$7,000
<b>Total License &amp; Dues</b>	<b>48,761</b>	<b>96.4</b>		<b>\$10,629,230</b>	<b>49,952</b>	<b>96.0</b>		<b>\$10,882,883</b>	<b>100.4%</b>	<b>49,298</b>	<b>96.6</b>		<b>\$10,840,124</b>
Bar Center Revenue				\$3,798,460				\$3,968,987	103.8%				\$3,822,652
Alloc. Section Fees				\$104,526				\$127,625	97.0%				\$131,556
CSF Expense Reimb.				\$73,000				\$73,000	100.0%				\$73,000
Advertising & Sales				\$109,468				\$90,305	70.2%				\$128,700
Membership Income				\$125,460				\$129,101	81.7%				\$158,030
Interest Income				\$65,901				\$55,464	74.0%				\$75,000
Miscellaneous				\$4,839				\$2,168	86.7%				\$2,500
<b>Total Revenue</b>				<b>\$14,910,884</b>				<b>\$15,329,533</b>	<b>100.6%</b>				<b>\$15,231,562</b>
<b>Total Expenses</b>				<b>\$15,324,811</b>				<b>\$15,097,171</b>	<b>91.6%</b>				<b>\$16,473,664</b>
<b>Net Gain (Loss)</b>				<b>(\$413,927)</b>				<b>\$232,362</b>					<b>(\$1,242,102)</b>

**State Bar Reserves**

<b>Board Designated Reserves</b>	
Operating Reserve	\$2,750,000
Bar Center Reserve	2,000,000
Litigation Reserve	300,000
Comerstones of Freedom Reserve	600,000
<b>Total Designated Reserves</b>	<b>\$5,650,000</b>
<b>Surplus (Cash Basis) 6/30/17 (subject to audit)</b>	
Operations	(\$4,575,040)
Bar Center	\$9,796,394
<b>Total Surplus</b>	<b>\$5,221,354</b>
<b>Total Reserves</b>	<b>\$10,871,354</b>

September 27, 2017

**State Bar of Georgia**  
**Income Statement YTD - Operations**  
**For the Twelve Months Ending June 30, 2017**

	YTD Actual	Annual Budget	Ytd % of Bud	Last Year
<b>Revenues</b>				
Dues - Active	\$ 9,467,731	\$ 9,476,080	99.91	9,302,564
Dues - Inactive	1,119,337	1,103,060	101.48	1,105,498
Dues - Misc. Types	1,300	3,984	32.63	1,600
Dues - Late Fees	294,515	257,000	114.60	219,568
<b>Total Dues &amp; Licenses</b>	<b>10,882,883</b>	<b>10,840,124</b>	<b>100.39</b>	<b>10,629,230</b>
Section Expense Reimb.	127,625	131,556	97.01	104,526
CSF Expense Reimb.	73,000	73,000	100.00	73,000
Advertising and Sales	90,305	128,700	70.17	109,468
Membership Income	76,301	88,030	86.68	76,910
Pro Hac Vice	304,000	270,000	112.59	270,550
Pro Hac Vice Contra	(251,200)	(200,000)	125.60	(222,000)
Savannah Misc Income	0	0	0.00	350
Interest Income	55,464	75,000	73.95	65,901
Miscellaneous Revenues	2,168	2,500	86.72	4,489
<b>Total Revenues</b>	<b>11,360,546</b>	<b>11,408,910</b>	<b>99.58</b>	<b>11,112,424</b>
<b>Expenses</b>				
Administration	2,173,314	2,170,534	100.13	2,045,693
Management Info Systems	499,159	512,534	97.39	511,103
General Counsel	3,598,119	3,782,882	95.12	3,719,535
Consumer Assistance Pgm.	575,496	584,716	98.42	561,338
Communications	825,610	857,983	96.23	782,482
Lawyer's Assistance Program	55,318	59,000	93.76	56,391
Fee Arbitration	500,215	554,826	90.16	488,397
Law Practice Management	438,988	448,829	97.81	429,548
Sections	127,625	131,556	97.01	104,526
Savannah Office	216,853	221,838	97.75	214,493
Tifton Office	157,786	168,371	93.71	154,161
Young Lawyers	483,355	523,118	92.40	503,197
Unauthorized Practice of Law	780,164	798,730	97.68	760,986
Standards of the Profession	109,418	238,441	45.89	222,606
Law Related Education	348,467	360,491	96.66	331,015
High School Mock Trial	116,423	106,317	109.51	115,697
Pro Bono	212,216	212,216	100.00	212,216
Fastcase	206,912	207,000	99.96	195,496
Officers' Expenses	113,059	185,628	60.91	88,611
BASICS Program Contribution	150,000	150,000	100.00	140,000
Resource Center Contribution	110,332	110,332	100.00	110,332
Military/Vets Pro Bono	106,069	103,742	102.24	103,742
Other Expenses	488,878	1,051,830	46.48	494,946
<b>Total Expenses</b>	<b>12,393,776</b>	<b>13,540,914</b>	<b>91.53</b>	<b>12,346,511</b>
<b>Net Income</b>	<b>\$ (1,033,230)</b>	<b>\$ (2,132,004)</b>	<b>48.46</b>	<b>(1,234,087)</b>

9/27/2017

**State Bar of Georgia - Bar Center**  
**Revenues and Expenditures - Executive Summary**  
**For the Twelve Months Ended June 30, 2017**

Activity	Actual FY 16	YTD 6/30/17		Budget FY 17
		Actual	% Budget	
<b>Income and Cash Receipts</b>				
CCLC Contribution	\$1,385,803	\$1,314,288	101.1%	\$1,300,000
Interest Income	\$16,089	\$15,403	102.7%	\$15,000
Member Assessment	\$301,351	\$308,278	104.5%	\$295,000
Room Rentals and Various Charges	\$23,408	\$23,657	70.4%	\$33,600
Parking Revenues	\$310,557	\$396,643	138.1%	\$287,235
Rental Income	\$1,174,741	\$1,312,477	101.5%	\$1,293,576
Operating Budget Transfer	\$586,511	\$598,241	100.0%	\$598,241
<b>Total Income and Cash Receipts</b>	<b>\$3,798,460</b>	<b>\$3,968,987</b>	<b>103.8%</b>	<b>\$3,822,652</b>
<b>Expenses and Cash Disbursements</b>				
Building Rehabilitation	\$20,454	\$85,684	114.2%	\$75,000
Conference Floor Renovations	\$1,650	\$395	2.0%	\$20,000
Tenant Improvements	\$555,199	\$0	0.0%	\$25,000
Furniture and Equipment	\$10,047	\$59,912	0.0%	\$67,500
Design Fees	\$32,921	\$0	0.0%	\$10,000
Parking Deck Enhancements	\$173,062	\$258,829	0.0%	\$307,000
Median and Landscaping	\$878	\$0	0.0%	\$5,000
Woodrow Wilson Exhibit and Law Museum	\$14,554	\$152	3.0%	\$5,000
President's Conference Room	\$1,101	\$4,740	94.8%	\$5,000
Law Related Education	\$25,960	\$19,470	73.5%	\$26,500
Conference Center Operating Expenses	\$399,725	\$465,550	91.6%	\$507,999
Third Floor Contingency	\$0	\$553	2.2%	\$25,000
Building Operating Expenses	\$1,441,967	\$1,523,861	92.1%	\$1,653,780
Parking Deck Operating Expenses	\$305,365	\$284,249	115.6%	\$245,894
Legal, Due Diligence and Closing Fees	\$0	\$0	0.0%	\$0
<b>Total Expenses and Cash Disbursements</b>	<b>\$2,982,883</b>	<b>\$2,703,395</b>	<b>90.8%</b>	<b>\$2,978,673</b>
<b>Net Cash Flow</b>	<b>\$815,577</b>	<b>\$1,265,592</b>		<b>\$843,979</b>

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

Total Number of Members at Apr 30 of prev Bar year (active and inactive)	<u>47,442</u>	<u>46,659</u>	<u>46,113</u>
	<b>Dues Season</b>	<b>Dues Season</b>	<b>Dues Season</b>
	<b>April 2017 - April</b>	<b>May 2016- April</b>	<b>May 2015 - April</b>
<b>Dues</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
Active - Number Paid	37,649	37,045	36,467
Inactive - Number Paid	<u>8,519</u>	<u>8,588</u>	<u>8,521</u>
Total Number Paid	<u>46,168</u>	<u>45,633</u>	<u>44,988</u>
Percent Paid	<u>97.31%</u>	<u>97.80%</u>	<u>97.56%</u>
Total Amount Paid - Active and Inactive	<u>10,475,464</u>	<u>10,249,927</u>	<u>10,091,028</u>

**Georgia Legal Services**

Number Paid	<u>2,680</u>	<u>2,340</u>	<u>2,258</u>
Percent of Total Members Paid	<u>5.80%</u>	<u>5.13%</u>	<u>5.02%</u>
Amount Paid	<u>306,444</u>	<u>271,324</u>	<u>260,452</u>
Average Amount Paid	<u>\$ 114</u>	<u>\$ 116</u>	<u>\$ 115</u>

**Legislative**

Number Paid	<u>5,680</u>	<u>5,869</u>	<u>5,908</u>
Percent of Total Members Paid	<u>12.30%</u>	<u>12.86%</u>	<u>13.13%</u>
Amount Paid	<u>534,114</u>	<u>550,847</u>	<u>556,634</u>
Average Amount Paid	<u>\$ 94</u>	<u>\$ 94</u>	<u>\$ 94</u>

**Projected 2017-18 Dues Year Totals**

<b>Georgia Legal Services</b>	<u>\$ 315,000</u>
<b>Legislative</b>	<u>\$ 550,000</u>

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

	<b>GLSP</b>	<b>Legislative</b>	
2016 - 2017	<u>\$ 276,487</u>	<u>\$ 557,991</u>	
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>\$ 273,613</u>	\$20 Contribution

**State Bar of Georgia**  
**Summary of Dues and Voluntary Contributions**  
**At April 30**

Total Number of Members at Apr 30 of prev Bar year (active and inactive)	<u>46,659</u>	<u>46,113</u>	<u>45,133</u>
	<b>Dues Season May 2016 - June 2017</b>	<b>Dues Season May 2015- June 2016</b>	<b>Dues Season May 2014 - June 2015</b>
<b>Dues</b>			
Active - Number Paid	38,664	37,928	37,430
Inactive - Number Paid	<u>8,778</u>	<u>8,731</u>	<u>8,683</u>
Total Number Paid	<u>47,442</u>	<u>46,659</u>	<u>46,113</u>
Percent Paid	<u>101.68%</u>	<u>101.18%</u>	<u>102.17%</u>
Total Amount Paid - Active and Inactive	<u>10,580,120</u>	<u>10,401,344</u>	<u>10,250,932</u>
<b>Georgia Legal Services</b>			
Number Paid	<u>2,412</u>	<u>2,304</u>	<u>2,308</u>
Percent of Total Members Paid	<u>5.08%</u>	<u>4.94%</u>	<u>5.01%</u>
Amount Paid	<u>276,487</u>	<u>264,493</u>	<u>255,713</u>
Average Amount Paid	<u>\$ 115</u>	<u>\$ 115</u>	<u>\$ 111</u>
<b>Legislative</b>			
Number Paid	<u>5,948</u>	<u>6,002</u>	<u>6,766</u>
Percent of Total Members Paid	<u>12.54%</u>	<u>12.86%</u>	<u>14.67%</u>
Amount Paid	<u>557,991</u>	<u>565,004</u>	<u>640,505</u>
Average Amount Paid	<u>\$ 94</u>	<u>\$ 94</u>	<u>\$ 95</u>
<b>Contribution Amounts by Dues Year (May 1 - April 30)</b>	<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>\$ 273,613</u>	\$20 Contribution

**State Bar of Georgia**  
**Balance Sheet**  
**June 30, 2017**

ASSETS - Current Assets

Total Cash & Short-Term Investments	26,425,750
-------------------------------------	------------

Investment - Merrill Lynch	0
Investment - Fidelity	9
Investment - Georgia Banks	0

Total Long-Term Investments	9
-----------------------------	---

Accounts Receivable	81,938
Accrued Interest Receivable	220
Due from Related Orgs/Emp	171,479
Prepaid Expenses	444,282
Bar Center Prepaid Expenses	10,462

Total Other Assets	708,381
--------------------	---------

Total Current Assets	27,134,140
----------------------	------------

Fixed Assets

Furniture & Equipment	6,943,980
Bar Center	26,591,113
Accum. Depreciation	(20,376,645)

Total Fixed Assets	13,158,448
--------------------	------------

Total Assets	\$ 40,292,588
--------------	---------------

LIABILITIES AND CAPITAL

Accounts Payable	\$ 654,695
Other Current Liabilities	1,132,029
Vacation & Pers Day Accrual	438,519
Due to Client Security Fund	1,836,994
Deferred Income	8,424,960
C&W - Cushman Accounts Payable	(3,492)
BC-Accrued Expenses	100,247
Bar Center - Deferred Income	131,667

Total Current Liabilities	12,715,619
---------------------------	------------

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

Fund Balances - Beg. of Year

Total Fund Balances - Beg. of Year	28,518,584
------------------------------------	------------

YTD Activity	(941,623)
--------------	-----------

Total Liabilities & Capital	\$ 40,292,580
-----------------------------	---------------

State Bar of Georgia  
Investment Performance Comparison  
2005-2017

	Yields				Period End Balances									
	All MMKT	Georgia Bank CD's	BOA/ML Inv Port	SunTrust Inv Port	Blended Yield	All Cash/MMKT**	Georgia Bank CD's	Fidelity MMKT	BOA/ML MMKT*	Synovus MMKT	ServisFirst MMKT	SunTrust Cash/MMKT	Total Book Investments	Total Cash and Investments**
Averages, 2005	3.02%	N/A	N/A	N/A	3.02%	16,580,537	-	-	9,403,471	-	-	7,177,066	-	16,580,537
Averages, 2006	4.87%	N/A	N/A	N/A	4.87%	18,922,787	-	-	16,874,290	-	-	2,048,497	-	18,922,787
Averages, 2007	5.21%	N/A	5.06%	5.06%	5.06%	13,657,096	-	-	12,152,455	-	-	1,526,658	8,229,072	21,886,168
Averages, 2008	3.01%	N/A	3.85%	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	6,345,455	-	-	4,229,945	8,323,979	23,475,423
Averages, 2011	0.10%	N/A	1.85%	N/A	0.76%	15,641,096	-	4,582,870	6,878,861	-	-	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%	0.69%	0.68%	N/A	0.31%	21,234,480	972,848	9	16,770,960	-	-	4,359,345	6,930,100	28,894,216
Averages, 2015	0.45%	0.69%	0.78%	N/A	0.50%	24,598,537	1,150,942	9	4,535,435	7,874,110	-	11,938,811	3,328,083	29,077,563
Averages, 2016	0.40%	0.35%	0.89%	N/A	0.43%	27,370,014	505,173	9	5,486,700	10,884,159	1,135,911	8,859,526	1,233,083	29,108,270
Averages, 1Q17	0.41%	0.00%	1.00%	N/A	0.42%	26,841,886	-	9	6,641,808	10,922,892	2,280,318	6,996,859	248,000	27,089,886
April 2017	0.42%	0.00%	0.00%	N/A	0.42%	26,513,177	-	9	4,787,786	10,931,740	2,286,010	8,527,633	-	26,513,177
May 2017	0.41%	0.00%	0.00%	N/A	0.41%	25,965,860	-	9	5,338,494	10,937,878	2,286,010	7,403,470	-	25,965,860
June 2017	0.37%	0.00%	0.00%	N/A	0.37%	32,060,827	-	9	5,517,813	10,942,823	2,287,890	13,311,992	-	32,060,827
Averages, 2017	0.40%	0.00%	0.00%	N/A	0.40%	28,179,855	-	9	5,208,031	10,937,480	2,286,636	9,747,898	-	28,179,855

\* Includes CCLC

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

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

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

Interest Income on Fund 1,615

Expenditures:

Writing Services 56,016

Virtual Law Museum 71,973

Media Monitoring 2,159

Access to Justice Campaign 25,376

iCivics 15,310

Schoolgroup Travel-LRE 12,375

Media Campaign--Need Lawyers 275,340

Wellness Program and Website 3,181

Miscellaneous 396

462,126

**Net Balance 6/30/17** **\$ 139,489**

**Replenishment** **\$ 460,511**

**Needed From Surplus**

**At June 30, 2017**



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

<b>7/1/16 Beginning Balance</b>	<b><u>\$ 1,166,942</u></b>
Interest Income on Fund	5,482
Contributions	558,617
Expenditures:	
Staff and Contract Lobbyists	434,497
Legislative Committee Expense	18,072
Grassroots Efforts	7,823
Travel	12,284
Legislative Guests/Meetings	1,834
Shared Office Allocation	19,137
Miscellaneous	3,221
	<u>496,868</u>
<b>Net Fund Balance 6/30/17</b>	<b><u><u>\$ 1,234,173</u></u></b>

**State Bar of Georgia**  
**Expenditure Statement YTD - Operations**  
**For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Administration</b>				
ADM-Salaries	\$ 1,126,351	101.41	\$ 1,110,688	\$ 1,080,101
ADM-Salaries-Hourly PT	18,465	87.98	20,988	19,264
ADM-Overtime	5,310	69.87	7,600	5,053
ADM-Taxes and Benefits	256,909	93.31	275,326	236,507
ADM-Pension	91,805	107.62	85,305	83,624
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	1,498,840	99.93	1,499,907	1,424,549
	<hr/>		<hr/>	<hr/>
ADM-Shared Office Allocation	344,462	100.00	344,462	304,443
ADM-Postage & Freight	10,433	90.72	11,500	10,052
ADM-Supplies	4,304	71.73	6,000	3,776
ADM-Telephone	3,965	88.11	4,500	3,300
ADM-Subscriptions & Books	946	126.13	750	781
ADM-Dues & Memberships	4,549	113.73	4,000	2,228
ADM-Seminars & Training	2,630	75.14	3,500	3,259
ADM-Miscellaneous	1,578	26.30	6,000	2,583
ADM-Staff Travel	33,311	79.93	41,675	26,446
ADM-Executive Director Travel	8,294	69.12	12,000	10,317
ADM-Luncheons	366	45.75	800	238
ADM-Banking Fees	718	0.00	0	0
ADM-Credit Card Disc & Fees	191,398	119.62	160,000	161,462
ADM-Computer Hardware	3,112	77.80	4,000	4,552
ADM-Computer Software	0	0.00	0	88
ADM-Membership Software Lic	53,138	100.00	53,140	54,305
ADM-Contract Programming	6,927	230.90	3,000	2,219
	<hr/>		<hr/>	<hr/>
Subtotal	670,131	102.26	655,327	590,049
ADM-Furniture/Equipment	4,343	28.39	15,300	1,095
	<hr/>		<hr/>	<hr/>
Total	2,173,314	100.13	2,170,534	2,015,693
	<hr/>		<hr/>	<hr/>

**State Bar of Georgia**  
**Expenditure Statement YTD - Operations**  
**For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Management Information Systems</b>				
MIS-Salaries	238,866	100.47	237,743	232,685
MIS-Overtime	498	99.60	500	168
MIS-Taxes and Benefits	74,468	96.88	76,868	72,251
MIS-Pension	17,385	98.76	17,603	16,920
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	331,217	99.55	332,714	322,024
	<hr/>		<hr/>	<hr/>
MIS-Shared Office Allocation	57,410	100.00	57,410	53,725
MIS-Postage & Freight	16	10.67	150	29
MIS-Supplies	925	46.25	2,000	3,364
MIS-Subscriptions & Books	0	0.00	200	0
MIS-Seminars & Training	8,275	97.53	8,485	5,990
MIS-Miscellaneous	463	23.15	2,000	330
MIS-Staff Travel	2,833	70.83	4,000	1,827
MIS-Computer Hardware	17,258	143.82	12,000	38,899
MIS-Computer Software	29,231	80.92	36,125	28,800
MIS-Offsite Backup	6,100	50.41	12,100	9,300
MIS-Contractors	22,230	132.32	16,800	23,967
MIS-Contract Programming	6,252	52.10	12,000	10,478
MIS-Internet Services	13,165	79.55	16,550	12,370
	<hr/>		<hr/>	<hr/>
Subtotal	164,158	91.29	179,820	189,079
MIS-Furniture/Equipment	3,784	0.00	0	0
	<hr/>		<hr/>	<hr/>
Total Expenses	499,159	97.39	512,534	511,103
	<hr/>		<hr/>	<hr/>

**State Bar of Georgia**  
**Expenditure Statement YTD - Operations**  
**For the Twelve Months Ending June 30, 2017**

	YTD Actual	YTD %	Budget	Prior Year
<b>General Counsel</b>				
OGC-Salaries	2,270,717	96.23	2,359,593	2,288,470
OGC-Salaries-Hourly PT	6,641	179.49	3,700	584
OGC-Overtime	3,480	128.89	2,700	3,759
OGC-Taxes and Benefits	458,598	92.95	493,399	473,408
OGC-Pension	165,478	88.75	186,444	179,698
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	2,904,914	95.37	3,045,836	2,945,919
	<hr/>		<hr/>	<hr/>
OGC-Shared Office Allocation	440,146	100.00	440,146	411,894
OGC-Postage & Freight	17,933	85.40	21,000	17,833
OGC-Printing	1,542	154.20	1,000	42
OGC-Supplies	9,063	106.62	8,500	6,601
OGC-Telephone	1,265	43.62	2,900	1,908
OGC-Subscriptions & Books	12,928	71.03	18,200	14,999
OGC-Dues & Memberships	9,547	103.77	9,200	7,490
OGC-Seminars & Training	5,135	85.58	6,000	6,618
OGC-Miscellaneous	4,196	161.38	2,600	1,393
OGC-Investigator Travel	3,343	60.78	5,500	3,228
OGC-Attorney Travel	57,109	95.18	60,000	53,896
OGC-Luncheons	1,415	56.60	2,500	1,641
OGC-Computer Hardware	11,586	115.86	10,000	12,399
OGC-Computer Software	100	6.67	1,500	535
OGC-Contract/Programming	6,281	59.82	10,500	6,594
OGC-Litigation/Depositions	0	0.00	0	114,631
OGC-Receiverships	836	16.72	5,000	1,358
OGC-State Disc Panel	32,780	59.60	55,000	44,920
OGC-Contract Special Master	45,826	91.65	50,000	45,826
OGC-Lexis on-line	16,920	109.16	15,500	14,632
	<hr/>		<hr/>	<hr/>
Subtotal	677,951	93.50	725,046	768,438
OGC-Furniture/Equipment	15,254	127.12	12,000	5,178
	<hr/>		<hr/>	<hr/>
Total Expenses	3,598,119	95.12	3,782,882	3,719,535
	<hr/>		<hr/>	<hr/>

**State Bar of Georgia**  
**Expenditure Statement YTD - Operations**  
**For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Consumer Assistance Program</b>				
CAP-Salaries	352,699	100.36	351,449	343,698
CAP-Overtime	0	0.00	300	36
CAP-Taxes and Benefits	100,202	94.56	105,972	101,951
CAP-Pension	23,957	98.75	24,261	23,390
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	476,858	98.94	481,982	469,075
	<hr/>		<hr/>	<hr/>
CAP-Shared Office Allocation	95,684	100.00	95,684	89,542
CAP-Postage & Freight	1,213	48.52	2,500	2,080
CAP-Printing	0	0.00	750	0
CAP-Supplies	120	16.00	750	34
CAP-Seminars & Training	400	50.00	800	195
CAP-Miscellaneous	0	0.00	500	0
CAP-Computer Hardware	1,221	97.68	1,250	0
CAP-Contract Programming	0	0.00	500	0
	<hr/>		<hr/>	<hr/>
Subtotal	98,638	96.01	102,734	91,851
CAP-Furniture/Equipment	0	0.00	0	412
	<hr/>		<hr/>	<hr/>
Total Expenses	575,496	98.42	584,716	561,338
	<hr/>		<hr/>	<hr/>

<b>State Bar of Georgia</b>				
<b>Expenditure Statement YTD - Operations</b>				
<b>For the Twelve Months Ending June 30, 2017</b>				
	<b>Year to Date</b>	<b>YTD % of</b>	<b>Budget</b>	<b>Prior Year</b>
	<b>Actual</b>	<b>Budget</b>		
<b>Communication Office</b>				
DOI-Salaries	230,725	94.50	244,161	235,879
DOI-Overtime	1,221	76.31	1,600	305
DOI-Taxes and Benefits	81,426	90.60	89,876	83,393
DOI-Pension	14,081	84.96	16,574	15,703
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	327,453	92.97	352,211	335,280
	<hr/>		<hr/>	<hr/>
DOI-Shared Office Allocation	76,547	100.00	76,547	71,634
DOI-Postage & Freight	922	52.69	1,750	1,172
DOI-Printing	44	0.00	0	0
DOI-Supplies	124	5.39	2,300	470
DOI-Telephone	905	100.56	900	812
DOI-Subscriptions & Books	3,108	75.80	4,100	3,898
DOI-Dues & Memberships	345	86.25	400	0
DOI-Seminars & Training	2,333	70.70	3,300	1,724
DOI-Miscellaneous	1,225	61.25	2,000	1,788
DOI-Staff Travel	14,421	81.94	17,600	13,605
DOI-Luncheons/Committee Mt	3,137	126.75	2,475	2,054
DOI-Computer Hardware	890	59.33	1,500	1,068
DOI-Computer Software	2,250	64.29	3,500	1,400
DOI-Website Server/Redesign	28,492	98.93	28,800	34,153
	<hr/>		<hr/>	<hr/>
Subtotal	134,743	92.82	145,172	133,778
DOI-Furniture/Equipment	118	0.00	0	0
	<hr/>		<hr/>	<hr/>
Subtotal	462,314	92.95	497,383	469,058
	<hr/>		<hr/>	<hr/>

**State Bar of Georgia**  
**Expenditure Statement YTD - Operations**  
**For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Communications (continued)</b>				
<b>Programs:</b>				
Local & Circuit Bar Pgm	0	0.00	0	0
Law Day	9	0.18	5,000	11
Membership Certificates	1,141	76.07	1,500	1,734
	<hr/>		<hr/>	<hr/>
Total Programs	1,150	17.69	6,500	1,745
	<hr/>		<hr/>	<hr/>
<b>Publications</b>				
Bar Journal	298,388	105.81	282,000	248,173
Directory	58,674	104.78	56,000	56,765
Supplemental Directory	4,822	79.05	6,100	5,552
Special Publications & Printin	262	2.62	10,000	1,189
	<hr/>		<hr/>	<hr/>
Total Publications	362,146	102.27	354,100	311,679
	<hr/>		<hr/>	<hr/>
Total Communications	825,610	96.23	857,983	782,482
	<hr/>		<hr/>	<hr/>

<b>State Bar of Georgia</b>				
<b>Expenditure Statement YTD - Operations</b>				
<b>For the Twelve Months Ending June 30, 2017</b>				
	<b>Year to Date</b>	<b>YTD % of</b>	<b>Budget</b>	<b>Prior Year</b>
	<b>Actual</b>	<b>Budget</b>		
<b>Fee Arbitration</b>				
FA-Salaries	243,919	97.74	249,564	244,099
FA-Overtime	859	71.58	1,200	732
FA-Taxes and Benefits	72,468	90.08	80,449	76,644
FA-Pension	11,643	66.85	17,416	16,799
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	328,889	94.34	348,629	338,274
	<hr/>		<hr/>	<hr/>
FA-Shared Office Allocation	76,547	100.00	76,547	71,634
FA-Postage & Freight	7,196	81.77	8,800	6,710
FA-Printing	2,376	99.00	2,400	2,296
FA-Supplies	1,105	48.04	2,300	1,678
FA-Subscriptions & Books	339	61.64	550	336
FA-Dues & Memberships	326	81.50	400	322
FA-Seminars & Training	285	40.71	700	270
FA-Miscellaneous	635	52.92	1,200	1,138
FA-Staff Travel	2,774	110.96	2,500	932
FA-Luncheons/Committee Mtg	2,783	99.39	2,800	2,196
FA-Computer Hardware	5,403	94.79	5,700	815
FA-Contract Labor	71,244	71.03	100,300	60,561
FA-Contract Programming	313	15.65	2,000	938
	<hr/>		<hr/>	<hr/>
Subtotal	171,326	83.09	206,197	149,826
FA-Furniture/Equipment	0	0.00	0	297
	<hr/>		<hr/>	<hr/>
Total Expenses	500,215	90.16	554,826	488,397
	<hr/>		<hr/>	<hr/>



<b>State Bar of Georgia</b>				
<b>Expenditure Statement YTD - Operations</b>				
<b>For the Twelve Months Ending June 30, 2017</b>				
	<b>Year to Date</b>	<b>YTD % of</b>	<b>Budget</b>	<b>Prior Year</b>
	<b>Actual</b>	<b>Budget</b>		
<b>Law Practice Management</b>				
LPM-Salaries	242,035	96.89	249,794	236,113
LPM-Overtime	1,473	982.00	150	105
LPM-Taxes and Benefits	74,844	85.23	87,812	80,951
LPM-Pension	15,136	91.01	16,631	15,749
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	333,488	94.10	354,387	332,918
	<hr/>		<hr/>	<hr/>
LPM-Shared Office Allocation	76,547	100.00	76,547	71,634
LPM-Postage & Freight	1,251	56.86	2,200	1,189
LPM-Printing	889	88.90	1,000	1,199
LPM-Supplies	961	48.05	2,000	241
LPM-Subscriptions & Books	8,255	103.19	8,000	8,182
LPM-Dues & Memberships	780	42.16	1,850	1,115
LPM-Seminars & Training	2,720	80.00	3,400	3,200
LPM-Miscellaneous	796	79.60	1,000	1,051
LPM-Staff Travel	22,678	133.40	17,000	17,986
LPM-Luncheons/Committee Mt	0	0.00	250	0
LPM-Computer hardware	9,276	618.40	1,500	3,293
LPM-Computer Software	0	0.00	995	0
LPM-Solo and Small Firm	11,700	63.93	18,300	20,823
LPM-Income Offset	(30,995)	77.49	(40,000)	(36,989)
	<hr/>		<hr/>	<hr/>
Subtotal	104,858	111.50	94,042	92,924
LPM-Furniture/Equipment	642	160.50	400	3,706
	<hr/>		<hr/>	<hr/>
Total Expenses	438,988	97.81	448,829	429,548
	<hr/>		<hr/>	<hr/>

<b>State Bar of Georgia</b>				
<b>Expenditure Statement YTD - Operations</b>				
<b>For the Twelve Months Ending June 30, 2017</b>				
	<b>Year to Date</b>	<b>YTD % of</b>	<b>Budget</b>	<b>Prior Year</b>
	<b>Actual</b>	<b>Budget</b>		
<b>Younger Lawyers</b>				
YLD-Salaries	100,835	94.11	107,145	101,428
YLD-Overtime	1,325	132.50	1,000	666
YLD-Taxes & Benefits	43,569	85.31	51,072	43,076
YLD-Pension	4,250	62.43	6,808	6,440
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	149,979	90.34	166,025	151,610
	<hr/>		<hr/>	<hr/>
YLD-Shared Office Allocation	38,274	100.00	38,274	35,817
YLD-Supplies	1,797	89.85	2,000	510
YLD-Telephone	825	91.67	900	900
YLD-Seminars & Training	0	0.00	800	0
YLD-Staff Travel	8,232	91.47	9,000	8,747
YLD-Computer Hardware	0	0.00	0	1,025
YLD-High School Mock Trial	0	0.00	0	10,000
YLD-Newsletter	53,013	88.36	60,000	55,118
YLD-Brochure	6,702	89.36	7,500	7,334
YLD-Committee Income	(9,440)	44.94	(21,005)	(23,693)
YLD-Committees Expense	100,648	88.01	114,360	114,785
YLD President - Mock	33,528	81.96	40,906	40,677
YLD Pres Elect - Leet	20,471	81.78	25,032	31,060
YLD Past President - Long	26,596	100.00	26,596	26,577
YLD-Meetings	52,730	100.00	52,730	42,730
	<hr/>		<hr/>	<hr/>
Subtotal	333,376	93.36	357,093	351,587
	<hr/>		<hr/>	<hr/>
Total Expenses	483,355	92.40	523,118	503,197
	<hr/>		<hr/>	<hr/>

**State Bar of Georgia**  
**Expenditure Statement YTD - Operations**  
**For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Unauthorized Practice of Law</b>				
UPL-Salaries	466,973	100.44	464,940	455,045
UPL-Overtime	147	58.80	250	95
UPL-Taxes and Benefits	147,186	97.43	151,063	143,412
UPL-Pension	32,611	98.77	33,017	31,675
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	646,917	99.64	649,270	630,227
	<hr/>		<hr/>	<hr/>
UPL-Shared Office Allocation	114,821	100.00	114,821	107,451
UPL-Postage & Freight	1,885	38.47	4,900	1,714
UPL-Printing	62	31.00	200	42
UPL-Supplies	1,091	43.64	2,500	977
UPL-Subscriptions & Books	1,218	156.15	780	664
UPL-Dues & Memberships	675	90.00	750	500
UPL-Seminars & Training	900	54.55	1,650	1,619
UPL-Miscellaneous	1,218	53.80	2,264	2,242
UPL-Staff Travel	240	18.75	1,280	91
UPL-Investigator Travel	2,926	29.26	10,000	7,061
UPL-Luncheons/Committees	2,211	48.70	4,540	1,906
UPL-Computer Hardware	3,041	101.37	3,000	2,716
UPL-Litigation/Court Reporter	0	0.00	0	1,335
UPL-Lexis On-line	2,959	106.63	2,775	2,441
	<hr/>		<hr/>	<hr/>
Subtotal	133,247	89.15	149,460	130,759
	<hr/>		<hr/>	<hr/>
Total Expenses	780,164	97.68	798,730	760,986
	<hr/>		<hr/>	<hr/>

<b>State Bar of Georgia</b>				
<b>Expenditure Statement YTD - Operations</b>				
<b>For the Twelve Months Ending June 30, 2017</b>				
	<b>Year to Date</b>	<b>YTD % of</b>	<b>Budget</b>	<b>Prior Year</b>
	<b>Actual</b>	<b>Budget</b>		
<b>Standards of the Profession</b>				
STDS-Salaries	63,288	50.78	124,630	114,880
STDS-Salaries-Hourly PT	6,067	37.76	16,068	20,404
STDS-Overtime	86	28.67	300	189
STDS-Taxes & Benefits	14,807	47.79	30,983	28,180
STDS-Pension	0	0.00	9,736	6,216
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	84,248	46.36	181,717	169,869
	<hr/>		<hr/>	<hr/>
STDS-Shared Office Allocation	19,137	50.00	38,274	35,817
STDS-CLE Programs	200	26.67	750	0
STDS-CLE Fees	0	0.00	750	0
STDS-Postage & Freight	13	2.60	500	768
STDS-Printing	0	0.00	1,000	695
STDS-Supplies	563	46.92	1,200	1,002
STDS-Dues & Memberships	412	37.45	1,100	1,001
STDS-Seminars & Training	440	31.43	1,400	1,145
STDS-Miscellaneous	75	15.00	500	321
STDS-Staff Travel	2,813	34.10	8,250	8,622
STDS-Luncheons	330	66.00	500	614
STDS-Computer Hardware	1,187	59.35	2,000	1,860
	<hr/>		<hr/>	<hr/>
Subtotal	25,170	44.77	56,224	51,845
STDS-Furniture/Equipment	0	0.00	500	892
	<hr/>		<hr/>	<hr/>
Total Expenses	109,418	45.89	238,441	222,606
	<hr/>		<hr/>	<hr/>

**State Bar of Georgia**  
**Expenditure Statement YTD - Operations**  
**For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Other Activities</b>				
SBG President - O'Connor	63,810	98.52	64,769	18,100
SBG President Elect - Rogers	24,307	60.23	40,358	34,679
SBG Pres Elect Elect	0	0.00	3,500	714
SBG Treasurer - Hodges	3,992	199.60	2,000	2,000
SBG Secretary - Sutton	2,000	100.00	2,000	4,124
SBG Past President - Kauffma	15,450	22.23	69,501	25,494
SBG Past Past Pres - PPH	3,500	100.00	3,500	3,500
	<hr/>		<hr/>	<hr/>
Total Officers' Expenses	113,059	60.91	185,628	88,611
	<hr/>		<hr/>	<hr/>
<b>Miscellaneous:</b>				
Board of Governors Meetings	240,844	75.39	319,484	157,442
Supreme Court Meetings	68,887	82.98	83,016	21,152
Executive Committee Meetings	45,423	115.98	39,164	26,733
Court of Appeals Meetings	6,412	85.49	7,500	0
Lawyer's Assistance Program	55,318	93.76	59,000	56,391
Sections	127,625	97.01	131,556	104,526
Savannah Office	216,853	97.75	221,838	214,493
Tifton Office	157,786	93.71	168,371	154,161
Law Related Education	348,467	96.66	360,491	331,015
High School Mock Trial	116,423	109.51	106,317	115,697
ADM-Review Panel Lawyers	0	0.00	0	30,000
Review Panel Attorneys	30,000	100.00	30,000	0
Elections	35,624	87.78	40,581	38,042
Dues Notice	32,517	74.72	43,520	35,441
Letters of Good Standing	2,596	0.00	0	1,209
Bar Membership Cards	9,682	107.58	9,000	9,530
50 Year Certificates	1,368	88.09	1,553	1,586
Fastcase	206,912	99.96	207,000	195,496
Database Project-Contingency	0	0.00	0	34,253
Membership Database Project	2,260	6.46	35,000	0
President's Program	0	0.00	0	2,858
State Bar Committees	24,560	75.57	32,500	30,244
Meetings Contingency	0	0.00	0	35,000
Strategic Plan	0	0.00	0	92,564
Conference Sponsorship	33,470	83.68	40,000	22,649
Incubator Contribution	85,000	100.00	85,000	85,000
ABA Delegate Breakfast	2,120	84.80	2,500	2,021
Cubicles Project	161	0.06	270,512	0
Military/Vet Pro Bono Assistan	106,069	102.24	103,742	103,742
Resource Center Contribution	110,332	100.00	110,332	110,332
BASICS Program Contributed	150,000	100.00	150,000	140,000
Chief Justice Commission Prof	10,000	100.00	10,000	5,000
Central Atlanta Progress	0	0.00	2,500	2,162
Access to Justice- Expenses	0	0.00	0	212
	<hr/>		<hr/>	<hr/>
Total Miscellaneous	2,226,709	83.38	2,670,477	2,158,951
Pro-Bono	212,216	100.00	212,216	212,216
	<hr/>		<hr/>	<hr/>
Total Other Activities	2,551,984	83.17	3,068,321	2,459,778
	<hr/>		<hr/>	<hr/>

<b>State Bar of Georgia</b>				
<b>Expenditure Statement YTD - Operations</b>				
<b>For the Twelve Months Ending June 30, 2017</b>				
	<b>Year to Date</b>	<b>YTD % of</b>	<b>Budget</b>	<b>Prior Year</b>
	<b>Actual</b>	<b>Budget</b>		
<b>Shared Office Overhead</b>				
Facilities	24,126	53.61	45,000	27,611
Transfer to Bar Center	598,241	100.00	598,241	586,511
Telephone	73,640	98.19	75,000	68,704
Equipment, Rentals & Maint.	56,227	86.50	65,000	58,318
Supplies and Printing	47,308	87.61	54,000	44,146
Insurance	111,726	82.76	135,000	129,019
Audit, Actuary & Payroll	35,617	86.87	41,000	36,467
Kitchen	18,881	82.09	23,000	19,158
	<u>965,766</u>	93.20	<u>1,036,241</u>	<u>969,934</u>
<b>Other Services</b>				
Accounting	271,739	81.50	333,422	297,717
Human Resource	115,264	101.69	113,350	0
Receptionist	138,727	91.95	150,866	133,268
Mailroom	70,031	100.48	69,695	68,379
	<u>595,761</u>	89.27	<u>667,333</u>	<u>499,364</u>
Total Shared Office Overhead	1,561,527	91.66	1,703,574	1,469,298
Shared Office Allocations	(1,703,573)	100.00	(1,703,574)	(1,577,450)
Unallocated Services	<u>(142,046)</u>		<u>0</u>	<u>(108,152)</u>
Total State Bar Expenditures	<u>\$ 12,393,776</u>	91.53	<u>\$ 13,540,914</u>	<u>\$ 12,346,511</u>

**State Bar of Georgia**  
**Expenditure Statement YTD - Operations**  
**For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Related Organizations - Shared Office Allocations</b>				
Georgia Bar Foundation	\$ 3,063	100.00	\$ 3,063	\$ 2,652
CCLC	95,684	100.00	95,684	89,542
Pro Bono	32,559	100.00	32,559	32,124
Professionalism	3,050	100.00	3,050	2,550
Sections	19,137	100.00	19,137	17,908
	<hr/>		<hr/>	<hr/>
Subtotal	153,493	100.00	153,493	144,776
	<hr/>		<hr/>	<hr/>
<b>State Bar Departments - Shared Office Allocations</b>				
Administration	344,462	100.00	344,462	304,443
Mgmt. Information Systems	57,410	100.00	57,410	53,725
General Counsel	440,146	100.00	440,146	411,894
Consumer Assistance	95,684	100.00	95,684	89,542
Communications	76,547	100.00	76,547	71,634
Fee Arbitration	76,547	100.00	76,547	71,634
Law Practice Management	76,547	100.00	76,547	71,634
Savannah Office	0	0.00	0	0
Tifton Office	0	0.00	0	0
Younger Lawyers	38,274	100.00	38,274	35,817
High School Mock Trial	19,137	100.00	19,137	17,908
Unauthorized Practice of Law	114,821	100.00	114,821	107,451
Conference Center	76,547	100.00	76,547	71,634
Law Related Education	57,410	100.00	57,410	53,725
Standards of the Profession	19,137	50.00	38,274	35,817
Legislative Program	19,137	100.00	19,137	17,908
	<hr/>		<hr/>	<hr/>
Subtotal	1,511,806	98.75	1,530,943	1,414,766
	<hr/>		<hr/>	<hr/>
Total Allocated Services	\$ 1,665,299	98.86	\$ 1,684,436	\$ 1,559,542
	<hr/> <hr/>		<hr/> <hr/>	<hr/> <hr/>

**HSMT Expenditure Statement YTD**  
**For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Personnel Services:</b>				
Salaries	59,414	100.44	\$ 59,152	\$ 57,897
Taxes and Benefits	19,753	93.85	21,048	18,865
Pension	3,514	98.85	3,555	3,451
	<hr/>		<hr/>	<hr/>
<b>Total Salaries and Benefits</b>	<b>82,681</b>	<b>98.72</b>	<b>83,755</b>	<b>80,213</b>
<b>Operating Costs:</b>				
HSMT-Shared Office Allocatio	19,137	100.00	19,137	17,908
HSMT-Postage & Freight	955	146.92	650	539
HSMT-Supplies	650	54.17	1,200	628
HSMT-Telephone	58	46.40	125	58
HSMT-Dues & Memberships	250	100.00	250	250
HSMT-Miscellaneous	682	45.47	1,500	755
HSMT-Staff Travel	274	54.80	500	307
HSMT-Luncheons/Committee	249	45.27	550	345
HSMT-Computer Hardware	0	0.00	150	1,080
HSMT-Furniture/Equipment	179	0.00	0	0
HSMT-Oper Acct/Misc Rev/Me	(36,196)	51.71	(70,000)	(43,147)
	<hr/>		<hr/>	<hr/>
<b>Subtotal</b>	<b>(13,762)</b>	<b>29.96</b>	<b>(45,938)</b>	<b>(21,277)</b>
HSMT-Law Academy	(4,234)	(84.68)	5,000	3,422
HSMT-Regional Competition	12,877	99.05	13,000	11,916
HSMT-State Competition	15,822	77.18	20,500	14,831
HSMT-National Competition	23,039	76.80	30,000	26,592
HSMT-District Competition	0	0.00	0	0
	<hr/>		<hr/>	<hr/>
<b>HSMT Total</b>	<b>116,423</b>	<b>109.51</b>	<b>\$ 106,317</b>	<b>\$ 115,697</b>
	<hr/> <hr/>		<hr/> <hr/>	<hr/> <hr/>



**Law Related Education Expenditure Stmt YTD  
For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Personnel Services:</b>				
LRE-Salaries	\$ 183,888	99.89	\$ 184,092	\$ 177,207
LRE-Salaries-Hourly	0	0.00	0	0
LRE-Overtime	19	3.80	500	138
LRE-Taxes and Benefits	85,177	93.65	90,949	75,216
LRE-Pension	12,601	97.74	12,893	10,167
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	281,685	97.66	288,434	262,728
	<hr/>		<hr/>	<hr/>
<b>Operating Costs:</b>				
LRE-Shared Office Allocation	57,410	100.00	57,410	53,725
LRE-Postage & Freight	5	5.00	100	42
LRE-Printing	1,687	168.70	1,000	728
LRE-Supplies	1,283	64.15	2,000	2,552
LRE-Subscriptions & Books	100	100.00	100	90
LRE-Seminars & Training	115	76.67	150	460
LRE-Miscellaneous	214	14.27	1,500	694
LRE-Staff Travel	3,813	59.30	6,430	5,182
LRE-Luncheons	642	53.50	1,200	904
LRE-Computer Hardware	1,278	101.43	1,260	4,471
LRE - Income Offset	(361)	0.00	0	(561)
	<hr/>		<hr/>	<hr/>
Subtotal	66,186	93.02	71,150	68,287
	<hr/>		<hr/>	<hr/>
LRE-Furniture/Equipment	596	65.71	907	0
	<hr/>		<hr/>	<hr/>
LRE Total	\$ 348,467	96.66	\$ 360,491	\$ 331,015
	<hr/> <hr/>		<hr/> <hr/>	<hr/> <hr/>

**Savannah Office Expenditure Stmt YTD  
For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Personnel Services:</b>				
SAV-Salaries	\$ 78,380	100.50	\$ 77,989	\$ 76,328
SAV-Salaries-Hourly	0	0.00	0	2,198
SAV-Overtime	24	9.60	250	909
SAV-Taxes and Benefits	38,087	86.27	44,147	40,300
SAV-Pension	4,635	98.58	4,702	4,605
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	121,126	95.31	127,088	124,340
	<hr/>		<hr/>	<hr/>
<b>Operating Costs:</b>				
SAV-Postage & Freight	47	15.67	300	55
SAV-Printing	0	0.00	100	0
SAV-Supplies	795	53.00	1,500	598
SAV-Telephone	16,712	107.82	15,500	15,656
SAV-Miscellaneous	0	0.00	500	245
SAV-Staff Travel	2,136	89.00	2,400	30
SAV-Parking	3,182	79.55	4,000	3,346
SAV-Luncheons	0	0.00	100	0
SAV-Computer Hardware	0	0.00	0	850
SAV-Computer Software	88	58.67	150	0
SAV-Equipment Maintenance	2,079	56.19	3,700	3,214
SAV-Rent & Utilities	58,584	106.52	55,000	56,602
SAV-Facilities Maintenance	2,760	69.00	4,000	2,760
SAV-Building Insurance	5,913	78.84	7,500	6,797
	<hr/>		<hr/>	<hr/>
Subtotal	92,296	97.41	94,750	90,153
	<hr/>		<hr/>	<hr/>
SAV-Furniture/Equipment	3,431	0.00	0	0
	<hr/>		<hr/>	<hr/>
Savannah Total	\$ 216,853	97.75	\$ 221,838	\$ 214,493
	<hr/> <hr/>		<hr/> <hr/>	<hr/> <hr/>

**Tifton Office Expenditure Stmt YTD  
For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Personnel Services:</b>				
TIF-Salaries	\$ 76,830	100.44	\$ 76,492	\$ 74,870
TIF-Salaries-Hourly	15,728	84.21	18,677	15,044
TIF-Taxes and Benefits	19,129	108.13	17,691	17,427
TIF-Pension	6,204	96.02	6,461	6,003
	<hr/>		<hr/>	<hr/>
Total Salaries and Benefits	117,891	98.80	119,321	113,344
	<hr/>		<hr/>	<hr/>
<b>Operating Costs:</b>				
TIF-Postage & Freight	257	128.50	200	133
TIF-Supplies	1,072	51.05	2,100	1,241
TIF-Telephone	10,882	77.73	14,000	11,169
TIF-Subscriptions & Books	100	66.67	150	100
TIF-Miscellaneous	26	6.50	400	252
TIF-Staff Travel	2,901	76.34	3,800	3,126
TIF-Luncheons	0	0.00	50	5
TIF-Computer Hardware	860	57.33	1,500	128
TIF-Computer Software	86	57.33	150	0
TIF-Equipment Maint/Rental	1,362	104.77	1,300	1,432
TIF-Rent & Utilities	19,663	91.46	21,500	20,138
TIF-Facilities Maintenance	450	45.00	1,000	523
TIF-Insurance (Not group)	2,236	82.81	2,700	2,570
	<hr/>		<hr/>	<hr/>
Subtotal	39,895	81.67	48,850	40,817
	<hr/>		<hr/>	<hr/>
TIF-Furniture/Equipment	0	0.00	200	0
	<hr/>		<hr/>	<hr/>
Tifton Total	\$ 157,786	93.71	\$ 168,371	\$ 154,161
	<hr/> <hr/>		<hr/> <hr/>	<hr/> <hr/>

**Sections Expenditure Statement YTD  
For the Twelve Months Ending June 30, 2017**

	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Personnel Services:</b>				
Salaries	59,165	100.44	\$ 58,905	\$ 57,655
Salaries	17,441	129.00	13,520	0
Taxes and Benefits	15,202	96.53	15,749	14,199
Pension	4,538	116.96	3,880	3,437
<b>Total Salaries and Benefits</b>	<b>96,346</b>	<b>104.66</b>	<b>92,054</b>	<b>75,291</b>
<b>Operating Costs:</b>				
SECTIONS-Shared Office Allo	19,137	100.00	19,137	17,908
SECTIONS-Postage & Freight	171	34.20	500	226
SECTIONS-Supplies	1,137	56.85	2,000	1,087
SECTIONS-Dues & Membersh	115	100.00	115	115
SECTIONS- Seminars & Traini	295	29.50	1,000	275
SECTIONS-Miscellaneous	586	58.60	1,000	136
SECTIONS-Staff Travel	7,653	76.53	10,000	8,450
SECTIONS-Computer Hardwa	900	90.00	1,000	0
SECTIONS- Computer Softwar	450	36.00	1,250	1,038
SECTIONS-Contract Program	0	0.00	500	0
SECTIONS-Special Mtgs	598	27.18	2,200	0
<b>Subtotal</b>	<b>31,042</b>	<b>80.21</b>	<b>38,702</b>	<b>29,235</b>
Furniture & Equipment	237	29.63	800	0
<b>Sections Total</b>	<b>127,625</b>	<b>97.01</b>	<b>\$ 131,556</b>	<b>\$ 104,526</b>

September 27, 2017

**State Bar of Georgia**  
**Bar Center Income Statement**  
**For the Twelve Months Ending June 30, 2017**

	Current Month Actual	Month % of Budget	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Revenues</b>						
BC - Interest Income	\$ 4,473	29.82	15,658	104.39	\$ 15,000	\$ 16,310
BC - Gain/Loss	0	0.00	(255)	0.00	0	(221)
BC - Assessment Income	13,650	4.63	308,278	104.50	295,000	301,351
BC - Transfer from SBG Oper.	49,853	8.33	598,241	100.00	598,241	586,511
BC - Contributions	0	0.00	1,314,288	101.10	1,300,000	1,385,803
BC - Misc Income	36	0.00	1,102	0.00	0	311
<b>Total Revenues</b>	<b>68,012</b>	<b>3.08</b>	<b>2,237,312</b>	<b>101.32</b>	<b>2,208,241</b>	<b>2,290,065</b>
<b>Expenses</b>						
BC - Depreciation Expense	1,395,624	0.00	1,395,624	0.00	0	1,241,788
BC - G/L on Disposal/Retire	0	0.00	0	0.00	0	53,811
BC - Architect/Design Fees	0	0.00	0	0.00	10,000	32,921
BC - Capitalize Constr Costs	(350,368)	0.00	(350,368)	0.00	0	(857,173)
BC - Parking Deck Construction	13,220	4.31	258,829	84.31	307,000	173,062
BC - Landscaping/deck signs	0	0.00	0	0.00	5,000	878
BC - 3rd Floor Contingency	0	0.00	553	2.21	25,000	0
BC - 3rd Floor Renovations	0	0.00	395	1.98	20,000	1,650
BC - Museum, W. Wilson Exhibit	0	0.00	152	3.04	5,000	14,554
BC - AV & Equipment	0	0.00	59,912	88.76	67,500	10,047
BC - Building Rehabilitation	23,377	31.17	85,684	114.25	75,000	20,454
BC - Tenant Improvements	0	0.00	0	0.00	25,000	555,199
BC - Law Related Education	0	0.00	19,470	73.47	26,500	25,960
BC - Pres. Board Rm Costs	0	0.00	4,740	94.80	5,000	1,101
<b>Total Expenses</b>	<b>1,081,853</b>	<b>189.47</b>	<b>1,474,991</b>	<b>258.32</b>	<b>571,000</b>	<b>1,274,252</b>
<b>Net Income</b>	<b>\$ (1,013,841)</b>	<b>(61.92)</b>	<b>762,321</b>	<b>46.56</b>	<b>\$ 1,637,241</b>	<b>\$ 1,015,813</b>

September 27, 2017

**State Bar of Georgia**  
**Conference Center Income Statement**  
**For the Twelve Months Ending June 30, 2017**

	Current Month Actual	Month % of Budget	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Revenues</b>						
CONF-3rd Floor Room Rentals	\$ 0	0.00	4,000	80.00	\$ 5,000	\$ 3,600
CONF-3rd Floor Set Up Fees	0	0.00	2,400	150.00	1,600	0
CONF-3rd Floor After Hrs Fees	411	2.94	9,541	68.15	14,000	12,636
CONF-3rd Floor Beverage Svc	183	3.66	2,731	54.62	5,000	3,292
CONF-3rd Floor Cleaning Fees	260	3.25	3,835	47.94	8,000	3,569
CONF-3rd Floor Misc Fees	0	0.00	48	0.00	0	0
<b>Total Revenues</b>	<b>854</b>	<b>2.54</b>	<b>22,555</b>	<b>67.13</b>	<b>33,600</b>	<b>23,097</b>
<b>Expenses</b>						
CONF-Salaries	16,773	8.56	197,177	100.58	196,046	191,923
CONF-Overtime	588	5.35	8,917	81.06	11,000	8,045
CONF - Taxes and Benefits	6,432	8.82	66,618	91.32	72,952	67,149
CONF- Pension	805	6.36	12,399	98.02	12,649	9,763
CONF-Shared Office Alloc	6,379	8.33	76,547	100.00	76,547	71,634
CONF-Postage & Freight	0	0.00	0	0.00	100	0
CONF - Printing	0	0.00	0	0.00	50	42
CONF-Supplies	493	6.57	3,559	47.45	7,500	2,828
CONF-Subscriptions & Books	0	0.00	526	175.33	300	251
CONF-Miscellaneous Expense	95	3.17	1,766	58.87	3,000	823
CONF-Copier Vending Soft & Exp	222	8.22	3,186	118.00	2,700	1,406
CONF - Computer Hardware	0	0.00	1,521	101.40	1,500	2,457
CONF - Computer Software	0	0.00	1,156	0.00	0	0
CONF-After Hrs Security	298	3.73	6,384	79.80	8,000	6,039
CONF-Room Turn-Around Costs	0	0.00	4,601	57.51	8,000	2,960
CONF-Equipment Maintenance	125	1.79	2,678	38.26	7,000	7,449
CONF-Furn. Repairs & Maint	296	3.70	8,227	102.84	8,000	8,375
CONF-Kitchen	467	2.92	12,941	80.88	16,000	12,326
CONF-Videoconferencing Suppor	850	8.25	7,650	74.27	10,300	0
Subtotal	33,823	7.66	415,853	94.16	441,644	393,470
CONF-Furniture/Equipment	0	0.00	49,697	74.90	66,355	6,255
<b>Total Expenses</b>	<b>33,823</b>	<b>6.66</b>	<b>465,550</b>	<b>91.64</b>	<b>507,999</b>	<b>399,725</b>
<b>Net Income</b>	<b>\$ (32,969)</b>	<b>6.95</b>	<b>(442,995)</b>	<b>93.38</b>	<b>\$ (474,399)</b>	<b>\$ (376,628)</b>

State Bar of Georgia Cushman & Wakefield Income Statement For the Twelve Months Ending June 30, 2017						
	Current Month Actual	Month % of Budget	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Revenues</b>						
C&W - Rental Income	\$ 110,055	8.51	\$ 1,312,477	101.46	\$ 1,293,576	\$ 1,174,741
<b>Total Revenues</b>	<b>110,055</b>	<b>8.51</b>	<b>1,312,477</b>	<b>101.46</b>	<b>1,293,576</b>	<b>1,174,741</b>
<b>Expenses</b>						
C&W - Personnel Mgmt Salary	2,674	7.64	33,296	95.13	35,000	34,800
C&W - Admin Taxes & Benefits	575	6.39	7,801	86.68	9,000	8,700
C&W - Travel	0	0.00	0	0.00	630	47
C&W - Miscellaneous Bldg Exp	0	0.00	0	0.00	0	65
C&W - Supplies	0	0.00	249	16.60	1,500	193
C&W - Telephone Expense	107	0.00	1,658	0.00	0	13,991
C&W - Management Fees	4,502	8.63	53,238	102.10	52,143	51,687
C&W - Tenant Services	0	0.00	0	0.00	1,000	175
C&W - Bank Fees	102	7.39	1,240	89.86	1,380	1,228
C&W - R&M Salaries	12,852	7.19	173,271	96.90	178,815	169,338
C&W - R&M Taxes & Benefits	5,525	7.52	58,305	79.40	73,432	61,172
C&W - R&M HVAC	3,492	3.83	102,643	112.52	91,226	41,646
C&W - R&M Plumbing	0	0.00	1,033	10.33	10,000	3,841
C&W - R&M Fire/Life Preventio	1,927	48.18	7,136	178.40	4,000	6,864
C&W - R&M Glass Replaceme	0	0.00	0	0.00	500	0
C&W - R&M Electrical/Lamps	784	2.70	9,663	33.32	29,000	20,530
C&W - R&M Water Treatment	828	6.81	10,617	87.34	12,156	10,241
C&W - R&M Life Safety Contr	0	0.00	9,444	99.22	9,518	5,788
C&W - R&M Tools/Radios	0	0.00	454	15.13	3,000	1,975
C&W - R&M Elevators	2,395	8.51	25,860	91.90	28,140	26,384
C&W - R&M Pest Control	200	5.00	2,400	60.00	4,000	2,528
C&W - R&M Rubbish	656	6.25	9,203	87.65	10,500	9,653
C&W - R&M Other: Locks & Ke	0	0.00	0	0.00	1,000	2,140
C&W - R&M Painting	1,750	35.00	6,736	134.72	5,000	6,350
C&W - R&M Other	1,965	5.98	38,425	117.01	32,840	2,320
C&W - Uniforms	0	0.00	1,143	49.70	2,300	1,516
C&W - Electric	52,458	11.04	417,618	87.92	475,000	418,382
C&W - Water	4,700	6.65	58,501	82.75	70,700	56,418
C&W - Gas	2,500	9.09	19,215	69.67	27,500	18,420
C&W - Security Contract	19,200	7.38	248,298	95.50	260,000	261,305
C&W - Cleaning	14,555	8.61	181,246	107.25	169,000	157,805
C&W - Grounds-Supplies & Ma	314	2.33	9,301	68.90	13,500	4,542
C&W - Insurance	3,039	7.24	36,467	86.83	42,000	41,923
<b>Total Expenses</b>	<b>137,100</b>	<b>8.29</b>	<b>1,523,861</b>	<b>92.14</b>	<b>1,653,780</b>	<b>1,441,967</b>
<b>Net Income</b>	<b>\$ (27,045)</b>	<b>7.51</b>	<b>\$ (211,384)</b>	<b>58.68</b>	<b>\$ (360,204)</b>	<b>\$ (267,226)</b>

September 27, 2017

**State Bar of Georgia**  
**Lanier Parking Income Statement**  
**For the Twelve Months Ending June 30, 2017**

	Current Month Actual	Month % of Budget	Year to Date Actual	YTD % of Budget	Budget	Prior Year
<b>Revenues</b>						
Lanier - Monthly Parking	\$ 14,083	11.64	\$ 163,205	134.88	\$ 121,000	\$ 120,757
Lanier - Daily Parking	6,040	10.07	62,772	104.62	60,000	61,496
Lanier - Special Events	7,288	6.86	170,666	160.65	106,235	128,304
<b>Total Revenues</b>	<b>27,411</b>	<b>9.54</b>	<b>396,643</b>	<b>138.09</b>	<b>287,235</b>	<b>310,557</b>
<b>Expenses</b>						
Lanier - Salaries	6,661	8.92	90,366	120.97	74,700	92,401
Lanier - Payroll Taxes	785	9.93	10,976	138.78	7,909	11,055
Lanier - Workman's Comp	649	8.94	9,838	135.45	7,263	10,002
Lanier - Medical Ins/Benefits	1,055	10.06	15,474	147.57	10,486	16,121
Lanier - Signs	0	0.00	318	35.33	900	5,402
Lanier - Uniforms	0	0.00	0	0.00	240	310
Lanier - Repairs & Maint.	2,862	13.16	15,385	70.76	21,744	38,244
Lanier - Tickets	0	0.00	867	43.35	2,000	1,263
Lanier - Cell Phone/Beeper	522	10.44	6,321	126.42	5,000	1,810
Lanier - Office Expense	428	2.04	3,291	15.66	21,011	8,525
Lanier - Invoicing Expense	411	13.43	4,020	131.37	3,060	3,420
Lanier - Bank Charges	177	10.12	2,799	160.03	1,749	2,531
Lanier - Credit Card Fees	386	3.93	6,328	64.48	9,814	6,562
Lanier - Garage Insurance	120	9.80	1,329	108.58	1,224	1,224
Lanier - Business License	0	0.00	1,014	47.97	2,114	593
Lanier - Management Fee	500	11.90	5,100	121.43	4,200	4,200
Lanier - Security	5,306	8.52	106,096	170.27	62,310	93,039
Lanier - Payroll Processing	116	10.36	1,622	144.82	1,120	1,579
Lanier - Equipment & Supplies	0	0.00	545	64.12	850	4,988
Lanier - Miscellaneous	0	0.00	(4)	0.00	0	0
Lanier - Cleaning	0	0.00	0	0.00	6,400	0
Lanier - Incentive Mgt Fees	44	2.44	2,564	142.44	1,800	2,096
<b>Total Expenses</b>	<b>20,022</b>	<b>8.14</b>	<b>284,249</b>	<b>115.60</b>	<b>245,894</b>	<b>305,365</b>
<b>Net Income</b>	<b>\$ 7,389</b>	<b>17.87</b>	<b>\$ 112,394</b>	<b>271.87</b>	<b>\$ 41,341</b>	<b>\$ 5,192</b>





September 26, 2017

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

Re: October 27-29, 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.

As the service arm of the Bar, this year's theme will focus on pro bono service. As you know, traditionally the YLD has held a Signature Fundraiser to raise funds for worthy causes. This year, the YLD will be raising hours instead of funds with a Signature Service Project. With its Signature Service Project: Pro Bono Challenge, the YLD is challenging every young lawyer to pledge 50 hours of pro bono service to be completed over the next year. Young Lawyers can sign up on the YLD webpage at [www.georgiayld.org](http://www.georgiayld.org).

This theme is timely due to an explosion in the demand for legal services, by low-income individuals, families and veterans. At least 50 percent of people seeking assistance from pro bono legal service organizations such as Atlanta Legal Aid and Georgia Legal Services – and eligible to receive it – are turned away because of insufficient resources. Studies have found that 80 percent of the civil legal needs of low-income people go unmet.

The YLD hopes to reduce some of the perceived barriers to doing pro bono work by highlighting opportunities that do not require going to court or taking on a case, and fall outside of common “basic needs” practice areas such as landlord tenant or family law. The YLD's newly created Pro Bono Committee is committed to working to support those who take the challenge by providing opportunities for pro bono work across all practice areas, time limitations and interests. The YLD has partnered with the State Bar of Georgia's Access to Justice Committee's “Due Justice. Do 50.” campaign to provide support to assist those taking the pledge so they are presented with the numerous opportunities available to do pro bono work across the state and in a variety of ways.

This report will bring you up to date on our Signature Service Project as well as the YLD's other activities and accomplishments.

### **YLD Committees**

The YLD has more than 25 committees working to support our motto of service. Some provide service to the community and others provide service to the profession. Each committee has begun working on substantive engagement in their respective focus areas and each are going to concentrate on a pro bono activity.

Additionally, the YLD created two new committees this year: the Corporate Counsel committee and Pro Bono committee. The Corporate Counsel committee will address issues specific to young lawyers who practice in corporate legal departments, as well as those in private law firms that interact/represent corporate legal departments. The Pro Bono committee was created to help implement the Signature Service Project and highlight pro bono and low bono opportunities by serving as a liaison between the YLD and public interest organizations throughout the state.

### **YLD Affiliates**

- **Houston County YLD**  
The Houston County YLD held its annual Fall BBQ on October 21 at the property of Larry Walker in Perry, GA. As the biggest event of the year for the Houston County YLD, they had a great turnout with young lawyers from all over the state in attendance.
- **West Georgia Young Lawyers**  
The West Georgia Young Lawyers Association was newly created this year to serve young lawyers in the counties of Carroll, Douglas, Haralson, Paulding and Polk. They held their first event, a happy hour, on September 14 in Hiram. It was a great networking event attended by both local West Georgia young lawyers as well as officers and members from the state YLD.
- **Young Lawyers of Augusta**  
The Young Lawyers of Augusta have held several events this Bar year. On June 29, they held a CLE on a riverboat cruise down the Savannah River. On August 12, they teamed up with Young Professionals of Augusta and kayaked down the Savannah River. In September, they had two community service opportunities; one with the Boys and Girls Club and one to participate in National Public Lands Day.

### **Quarterly Meetings**

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

The YLD Summer Meeting took place August 3-6, 2017, at Stephen F. Austin InterContinental, in Austin, TX. Meeting in Austin provided an opportunity to network with the

Texas Young Lawyers Association and exchange thoughts and ideas on the programming both organizations were pursuing. In addition to the business meeting and several social events, a CLE was held entitled, “Running the Ethical Office in the 21st Century (aka What I Wish I Learned in Law School)” and “Cyber Security — Five Easy Steps to Secure Your Office.” Young lawyers learned best practices and tips in an informing and engaging presentation by Claude Ducloux, a nationally renowned presenter and Austin attorney. Ducloux presented on potential pitfalls in your practice and how to recognize, avoid and resolve them in order to prevent an ethics complaint or violation. Recognizing that practice in the 21st century necessarily involves use of technology, Ducloux also presented and discussed privacy statutes affecting law offices and lawyers relating to digital information.

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

Fall Meeting  
Nov. 9-12, 2017  
Brasstown Valley Resort & Spa  
Young Harris, Ga.

Midyear Meeting  
Jan. 4-6, 2018  
The Westin Atlanta Perimeter North  
Atlanta, Ga.  
Held in conjunction with the State Bar of Georgia

Spring Meeting  
March 15-18, 2018  
The Aerston Hotel | Kimpton  
Nashville, Tenn.

Annual Meeting  
June 7-10, 2018  
Omni Amelia Island  
Amelia Island, Fla.  
Held in conjunction with the State Bar of Georgia

I hope the Board shares in my enthusiasm for the great work the YLD does. We always invite Board members to come to YLD events and engage with YLD members. Please “like” the YLD Facebook page or follow us on social media to follow along with the activities and events the YLD is participating in. Please let me know if there are any projects you have in your areas that the YLD can assist with, or if I can be of service to you in any way.

Regards,



Nicole C. Leet  
2017-18 YLD President

## **LAWYERS HELPING LAWYERS\* POLICIES AND GUIDELINES**

### **I. OVERVIEW-THE LAP PROGRAM IN GENERAL**

The Lawyer Assistance Program (LAP) is a confidential service provided by the State Bar to help its members with problems which negatively impact their quality of life and their ability to function effectively as members of the Bar through education, intervention, peer support and professional clinical treatment. In order to help meet the needs of its members and ensure confidentiality, the Bar contracts the services of CorpCare Associates, Inc., Employee Assistance Program, a Georgia-headquartered national counseling agency. Oversight of the LAP is provided by the Lawyer Assistance Committee (LAC) which consists of members of the Bar as well as up to four members of the public who have experience in providing behavioral health services either in the field of addiction or mental health.

The LAP provides a broad range of helping services to members seeking assistance with depression, stress, alcohol/drug abuse, family problems, workplace conflicts, psychological and other issues. You can contact the LAP by calling 800-327-9631, or by emailing Lisa Hardy, vice president, CorpCare Associates, Inc., at [lisa@corpcareap.com](mailto:lisa@corpcareap.com).

#### **Services Available Through LAP**

All services are accessible through the confidential LAP Hotline: 800-327-9631

Telephone Hotline: Staffed by trained counselors 24 hours a day, 7 days a week. If you are a member of the State Bar and have a personal problem that is causing you significant concern, the Lawyer Assistance Program can help. Please feel free to call LAP's confidential hotline at 800-327-9631.

Up to 6 prepaid In-Person counseling sessions with a licensed counselor per year.

Work/Life Program for unlimited, prepaid assistance with such issues as Childcare, Elder Care and Finances. Members of the State Bar of Georgia have unlimited use of the LAP Work/Life program, a time saving resource that helps them stay productive on the job. Callers receive advice, referrals and materials customized to take into account their individual concerns, financial and geographic needs. These referrals are reached through calling the LAP Hotline: 800-327-9631.

Some of the information Work/Life counselors provide includes:

## **LAWYERS HELPING LAWYERS\* POLICIES AND GUIDELINES**

Child Care—Centers, Family Day Care Providers, In-Home Care, Summer Day & Resident Camps, Before/After School Care, Preschool Programs, Special Needs Programs, Back Up Care, Private and Public Schools, Boarding Schools as well as Educational Materials on provider selection and parenting tips;

Elder Care—Senior Centers, Adult Day Care, Home Health Care, Nursing Homes, Retirement Communities, Transportation Services, Support Groups as well as Financial Options including Medicare and Medicaid Information;

Adoption Information—Public and Private Adoption Agencies, Adoption Counselors, Support Groups, Adoption Attorneys and Educational Material;

College Assistance—College Planning Guide with Resources for Financial Aid and Educational Consultants, Sample SAT Booklets, Computer Software Programs and College online Services.

Financial Advice—Certified Financial Counselors help move callers toward fiscal fitness during telephonic sessions that include such topics as: General Money Management, Creating a Budget, Saving for College, Credit and Credit Reports, Purchasing or Refinancing a Home or Automobile, as well as Debt Management, Preventing Bankruptcy and Foreclosure. Callers learn how to prevent identity theft. If victimized, they are guided through a structured plan of action to recover and they get ongoing counseling support during the identity theft trauma.

## **II. THE PEER VOLUNTEER PROGRAM INITIATIVE**

The LAC seeks to extend the outreach of the LAP in an effort to facilitate greater utilization by Bar members of the resources provided by the LAP as well as provide additional opportunities for members of the Bar to participate in assisting their peers. The LAC determined that developing a volunteer peer support program was an effective method of achieving both goals. This program may sometimes be referred to as the “Peer Program” or “Lawyers Helping Lawyers.”

### **A. What Is Peer Support?**

Ongoing practical, social, and emotional support has been shown to be a critical and effective strategy for facilitating sustained behavior change for people with chronic diseases/risks and other conditions. While access to and use of the services such as those provided by or accessible through the LAP is extremely important, those services can be supplemented by peers who can share the kinds of everyday experiences that have enabled them to live happy and healthy lives while facing difficult circumstances.

## **LAWYERS HELPING LAWYERS\* POLICIES AND GUIDELINES**

Peer support generally involves people sharing similar experiences with an illness or condition. People with a common condition are able to share knowledge and experiences, including some that many healthcare workers do not have. Peer support refers to the practical, social, and emotional support from a person sharing similar experiences with a disease or condition. The Committee believes the shared experience of practicing law provides an additional benefit above and beyond what would be available through traditional peer support networks. Based on this common experience, the role of peer volunteer is open to all members of State Bar of Georgia without regard to whether they have experience with any particular condition.

Peer support can take many forms – phone calls, text messaging, group meetings, individual meetings over a cup of coffee or a meal, going for walks together, or other common activities. There is no “one size fits all” approach or uniform strategy for peer support. Overall, Peer support complements and enhances other health care services by creating emotional, social and practical assistance.

The LAC hopes to provide volunteer peer support to Bar members who are addressing issues with depression, bipolar disorder, other mood disorders, anxiety, stress, addiction to substances or process addictions, grief, physical illness, and work/life balance. Additionally the LAC hopes to provide volunteer peer support to Bar members who are not facing those kinds of issues personally, but have a family member who is.

### **B. What Peer Support Is Not.**

The volunteer peer support person is not a therapist and does not provide therapy or counseling services. Volunteers are instructed to notify either CorpCare, which is the clinical contractor for the LAP at either 770-200-8085 or 877-843-6036 or the Confidential LAP Hotline at 800-327-9631 in the event that they believe the attorney they are assisting requires clinical services.

The role of the volunteer peer support person similarly does not involve assisting the attorney they are working with in the active practice of law. The volunteer is not providing legal advice or direction concerning matters which the attorney may be handling. Similarly, the role of the volunteer is not to provide legal advice or counsel to the attorney concerning legal problems or issues which are personal to the attorney.

### **C. Selection and Training of LAP Peer Volunteers**

A member of the State Bar is eligible to volunteer to serve as a peer. A member of the LAC will conduct a brief screening interview with the prospective volunteer. The prospective volunteer will also complete a written information form (see Attachment 1), which will be securely held by CorpCare as described in Section F. below. Following

3

*\*A component of the Lawyers Assistance Program of the State Bar of Georgia*

## **LAWYERS HELPING LAWYERS\* POLICIES AND GUIDELINES**

this process, the prospective volunteer will be provided training at no cost. The LAC is also working to obtain CLE credit for participating in the training program. The volunteer will be required to go through the training program again every two (2) years.

The training program will address the following:

1. LAP program protocols and guidelines.
2. Basic knowledge regarding the philosophy and theoretical concepts which form the basis for peer assistance;
3. Developing the capability for providing peer assistance to legal colleagues.
4. Recognition of the symptoms of mental illness and maladaptive responses to stress;
5. Recognition of the key symptoms of addiction and its effects on individuals, families and co-workers; and
6. Understanding the role of peer assistance and be able to provide support to LAP Participants impacted by mental illness, addiction and other troubles.

### **D. Attorneys Seeking Services from the Peer Program**

Any member of the State Bar of Georgia is eligible to seek volunteer peer support services from the LAP. An individual who is interested in seeking services will (i) contact CorpCare at either 770-200-8085 or 877-843-6036, (ii) contact a member of the LAC at the contact information on the LAP page of the Bar's website or (iii) select a volunteer from the searchable forum on the LAP page of the Bar's website, as described in Section E. below. Because of the voluntary, no cost nature of the services provided, both individuals seeking services from the Peer Program and Peer Volunteers will be required to sign a release of liability in advance of their participation in the program. (See Attachment 2A and Attachment 2B).

### **E. Matching of Volunteers and Program Participants**

When a Participant initiates the Peer selection process, he/she will be directed to the LAP page of the Bar's website, which will provide a searchable forum from which to select a volunteer. In the forum, he/she will not be provided with names of Volunteers, only generic information from the data contained in each Volunteer's written information form with a code number attached. The data are contained in an online encrypted database. The Participant will be provided with an access code to enable them to view online the biographical and experiential information of the individuals who may be available to serve as their Peer Volunteer. The Participants will use code numbers to select individuals they would like to serve as their Peer Volunteers. The coded information will be electronically transmitted to CorpCare and the prospective Peer Volunteer will then be contacted with a request to serve as a Peer by code number. If the

4

*\*A component of the Lawyers Assistance Program of the State Bar of Georgia*

## **LAWYERS HELPING LAWYERS\* POLICIES AND GUIDELINES**

prospective Peer Volunteer accepts, he/she will be given the Participant's contact information and will be responsible for the initial outreach and contact. Only personnel at CorpCare will have the code that links Peer Volunteer's code number to their name.

Volunteers are limited to serving two Participants at one time, in the interests of providing robust support in all cases.

### **F. Confidentiality**

Existing Rules governing the LAP provide for the confidentiality of certain communications made by lawyers seeking LAP services. The LAC has proposed amendments to clarify and strengthen that protection in the context of the new peer program (and has agreed to be bound by the new Rules in the interim until they are formally adopted). Except for threats of death or substantial bodily harm, statutory requirements of disclosure (e.g., terrorist plots) and defending oneself against allegations concerning misfeasance in the assistance he or she has provided, Volunteers are and will be required to keep information they learn confidential; however, because of the voluntary nature of the program, the LAP does not and cannot be responsible for any failure of any individual volunteer or participant to maintain program guidelines.

On the flip side, disclosures by Volunteers as part of the sign up and matching process will be held in an encrypted, database maintained by the Bar's clinical contractor for the LAP and will be presented anonymously on the Peer Program website, with identities made known to the parties only when a "match" has been made as described above.

### **G. Ongoing Responsibilities of Peer Volunteers**

By participating in the Program, Volunteers agree to do the following:

1. Attend the training sessions outlined above;
2. Have regularly scheduled meetings with Participant in public places or by phone;
3. Consistently follow through with the Participant until support is no longer needed or parties agree to disengage;
4. Self-recuse in case of relapse or current disciplinary proceeding;
5. Respect the confidentiality of the Participant per LAP program guidelines;
6. Follow LAP program guidelines; and
7. Notify the LAC at the time of termination of the relationship with the Participant



## **LAWYERS HELPING LAWYERS\* POLICIES AND GUIDELINES**

### **H. Liability and Insurance Coverage for Volunteers**

The LAC has been informed that the volunteer activities performed by the Peer Volunteers as outlined in the Volunteer Program materials and training programs are generally covered under a commercial general liability insurance policy but not under any professional error & omissions policy or other liability policies. There is an important caveat to the commercial general liability policy. This policy will not cover volunteers in the event the activity in question is deemed to be clinical in nature or the rendition of professional or legal services. Additionally, this policy will not cover volunteers if a claim is brought against them by the State Bar or a State Bar employee, or if the claim arises from their operation of a motor vehicle. It is therefore important for this reason as well that Peer Volunteers respect the boundaries that their role as peer supporters entails.

### **I. Termination of Volunteer-Participant relationship**

Because participation in the program is voluntary on the part of both the Peer Volunteer and the Participant, either is free to terminate the relationship at any time. The topic of termination of the relationship will be covered in greater detail in the Volunteer training, but a brief mention of the subject is appropriate here. Termination of the relationship may be consensual or in some cases it may be unilateral or forced. Examples where the relationship is subject to unilateral or forced termination might include where the volunteer has sustained a relapse or potentially in a situation where the Participant requires a higher level of services than can be provided by the Peer Volunteer. As a general rule, the Volunteer should plan for an orderly termination of the relationship and the transition of the Participant to another Peer Volunteer should the Participant so desire.

In case of relapse or if a current disciplinary proceeding, other than a complaint, is filed against him or her, Volunteers commit to recuse themselves and to notify CorpCare that the Volunteer is terminating the relationship with Participant at that time.

### **J. Peer Assistance Process and Tips**

The LAP Volunteer receives inquiries from the LAP Committee, CorpCare as the Bar's external counseling resource, and/or a direct request from a member. Basic information provided to the LAP Volunteer from one of these sources helps to determine the best follow-up approach.

The LAP volunteer telephones the Participant. When leaving a voicemail, volunteers identify themselves by name with a message they are returning a call. Volunteers do not state on voicemail that they are a LAP Volunteer without the Participant's permission.

## **LAWYERS HELPING LAWYERS\* POLICIES AND GUIDELINES**

LAP Volunteers may communicate via the phone or meet face to face with Participants to offer support, guidance and resources. The program recommends that volunteers meet in a safe environment such as their office or a public restaurant. Volunteers are discouraged from going to the Participant's home or an isolated area where safety cannot be insured. Volunteer safety is given equal weight within the program to Participant safety.

Inform the Participant why you are contacting them and remind them of the privileged confidentiality of all LAP communications. Do not disclose the source of the referral unless you have their permission. Create a safe environment.

Emphasize that your only purpose is to be of assistance to them.

Focus on what the Participant sees as the problem and what they would like to change.

Use active listening skills.

Share your own experience, strength and hope.

Do not discuss diagnoses or psychoanalysis.

Do not establish a treatment plan.

Do not assist the Participant in the active practice of law or provide legal advice or direction concerning matters which the Participant may be handling.

Be consistent. Always follow through with resources you offer or meetings you agree to have.

LAP Volunteers do not engage in romantic, sexual or business relationships with Participants.

If you believe your objectivity is lost or the experience is too draining, contact CorpCare for a consult.

### **K. Notification Process**

CorpCare will contact volunteers monthly via email about the status of your contacts. Please respond promptly and also make sure that CorpCare is apprised of the final outcome of your contacts. CorpCare will also contact you annually to obtain an

**LAWYERS HELPING LAWYERS\***  
**POLICIES AND GUIDELINES**

update of your status as a volunteer. If you do not respond within a reasonable time, you will be removed from active status as a volunteer.

The LAP volunteer always notifies and consults with CorpCare and/or the LAP Committee Coordinator for, but not limited to, the following situations:

- (a) The Participant is a danger to self or others – suicidal, homicidal (**in this case, the first call is to police or emergency responders**);
- (b) The Participant exhibits difficult or problematic behaviors;
- (c) The volunteer believes the Participant's problems are outside the scope of their training or comfort level; or
- (d) They discover they have a conflict of interest with the Participant.

Direct Calls to LAP Volunteers: All calls to LAP Volunteers which come directly from attorneys or family members seeking help are to be reported to CorpCare. Volunteers may handle these calls themselves, as appropriate, providing peer assistance, or the LAP Coordinator will assign these matters to other volunteers.

**LAWYERS HELPING LAWYERS\*  
POLICIES AND GUIDELINES**

**ATTACHMENT 1  
LAWYERS HELPING LAWYERS\***

**VOLUNTEER INFORMATION FORM**

This form is for the purpose of gathering accurate information in an effort to match you with colleagues in need who are struggling with issues similar to those that you have experienced. You hereby authorize the release of the below information to the Program's clinical consultant, CorpCare, provided that, all identifying disclosures shall be held in CorpCare's confidential and secure encrypted database in accordance with all privacy and security requirements under applicable law, including without limitation HIPAA and HITECH, and in accordance with this document.

Name of Volunteer: \_\_\_\_\_ Tel (o): \_\_\_\_\_  
Address: \_\_\_\_\_ Tel (cell): \_\_\_\_\_  
\_\_\_\_\_ Tel (home): \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_

Days of Availability  
\_\_ All \_\_ Mon \_\_ Tues \_\_ Wed \_\_ Th \_\_ Fri \_\_ Sat \_\_ Sun

Messages may be left on \_\_ phone (o) \_\_ phone (c) \_\_ phone (h) \_\_ email \_\_ none  
Preferred? \_\_\_\_\_

Gender \_\_ M \_\_ F

Age Range  
\_\_ 20-25 \_\_ 41-45 \_\_ 61-65  
\_\_ 26-30 \_\_ 46-50 \_\_ 66-70  
\_\_ 31-35 \_\_ 51-55 \_\_ Over 70  
\_\_ 36-40 \_\_ 56-60

**Mental Health or Substance Use Disorder/Addiction:**

Please check all areas in which you have personal experience or simply wish to assist participants:

Mental Health:	Substance Use Disorder/Addiction:
<input type="checkbox"/> Depression	<input type="checkbox"/> Alcohol
<input type="checkbox"/> Anxiety	<input type="checkbox"/> Drugs ( _____ )
<input type="checkbox"/> Bipolar	<input type="checkbox"/> Gambling
<input type="checkbox"/> Obsessive Compulsive Disorder	<input type="checkbox"/> Sex Addiction

**LAWYERS HELPING LAWYERS\***  
**POLICIES AND GUIDELINES**

- |   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> Attention Deficit Disorder | <input type="checkbox"/> Work        |
| <input type="checkbox"/> Schizophrenia              | <input type="checkbox"/> Pornography |
| <input type="checkbox"/> Eating Disorder/Body image | <input type="checkbox"/> Food        |
| <input type="checkbox"/> PTSD                       | <input type="checkbox"/> Internet    |

If not listed, please describe:

---

---

---

**LAWYERS HELPING LAWYERS\***  
**POLICIES AND GUIDELINES**

**Areas that Potentially Affect Work:**

Please check all areas in which you have personal experience or simply wish to assist participants:

- Disability that affects me in my law practice ( \_\_\_\_\_ )
- Work/life balance
- Job related insecurities
- Financial insecurity
- Child care issues
- Aging parents
- Am family support for family member with
  - mental health issues
  - substance use disorder/addiction
- Stress related to chronic illness

If not listed, please describe:

---

---

---

In recovery (Yes/No)

Previous experience as a Peer: -

---

What do you wish to gain and/or what do you expect to contribute as a Peer?

---

**CONFIDENTIALITY:** When a Participant initiates the Peer selection process, he/she will not be provided with names, only raw data with a code number attached. If he/she selects your code number, you will be contacted with a request to serve as a Peer. If you accept, you will be given the Participant's contact information and you will be responsible for the initial outreach and contact. **[Only CorpCare will have the code that links your code number to your name].**

By signing below or by your electronic signature, you acknowledge that (i) you are an active member in good standing of the State Bar of Georgia, (ii) you have read and understand the above information, (iii) you have signed the Lawyers Helping Lawyers Peer/Participant Consent, Release and Acknowledgment and (iv) you commit to recuse yourself and to notify CorpCare at 800-327-9631 or [lisa@corpcarecap.com](mailto:lisa@corpcarecap.com) that you are

**LAWYERS HELPING LAWYERS\***  
**POLICIES AND GUIDELINES**

terminating the relationship with Participant in case of personal relapse or if a current disciplinary proceeding, other than a complaint, is filed against you.

---

*Signature of Volunteer*

---

*Name of Volunteer*

---

*Date*

**LAWYERS HELPING LAWYERS\*  
POLICIES AND GUIDELINES**

**ATTACHMENT 2A**

**LAWYERS HELPING LAWYERS\***

**PARTICIPANT CONSENT, RELEASE AND ACKNOWLEDGMENT**

**LAWYERS HELPING LAWYERS** (the “Program”) provides a confidential process designed to assist participants (each a “Participant”) who identify a problem and request to meet with a colleague who has successfully managed a similar problem and/or can offer support and guidance (each a “Peer”). Participants include Georgia attorneys and judges. Peers are designees of the Lawyer Assistance Committee of the State Bar of Georgia. Working with a Peer involves sharing sensitive, personal and private information that may at times be distressing. During the course of the relationship, both parties will work together to address Participant’s difficulty. Peers assist with a wide variety of problems including but not limited to: depression, anxiety, stress due to work or family issues and addictions such as alcohol, drugs, food addiction, gambling, sex or other compulsive behaviors. The outcome is often positive; however, the level of satisfaction for any individual is not predictable. The foregoing shall be referred to herein as “Peer Services.”

**CONFIDENTIALITY:**

All interactions between Participant and Peer are proceedings of the Lawyer Assistance Committee of the State Bar of Georgia and as such, except as set forth below, are confidential. The failure of either the Participant or Peer to keep confidential any information which either may have received is a violation of the Program Guidelines; however, a Participant may request in writing that a Peer release specific information about Participant to designated persons.

**EXCEPTIONS TO CONFIDENTIALITY:**

- Peer may reveal to police or emergency responders, or any person in imminent danger, information needed to avoid or prevent death or substantial bodily harm.
- Peer may reveal information
  - a. which is mandated by statute to be reported;
  - b. to respond in any proceeding to allegations of misfeasance concerning the assistance he or she has provided to Participant as part of the Program; and
  - c. to secure legal advice about Peer’s compliance with the Bar Rules.



## LAWYERS HELPING LAWYERS\* POLICIES AND GUIDELINES

### SCOPE OF PEER SERVICES:

The below-signed Participant acknowledges and agrees that: Peers are not therapists or professional counselors. They are Georgia attorneys and judges who are willing to share their personal recovery experience from addiction, mental health treatment or other difficulties and provide support for their colleagues. Peers are also attorneys and judges who simply want to help their colleagues in whatever way they can in order to make a positive contribution to the community and their profession. *Peers do not provide clinical services, including without limitation conducting physical or psychological examinations, performing therapeutic counseling or establishing treatment plans. In addition, Peers do not (i) give assistance or support with respect to Participant's management of his/her practice or client matters or (ii) provide legal services or legal advice.*

### MUTUAL COMMITMENTS OF PEER AND PARTICIPANT:

The Peer's commitment is to support the Participant through his or her process. Participant's commitment is to attend all scheduled interactions with Peer and work positively towards mutually defined goals. Peers may communicate via the phone or meet face to face with Participants to offer support, guidance and resources. Peer and Participant will determine the length of time and frequency to meet. The Program recommends that Peers and Participants meet in a safe environment such as an office or a public restaurant. Peers are discouraged from going to the Participant's home or an isolated area where safety cannot be ensured. Peer and Participant safety are given equal weight within the Program.

### RELEASE AND INDEMNIFICATION:

The below-signed Participant, for himself or herself and his/her heirs, executors, administrators and assigns, hereby (i) releases and discharges the State Bar of Georgia, the Lawyer Assistance Program of the State Bar of Georgia and the Lawyer Assistance Committee of the State Bar of Georgia and their respective officers, directors, members, employees, representatives, contractors, agents, designees and volunteers, including without limitation any Peer providing Peer Services to Participant (collectively, "Indemnified Parties"), of and from any and all claims which he/she or they ever may have against any of them, on account of, by reason of or arising in connection with the provision of Peer Services, including, without limitation, the failure of the Participant or Peer to follow Program Guidelines, and hereby waives all such claims, demands and causes of action including the right to have the enforceability of this provision interpreted by any court or tribunal and (ii) indemnifies, defends and holds harmless the Indemnified Parties of and from any liability associated with the provision of Peer Services to Participant.

**LAWYERS HELPING LAWYERS\***  
**POLICIES AND GUIDELINES**

---

By signing below or by his/her electronic signature, Participant acknowledges that he/she has read and discussed the above information with others as needed, understands the risks and benefits of accepting Peer Services, the nature and limits of confidentiality and what is expected of him/her as a Participant.

This Consent/Release/Acknowledgment shall remain in effect until revoked in writing by Participant and delivered to the Lawyers Assistance Committee by hand or by certified mail, return receipt requested; provided that the above release and indemnification shall survive any such revocation.

---

*Signature of Participant*

---

*Name of Participant*

---

*Date*

**LAWYERS HELPING LAWYERS\*  
POLICIES AND GUIDELINES**

**ATTACHMENT 2B  
LAWYERS HELPING LAWYERS\***

**PEER CONSENT, RELEASE AND ACKNOWLEDGMENT**

**LAWYERS HELPING LAWYERS** (the “Program”) provides a confidential process designed to assist participants (each a “Participant”) who identify a problem and request to meet with a colleague who has successfully managed a similar problem and/or can offer support and guidance (each a “Peer”). Participants include Georgia attorneys and judges. Peers are designees of the Lawyer Assistance Committee of the State Bar of Georgia. Working with a Peer involves sharing sensitive, personal and private information that may at times be distressing. During the course of the relationship, both parties will work together to address Participant’s difficulty. Peers assist with a wide variety of problems including but not limited to: depression, anxiety, stress due to work or family issues and addictions such as alcohol, drugs, food addiction, gambling, sex or other compulsive behaviors. The outcome is often positive; however, the level of satisfaction for any individual is not predictable. The foregoing shall be referred to herein as “Peer Services.”

**CONFIDENTIALITY:**

All interactions between Participant and Peer are proceedings of the Lawyer Assistance Committee of the State Bar of Georgia and as such, except as set forth below, are confidential. The failure of either the Participant or Peer to keep confidential any information which either may have received is a violation of the Program Guidelines; however, a Participant may request in writing that a Peer release specific information about Participant to designated persons.

**EXCEPTIONS TO CONFIDENTIALITY:**

- Peer may reveal to police or emergency responders, or any person in imminent danger, information needed to avoid or prevent death or substantial bodily harm.
- Peer may reveal information
  - a. which is mandated by statute to be reported;
  - b. to respond in any proceeding to allegations of misfeasance concerning the assistance he or she has provided to Participant as part of the Program; and
  - c. to secure legal advice about Peer’s compliance with the Bar Rules.

**LAWYERS HELPING LAWYERS\***  
**POLICIES AND GUIDELINES**

**SCOPE OF PEER SERVICES:**

The below-signed Peer acknowledges and agrees that: Peers are not therapists or professional counselors. They are Georgia attorneys and judges who are willing to share their personal recovery experience from addiction, mental health treatment or other difficulties and provide support for their colleagues. Peers are also attorneys and judges who simply want to help their colleagues in whatever way they can in order to make a positive contribution to the community and their profession. *Peers do not provide clinical services, including without limitation conducting physical or psychological examinations, performing therapeutic counseling or establishing treatment plans. In addition, Peers do not (i) give assistance or support with respect to Participant's management of his/her practice or client matters or (ii) provide legal services or legal advice.*

**MUTUAL COMMITMENTS OF PEER AND PARTICIPANT:**

The Peer's commitment is to support the Participant through his or her process. Participant's commitment is to attend all scheduled interactions with Peer and work positively towards mutually defined goals. Peers may communicate via the phone or meet face to face with Participants to offer support, guidance and resources. Peer and Participant will determine the length of time and frequency to meet. The Program recommends that Peers and Participants meet in a safe environment such as an office or a public restaurant. Peers are discouraged from going to the Participant's home or an isolated area where safety cannot be ensured. Peer and Participant safety are given equal weight within the Program.

**RELEASE AND INDEMNIFICATION:**

The below-signed Peer, for himself or herself and his/her heirs, executors, administrators and assigns, hereby (i) releases and discharges the State Bar of Georgia, the Lawyer Assistance Program of the State Bar of Georgia and the Lawyer Assistance Committee of the State Bar of Georgia and their respective officers, directors, members, employees, representatives, contractors, agents, designees and volunteers (collectively, "Indemnified Parties"), of and from any and all claims which he/she or they ever may have against any of them, on account of, by reason of or arising in connection with the provision of Peer Services, including, without limitation, the failure of the Peer or any Participant to whom the Peer provides Peer Services, to follow Program Guidelines, and hereby waives all such claims, demands and causes of action including the right to have the enforceability of this provision interpreted by any court or tribunal and (ii) indemnifies, defends and holds harmless the Indemnified Parties of and from any liability associated with the provision of Peer Services to Participant.

**LAWYERS HELPING LAWYERS\***  
**POLICIES AND GUIDELINES**

By signing below or by his/her electronic signature, Peer acknowledges that he/she has read and understands the above information and the contents of the Lawyers Helping Lawyers Policies and Guidelines and agrees to abide by the policies, guidelines, and standards set forth therein.

This Consent/Release/Acknowledgment shall remain in effect until revoked in writing by Peer and delivered to the Lawyers Assistance Committee by hand or by certified mail, return receipt requested; provided that the above release and indemnification shall survive any such revocation.

\_\_\_\_\_

*Signature of Peer*

\_\_\_\_\_

*Name of Peer*

\_\_\_\_\_

*Date*

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Friday, May 19, 2017/1:30 p.m.  
State Bar Building/Atlanta, GA**

Members Participating:

Patrick T. O'Connor, President (by videoconference); Brian D. (Buck) Rogers, President-elect (by videoconference); Kenneth B. Hodges, III, Treasurer; Darrell L. Sutton, Secretary; Robert J. Kauffman, Immediate Past President (by phone); Jennifer Campbell Mock, YLD President (by videoconference); Nicole C. Leet, YLD President-elect; John R.B. Long, YLD Immediate Past President (by videoconference); Thomas R. Burnside, III (by videoconference); Elizabeth Louise Fite; Phyllis Holmen; Dawn Jones; David S. Lipscomb; and Nicki Vaughan (by phone).

Staff Participating:

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

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 April 21, 2017, were approved, as revised, 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: Samuel Curry-202476, Mary Coil-600464, Ushma Narvil-535783, Michael Thurston-558690, Margaret McGee-491560

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee approved a member's request for disabled status.

Members Requesting Extension of Time for Fitness

The Executive Committee took the following action on a request for an extension of time to complete Fitness from Bar member Tara Wolford-773004.

- 1) By majority voice vote, failed to pass a motion to deny the request, and
- 2) By unanimous voice vote, approved the request for an extension of time to complete Fitness.

#### Change in Membership Classification

Following a report by Bill NeSmith, the Executive Committee, by unanimous voice vote, gave permission for the Membership Department to move Bar member Michael D. Usry (722962) to Emeritus status.

#### Executive Committee Policies - Endorsements of Candidates

Following a report by Paula Frederick, the Executive Committee, by unanimous voice vote, approved, as revised, the following Policy on Endorsement of Candidates By Officers, Executive Director and General Counsel:

##### Policy on Endorsement of Candidates By Officers, Executive Director and General Counsel

State Bar officers may not use their official title or include their connection to the Bar in any public endorsement of political or judicial candidates. When an officer of the State Bar of Georgia verbally endorses a candidate, the officer shall clearly state that the endorsement is made in his or her personal capacity.

A State Bar officer who is running for public office should not use his or her official title or connection to the Bar to imply that the State Bar of Georgia has endorsed his or her candidacy.

The Executive Director and General Counsel may not use their official titles in any public political endorsements.

#### Officers and Executive Committee Policy - Judicial Office

President Pat O'Connor reported that incoming YLD President-elect Rizza O'Connor has requested an opinion from the Judicial Qualifications Commission (JQC) about whether it is permissible for a full-time judge to serve as an Officer of the State Bar. The Executive Committee, by consensus, agreed to await this opinion before taking further action on this policy.

#### Officers and Executive Committee Policy - Removal of Officers or Executive Committee Members

Paula Frederick reported that a draft policy will be presented at the next Executive Committee meeting.

#### Executive Session

Following a motion and second, the Executive Committee met in Executive Session to discuss Officers' stipends. Thereafter, by majority voice vote, the Executive Committee

emerged from Executive Session.

A motion that Officers' travel allowances be paid to them as stipends in the upcoming Bar year, and that YLD Officers' unspent carryovers also be paid to them as stipends, failed by a hand vote of 5 in favor to 6 opposed.

President O'Connor requested that incoming President Buck Rogers and Bar staff revisit this issue in the coming Bar year once more information on the tax consequences and other issues is obtained.

#### Sponsorship Request

The Executive Committee, by majority voice vote, approved a sponsorship in the amount of \$4,000 for the Gate City Bar Association's 2017 Hall of Fame Gala on November 11, 2017.

#### Legislative Consultant Contract

The Executive Committee, by unanimous voice vote, approved the proposed contractual Agreement to retain Capitol Partners Public Affairs Group, and specifically Russell N. Sewell, as legislative consultant for the 2017-18 Bar year (July 1, 2017-June 30, 2018) at a cost of \$195,000. This cost will be paid from voluntary contributions in the Legislative and Public Advocacy Fund.

#### Investment Policy

Following a report by Steve Laine, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed changes, as revised, to the State Bar's Investment Policy (Exhibit A).

#### President's Report

President Pat O'Connor reported that he is going to appoint a Special Awards Committee to study the creation of a Bobby Jones award. Bobby Jones, a Georgia lawyer by profession, was an American amateur golfer and is one of the most influential figures in the history of golf. He exemplified the principles of sportsmanship and fair play. The award would recognize a lawyer from Georgia each year based on the criteria established.

Otherwise, President O'Connor stated he is looking forward to seeing everyone at the Annual Meeting.

#### YLD Report

YLD President Jennifer Campbell Mock reported that the 2017 Legal Food Frenzy raised the equivalent of 1.3 million pounds of food, and she thanked everyone who participated.

#### ICLE

Jeff Davis reported that the Athens property appraisal has been completed, permitting ICLE to begin looking at how best to market the property. August 1<sup>st</sup> has been set as the deadline to fully integrate ICLE into the Bar, and work to prepare the 2<sup>nd</sup> floor for the



ICLE staff is underway. Mr. Davis also reported that Section Liaison Derrick Stanley was at the Family Law Institute this weekend and that it has set a record for attendance. He further reported that he will be sending out a job announcement for the ICLE Director position next week, and that the ICLE Board will make a recommendation to the Executive Director as to that hire. Lastly, he reported that beginning in the new Bar year, all ICLE seminar registration funds and expenses will be accounted for in a cost center through the Bar's operating account, in the same manner the Bar currently accounts for Bar Center and CCLC funds. While ICLE funds will be deposited into, and ICLE expenses paid from the Bar's operating account, using this cost center method ensures ICLE funds are segregated and accounted for separately from the Bar's general funds.

#### JQC Update

President Pat O'Connor reported that following the Spring Board meeting, he sent the second list of nominees to the Speaker of the House, but is not aware of anyone being appointed from the list. He reported that the JQC Nominating Committee will be meeting at the State Bar later this month to begin work on nominee lists to be submitted pursuant to the JQC bill that passed this legislative session.

To that end, President-elect and JQC Task Force Chair Buck Rogers reported his intention to ask that the JQC Nominating Committee resubmit the name of Lester B. Johnson, III on the list of nominees provided to the Governor and the Lieutenant Governor. Regarding the list of nominees to be provided to the Speaker of the House, the committee will submit a new list of nominees not previously submitted. He reported that Governor Deal has already indicated he intends to reappoint Ed Tolley to the JQC. He announced that the committee also plans to recommend that Judge Lamar Sizemore be considered as the lawyer member on the Hearing Panel. Lastly, he reported that a list of nominees will be presented to the Board of Governors at the June 9 Board meeting.

#### Treasurer's Report

Treasurer Ken Hodges provided an update about the Bar's finances. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of March 31, 2017; Income Statement YTD for the Eight Months Ended March 31, 2017; Bar Center Revenues and Expenditures for the Nine Months Ended March 31, 2017; State Bar Balance Sheet as of March 31, 2017; Summary of Dues and Voluntary Contributions as of March 31, 2017; Legislative Fund and Cornerstones of Freedom Fund Activity Reports as of February 28, 2017; and Summary of Investment Portfolio as of March 31, 2017.

#### Board of Governors Minutes – April 1, 2017

The Executive Committee received a copy of the minutes of the April 1, 2017 Board of Governors meeting.

#### Old Business

President Pat O'Connor reported that at the request of Justice David Nahmias, the Supreme Court's Justice for Children Committee, the Georgia Office of the Child

Advocate, and the State Bar's Child Protection and Advocacy Section have developed two annual awards. One award, sponsored by the Section and the Justice for Children Committee, will be given to a lawyer or judge who is a member of the Section for Advancing the Field of Juvenile Law. The award will be named in honor of (the late) Juvenile Court Judge Willie Lovett. The second award, sponsored by the Justice for Children Committee and the Office of Child Advocate, will be given to one lawyer and one case manager for Outstanding Advocacy for Children in Dependency Proceedings. The Executive Committee, by unanimous voice vote, ratified the awards.

The Executive Committee briefly reviewed the ZeekBeek contract sheet and was asked to send any additional comments about it to Bill NeSmith.

The Executive Committee, by unanimous voice vote, ratified President Pat O'Connor presenting a State Bar resolution to Judge Clarence Blount, a Bar member for 65 years and who, at the age of 91, remains active as a Senior Superior Court Judge.

The Executive Committee received for comment a copy of a proposed Uniform Juvenile Court Rule 1.5 concerning new judge orientation training.

#### New Business

There was no new business.

#### Adjournment

There being no further business the meeting was adjourned.



---

Darrell L. Sutton, Secretary

Approved:



---

Patrick T. O'Connor, President

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Friday, July 14, 2017/9:00 a.m.  
Conference Call**

Members Participating:

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

Members Absent

Jennifer Campbell Mock, YLD Immediate Past President; and Phyllis Holmen.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Christine Hayes, 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 Buck Rogers called the meeting to order. Members of the Executive Committee in attendance are indicated above.

Access to Justice Committee Senior Attorney Pro Bono Survey Request

Treasurer Darrell Sutton presented a request from the Access to Justice Committee to conduct a survey of senior attorneys to explore what services they would be willing to provide to older Georgians in need of legal aid. This is in connection with an American Bar Endowment Opportunity Grant the committee received to explore potential opportunities and support to serve older Georgians. Thereafter, the Executive Committee, by unanimous voice vote, authorized the member survey by the Access to Justice Committee. It is to be a short, one-time email survey of senior attorneys designed with the help of the Bar staff. The Executive Committee's approval was based on the unique circumstances of the request and is not to be considered setting a precedent for any future survey requests.

Legal Services Corporation Funding Action Alert

President Buck Rogers presented a request from Bar member Robert Remar asking the President to send out a proposed letter to the Bar's membership asking them to contact their Congressional representatives and urge them to support continued federal funding of the Legal Services Corporation (LSC). The Executive Committee, by unanimous voice vote, 1) approved the President sending the letter, with revisions, to the membership, and 2) approved Christine Butcher Hayes and Frank Strickland revising the letter and

including talking points for members to use if they contact their Congressional representatives. The revised letter will be reviewed by the President for final approval.

Adjournment

There being no further business the meeting was adjourned.

  
\_\_\_\_\_  
Dawn M. Jones, Secretary

Approved:   
\_\_\_\_\_  
Buck Rogers, President

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES**

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

Members Participating:

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

Members Absent

Jennifer Campbell Mock, YLD Immediate Past President.

Staff Participating:

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

Call to Order

President Buck Rogers called the meeting to order and welcomed new EC members in attendance. Members of the Executive Committee in attendance are indicated above.

Future Meetings

President Buck Rogers reviewed the Future Meetings Schedule. The Executive Committee discussed setting an Executive Committee meeting in early February since the Georgia General Assembly will convene on January 9, 2018, to which President Rogers agreed.

Executive Committee Minutes

Secretary Dawn Jones presented the minutes of the Executive Committee meeting held on May 19 2017, which were approved by unanimous voice vote. She then presented the minutes of the Executive Committee meeting held on July 14, 2017, which were revised to change "President Pat O'Connor" to "President Buck Rogers" in the Call to Order, and then approved as revised 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: George Austin III-028842, Mark Chester-123812, Christopher Paul Calsyn-435139, Edward E. Robinson-610290, Fan Zhang-785034, Jared Bybee-831165, Kelly McCracken III-486500, Thomas G Burch Jr.-094925, Karen W. Rowles-617150, John F. Eichorn-242375, Lara Bishop Keahey-

142175, Paul M. Coe-172820, Chaney Lynne Clark-126460, Ashley Baquero-445721, Patricia VanAllan-723386, Carolyn Esther Wright-777718, William Hagenbuch Jr.-316689, Sue D. Gunter-315650, Michael Alan Spero-579106, Vicki A. Hirsch-357257, Aaron D. Zibart-785033, Brian Ryckman-707721, Marie K. Evans-251404, Sharon DiMuro-222657, Judith Lee Curry-099648, Andrej Bajuh-032889, Brian C. Hale-317461, Michael, Schwenk-631925, Jonathan Palmer Summers-236598, Thomas P. Rack-591703, Cynthia Allen Smith-655475, Neil A. Creasy-194850, William E. Barfield-037335, Reginald F. Murphy-531042, Max Harry White-754585, Jeremy Michael Klass-706511, Gary G. Horlacher-366950, Elizabeth Riley McAleese-988813, Harold S. Lewis Jr.-001980, John Logan Marshall III-471690, Matthew Lee White-129866, Carole Miranne Osborne-511577, Warren Alves-014225, Mary-Ann Smyth Rush-286805, Sarah Kirsten Keech-410098, Beth Kathryn Watkins-740235, Sharon Coursey-186001, Raymond Ho-358112, Kristine Murray-525183, Robin Angel-019820, and Matthew Hindman-768275.

#### Members Requesting Disabled Status

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

#### Members Requesting Military Dues Waiver

The Executive Committee, by unanimous voice vote, granted a Military Dues Waiver request for Jennifer Marie Coleman (076125).

#### Membership Department's Request for Delegation of Limited Authority to Grant Courtesy Fee Waivers

Following a report by Deputy General Counsel Bill NeSmith, the Executive Committee, by unanimous voice vote, delegated limited authority to the Membership Department to grant courtesy waivers of late fees under the following three specific and limited circumstances: 1) a member in good standing who has not been late paying Bar dues for the immediate past three years and has not been late paying Bar dues more than two times in the last six years, 2) a member in good standing who has suffered a debilitating medical condition, either causing severe financial hardship or the inability to pay Bar dues that has been substantiated by the member's primary care physician, mental health provider or other medical provider, and 3) a member in good standing who has documented proof that his/her Bar dues were timely submitted, but not delivered due to a U.S. Postal Service problem. Only the Director or Assistant Director of Membership can approve a waiver under the above circumstances, and will report those members to the Executive Committee at its meetings or any time upon request.

#### Officers and Executive Committee Policy

General Counsel Paula Frederick reported on the rules and judicial ethics opinions from 34 state bar organizations, the District of Columbia, the US Virgin Islands and Puerto Rico, about the propriety of a judge serving as a bar officer. The Executive Committee

also received a copy of a letter from Ben Easterlin, Executive Director of the Judicial Qualifications Commission (JQC), regarding the JQC's consideration of a request for an opinion on whether a judge may serve as president of the YLD. It was the opinion of the JQC that this is a State Bar policy issue and not a matter for the Commission.

After lengthy discussion, the Executive Committee deferred further discussion on the topic to the September Executive Committee meeting.

#### Sponsorship Policy

Following a report by Treasurer Darrell Sutton, the Executive Committee, by unanimous voice vote, approved proposed amendments, as revised, to the State Bar of Georgia Sponsorship Guidelines (Exhibit A). The sponsorship granting process by the State Bar will be discussed further at the September Executive Committee meeting.

#### Approve Funds for *Who Needs Lawyers* PSA Campaign from Cornerstones (\$370,000)

Following a report by President Buck Rogers, the Executive Committee, by unanimous voice vote, approved up to \$370,000 from the Cornerstones of Freedom budget to fund the second year (of three years) of the *Who Needs Lawyers* PSA campaign. The funds will also cover surveying Georgians to gauge the success of the campaign, as per one of the Strategic Plan's objectives.

#### Employee Credit Card Policy Revision – Authorize New Card Holders

The Executive Committee, by unanimous voice vote, authorized State Bar credit cards for the Executive Director, the CCLC Executive Director, and the Executive Administrator, each with a \$5,000 limit.

#### ServiceLink (UPL) Settlement - Receipt of Settlement Funds

Executive Director Jeff Davis reported that a recently resolved UPL claim by the UPL Standing Committee against ServiceLink resulted in the State Bar receiving a \$100,000 settlement from ServiceLink. The Executive Committee, by unanimous voice vote, approved receipt of the settlement funds. He also reported that the Georgia Bar Foundation would receive \$13,680 related to this settlement as well.

#### Sponsorship Request - Gwinnett Legal Aid – *Friday at the Festival* (\$1860)

Following a report by Executive Committee member David Lipscomb, the Executive Committee, by unanimous voice vote, with Dawn Jones and David Lipscomb abstaining, approved an \$1860 sponsorship request from Gwinnett County Legal Aid (GCLA) for its *Friday at the Festival in Gwinnett County* event on October 20, 2017. The funds will be paid from Conference Sponsorship budget.

#### Sponsorship Request - ABA Section of State and Local Governmental Law

General Counsel Paula Frederick presented a written sponsorship request from the ABA Section of State and Local Government for the Section's CLE and Networking

Conference in Savannah on October 5-8, 2017. This was an additional agenda item. After discussing potential benefits to members and whether sponsorship funds would support the CLE or the reception, a motion to grant the Section a \$3000 sponsorship failed for lack of a second.

#### CJCP Request for Reimbursement from ICLE – Audit Expense

Executive Director Jeff Davis reported that the Chief Justice’s Commission on Professionalism (CJCP) is asking that the State Bar or ICLE reimburse it \$14,577.50 for expenses it incurred when the Commission undertook an audit in 2016 to evaluate discrepancies in ICLE’s accounting for and remittance to the CJCP of professional CLE hours. The Executive Committee, by majority voice vote, deferred action on the item.

#### Justice For All – Judicial Council Request for Grant Funding (\$100,000)

Executive Director Jeff Davis reported on a funding request from the Justice for All Working Group for \$100,000 to provide financial support to the Judicial Council’s Access, Fairness, Public Trust and Confidence Committee (AFPTCC) that will be charged with coordinating and implementing gaps in access to justice. The request is for either the State Bar and/or the CCLC to approve a \$100,000 grant for the 2018 calendar year to hire a director and to defray associated costs with implementing the strategic plan, with the Georgia Bar Foundation serving as the grant recipient. Before it makes a recommendation on the request to the Board of Governors, the Executive Committee asked for a detailed proposal to be submitted, including a job description of the proposed director position and list of other participating stakeholders, for the Executive Committee to review and discuss at its September meeting.

#### CloudLaw/Zeekbeek 30-Day Opt-Out Provision

Following a report by Bill NeSmith, the Executive Committee, by unanimous voice vote, agreed that a 30-day individual member opt-out provision be included in the agreement between the State Bar and CloudLaw/Zeekbeek.

#### President’s Report

President Buck Rogers commended Immediate Past President Pat O’Connor, Bill NeSmith and others who worked on the specifics and negotiated the terms with CloudLaw/Zeekbeek. He announced that Tangel King was recently named the Director of ICLE. Lastly, he reported that Board of Governors member Alvin Leaphart is in the hospital due to complications from knee surgery so to please keep him in their prayers.



### Strategic Plan

President Buck Rogers reported that he will be assigning the Executive Committee members to some of the tasks outlined in the Strategic Plan's objectives to ensure that the objectives are being accomplished.

### Treasurer's Report

Treasurer Darrell Sutton reported on the Bar's finances. He thanked Steve Laine for his invaluable management of the Bar's assets. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of May 31, 2017; Income Statement YTD for the Eleven Months Ended May 31, 2017; Bar Center Revenues and Expenditures for the Eleven Months Ended May 31, 2017; State Bar Balance Sheet as of May 31, 2017; Summary of Dues and Voluntary Contributions as of May 31, 2017; and Legislative Fund and Cornerstones of Freedom Fund Activity Reports through May 31, 2017.

Executive Committee member David Lipscomb noted that the total percentage of members who are contributing to GLSP is in the single digits. He requested that the GLSP opt-in dues checkoff be discussed at the September Executive Committee meeting.

### YLD Report

YLD President-elect Rizza O'Connor reported that the YLD has gotten off to a strong start. The YLD Program Chair Orientation was held at the Bar Center on July 28, 2017, at which President Buck Rogers and Jeff Davis spoke, and that was followed with the YLD Executive Committee Retreat at Glen-Ella Springs. The YLD Summer meeting will take place this weekend, August 3-6, 2017, in Austin, Texas. She reported that YLD President Nicole Leet is doing a pro bono service project this year that encourages all young lawyers to perform 50 hours of pro bono service. The service project will be kicked off at the YLD Summer meeting and end in January. She reported that other initiatives of YLD President Leet are increased communications and member engagement in the YLD, the Board of Governors relationship with young lawyers, and the transitioning of recently aged-out lawyers. Lastly, she expressed YLD President Leet's thanks to President Buck Rogers for his efforts in reaching out to young lawyers through his Bar committee appointments.

### Executive Director's Report

Executive Director Jeff Davis reported on ICLE's move to the Bar Center. It has been seamless so far thanks to Tangela King's efforts and various Bar staff who have worked on legal and other issues. The physical move will take place tomorrow, August 3, 2017. ICLE will be housed in space already built out on the 2<sup>nd</sup> floor. Some ICLE staff that opted to not move to Atlanta have found other employment opportunities.

### Legislative Report

Christine Butcher Hayes reported that the Advisory Committee on Legislation will meet

at 10 a.m. at the State Bar headquarters on September 19 and November 28, 2017. She announced that the Georgia General Assembly will convene on January 9, 2018. This year's legislative agenda will also include five bills carried over from last year. She reported that mandatory e-filing will come up again this year and the judges and courts will be looking for input from the Bar. She also reported that the Attorney General's Office has a Court Reform Council that will be addressing the sovereign immunity decision from the Supreme Court, that the administrative law courts would be changing their procedures to match the civil practice act, and that implementation of business courts statewide was being considered.

#### ICLE Update

Jeff Davis reported on ICLE's staffing. Staff positions are being reorganized and some empty positions are being filled. During this transition process, he has tried to look at ICLE's organizational structure to make better utilization of existing and new staff positions. He has hired experienced event planners to manage the seminars, and has designated an MIS staff person to assist ICLE with its technology needs. Through the Accounting Department, cost centers have been created to determine whether a seminar is revenue positive or negative, which was never done before. Currently there are 13 filled staff positions, and two open positions for registrars. All of ICLE's printing will be outsourced from now on.

#### State Bar Virtual Law Museum Added to Georgia Standards Website

Executive Director Jeff Davis reported that the Executive Committee had received information from the Bar's LRE Program that the Georgia Department of Education (GDE) would be adding the Virtual Law Museum to its teacher resources on the GDE's website at [www.georgiastandards.org](http://www.georgiastandards.org).

#### Office of General Counsel Report

General Counsel Paula Frederick reported that Bill Smith will host the State Disciplinary Board at Lake Burton on September 28, 2017. The disciplinary rules changes were published in the *Georgia Bar Journal* a few months ago and no objections were received from Bar members. The rules will be filed with the Supreme Court soon. The Bar received a Supreme Court order in June that gives the Executive Committee the authority to waive late fees and other requirements of lawyers seeking reinstatement. Paula announced that Maddox Kilgore has been hired as the new interim Coordinating Special Master. She stated that she will have a statistical update on the disciplinary process at the September Executive Committee meeting. She reported that receiverships are up and her office is getting an increasing number of calls from incapacitated lawyers who do not have a succession plan for the takeover of their files. Lastly, she reported that there was no new litigation to report, but for the benefit of the new Executive Committee members, she discussed the types of the claims made against the Bar.

Board of Governors Minutes

The Executive Committee received copies of the draft minutes of the Board of Governors meetings on June 9 and June 10, 2017, for informational purposes only.

Old Business

There was no old business.

New Business

Executive Committee member Frank Strickland reported that the Legal Services Corporation recently published *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans* report that measures the justice gap among low-income Americans. He is going to try and get copies of the report to the Executive Committee.

Adjournment

There being no further business the meeting was adjourned at approximately 3:32 p.m.

  
\_\_\_\_\_  
Dawn M. Jones, Secretary

Approved:   
\_\_\_\_\_  
Buck Rogers, President

## Our Goals

## Our Objectives

NA – Not available  
TBD – To be determined

<b>A. Regulation of Practice</b>
Provide a highly efficient, expedient, and fair disciplinary process, and enforce the rules and regulations concerning the unauthorized practice of law.

		Base	1st Year	3rd Year
1	Decrease the median amount of time between the receipt of a grievance and resolution of the grievance with public discipline.	599 days	100% of base	90% of base
2	Increase the public's and lawyers' perception that the disciplinary system is fair as measured by: <ul style="list-style-type: none"> <li>• Bi-annual survey of the public</li> </ul>	NA	Baseline	20% ↑ base
	<ul style="list-style-type: none"> <li>• Bi-annual survey of members</li> </ul>	NA	Baseline	20% ↑ base
3	Decrease the number of grievances filed annually.	2,253	5% ↓ base	10% ↓ base
4	Limit the unauthorized practice of law as measured by the # of identified UPL cases filed annually.	TBD	5% ↑ base	10% ↑ base
5	Increase % of identified UPL cases resolved annually.	TBD	5% ↑ base	10% ↑ base

<b>B. Access</b>
Increase access to justice for all.

1	Decrease the number of people annually with legal needs that are not being served (those unqualified /unable to serve due to lack of resources), as measured by numbers provided by GLSP and ALAS.	TBD	10% ↓ base	20% ↓ base
	Increase the number of people annually served by GLSP and ALAS.	TBD	10% ↑ base	20% ↑ base
2	Increase the number of hours volunteer lawyers provide annually on pro bono matters as measured by reporting and/or member surveys.	TBD	10% ↑ base	20% ↑ base
	Increase the number of lawyers annually who provide pro bono service as measured by reporting and/or member surveys.	TBD	10% ↑ base	20% ↑ base
3	Increase the awareness and availability of court or bar provided self-help legal resources in courthouses/public libraries throughout the state as measured by the numbers received from court and library personnel.	TBD	5% ↑ base	10% ↑ base
4	Increase awareness of the importance of access to justice issues through educational and lobbying efforts aimed at bar members, the public and the legislature, as measured by: <ul style="list-style-type: none"> <li>• Increased member funding for access programs</li> </ul>	TBD	10% ↑ base	20% ↑ base
	<ul style="list-style-type: none"> <li>• Increased member participation in funding access programs</li> </ul>	8%	12%	16%
	<ul style="list-style-type: none"> <li>• Increased public funding for access programs</li> </ul>	TBD	5% ↑ base	10% ↑ base
	<ul style="list-style-type: none"> <li>• Increased legislative funding for access programs</li> </ul>	TBD	5% ↑ base	10% ↑ base

<b>C. Member Services</b>
Enhance the professional and personal lives of lawyers.

1	Increase % of lawyers indicating, by a survey, that our services and resources have: <ul style="list-style-type: none"> <li>• Enhanced their professional lives</li> </ul>	NA	Base	10% ↑ base
	<ul style="list-style-type: none"> <li>• Enhanced their personal lives</li> </ul>	NA	Base	10% ↑ base
2	Increase number of people participating in the following key programs who indicate a professional and personal enhancement: <ul style="list-style-type: none"> <li>• LPM</li> </ul>	6,829	5% ↑ base	10% ↑ base
	<ul style="list-style-type: none"> <li>• CLEs (percent of all CLE hours from ICLE seminars)</li> </ul>	47%	5% ↑ base	10% ↑ base
	<ul style="list-style-type: none"> <li>• LAP (percent of active members)</li> </ul>	.005%	5% ↑ base	10% ↑ base
	<ul style="list-style-type: none"> <li>• Wellness</li> </ul>	NA	Base	10% ↑ base
3	Increase satisfaction with being a lawyer, as measured by survey.	NA	Base	5% ↑ base
4	Decrease # of known lawyer suicides annually.	NA	Base	5% ↓ base

<b>D. Reputation</b>
Promote positive perception of the legal system and the legal profession.

1	Increase % of public with a positive view of the legal system as measured by a bi-annual survey.	TBD	5% ↑ base	10% ↑ base
2	Increase the positive perception of the legal profession through the media as measured by the number of positive exposures - <ul style="list-style-type: none"> <li>• Identified by the Communications Department.</li> </ul>	TBD	10% ↑ base	15% ↑ base
	<ul style="list-style-type: none"> <li>• Originated by the Communications Department.</li> </ul>	TBD	10% ↑ base	15% ↑ base
3	Increase % of Bar members who have a positive view of the State Bar as measured by an annual survey of Bar members.	TBD	5% ↑ base	10% ↑ base
4	Increase the public's awareness that the State Bar is diligently and proactively prosecuting lawyers who violate the public trust as measured by bi-annual surveys of the public.	TBD	5% ↑ base	10% ↑ base

<b>E. Lawyer Competency</b>
Provide effective practice tools and educational resources to improve lawyer competency and ensure continued competence.

1	Increase # of section-sponsored CLE's and the % of section members who annually attend them.	98	5% ↑ base	10% ↑ base
2	Improve technology training and provide CLE credit.	TBD	+1	+2
3	Increase # of members who utilize LPM resources.	6,691	5% ↑ base	10% ↑ base
4	Increase % of CLEs that contain a wellness component.	TBD	10% ↑ base	20% ↑ base
5	Require all Section-sponsored CLEs to have one hour of ethics for every 6-hours of instruction.	71	5% ↓ base	10% ↓ base



**PAULA J. FREDERICK**  
*General Counsel*

**LEIGH BURGESS**  
**WILLIAM J. COBB**  
**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: September 29, 2017  
Re: Report of the Office of the General Counsel

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

Discipline: During July and August 2017 the Office of the General Counsel sent 512 Grievance forms to members of the public and 311 were returned for screening. The Supreme Court of Georgia has entered orders in 13 disciplinary cases since the Annual Meeting. The year-to-date report on lawyer regulation (covering the period May 1, 2017 through August 31, 2017) appears at page 3 of this memorandum.

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

### Rule Changes:

- The Board of Governors approved comprehensive changes to the procedural rules regarding disciplinary cases at the Spring meeting. The proposed changes were published in the Bar Journal as required by Bar Rules, and no comments were received. The Motion requesting the changes is pending in the Supreme Court of Georgia.
- By order of June 16, 2017 the Court amended Rule 1-501 to give the Executive Committee discretionary authority to waive late fees for members who are tardy with their dues payments. The same order amended Rule 5.5 of the Rules of Professional Conduct to add cross-references to the Supreme Court Rules allowing limited admission for non-Georgia lawyers after a major disaster, student practice in certain circumstances, practice pending admission for certain law graduates, and for non-Georgia lawyers engaged in public service work.

Formal Advisory Opinions: The Formal Advisory Opinion Board meets October 2, 2017. The following opinion is pending for approval at the Supreme Court:

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

Clients' Security Fund: The Clients' Security Fund Trustees met September 6, 2017. They considered 24 claims involving 9 disbarred attorneys. Seventeen claims were approved for payments totaling \$80,300. Six claims were denied and one claim was tabled pending receipt and consideration of additional information.

CLE Presentations: OGC lawyers have served as presenters at 21 CLE programs since the Annual Meeting:

- *Ethics for Guardians ad Litem*, Atlanta Volunteer Lawyers Foundation
- *Ethics Update*, Georgia Public Interest Environmental Law Coalition
- *Ethics in Domestic Practice*, GSU School of Law
- *Group Mentoring Program*, Transition into Law Practice Program
- *Computer Tips & Tricks*, Solo Small Firm Institute
- *Ethics Update*, Atlanta Bar Estate Planning Section
- *New ABA Model Rule 8.4(g)*, Arkansas Bar presentation
- *Ethical Red Flags for Government/Public Sector Lawyers*, ABA presentation
- *Cybersecurity and Ethics*, Georgia Association of Black Women Attorneys
- *Ethics of Legal Writing*, GSU School of Law
- *Red Flags for Government Lawyers*, ABA Webinar
- *Conflicts for Public Defenders*, Georgia Public Defenders Conference
- *Managing Conflicts for Public Defenders*, Georgia Public Defenders Conference
- *Ethics Update*, Georgia EMC Counsel
- *Ethics Update*, Douglas County Bar Association
- *Ethics for Small Firm/Solos*, ICLE Solo/Small Firm Institute
- *Introduction to Ethics*, Mercer University School of Law
- *Ethics for New Lawyers*, John Marshall Law School
- *Roundtable Discussion of Ethics Issues*, Lawyers for Equal Justice
- *Ethics for the Dekalb Lawyers Association*
- *Ethics for Law Students in Clinical Programs*, Emory Law School

**Year-to-Date Report on Lawyer Regulation  
May 1, 2017 through August 31, 2017**

Grievance forms requested and sent to public .....	1057
Grievance forms sent back to Office of General Counsel for screening .....	663
Grievances pending as of 4/30/16.....	<u>359</u>
TOTAL.....	1022
Grievances referred to State Disciplinary Board members.....	50
Grievances being screened by Grievance Counsel (GC) .....	315
Grievances closed by Grievance Counsel.....	657
Grievances moved to moot status by GC after attorney was disbarred .....	0
TOTAL.....	1022

**Regulatory Action May 1, 2017 through August 31, 2017**

	<u>Attorneys</u>	<u>Cases</u>
Letters of Admonition Accepted	8	8
Investigative Panel Reprimands Administered	4	4
Review Panel Reprimands	1	1
Public Reprimands	2	2
Suspensions	10	11
Disbarments/Voluntary Surrenders	<u>4</u>	<u>4</u>
TOTAL	29	30
Reinstatements Granted	2	7
Reinstatements Denied	0	0

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

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

**DATE: September 27, 2017**

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

**Background and Overview of Work:** The main objective of the Military Legal Assistance Program has been and remains to connect lawyers with service members and veterans who need legal assistance. Thus far, 2,002 service members or veterans have been so connected as shown below. Here are program highlights since the report to the Board of Governors at the Annual Meeting on June 8, 2017, at Jekyll Island.

- 1) Legal Assistance Clinics at Georgia Law Schools.** Along with Professor Charles Shanor, Lane Dennard, and Drew Early at Emory University; and Dean Steve Kaminshine, Associate Dean Roy Sobelson, Patricia Shewmaker, and Steve Shewmaker at Georgia State University, the MLAP helped facilitate establishment and continued operations of legal clinics in the law schools at Emory (which began in February 2013 and Georgia State University (which began in November 2014). A new clinic is now scheduled to begin operations at the University of Georgia in the summer of 2018 (**Attachment A**). Another legal clinic is also being considered at Mercer University.
- 2) Legal Assistance Clinics at VA Medical Facilities.** In addition to the MLAP and the law schools, legal assistance clinics continue operating at six VA medical facilities: VA Medical Centers (VAMC) at Augusta and Decatur, VA medical facilities at Carrollton, Columbus, Fort McPherson, and Rome. Other legal clinics remain under consideration for the Dublin VAMC and at the VA medical facility in Savannah, Athens, and in Macon.
- 3) Veterans' Courts.** Veterans' courts are organized and remain operational in 20 judicial circuits representing 42 counties.
- 4) Military Stand Down.** A Stand Down event is scheduled for Saturday, September 30, 2017, at Fort McPherson providing assistance on a range of personal support to veterans.
- 5) ABA Military and Veteran Legal Network.** Under leadership of Linda Klein, the ABA is developing a nationwide legal network to help link lawyers with veterans and their families. Mr. Zoller serves on the Pilot Task Team of the National Coordinating Council to implement this network.
- 6) VA Accreditation CLE Program.** A CLE program concerned with VA Accreditation is scheduled for Thursday, November 16, 2017, at the State Bar



Justice Center in Atlanta. The guest speaker for this program is Fulton County Judge and Army Reserve Brigadier General Ural Glanville (**Attachment B**).

- 7) **Travel to Belgium and France, Oct. 2-13, 2017, re: 100<sup>th</sup> Anniversary of World War I.** At this writing, together with the MLAP Committee and GA ICLE, the Military and Veterans Law Section were scheduled to depart Georgia 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 C**).
- 8) **Cases Processed.** Below is a summary of the number and types of requests for legal assistance received and referred to lawyers under the State Bar’s Military Legal Assistance Program. Under the program, **a total of 2,002 cases have been processed.** Further, a total of 44 additional cases are in process (i.e., in the pipeline), awaiting agreement authorizations from potential clients (38) or agreements from attorneys (6) to accept a case. Further, although the program does not handle criminal cases directly, about 600 inquiries have been received from veterans or service members seeking help on a criminal law matter (which are referred to the applicable county public defender or to a local bar association). A summary of cases processed by the MLAP by category follows:

Family Law		1,024 (including 59 previous)
Contested Divorce	414	
Uncontested Divorce	17	
Divorce Enforcement	22	
Child Support	139	
Guardianship/Adoption	105	
Visitation	42	
Child Custody	228	
Consumer Law		122
Housing/Property		130
Foreclosure		26
Veterans Benefits/Disability		272
Wills/Estates/Probate		110
Employment/USERRA/SCRA		56
Bankruptcy		26
Insurance		21
Personal Injury		46
Property Damage		3
Worker’s Compensation		3
Contract		9

Medical Malpractice	8
Toxic Substances	5
Other	<u>139</u>
	2,002

Attachments:

- A) New Legal Assistance Clinic for Veterans at University of Georgia.
- B) VA Accreditation CLE Program: November 16, 2017
- C) CLE in Belgium and France: VA Law, Military and Ethical Legacies of First World War, and Current Aspects of the French and Continental Law: October 5 and 7, 2017.

**From:** Randy Beck [<mailto:rbeck@uga.edu>]  
**Sent:** Wednesday, August 02, 2017 1:16 PM  
**To:** Norman Zoller; Heidi M Murphy; Ted Barco; [Christine.Bellinger@va.gov](mailto:Christine.Bellinger@va.gov); [krcaffarelli@gmail.com](mailto:krcaffarelli@gmail.com); [chick@cscinsight.com](mailto:chick@cscinsight.com); [Jim.Ford@athensclarkecounty.com](mailto:Jim.Ford@athensclarkecounty.com); C. Donald Johnson; [dmarshall@athens1867.com](mailto:dmarshall@athens1867.com); [Angela.Martin@cfpb.gov](mailto:Angela.Martin@cfpb.gov); [Sonya.Medina@va.gov](mailto:Sonya.Medina@va.gov); [judgemingledorff@gmail.com](mailto:judgemingledorff@gmail.com); [emilymouilso@gmail.com](mailto:emilymouilso@gmail.com); Edwin Risler; J STEPHEN Shi; [Rob.Swartwood@sutherland.com](mailto:Rob.Swartwood@sutherland.com); [Edward\\_Tate@isakson.senate.gov](mailto:Edward_Tate@isakson.senate.gov); [Brent.Temple@va.gov](mailto:Brent.Temple@va.gov); Shannon O Wilder; Lisa Carole Mathis; Lara Pulliam; Alexander W Scherr; Matthew I. Hall; Russell C Gabriel; [marcusgriffin24@gmail.com](mailto:marcusgriffin24@gmail.com); John C Gibson; [clete.d.johnson@gmail.com](mailto:clete.d.johnson@gmail.com)  
**Cc:** Jeff Davis; Eric Ballinger ([Eric@ballingerlawyer.com](mailto:Eric@ballingerlawyer.com)); Cary S King ([cary@jacobsking.com](mailto:cary@jacobsking.com)); Patricia Elrod-Hill; 'Patrick C. Fagan' ([fagan@bmelaw.com](mailto:fagan@bmelaw.com)); Hoynes, Schuyler; Drew Early ([dearly@shewmakerandshewmaker.com](mailto:dearly@shewmakerandshewmaker.com)) ([dearly@shewmakerandshewmaker.com](mailto:dearly@shewmakerandshewmaker.com)); Dennard, Lane ([LDennard@KSLAW.com](mailto:LDennard@KSLAW.com)); W. John Camp ([WMJ.Camp@wpmhlegal.com](mailto:WMJ.Camp@wpmhlegal.com)); Sharon Bryant  
**Subject:** Re: UGA law school creates Veterans Legal Services Clinic: August 2018

Dear Advisory Committee and Working Group Members:

Thank you so much to all of you for helping the law school get to this stage. We were really honored by the incredible group of people who dedicated time and effort to this project. The clinic will provide great opportunities for both our veterans and our students.

Randy Beck  
Justice Thomas O. Marshall Chair of Constitutional Law  
University of Georgia School of Law  
Herty Drive  
Athens, GA 30602  
(706) 542-5216  
[rbeck@uga.edu](mailto:rbeck@uga.edu)

---

**From:** Norman Zoller <[NormanZ@gabar.org](mailto:NormanZ@gabar.org)>  
**Sent:** Wednesday, August 2, 2017 12:34:56 PM  
**To:** Heidi M Murphy; Ted Barco; [Christine.Bellinger@va.gov](mailto:Christine.Bellinger@va.gov); [krcaffarelli@gmail.com](mailto:krcaffarelli@gmail.com); [chick@cscinsight.com](mailto:chick@cscinsight.com); [Jim.Ford@athensclarkecounty.com](mailto:Jim.Ford@athensclarkecounty.com); C. Donald Johnson; [dmarshall@athens1867.com](mailto:dmarshall@athens1867.com); [Angela.Martin@cfpb.gov](mailto:Angela.Martin@cfpb.gov); [Sonya.Medina@va.gov](mailto:Sonya.Medina@va.gov); [judgemingledorff@gmail.com](mailto:judgemingledorff@gmail.com); [emilymouilso@gmail.com](mailto:emilymouilso@gmail.com); Edwin Risler; J STEPHEN Shi; [Rob.Swartwood@sutherland.com](mailto:Rob.Swartwood@sutherland.com); [Edward\\_Tate@isakson.senate.gov](mailto:Edward_Tate@isakson.senate.gov); [Brent.Temple@va.gov](mailto:Brent.Temple@va.gov); Shannon O Wilder; Lisa Carole Mathis; Lara Pulliam; Alexander W Scherr; Matthew I. Hall; Russell C Gabriel; [marcusgriffin24@gmail.com](mailto:marcusgriffin24@gmail.com); John C Gibson; [clete.d.johnson@gmail.com](mailto:clete.d.johnson@gmail.com)  
**Cc:** Randy Beck; Jeff Davis; Eric Ballinger ([Eric@ballingerlawyer.com](mailto:Eric@ballingerlawyer.com)); Cary S King ([cary@jacobsking.com](mailto:cary@jacobsking.com)); Patricia Elrod-Hill; 'Patrick C. Fagan' ([fagan@bmelaw.com](mailto:fagan@bmelaw.com)); Hoynes, Schuyler; Drew Early ([dearly@shewmakerandshewmaker.com](mailto:dearly@shewmakerandshewmaker.com)) ([dearly@shewmakerandshewmaker.com](mailto:dearly@shewmakerandshewmaker.com)); Dennard, Lane ([LDennard@KSLAW.com](mailto:LDennard@KSLAW.com)); W. John Camp ([WMJ.Camp@wpmhlegal.com](mailto:WMJ.Camp@wpmhlegal.com)); Sharon Bryant  
**Subject:** UGA law school creates Veterans Legal Services Clinic: August 2018

What great news! Thank you very much for this encouraging report. Needless to say the State Bar of Georgia's Military and Veterans Law Section and the Military Legal Assistance Program Committee stand ready to consult and assist in all pertinent matters when and as necessary to help UGA's new Clinic succeed on every way possible.

Sincerely,

**NORMAN E. ZOLLER** // Attorney  
Military Legal Assistance Program



104 Marietta St. NW, Suite 100 | Atlanta, GA 30303  
T: 404-527-8765 | F: 404-287-4971 | [normanz@gabar.org](mailto:normanz@gabar.org)

---

**From:** Heidi M Murphy [<mailto:hmurphy@uga.edu>]

**Sent:** Wednesday, August 02, 2017 11:33 AM

**To:** Ted Barco; [Christine.Bellinger@va.gov](mailto:Christine.Bellinger@va.gov); [krcaffarelli@gmail.com](mailto:krcaffarelli@gmail.com); [chick@cscinsight.com](mailto:chick@cscinsight.com); [Jim.Ford@athensclarkecounty.com](mailto:Jim.Ford@athensclarkecounty.com); C. Donald Johnson; [dmarshall@athens1867.com](mailto:dmarshall@athens1867.com); [Angela.Martin@cfpb.gov](mailto:Angela.Martin@cfpb.gov); [Sonya.Medina@va.gov](mailto:Sonya.Medina@va.gov); [judgemingledorff@gmail.com](mailto:judgemingledorff@gmail.com); [emilymouliso@gmail.com](mailto:emilymouliso@gmail.com); Edwin Risler; J STEPHEN Shi; [Rob.Swartwood@sutherland.com](mailto:Rob.Swartwood@sutherland.com); [Edward\\_Tate@isakson.senate.gov](mailto:Edward_Tate@isakson.senate.gov); [Brent.Temple@va.gov](mailto:Brent.Temple@va.gov); Shannon O Wilder; Norman Zoller; Lisa Carole Mathis; Lara Pulliam; Alexander W Scherr; Matthew I. Hall; Russell C Gabriel; [marcusgriffin24@gmail.com](mailto:marcusgriffin24@gmail.com); John C Gibson; [clete.d.johnson@gmail.com](mailto:clete.d.johnson@gmail.com)

**Cc:** Randy Beck

**Subject:** UGA law school creates Veterans Legal Services Clinic

The University of Georgia School of Law proudly announced the creation of its Veterans Legal Services Clinic this morning, and we wanted you to be among the first to know. We hope that you will be pleased with this new service learning offering for our law students and that the law school will be making a difference in the lives of those who have served our country. Please feel free to share this message with your friends and colleagues. The official message can be found on the law school's website at <http://law.uga.edu/news/49039>.

Thank you for your role in preparing the next generation of legal leaders and connecting them to opportunities to serve state and society.

---

Heidi M. Murphy  
Director of Communications and Public Relations  
University of Georgia School of Law  
225 Herty Drive  
Athens, GA 30602  
[www.law.uga.edu](http://www.law.uga.edu)  
Phone: 706-583-5487  
Fax: 706-542-5556  
Email: [hmurphy@uga.edu](mailto:hmurphy@uga.edu)



**School of Law**  
UNIVERSITY OF GEORGIA

PREPARE.  
CONNECT.  
LEAD.





## UNIVERSITY OF GEORGIA

Division of Marketing & Communications

Wednesday, August 2, 2017

Contact: **Peter B. "Bo" Rutledge**, 706/542-1328, [borut@uga.edu](mailto:borut@uga.edu)

### UGA law school creates Veterans Legal Services Clinic

Athens, Ga. - The University of Georgia School of Law is establishing a Veterans Legal Services Clinic funded by a lead gift from renowned trial attorney and alumnus James E. "Jim" Butler Jr. in memory of his father, Lt. Cmdr. James E. Butler Sr., who was a fighter pilot in the U.S. Navy. Butler Sr. was also the grandfather of James E. "Jeb" Butler III, a 2008 graduate of the law school.

The new clinic will provide veterans in Georgia with legal assistance they might not otherwise have access to or be able to afford, with particular regard to denied or deferred claims before the U.S. Department of Veterans Affairs. It also includes an educational scholarship component.

"Dad always taught us that 'anything worth doing was worth doing right,'" Butler said. "This clinic will help us do right by those who have served our nation and who deserve to live a life of dignity, autonomy and stability. If we can do that, we will make an incredible difference in the quality of life for these honorable men and women."

Overseen by a clinic director serving as a managing attorney, the unit will be staffed by law students who will work directly with veterans and their dependents to ensure access to benefits and services, especially for those with mental or physical disabilities resulting from their time in the military. The students who participate in the clinic will have a tangible impact on the lives of these veterans and their families while receiving real-world experience that will better equip them for their careers.

School of Law Dean Peter B. "Bo" Rutledge said this contribution is a clear demonstration of Butler's steadfast commitment to the betterment of the legal profession and the state of Georgia as a whole. "We are grateful for Jim's willingness to invest in this new clinic, which will make a real difference for the veterans we serve and provide our students with a truly meaningful opportunity."

Four members of the law school's Board of Visitors have joined Butler in support of the new clinic including Butler's longtime law partner Joel O. Wooten Jr., Kenneth M. Henson Jr., G. Sanders Griffith III and Pete Robinson. Notably, Wooten, Henson and Griffith are UGA School of Law graduates.

"The Veterans Legal Services Clinic builds upon the law school's commitment to supporting those who have served our nation," Rutledge said. "I am pleased that funding for the clinic will also provide a \$5,000 scholarship match for two veterans studying at the School of Law each year."

This funding will be paired with "match" money received through the Department of Veterans Affairs Yellow Ribbon GI Education Enhancement Program.

To be based on the UGA campus in Athens, the clinic will serve veterans and their dependents across the state of Georgia and is scheduled to begin operations during the summer of 2018.

A 28-member committee - composed of veterans; members of the U.S. Department of Veterans Affairs, the Athens Veterans Affairs Clinic and the Athens Veterans Court; five UGA departments; legal professionals and policymakers - worked on the proposal for the clinic for approximately 24 months. This committee was headed by Randy Beck, holder of the Marshall Chair of Constitutional Law at the School of Law.

#### **UGA School of Law**

Consistently regarded as one of the nation's top public law schools, the School of Law was established in 1859. Its accomplished faculty includes authors of some of the country's leading legal scholarship. Georgia Law is proud of its long-standing commitment to providing first-rate legal training for future leaders who will serve state and society in both the public and private sectors. The school offers three degrees - the Juris Doctor, the Master of Laws and the Master in the Study of Law - and is home to the Dean Rusk International Law Center. For more information, see [www.law.uga.edu](http://www.law.uga.edu).

286 Oconee Street, Suite 200 North • Athens, Georgia 30602-1999 • 706-542-8083 • Fax 706-542-3939

UGA Today: <http://news.uga.edu/>

An Equal Opportunity/Affirmative Action Institution

VA Accreditation Symposium  
November 16, 2017  
State Bar of Georgia Conference Center  
Atlanta, Georgia

Presiding: *Drew Early, Esq.*, Shewmaker & Shewmaker, LLC, Atlanta

*Patricia D. Shewmaker, Esq.*, Program Chair, Shewmaker & Shewmaker, LLC, Atlanta

- 7:30 REGISTRATION
- 8:00 WELCOME AND PROGRAM OVERVIEW  
*Patricia Elrod-Hill, Esq.*, Chair of the Military and Veterans Law Section  
The Elrod-Hill Law Firm, LLC, Norcross
- 8:15 VA PENSION AND DIC  
*Victoria Watkins, Attorney at Law, Marietta*
- 9:00 REPRESENTATION BEFORE THE VA  
*Patricia Elrod-Hill, Esq.*
- 9:30 CLAIMS PROCEDURES AND BASIC ELIGIBILITY  
*Keely Youngblood, Emory Veterans Clinic For Veterans, Atlanta*
- 10:15 BREAK
- 10:30 UPDATES FROM THE VETERANS ADMINISTRATION  
Representative, Veterans Administration District Counsel, Atlanta
- 11:00 PROFESSIONALISM AND ETHICS - KEYNOTE SPEAKER  
*Judge Ural Glanville*, Fulton County Superior Court, Atlanta  
Superior Court, and Brigadier General, U.S. Army JAG  
State of the U.S. Army Judge Advocate General Corps
- 12:00 BREAK  
Obtain boxed lunch (included in registration fee) and return to seminar room.
- 12:10 LUNCH PRESENTATION  
UPDATES TO MILITARY AND VETERANS LAW SECTION  
*Patricia Elrod-Hill*
- 12:50 THE MILITARY LEGAL ASSISTANCE PROGRAM (MLAP) OF THE  
STATE BAR OF GEORGIA  
*Norman Zoller, State Bar of Georgia, Atlanta*
- 1:05 UPDATES FROM THE GEORGIA DEPT OF VETERAN SERVICES  
*George Carvaggio, Assistant Commissioner, Georgia DVS*

**Attachment B**

- 1:35      DISABILITY COMPENSATION AND CASE LAW UPDATE  
*Drew Early*
- 2:35      VA APPEALS PROCESS  
*J. Travis Studdard, Perkins Studdard LLC, Carrollton*
- 3:20      BREAK
- 3:35      ETHICS & PROFESSIONAL RESPONSIBILITY – REPRESENTING  
            CLIENTS WITH DISABILITIES  
*Drew Early*
- 4:35      CLOSING REMARKS/ADJOURN



WWI Commemorative Voyage in Belgium and France

# SURVEY OF THE FRENCH AND CONTINENTAL SYSTEMS OF LAW AND PERSPECTIVES ON THE GREAT WAR IN EUROPE

6 CLE Hours including  
1 Ethics Hour | 1 Trial Practice Hour

Military/Veterans Law Section

CO-SPONSOR

AGENDA

**PRESIDING:**

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

*Norman E. Zoller*, Program Co-Chair, Military Legal Assistance Program, State Bar of Georgia, Atlanta

**THURSDAY, OCTOBER 5, 2017**

ABOARD THE *MS VICTOR HUGO*

- 8:00 REGISTRATION
- 8:10 INTRODUCTORY REMARKS AND OVERVIEW  
*Norman E. Zoller*
- 8:20 UPDATE ON VA LAW AND RELATED MATTERS  
*Drew N. Early*
- 9:20 REFLECTIONS ON THE GREAT WAR BY CONTEMPORARY HISTORIANS  
*Norman E. Zoller*
- 10:20 BREAK
- 10:30 U.S. EXPERIENCE IN WWI AND THE EVOLUTION OF THE LAW OF WARFARE  
**Moderators:**  
*Drew N. Early*  
*Norman E. Zoller*
- 11:30 ADJOURN

**THURSDAY, OCTOBER 12, 2017**

CROWNE PLAZA PARIS-REPUBLIQUE HOTEL, PARIS, FRANCE

- 8:10 INTRODUCTORY REMARKS AND OVERVIEW  
*Drew N. Early*
- 8:20 CONTINENTAL AND CIVIL LAW STRUCTURE  
*William H. Glover, Jr.*, Lavardin, France
- 9:20 INTERNATIONAL ARBITRATION  
*Barton C. Legum*, Paris, France
- 9:50 BREAK
- 10:00 PRIMER ON FRENCH LEGAL SYSTEM  
*Jonathan A. Kindred Truelove*, Geneva, Switzerland
- 10:30 ROUNDTABLE DISCUSSION: TERRORISM LAWS AND THEIR APPLICATION; SOCIETAL, LEGAL CHALLENGES, AND CULTURAL ASSIMILATION  
**Moderator:** *Drew N. Early*  
*Yves Claisse*, Avocat, Paris, France
- 11:30 ADJOURN

**PLEASE NOTE:**

Registration for **Travel and Accommodations** and registration for **CLE Classes** are separate.

To register for **Travel and Accommodations** contact Road Scholar at (800) 322-5315.

To register for **CLE Classes** fill out the registration form on the back or visit [www.iclega.org](http://www.iclega.org)

Attachment C



State Bar  
of Georgia

INSTITUTE OF CONTINUING LEGAL EDUCATION



# ICLE



## **UPDATE ON VETERANS LAW, MILITARY AND ETHICAL LEGACIES OF THE FIRST WORLD WAR, AND CURRENT ASPECTS OF THE FRENCH AND CONTINENTAL LAW**

### **PROGRAM MATERIALS**

**October 5, 2017**

**October 12, 2017**

**179671**

**CONSUMER ASSISTANCE PROGRAM  
STATE BAR OF GEORGIA**

September 26, 2017

The Consumer Assistance Program (CAP) continues to serve both the public and members of the Bar, as it has since 1995. So far during this year CAP has handled around 10,871 new or “unique” contacts (calls, letters, emails, and faxes), an average of approximately 209 per month. This does not include repeat calls, letters, emails, or follow- up contacts. CAP itself has handled 79.27% of these contacts. The remaining 20.73% have been referred to the Office of General Counsel (OGC) for investigation. It is beyond the scope of CAP’s responsibility to investigate or handle allegations of serious ethical misconduct.

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

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

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

CAP is also a contact point for the Judicial District Professionalism Program (JDPP). This involves inquiries from lawyers or judges concerning unprofessional conduct and incivility

among peers. This program is private, confidential, voluntary, and non-disciplinary in nature. Its purpose is to open channels of communication by the informal use of local peer influence. During this year there have been no JDPP cases so far.

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

## Law Practice Management Program

(Abbreviated report for the 2017-2018 Bar Year)

This is a summary of program events scheduled and completed during the period July 1, 2017-September 22, 2017.

### Consultations

# of Consultations by City			
Atlanta	3	Roswell	1
Avondale Estates	1	Springfield	1
Kennesaw	1	Statesboro	1
Marietta	1		

# of Consultations by Firm Size	
1 Attorney	4
2-4 Attorney	4
5-8 Attorney	1
9-15 Attorney	0
16+ Attorneys	0

# of Consultations by Consultation Type	
General	9
Technical	0
<b>Grand Total</b>	<b>9</b>

### Office Visits

LPM distributed **139** *Starting Your Georgia Law Practice* booklets as requested by attorneys. There were **17** startup discussions conducted by the Program via office visits.

### Resource Library

Our lending library has a grand total of **1,526** books, CDs, and DVDs for checkout to members and their staff with an option to up materials at the Bar Center or to be mailed. During this period, there were a total of **99** checkouts by **43** 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, **2** office visits were made to look at software programs in the Software Library.

### Speaking Engagements

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

July 14-15, 2017

[Georgia's 2017 Solo and Small Firm Institute and Technology Showcase](#) (sponsored), Program Chair, Natalie Kelly, *Hot Practice Tips, Apps, Sites, and Gadgets* (Co-Presenters: Catherine Sanders Reach, Nancy Duhon, William J. Cobb, Sheila Baldwin, and Natalie Kelly); *How to Your Email Inbox* (Natalie Kelly); *Efficiency, Technology, and Ethics-Practice Management, Document Assembly and Robots* (Natalie Kelly); *Fastcase* (Sheila Baldwin), Georgia Bar Conference Center, Atlanta, Georgia, **215 attendees**. Visit [www.gabarsolo.org](http://www.gabarsolo.org) for highlights.

- July 30, 2017 [National Bar Association Annual Convention & Exhibits \(NBA Convention\)](#), *Legal Ethics: Lawyers and the Use of Social Media and the Implications of State Bar Professional Conduct Rules* (Natalie Kelly) and *Legal Ethics: The Disciplinary Complain Process, and an Update on Emerging Issues in the Field of Professional Responsibility* (Natalie Kelly), Fairmont Royal York, Toronto, Ontario, Canada, [150 attendees](#).
- August 24, 2017 [Atlanta Bar Sole Practitioner and Small Firm Section Luncheon](#), *Effective Tools in Solo and Small Firms for Managing Client Work* (Natalie Kelly), Gordon Biersch, Atlanta, Georgia, [6 attendees](#).
- August 25, 2017 [American Immigration Lawyers Association \(AILA\) Georgia-Alabama Chapter Luncheon](#), *Efficiency, Technology, and Ethics-Practice Management, Document Assembly and Robots* (Natalie Kelly), Atlanta, Georgia, [50 attendees](#).
- September 5, 2017 Emory University School of Law Class Lecture, *Law in Technology Lecture* (Natalie Kelly), Emory University School of Law, Atlanta, Georgia, [10 students](#).
- September 8, 2017 Georgia Association of Black Women Association ([GABWA](#)) Solo & Small Firm Symposium: Bridging the Gap Between Law and Technology, *Putting Your Practice on Auto-Pilot—Best Practices and Practice Management Software* (Natalie Kelly), University of Missouri-School of Law, Kansas City, Missouri, [25 attendees](#).
- September 19, 2017 Atlanta Technical College Legal Research and Writing Class, *Fastcase* (Sheila Baldwin), Atlanta Technical College, Atlanta, Georgia, [7 students](#).

### [Upcoming Speaking Engagements](#)

- September 26, 2017 [Mark It! Learn How to Make Your Mark sponsored by 3a law management](#), *How to Implement with a Q & A Marketing Panel* (Panelists: Natalie Kelly, Darrah Brustein, and Greg Parent), One Atlantic Center in Midtown, Atlanta, Georgia.
- October 17, 2017 Savannah Law School Lecture, *Ethics and Practice Management* (Co-Presenters: Natalie Kelly and Paula Frederick), Savannah Law School, Savannah, GA.
- October 24, 2017 [San Francisco Bar Tech Tuesday's Webinar](#), *Practice Management Software: Unlocking Gems within Your Most Essential Tech Tool* (Natalie Kelly).
- November 8, 2017 Probate and Estate Planning Section CLE, *Managing Transition of Your Law Practice (Title to be Determined)* (Natalie Kelly), Buckhead Club, Atlanta, GA.

- December 2, 2017      Want to Fall Back in Love with Your Practice? CLE - *Managing Risk While Embracing Technology* (Natalie Kelly), Atlanta, GA.
- December 13, 2017      Probate and Estate Planning Section CLE, *Managing Transition of Your Law Practice (Title to be Determined)* (Natalie Kelly), Buckhead Club, Atlanta, GA. .
- September 28-29, 2018      [Georgia's 2018 Solo and Small Firm Institute and Technology Showcase](#) (*sponsored*), Program Chair, Natalie Kelly, Georgia Bar Conference Center, Atlanta, Georgia. Visit [www.gabarsolo.org](http://www.gabarsolo.org) for details.

### **Fastcase Report**

During this period, a grand total of **18** members and **7** staff have attended Fastcase CLE seminars.

Since the decision was made to transition to Fastcase, **1,632** attorneys and **92** staff members have attended Fastcase live training. Others have taken advantage of webinar training.

### **Fastcase Partner Usage Report for State Bar of Georgia from July 1, 2017-August 31, 2017**

	July	Aug	Total
<b>First Time Logins</b>	104	135	239
<b>Total Logins</b>	16,316	19,075	35,391
<b>Total Users Who Logged In</b>	3,671	4,042	7,713
<b>Searches Conducted</b>	83,505	93,960	177,465
<b>Documents Viewed</b>	126,928	145,616	272,544
<b>Documents Printed</b>	13,797	15,241	29,038
<b>Total Transactions</b>	<b>244,321</b>	<b>278,069</b>	<b>522,390</b>



## Fastcase Reported Problems

Member Reported Issue(s)	Fastcase Response / Resolutions
<p><b>1/26/17</b>  <b>Member Reported:</b>            Cannot get Fastcase to open.</p>	<p><b>1/27/17</b>  <b>FC Response:</b>            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>  <b>Member Inquired:</b>            Does Fastcase have a screen reader function/display for the visually impaired?</p>	<p><b>02/01/17</b>  <b>FC Response:</b>            “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>
<p><b>04/26/17</b>  <b>Member Reported:</b>            The cases that cite to OCGA § 17-10-17 do not indicate that this statute was determined to be unconstitutional in 2004. He thought there would be mention of this with the bad law bot.</p>	<p><b>04/26/17</b>  <b>FC Response:</b>            Bad Law Bot will only flag a case if it has been subsequently cited with a negative citation signal (specific keywords) per the bluebook rules. <u>The algorithm runs on case citations, not statute citations.</u> So if a pre-2004 case citing OCGA § 17-10-17 had been cited by another case with the parenthetical (overturned by plaintiff v. defendant), would be flagged.</p>
<p><b>08/01/17</b>  <b>Member Inquired:</b>            Fastcase was not working.</p>	<p><b>08/01/17</b>  <b>FC Response:</b>            Fastcase rep confirmed that their system was down for a brief time. She will reach out to member with an explanation.</p>
<p><b>08/14/17</b>  <b>Member Inquired:</b>            Member found at least one statute that took effect on July 1 that has not yet been added to the online Code.</p>	<p><b>08/14/17</b>  <b>FC Response:</b>            The source was updated on July 14, 2017 but the catch lines will take some time. There are several hundred each year. Hopefully completed in under a month.</p>
	<p><b>09/13/17</b>  <b>FC Notification:</b> FC is applying the new Georgia Code tag lines to comply with copyright requirements. During this process the 2017 code will not have any descriptive language. (My most recent check shows that this is not yet accomplished.)</p>

STATE BAR OF GEORGIA – PRIVATE EXCHANGE REPORT  
September 25, 2017

<b>INDIVIDUAL MARKETPLACE</b>		
<b>Individual Visits</b>	<b>14,034</b>	<b>Individuals that have visited the Individual Marketplace Registration page at least once</b>
<b>Individual Registrations</b>	<b>10,501</b>	<b>Individuals that have registered to begin shopping for benefits</b>
<b>Product Enrollments</b>	<b>2,304</b>	<b>Total Individual Product Enrollments</b>
• Medical	1,281	Total Individual Major Medical, Short-Term Medical and Limited Medical Enrollments
• Medicare Supplement	11	Total Individual Medicare Supplement Enrollments
• Dental	357	Total Individual Dental Enrollments
• Vision	161	Total Individual Vision Enrollments
• Teladoc	60	Total Individual Teladoc Enrollments
• LifeLock	25	Total Individual LifeLock Enrollments
• Life/AD&D	225	Total Individual Life/AD&D Enrollments
• Disability	154	Total Individual Disability Enrollments
• Long-Term Care	47	Total Individual Long-Term Care Enrollments

<b>EMPLOYER GROUP EXCHANGE</b>		
<b>Employer Visits</b>	<b>832</b>	<b>Employers that have visited the Employer Registration page at least once</b>
<b>Employer Registrations</b>	<b>201</b>	<b>Employers that have submitted a quote request to initiate the sales process</b>
<b>Product Enrollments</b>	<b>343</b>	<b>Total Employee Product Enrollments</b>
• Medical	125	Total Employee Medical Enrollments
• Ancillary	218	Total Employee Ancillary Enrollments

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

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

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

8/29/2017	Athens Banner-Herald	Congratulating Quick on becoming judge for Clarke, Oconee counties	19,033
8/31/2017	Oconee Enterprise, Watkinsville	Regina Quick to serve as Superior Court Judge	3,435
9/3/2017	Gwinnett Daily Post, Lawrenceville	Gwinnett attorneys fill State Bar of Georgia young lawyers leadership posts	61,511
9/4/2017	Augusta Chronicle	Kudos to Judge Hunter	39,696
		<b>TOTAL CIRCULATION</b>	<b>1,196,423</b>



# CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

---

The Honorable P. Harris Hines (Chair)  
Chief Justice, Supreme Court of Georgia  
Atlanta, Georgia

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

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

J. Antonio DeCampo  
DeCampo Weber & Grayson, LLC  
Atlanta, Georgia

Gerald M. Edenfield  
Edenfield, Cox, Bruce & Classens, PC  
Statesboro, Georgia

The Honorable Susan E. Edlein  
Fulton County State Court  
Atlanta, Georgia

Associate Dean Sheryl Harrison-Mercer  
Atlanta's John Marshall Law School  
Atlanta, Georgia

The Honorable Horace J. Johnson, Jr.  
Alcovy Circuit Superior Court  
Covington, Georgia

The Honorable Steve C. Jones  
U.S. District Court, Northern District of Georgia  
Atlanta, Georgia

Nicole C. Leet  
Gray Rust St. Amand Moffett & Brieske LLP  
Atlanta, Georgia

Professor Patrick E. Longan  
Mercer University School of Law  
Macon, Georgia

The Honorable Kellie K. McIntyre  
Office of the Solicitor General  
Augusta, Georgia

The Honorable Carla W. McMillan  
Court of Appeals of Georgia  
Atlanta, Georgia

Wanda M. Morris  
The Home Depot  
Atlanta, Georgia

Brian D. "Buck" Rogers  
Fried Rogers Goldberg LLC  
Atlanta, Georgia

Claudia S. Saari  
DeKalb County Public Defender's Office  
Decatur, Georgia

Assistant Dean Rita A. Sheffey  
Emory University School of Law  
Atlanta, Georgia

R. Kyle Williams  
Williams Teusink, LLC  
Decatur, Georgia

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

Karlise Y. Grier  
Executive Director

Terie Latala  
Assistant Director

Nacka Harris-Daniel  
Administrative Assistant

## NEW DIRECTOR FOR CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

Atlanta, GA — The Chief Justice's Commission on Professionalism has named Karlise Yvette Grier as its Executive Director. Ms. Grier is an accomplished attorney with over 25 years of experience and has operated her own firm for the past 17 years. Since 2015, Ms. Grier has worked as part-time staff support for the Judicial Council of Georgia's Access, Fairness, Public Trust and Confidence Committee. She formerly worked as an associate at Kilpatrick & Cody (now known as Kilpatrick Townsend & Stockton LLP) and as assistant solicitor for the Fulton County Solicitor General's office. She was the President of the Georgia Association of Black Women Attorneys in 2001. Ms. Grier has also served on the State Bar of Georgia Board of Governors since 2000 and formerly served on the Board of Trustees for the Institute of Continuing Legal Education from 2001-2016. Ms. Grier is a member of the Charles Longstreet Weltner Family Law Inn of Court and the American Academy of Adoption Attorneys. Ms. Grier succeeds Avarita L. Hanson, who retired from the position after eleven years of service.

"The Commission will be well served by Karlise Grier," Commission Chair Chief Justice P. Harris Hines said. "She brings a wealth of legal experience to the director position which will advance the mission of the work."

*The Chief Justice's Commission on Professionalism, the first body of its kind in the nation, was created in 1989 by the Supreme Court of Georgia with the primary charge to enhance professionalism among Georgia's lawyers.*

# Professionalism Committee Celebrates 25th Year of Law School Professionalism Orientations

While the Professionalism Committee reflects upon the last 25 years' experiences, they are also looking toward the future.

BY NICOLE G. IANNARONE AND ROBERT ARRINGTON



**At the first Orientation on Professionalism**, then-assistant director of the Chief Justice's Commission on Professionalism Sally Lockwood told law students and volunteer lawyer attendees that both the State Bar's Professionalism Committee and Chief Justice's Commission on Professionalism "hope that these Orientations on Professionalism will become a tradition at the law schools." After the Professionalism Committee completed the 25th annual Professionalism Orientations at each of the six Georgia law schools in August, we can say that the Professionalism Orientations have transcended tradition to become part of the foundational professional development education of thousands of lawyers.

The dual aims Lockwood described at the inaugural program remain: "to demonstrate the unity among the law schools, the organized bar, practitioners and the judiciary in the move to raise the

First-year law students at the University of Georgia School of Law participate in a breakout group.

PHOTO BY TERIE LATALA





PHOTO BY TERIE BATALA

Georgia State College of Law students take the oath of professionalism given by Justice David Nahmias.



PHOTO BY TERIE BATALA

Hon. Eric Richardson address students at Atlanta's John Marshall Law School.

professional aspirations of lawyers in this state." Each year, several dozen judges and lawyers from every practice area donate their time to underscore the importance of professionalism. From the group leaders' perspective, professionalism is something they have learned through experience, both their own when faced with hard choices and by observing lawyer colleagues. In both cases, they learn from positive and negative examples and use them to craft their identity as a professional attorney. While law students know they want to be a professional attorney, they have not yet had any experience in the law, and they look for role models to help them identify what steps they should take to develop a professional identity as a lawyer. Professionalism Orientations help jump start students' professional identity formation and equip them with a framework for approaching professionalism issues. The program also introduces them to lawyers who further offer their time to meet and talk after the formal program concludes.

Students are not the sole learners in the Professionalism Orientation program. When we hear from discussion group leaders, they tell us that the value of the program is not what they give, but what

they get: the ability to welcome the newest entrants into our great profession and learn from them. Orientation group leader Jessica Jay Wood says of her experience this year: "I got some spectacularly kind, insightful, and wise messages today from law students and younger attorneys who think I'm mentoring them. Plot twist: They are reverse-stealth-mentoring me."

As we reflect upon the last 25 years' experiences, we are also looking toward the future. The Professionalism Committee is conducting a top-to-bottom review of the entire Professionalism Orientation Program. Our goal is to foster a deeper partnership with the faculties, administrators, and students at each of the Georgia law schools. We want to ensure our model program is current, comprehensive, and compelling. We will work with our law school administration and student partners to identify and address the issues they find most relevant.

Last year, the Professionalism Committee's dedicated volunteers expanded the outreach program, in which we asked second and third year students for their feedback and suggestions on how to improve the orientations. It was highly successful, and the resulting changes were well-received by the schools. We

look forward to expanding that program this year, with the possibility of having senior students actively participate in the orientations to relay their personal experiences dealing with many of the issues discussed in the breakout sessions. Because professional identity formation is so crucial to students' development, we are looking to expand the orientation to include a Winter/Spring program for second and third year students.

The solid foundation of the past will guide us in our efforts to further grow and expand the Professionalism Orientation Program. We hope you will join us and share your input, ideas and experiences as we look towards the next 25 years. ●

---

#### Nicole G. Innarone

Chair, State Bar Committee on Professionalism, Assistant Clinical Professor, Investor Advocacy Clinic  
Georgia State University College of Law  
niannarone@gsu.edu

#### Robert Arrington

Vice Chair, State Bar Committee on Professionalism, Managing Partner,  
Arrington Owoo PC  
robert@aoimlaw.com

---

# 2017 Law School Orientation on Professionalism Volunteers

---

## Atlanta's John Marshall Law School

Roy P. Ames  
S. Kent Buis  
Shiriki L. Cavitt  
Antoinette S. Clarington  
Willie G. Davis Jr.  
David S. DeLugas  
Hon. Donald R. Donovan  
Robert P. Duda  
Randall W. Duncan  
Hassan H. Elkhailil  
Thomas E. Griner  
John D. Fichtner  
Anthony A. Hallmark  
Elizabeth A. Higgins-Brooks  
Charis L. Johnson  
Lilia A. Kim  
Staci J. Miller  
Manoj K. Mishra  
Joseph G. Mitchell  
Taewoo P. Nam  
William D. NeSmith III  
Robert P. Norman  
Aisha H. Oliver-Staley  
Irvan A. Pearlberg  
Melvin Raines II  
Timothy J. Santelli  
Timothy Schwarz  
Nolan M. Slifko  
E. Y. Teague  
R. Kyle Williams  
Shaheem M. Williams

## Emory University School of Law

Silas W. Allard  
Amber N. Arnette  
Prof. Thomas C. Arthur  
Sarah T. Babcock  
Prof. Margo A. Bagley  
B. Phill Bettis  
Natanya H. Brooks  
Jay D. Brownstein  
Brandon A. Bullard  
Mark G. Burnette  
P. Todd Carroll  
Shiriki L. Cavitt  
Dean Benjamin J. Chapman  
Sarah C. Cipperly  
Valerie E. Cochran  
Darryl B. Cohen  
Lawrence A. Cooper  
Sumita Dalmia Patel  
Prof. Nancy R. Daspit  
Theodore H. Davis, Jr.  
Hon. Donald R. Donovan  
Gregory M. Eells  
Dean A. James Elliott

Jennifer G. Fernandez  
Elizabeth L. Fite  
Amy M. Flick  
Angela R. Fox  
Christina Glon  
Hon. Timothy Hagan  
Michelle M. Henkel  
Oni A. Holley Brown  
L. R. Chester Jennings  
Jason H. Kang  
Payal K. Kapoor  
Deborah G. Krotenberg  
James T. Langford  
Avery Le  
Rhani M. Lott  
Hon. T. David Lyles  
Kevin A. Maxim  
Hon. Christopher J. McFadden  
Robert E. Norman  
Justin L. Norman  
Molly H. Parmer  
Prof. Sue Payne  
Jonathan B. Pierce  
Hon. James R. Puhger  
Rebecca Purdom  
Hon. William M. Ray II  
Mark A. Rogers  
Prof. Jennifer M. Romig  
Dean Ethan Rosenzweig  
Prof. Robert A. Schapiro  
Dean Rita A. Sheffey  
Timothy Schwarz  
Dr. Jessica A. Seares  
Prof. Sarah M. Shalf  
Dean Rita A. Sheffey  
Prof. George B. Shepherd  
Margaret E. Strickler  
J. Darren Summerville  
Catherine C. Vandenberg  
Prof. Randee J. Waldman  
Kirsten L. Widner  
Stacy B. Williams  
Keely M. Youngblood  
Prof. Paul J. Zwier

## Georgia State University College of Law

Hon. Justin S. Anand  
Karen E. Bain  
Hon. Paul W. Bonapfel  
Sandra Kaye Bowen  
James E. Carlson  
Kendall W. Carter  
Shiriki L. Cavitt  
Gene Chapman  
Hon. Kimberly A. Childs  
Rory S. Chumley  
Isaiah D. Delemar  
David S. DeLugas

Hon. Stephen Louis A. Dillard  
Hon. Donald R. Donovan  
Sterling P. Eaves  
David H. Glass  
Dan R. Gresham  
Amy M. Hoffman  
Hon. Stacey K. Hydrick  
Prof. Nicole G. Iannarone  
Prof. Kendall L. Kerew  
Rachel Louise King  
Hon. Cassandra Kirk  
Roger F. Krause  
Thomas E. Lavender  
Katie K. Leonard  
Hon. Leigh Martin May  
Kerry E. McGrath  
Hon. Carla Wong McMillian  
Hon. Shukura Millender  
Staci J. Miller  
John R. Monroe  
Amanda L. Morin  
Hon. David E. Nahmias  
Jody L. Peskin  
Adelle Petersen  
Hon. William M. Ray II  
Hon. Randolph G. Rich  
Hon. Brian M. Rickman  
Kathryn A. Rookes  
Michael N. Rubin  
Claudia S. Saari  
Hon. Kimberly W. Schroer  
Frank B. Strickland  
Hon. Wesley B. Tailor  
Elizabeth V. Tanis  
Michael J. Tempel  
John P. Thielman  
Kathleen A. Wasch  
Richard A. Wingate  
Jessica Jay Wood

## Mercer University School of Law

Bryan O. Babcock  
Hon. M. Anthony Baker  
Carolyn J. Baumgarner  
Leslie L. Cadle  
Elizabeth Ashli Carr  
Justin Allen Chin  
Lisa R. Coody  
Cory P. DeBord  
James M. Donley  
James E. Elliott Jr.  
Megan A. Glimmerveen  
Zandra V. Hall  
Robert F. Hamilton  
James W. Hays  
Hon. Render M. Heard Jr.  
Stephen J. Hodges  
Nicole S. Holcomb

Paula E. Kapiloff  
Kevin Kwashnak  
Donald L. Lamberth  
David H. McCain  
Rebecca C. Moody  
William D. NeSmith III  
Elizabeth P. O'Neal  
Hon. Samuel D. Ozburn  
Virginia Robinson Magruder  
Mary E. Tolle  
Edward Spencer Tolley

## Savannah Law School

Hon. Thomas L. Cole  
Falen O. Cox  
Charles E. Dorr  
Mark G. Kelso  
William H. McAbee II  
Joseph D. Newman  
Michael E. Silverman  
Hon. Jerome J. Stenger

## University of Georgia School of Law

Doug G. Ashworth  
William D. Barwick  
Elizabeth D. Barwick  
Hon. Eric A. Brewton  
Hon. Dean C. Buccini  
Scott D. Cahalan  
Albert Caproni III  
Walter S. Cohen  
Natalie G. Cox  
Hon. David P. Darden  
Charles E. Dorr  
Jehan Y. El-Jourbagy  
Whitney L. Greene  
Adam L. Hebbard  
Donald E. Henderson  
G. Wayne Hillis Jr.  
Thomas C. Holcomb  
Behrouz Kianian  
David A. Kleber  
John Knox Larkins III  
John K. Larkins Jr.  
Jean Goetz Mangan  
Allison E. McCarthy  
Wylenia H. Monroe  
William L. Nabors Jr.  
Veronica M. O'Grady  
Lara Ortega  
Tracy L. Rhodes  
Sarah M. Stephens  
Donald C. Suessmith Jr.  
Henry C. Tharpe Jr.  
Torin D. Togat  
Tash J. Van Doru  
Thomas L. Walker  
C. Knox Withers



## The State Bar of Georgia and The Chief Justice's Commission on Professionalism



### is seeking nominations for the 19<sup>th</sup> Annual Justice Robert Benham Awards for Community Service

The State Bar of Georgia and the Chief Justice's Commission on Professionalism invite nominations for the 19th Annual Justice Robert Benham Awards for Community Service. Awards will be presented at a special ceremony on **Tuesday, February 27, 2018** at the Georgia Bar Center.

Judges and lawyers meet the criteria for these awards if they have combined a professional career with outstanding service and dedication to their communities through voluntary participation in community organizations, government-sponsored activities, or humanitarian work outside of their professional practice. Contributions may be made in any field, including but not limited to: social service, education, faith-based efforts, sports, youth and mentoring, recreation, the arts, or politics.

**Eligibility:** Nominees must: **1)** be a member in good standing of the State Bar of Georgia; **2)** have a record of outstanding community service and continuous service over a period of time to one or more cause, organization or activity; **3)** not be a member of the Selection Committee, staff of the State Bar of Georgia or Chief Justice's Commission on Professionalism; and **4)** not be in a judicial or political race for 2017 and 2018.

---

#### 19<sup>th</sup> Annual Justice Robert Benham Awards for Community Service Nomination Form

(You may submit more than one nomination)

##### **Nominee:**

Name: \_\_\_\_\_

Address:\* \_\_\_\_\_

(\* Please use either the nominee's work or home address that corresponds with the location of their most significant community service.)

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

##### **Nominator:**

Name:\*\* \_\_\_\_\_

(\*\* For organizations, identify a contact person in addition to the name of the organization.)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

##### **In addition to this form, nominations must also be accompanied by:**

- A Nomination Narrative:** Explain how the nominee meets the award criteria described above. Specify the nature of the contributions and identify those who have benefitted from the nominee's involvement. Specify when and how long the nominee participated in each identified activity.
- Biographical Information:** Attach a copy of the nominee's resume or curriculum vitae.
- Letters of Support:** Include 2 letters of support from individuals and/or organizations in the community that describe the nominee's work and the contributions made.

**Submission of Materials:** Send nominations to Nneka Harris-Daniel, Chief Justice's Commission on Professionalism, Suite 620, 104 Marietta Street, N.W., Atlanta, GA 30303 • Phone: (404) 225-5040 • Fax: (404) 225-5041 • Email: Nneka@cjcpga.org. **All Nominations must be postmarked by November 17, 2017**

**JUSTICE ROBERT BENHAM AWARDS FOR  
COMMUNITY SERVICE**

Past Recipients

**Lifetime Achievement Award Recipients**

Henry Troutman, *Atlanta*  
James C. Brim, Jr., *Camilla*  
Hon. Arthur M. Kaplan, *Dunwoody*  
Hon. Robert Benham, *Atlanta*  
John B. Miller, *Savannah*  
Uphaw C. Bentley, Jr., *Athens*  
Miles J. Alexander, *Atlanta*  
Willis A. DuVall, *Edison*  
C. Thompson Harley, *Augusta*  
Frank B. Strickland, *Atlanta*  
Hon. Griffin B. Bell, *Atlanta*  
George T. Brown, *Jonesboro*  
John F. Sweet, *Atlanta*  
David H. Gambrell, *Atlanta*  
Joseph R. Bankoff, *Atlanta*  
John S. Lewis, *Cartersville*  
Rep. Mary Margaret Oliver, *Decatur*  
Alan Tanenbaum, *Atlanta*  
Juanita Powell Baranco, *Lithonia*  
Edward J. Hardin, *Atlanta*  
Hon. Neal W. Dickert, *Augusta*  
Hon. Horace I. Johnson, Jr., *Covington*  
Senator Leroy R. Johnson, *Atlanta*

**District 1 Award Recipients**

Frederick D. Lee, *Elkabel*  
Albert Mazo, *Savannah*  
Lisa L. White, *Savannah*  
Elsie R. Chisholm, *Savannah*  
Hon. Louisa Abbot, *Savannah*  
Carlton A. DeVoight, *Brunswick*  
Michael L. Edwards, *Savannah*  
Hon. James F. Bass, Jr., *Savannah*  
Rebecca Crowley, *Waycross*  
Howard E. Spiva, *Savannah*  
Wanda Andrews, *Savannah*  
Lovett Bennett, Jr., *Statesboro*  
Christopher K. Middleton, *Savannah*  
T. Mills Fleming, *Savannah*  
Denise M. Cooper, *Savannah*

**District 2 Award Recipients**

Robert M. Clyatt, *Valdosta*  
Cheryle Thompson Bryan, *Ashburn*  
Suzanne P. Mathis, *Labeland*  
Kenneth B. Hodges, II, *Albany*  
Roy W. Copeland, *Valdosta*  
Michael S. Bennett, Sr., *Valdosta*  
Joseph K. Mullaholland, *Bainbridge*  
Laverne L. Gaskins, *Valdosta*  
Hon. James E. Hardy, *Thomasville*  
Charles W. Lamb, Jr., *Albany*  
D. Bradley Folsom, *Valdosta*  
Michael S. Meyer von Bremen, *Albany*  
Hon. Joe C. Bishop, *Albany*  
John Randall Hicks, *Valdosta*  
Karen B. Baynes-Dunning, *Albany*

**District 3 Award Recipients**

George M. Peagler, Jr., *Americus*  
William C. Rumer, *Columbus*  
Ira L. Foster, *Macon*  
Rebecca C. Moody, *Warner Robins*  
Hon. William P. Adams, *Macon*  
Hon. Maureen C. Gottfried, *Columbus*  
Charles P. Taylor, *Warner Robins*  
William Lee Robinson, *Macon*  
Michael L. Chidester, *Byron*  
Tomieka R. Daniel, *Byron*

Jonathan A. Alderman, *Macon*  
Sarah L. Gerwig-Moore, *Macon*  
Clarence Williams, III, *Warner Robins*  
Ruth A. Knox, *Macon*  
J. Michael Cranford, *Macon*  
Nancy Terrill, *Macon*  
Camille Hope, *Macon*  
Erika B. Williams, *Bonaire*

**District 4 Award Recipients**

Hon. Alvin T. Wong, *Decatur*  
Gloria L. Johnson, *Decatur*  
Guendolyn R. Keyes, *Decatur*  
Hon. Robin S. Nash, *Decatur*  
Hon. Gregory A. Adams, *Decatur*  
Nisha K. Karnani, *Dunwoody*  
Hon. Mark A. Scott, *Decatur*  
Hon. Johnny N. Panos, *Decatur*  
Hon. Nancy Nash Bills, *Coyers*  
Vivica M. Brown, *Stone Mountain*  
Hon. Asha F. Jackson, *Decatur*  
C. Talley Wells, *Decatur*  
Nora L. Polk, *Decatur*  
Thua Barlay, *Decatur*  
Hon. Dax E. Lopez, *Decatur*  
Michael Thurmond, *Stone Mountain*

**District 5 Award Recipients**

Hon. Marvin S. Arrington, Sr., *Atlanta*  
W. Terence Walsh, *Atlanta*  
Peter K. Daniel, *Atlanta*  
Don C. Keenan, *Atlanta*  
Donald P. Edwards, *Atlanta*  
Jesus A. Nerio, *Atlanta*  
Jeff D. Woodard, *Atlanta*  
Gregory N. Studdard, *Atlanta*  
Hon. T. Jackson Bedford, *Atlanta*  
Hon. Thelma Wyatt Moore, *Atlanta*  
Albert J. Bolet, III, *Atlanta*  
John A. Pichens, *Atlanta*  
F. Sheffield Hole, *Atlanta*  
Cynthia Hinrichs Clanton, *Atlanta*  
Jacquelyn H. Saylor, *Atlanta*  
David M. Zacks, *Atlanta*  
Christian F. Torgrimson, *Atlanta*  
Antavius M. Weems, *Atlanta*  
Hon. Herbert E. Phipps, *Atlanta*  
Luis A. Aguilar, *Atlanta*  
Douglas M. Towns, *Atlanta*  
Linda T. Muir, *Atlanta*  
Christopher Glenn Sawyer, *Atlanta*  
Julie M. T. Walker, *Atlanta*  
Denise Cleveland-Leggett, *Atlanta*  
Judith A. O'Brien, *Atlanta*  
William Barwick, *Atlanta*  
Michael Hobbs, Jr., *Atlanta*  
Amy J. Kolczak, *Atlanta*  
Nancy Whaley, *Atlanta*  
Anne W. Lewis, *Atlanta*  
William B. Hill, Jr., *Atlanta*  
Noni Southall Ellis, *Atlanta*  
Michael W. Tyler, *Atlanta*  
Hon. Kimberly Esmond Adams, *Atlanta*  
Peter J. Anderson, *Atlanta*  
Audra A. Dial, *Atlanta*  
Marquetta J. Bryan, *Atlanta*  
Charles T. Huddleston, *Atlanta*  
Hon. Patricia M. Killingsworth, *Atlanta*  
Mr. Ernest Lamont Greer, *Atlanta*  
Ms. Vanessa I. Hickey-Gales, *Atlanta*  
Mr. Philip E. Holladay, Jr., *Atlanta*  
Harold E. Franklin, Jr., *Atlanta*  
Dawn M. Jones, *Atlanta*  
Jeffrey Y. Lewis, *Atlanta*  
W. Scott Sorrels, *Atlanta*

**District 6 Award Recipients**

Denise F. Hemmann, *Jackson*  
Hon. Eugene E. Lawson, *Jonesboro*  
Hon. William H. Ison, *Jonesboro*  
J. Byrd Garland, *Jackson*  
Hon. Stephen E. Boswell, *Jonesboro*  
James J. Dalton, II, *Jonesboro*  
Avery T. Salter, *Jonesboro*  
Hon. William Hal Craig, *McDonough*  
Hon. Christopher C. Edwards, *Fayetteville*  
Rudjard M. Hayes, *Tyrone*  
Angela M. Hinton, *Fayetteville*  
Hon. Robert M. Crawford, *Thomaston*  
Cindy S. Manning, *Peachtree City*  
Hon. A.J. Welch, Jr., *McDonough*

**District 7 Award Recipients**

J. Anderson Davis, *Rome*  
Richard J. Lundy, *Cedartown*  
Constance McManus, *Marietta*  
Hon. Adele L. Grubbs, *Marietta*  
W. Allen Separk, *Marietta*  
Robert A. Cowan, *Dalton*  
Cindi L. Yeager, *Marietta*  
Nathan J. Wade, *Marietta*  
J. Kevin Moore, *Marietta*  
Justin B. O'Dell, *Marietta*  
William L., Lundy, Sr., *Cedartown*  
Maziar Maziloom, *Marietta*  
Hon. J. Lane Bearden, *Calhoun*  
John T. Longino, *Waleska*  
Rep. Christian A. Coomer, *Cartersville*  
Damon E. Elmore, *Lithia Springs*  
Thomas David Lyles, *Dallas*

**District 8 Award Recipients**

E. Roy Lambert, *Madison*  
Samantha F. Jacobs, *Metter*  
Jehan Y. El-Jourbagy, *Monticello*  
Dexter M. Wimbish, *Madison*  
Hon. John J. Ellington, *Soperton*

**District 9 Award Recipients**

Leon Boling, *Cumming*  
Hon. Frank C. Mills, *Canton*  
Wendy J. Glasbrenner, *Gainesville*  
James E. Drane, *Canton*  
Hon. Kathleen F. Gosselin, *Gainesville*  
Hon. Cliff L. Joliff, *Gainesville*  
Theresa G. Franzén, *Norcross*  
John Achlin Gram, *Gainesville*  
David L. Cannon, Jr., *Canton*  
Mark O. Shriver, IV, *Woodstock*  
Hon. M. Anthony Baker, *Canton*  
Eric A. Ballinger, *Canton*  
Hon. Chung Hun Lee, *Duluth*  
Peter A. Gleichman, *Woodstock*  
Ms. Nicki Noel Vaughan, *Gainesville*

**District 10 Award Recipients**

Hon. Steve C. Jones, *Athens*  
John M. Clark, *Elberton*  
Edward D. Tolley, *Athens*  
Dennis C. Sanders, *Thomson*  
Hon. Duncan D. Wheale, *Augusta*  
David B. Bell, *Augusta*  
Walter James Gordon, Sr., *Hartwell*  
David E. Hudson, *Augusta*  
Hon. Samuel D. Ozburn, *Covington*  
Victor Y. Johnson, *Danielsville*  
Laura C. Nefif, *Athens*  
J. Edward Allen, Jr., *Athens*  
Hon. Lawton Stephens, *Athens*  
Hon. J. Virgil Costley, Jr., *Covington*