

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

Members Present:

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

Members Absent:

Rita A. Sheffey, Secretary.

Staff Participating:

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

Consent Agenda

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

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

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

Civil Legal Services Task Force

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

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

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

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

Thereafter, Phyllis Holmen rejoined the Executive Committee Meeting.

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

Legislative Program

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

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

Sponsorship Request – Urban League of Greater Atlanta

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

Presidents' Report

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

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

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

Long-Range Planning and Bar Governance Committee

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

YLD Report

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

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

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

Citizens Advisory Council

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

Treasurer's Report

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

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

Office of General Counsel Report

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

Law and Economics Section

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

Private Insurance Exchange by Member Benefits

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

Real Estate Task Force

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

Jeannine Novak

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

ABA's Legal Access Job Corps

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

New York's Preadmission 50 Hour Pro Bono Requirement

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

SOLACE's First Request

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

Old Business

There was no old business.

New Business

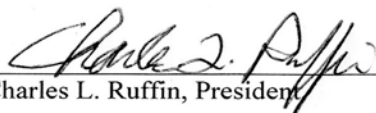
There was no new business.

Adjournment

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


Rita A. Sheffey, Secretary

Approved:


Charles L. Ruffin, President