

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Wednesday, November 14, 2012
State Bar Building/Atlanta, GA**

Members Present:

Robin Frazer Clark, President; Robert J. Kauffman; Secretary; Kenneth L. Shigley, Immediate Past President; Jonathan B. Pannell, YLD President; Darrell L. Sutton, YLD President-elect; Stephanie J. Kirijan, YLD Immediate Past President (by phone); Elizabeth Louise Fite; Phyllis J. Holmen; David S. Lipscomb; Patrick T. O'Connor; Brian D. Rogers; and Rita A. Sheffey.

Members Absent

Charles L. Ruffin, President-elect; and Patrise M. Perkins-Hooker, Treasurer (excused).

Staff Participating:

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

Introduction of Guests

President Robin Frazer Clark introduced Jim Collins and Zach Johnson. Jim Collins is one of the Bar's legislative consultants. Zach Johnson will be providing support for the State Bar's legislative grassroots efforts from November 2012 through May 2013. He will be meeting with local bar associations and Board of Governor members around the state, meeting with the 3L's at Georgia's law schools to get them involved in the State Bar, and will help reinforce the State Bar's presence at the Capitol during the legislative session.

Consent Agenda

President Robin Frazer Clark 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:

- 1) Previous Executive Committee Minutes of September 7 and 8, 2012
- 2) Future Meetings Schedule (Current Version)
- 3) Approval of Members' Requests:
 - a. Jennifer Nelson (grant resignation request)
 - b. Anne Tucker (grant waiver of late fee)
 - c. John Hart (grant resignation request)
 - d. Christine Clay (grant resignation request)
 - e. Martha Brown (grant waiver of late fee but require base active dues amount & assessments)
 - f. Linda Jones (grant resignation request)
 - g. Beckie Anne Campolito (grant waiver of late fee)
 - h. Resignation Requests (grant):
Jonathan M. Duncan (112208), Susan Michal-Smith (663585), Benjamin Chingyen Wu (164709), John J. Cord, Jr. (435175), David Suchar (322514), Thuy Vu Taitt (729090), Cecil L. Davis, Jr. (207715), John Spence (285183), Donald Joseph Wallace (733780), Thomas J. Flanigan (262590), Richard E. Slipsky (652525), Robert Marcus Lodge (455650)

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

Amicus Brief, Supreme Court of Georgia - Villaneuva vs. First American Title Insurance Company

Following a report from Pat O'Connor, Charles W. Brown, Frederick S. Beloin, Hugh Wood, and Randy Evans, the Executive Committee, with Secretary Robert Kauffman abstaining, took the following action on an Amicus Curiae Brief on behalf of the State Bar of Georgia in the case of *Villaneuva vs. First American Title Insurance Company*:

- (1) By unanimous voice vote, determined that the requested filing could not reasonably have been submitted for consideration by the Board of Governors, and
- (2) By unanimous voice vote, found the subject matter to be within the scope and purpose of the State Bar, and
- (3) By unanimous voice vote, determined that the 1) outcome of the litigation will effect persons other than the litigants, and 2) the outcome of the litigation will be of general interest to the members of the State Bar of Georgia, and
- (4) By unanimous voice vote, approved the filing of the brief, subject to the revisions discussed (Exhibit A), and
- (5) By unanimous voice vote, authorized a second brief on behalf of State Bar to be submitted by President Clark and Randy Evans (Exhibit B).

FY 13 Legislative Representatives

Jim Collins provided a report on upcoming legislative issues. Following that, President Clark reported that in light of Tom Boller's unexpected early retirement from Capitol Partners, there was a need to strengthen and diversify the State Bar's legislative team. After reporting on her extensive search and the proposed candidates, the Executive Committee, by unanimous voice vote, approved 1) honoring payment to Capitol Partners through December 2012 at \$20,470.16 per month, which was based on its FY 12 contract rate, and retaining Capitol Partners from January through June 2013 at \$12,500 per month, and 2) retaining the services of Meredith Weaver and Roy Robinson as legislative consultants for the FY 13 legislative session only, at a cost of \$45,000 each. She also reported that Zachary Johnson has been retained as a legislative grassroots coordinator from November 1, 2012 through May 31, 2013 at a cost of \$24,500. These costs will be funded out of the State Bar's Legislative and Public Advocacy Fund. The State Bar is still on track to hire an in-house lobbyist within the next year.

Georgia Judicial Salaries Report by Patrick Longan

The Executive Committee received a copy of the Georgia Judicial Salaries: Comparative Report by Patrick E. Longan that was undertaken in the summer of 2012. As a result of its findings, the commission recommends that 1) the salaries of Georgia's superior and appellate court judges be raised as soon as possible to equal 1967 salary levels adjusted for inflation, and 2) once judges' salaries have been adjusted at least to account for the rate of inflation over the last 25 years, that an independent commission composed of non-public officials be established to review judicial compensation levels on a regular basis and that the recommendations of such commission be made binding unless expressly rejected by the General Assembly within a limited time period. In the alternative, it recommends that the authority and mandate of the existing State Compensation Commission should be revised to achieve the same result.

These results will support the State Bar's continuing efforts to fairly compensate Georgia's judges and justices for their critical role in providing justice for our citizens.

Civil Justice System

The Executive Committee received a copy of an *Atlanta Business Chronicle* article on the effects of medical tort reform being a victim of its own success and a coalition of health-care executives seizing upon the possibility of replacing the current litigation-based system for deciding medical malpractice claims with a process in which damages would be awarded by review boards rather than judges or juries. The Executive Committee also received a copy of a *Daily Report* article in which the U.S. Chamber of Commerce's Institute for Legal Reform has placed Georgia in the middle of its rankings of states' tort systems as perceived by the business community. The institute says the rankings reflect "how reasonable and balanced" the states' tort liability systems are perceived to be by U.S. business.

Litigation Funding

The Executive Committee received a copy of a *Daily Report* article concerning litigation lending spurring debate over the need for regulation.

Georgia Rules of Professional Conduct - Rule 6.5 Nonprofit and Court-Annexed Limited Legal Services Programs

Following a report by President Clark, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed Rule 6.5 Nonprofit and Court Annexed Limited Legal Services Programs (Exhibit C).

Georgia Rules of Professional Conduct – Rule 7.5 Firm Names and Letterheads

Following a report by Paula Frederick, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed amendments (Exhibit D) to Rule 7.5 Firm Names and Letterheads.

Georgia Rules of Professional Conduct – Rule 9.4(b) Jurisdiction and Reciprocal Discipline

Following a report by Paula Frederick, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed amendments to Rule 9.4(b) Jurisdiction and Reciprocal Discipline as follows:

Rule 9.4 Jurisdiction and Reciprocal Discipline

(b) Reciprocal Discipline. Upon being suspended or disbarred in another jurisdiction, a lawyer admitted to practice in Georgia shall promptly inform the Office of General Counsel of the State Bar of Georgia of the discipline. Upon notification from any source that a lawyer within the jurisdiction of the State Bar of Georgia has been suspended for no less than six months or disbarred in another jurisdiction, the Office of General Counsel may obtain a certified copy of the disciplinary order and file it with the Clerk of the State Disciplinary Board. Nothing in the Rule shall prevent a lawyer suspended or disbarred in another jurisdiction from filing a petition for voluntary discipline under Rule 4-227.

Elections Committee (Electronic Voting and Standing Executive Committee Policy 500)

Following a report by Rita Sheffey that the State Bar is in the process of transitioning from paper ballots to electronic ballots, and the Election Committee's proposed transition plan for a hybrid election wherein Bar members may select an online ballot instead of a paper ballot for next year's election, the Executive Committee, by unanimous voice vote, adopted the plan and approved proposed changes to Standing Executive Committee Policy 500 Faxes and Emails (Exhibit E).

Member Benefits Committee

Following a report by Secretary Kauffman, the Executive Committee, by unanimous voice vote, approved BPC Financial offering life insurance to State Bar members. BPC Financial is the State Bar's recommended broker for members' health, dental and vision plans, and disability and long term care plans. He also reported that in the future, when private companies such as BPC set up their own exchanges, as opposed to federal public exchanges, the Member Benefits Committee will need to reassess whether or not the State Bar should continue to endorse any insurance agency as a recommended broker.

State Bar Rule 1-202(e) – Disabled Members

Following a report by Bob McCormack on a proposal to allow the Membership Department more discretion to grant disabled status to a member based upon sufficient proof of the member's disability, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed amendments to Rule 1-202(e), as revised (Exhibit F).

Resolution Recognizing the Honorable Edward E. Carriere, Jr.

Following a report by Cliff Brashier, the Executive Committee, by unanimous voice vote, approved a Supreme Court of Georgia and State Bar of Georgia Joint Resolution Recognizing the Honorable Edward E. Carriere, Jr. for his devoted service to the justice system and the legal profession, as revised (Exhibit G).

Treasurer's Report

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 three months ending September 30, 2012. The Executive Committee also received a copy of the Bar's Employee Corporate Credit Card Policy with no objections expressed thereto.

FY14 Budget (Programs Review and Dues Indexing)

The Executive Committee received a copy of a letter from R. Chris Phelps asking the Programs Committee of the State Bar to address whether or not it is going to formally adopt and incorporate the programs that the State Bar has been funding on a year-to-year basis as a result of the significant decrease in IOLTA monies.

YLD Report

YLD President Jon Pannell provided a report on the activities of the Young Lawyers Division. He announced that the YLD Holiday Party will be held on Thursday, December 13, 2013, at the Commerce Club. President Clark thanked Jon Pannell for all of his help and advice with the Bar's legislative program.

Board of Governors Minutes

The Executive Committee received a draft copy of the October 27, 2012 Board of Governors Minutes.

Task Force on Fulton Courts

The Executive Committee received copies of articles on the Fulton County Court Improvement Task Force's recommendations to improve the operations of the state's busiest court system from the *Daily Report* and *The Atlanta Journal-Constitution*.

Access to Justice Committee

The Executive Committee received information on the Access to Justice Committee's \$10,000 grant from the ABA Fund for Justice and Education.

Consumer Assistance Program

The Executive Committee received a written report on the activities of the Consumer Assistance Program for the month of October 2012.

ABA CoLap's Directors Listserv

The Executive Committee received information from the ABA Commission on Lawyer Assistance Programs' decision to bill each participating LAP an annual payment of \$500 to participate in the ABA CoLAP's Directors listserv.

Next General Courts Commission

The Executive Committee received a copy of the proposed draft survey of the Next Generation Courts Commission and survey distribution list which is designed to solicit input from the bench and bar as it develops a long-range strategy for Georgia's court system. It will be looking at such issues as court structure, technology, funding, caseload management and judicial selection.

Business Court

The Executive Committee received a copy of the Supreme Court of Georgia order approving amendments to the Fulton County Superior Court Business Case Division establishing a Transfer Fee not to exceed \$2,500.

Law Practice Management

The Executive Committee received a copy of an article in the *Daily Dispatch* about the Chicago Bar's Law Practice Start Up Boot Camp that featured a team of practice management advisors that included Natalie Kelly, the State Bar's LPM Director.

Executive Session

Following a motion and second, the Executive Committee met in Executive Session.

Old Business

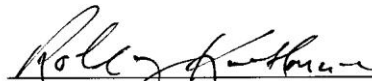
There was no old business.

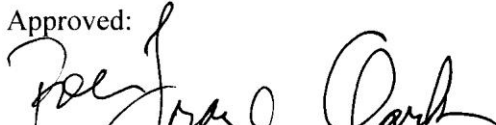
New Business

There was no new business.

Adjournment

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


Robert J. Kauffman, Secretary

Approved:

Robin Frazer Clark, President