

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Thursday, December 15, 2016  
Little Ocmulgee State Park & Lodge/Helena, GA**

Members Participating:

Patrick T. O'Connor, President; Brian D. (Buck) Rogers, President-elect; Kenneth B. Hodges, III, Treasurer; Darrell L. Sutton, Secretary; Robert J. Kauffman, Immediate Past President; Jennifer Campbell Mock, YLD President; Nicole C. Leet, YLD President-elect (by phone); John R.B. Long, YLD Immediate Past President; Thomas R. Burnside, III; Elizabeth Louise Fite; Phyllis Holmen; Dawn Jones; David S. Lipscomb; and Nicki Vaughn.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Christine Butcher, Director of Governmental Affairs; Jeff Davis, Executive Director; Paula Frederick, General Counsel; Steve Laine, Chief Financial Officer; and Bill NeSmith, Deputy General Counsel.

Call to Order

President Pat O'Connor called the meeting to order. Members of the Executive Committee in attendance are indicated above.

Future Meetings Schedule

President Pat O'Connor referred the Executive Committee to the Future Meetings Schedule.

Executive Committee Minutes

The minutes of the Executive Committee meeting held on November 17, 2016, were approved by unanimous voice vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee, by unanimous voice vote, approved the following resignation requests: Margo Hall-319213, William H. Newton-542425, Matthew Scott Orrell-111044, R. Clayton Seaman-633050.

Bar Rules Part XVI: CLE

After distributing to the Executive Committee the most recent version, Bill NeSmith, Paula Frederick, and Jeff Davis reported on proposed Part XVI to the Bar's rules regarding the Institute for Continuing Legal Education. The Executive Committee, by unanimous voice vote, approved recommending the proposed rules to the Board of Governors, provided no substantive changes are made to them prior to submission to the Board of Governors (Exhibit A).

ICLE Update

Immediate Past President Bob Kauffman reported that per the proposed Bar rules, the ICLE Board will be composed of thirteen members to be appointed as follows: the Bar's Immediate Past President, seven members appointed by the Bar President, and one member from each of Georgia's accredited law schools. He reported that there has been no change in ICLE's scheduled seminars during the transition. When ICLE moves to the State Bar, the quality and quantity of the programs will remain the same. President Pat O'Connor thanked Immediate Past President Bob Kauffman, Jeff Davis, Bill NeSmith, and Paula Frederick for their time working on the various transactions generated by the move. He stated that the spirit and intent of the transition is to continue the excellent programs by ICLE as well as providing economies of scale for the program, which will result in additional benefits to the Bar's membership.

### Technology Section Bylaw Amendments

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

### Sponsorship Request – YLD 2017 Signature Fundraiser

Following a request by YLD President Jennifer Mock for a \$5,000 sponsorship of the 2017 Signature Fundraiser, the Executive Committee took the following action:

- 1) A motion to approve the \$5,000 sponsorship request was made and seconded, but upon review of the Bar's Sponsorship Policy providing that a sponsorship request cannot exceed 10% of the sponsorship line item in the Bar's budget, which is \$40,000 for the 2016-17 Bar year, a subsidiary motion with second to waive the Sponsorship Policy failed by a hand vote of 5 in favor to 6 opposed.
- 2) A motion and second to provide a \$4,000 sponsorship of the 2017 Signature Fundraiser, consistent with the Sponsorship Policy, was approved by unanimous voice vote.

### President's Report

President Pat O'Connor reported that he has been supporting and working with Immediate Past President Bob Kauffman and Bar staff on the ICLE transition. He has also been working on the Judicial Qualifications Commission (JQC), about which he deferred to a report by President-elect Buck Rogers. He did, however, report that the Task Force is adhering to the plan put in place by the Georgia Legislature that requires the State Bar to create a list of ten nominees. Rusty Sewell, Christine Butcher, Jeff Davis and others are dealing with this issue on a daily basis. President O'Connor further reported that he has been mediating the discussions on the proposed changes to the disciplinary rules, trying to get a consensus among everyone working on them so that the rules can be presented to the Board of Governors at the Midyear Meeting. He reported that elections for State Bar Officers and Executive Committee positions will take place at the Midyear Board of Governors meeting.

### Strategic Plan

Jeff Davis provided an update on the Strategic Plan. He reported that the Access to Justice Committee received a \$95,000 grant from the National Center for State Courts for the development of a Justice for All Strategic Plan. It is a joint effort of the State Bar, Supreme Court of Georgia, Administrative Office of the Courts, the Georgia Legal Services Program, and the Atlanta Legal Aid Society. Phyllis Holmen reported that the National Center for State Courts and the ABA are helping states develop a more coordinated effort in the delivery of legal services. She stated that Georgia is the only state in the south without an Access to Justice Commission, and she is hoping that one will be created through this effort. President Pat O'Connor reported that Past President Charlie Lester has agreed to spearhead this effort and that Elizabeth Fite has agreed to serve on the committee. President O'Connor also reported that the Member Benefits Committee will be making a recommendation about ZeekBeek, an enhanced members' directory, to the Board of Governors at the Midyear Meeting.

### Treasurer's Report

Steve Laine provided an update on the Bar finances. He presented pro formas showing the spend-down of the Bar's surplus and the trend analysis of Bar members' growth. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of October 31, 2016; Income Statement YTD for the Three Months Ended October 31, 2016; Bar Center Revenues and Expenditures for the Four Months Ended October 31, 2016; State Bar Balance Sheet as of October 31, 2016; Summary of Dues and Voluntary Contributions as of October 31, 2016; Legislative Fund and

Cornerstones of Freedom Fund Activity Reports through October 31, 2016; and Summary of Investment Portfolio as of October 31, 2016.

Steve Laine reported that two new accountants need to be hired effective January 1<sup>st</sup> to handle ICLE's accounting functions and assist with the ramp up of ICLE. These are ICLE staff positions to be paid with ICLE funds. He asked for approval to hire Rita Henderson, currently working at ICLE in a temp position, as an Account Manager, and for authorization to fill the second accounting position that is currently vacant. Employment offers for the two positions will be made contingent upon the successful completion of the ICLE transition. The Executive Committee considered this to be an internal operating decision to be made by key State Bar staff, so it took no action on the request.

#### YLD Report

YLD President Jennifer Campbell Mock reported on the activities of the YLD. The new Leadership Academy participants have been selected and met for the first time at a luncheon held last week. She encouraged the Executive Committee members to consider providing a sponsorship to and attending the 2017 Signature Fundraiser on February 25. She announced that the annual Legal Food Frenzy will start up again after the first of the year.

#### Executive Director's Report

Jeff Davis did not make an additional report beyond what he reported in his Strategic Plan report and ICLE report.

#### Office of General Counsel Report

Paula Frederick reported the activities of the Office of General Counsel. She announced that Bill Smith's last day in the office is December 22, and that his retirement dinner will take place at the Midyear Board of Governors dinner. She reported that two new attorneys have been hired; one to replace a vacant position and one to replace Bill Smith, and that some of the attorney positions are being reorganized. She reported that her office may need to hire someone part-time to handle the numerous receivership files her office has in storage and continues to receive.

#### Executive Session

Following a motion and second, the Executive Committee went into Executive Session to discuss pending litigation and the Law Practice Management Program. Thereafter, by unanimous voice vote, the Executive Committee moved out of Executive Session.

#### 2017-18 Budget Timeline

President-elect Buck Rogers referred the Executive Committee the 2017-18 Budget Timeline.

#### JQC Task Force

President-elect Buck Rogers, Chair of the JQC Task Force, reported that Task Force has formalized its procedures. The Task Force is proposing that it become a Standing Committee after the Midyear Meeting and serve as a nominating committee for the State Bar's JQC nominees. He presented a list of potential nominees recommended by the Task Force. The Executive Committee discussed the list and added names to it. President Pat O'Connor suggested no action be taken so that the process of identifying additional appropriate nominees could continue.

#### Policy on Removal of Executive Committee Members

Paula Frederick and Bill NeSmith presented for discussion a proposed policy on the removal of an Officer or an Executive Committee member "for cause." She asked that any comments and suggestions be addressed to both of them.

Update of Proposed Disciplinary Procedure Changes

Paula Frederick discussed the most recent proposed disciplinary rules changes. She announced that the Review Panel has been retained, but with compressed timelines to review cases. The proposed rules changes will go to the Board of Governors at the Midyear Meeting for information, and the Board will be asked to vote on them at the Spring Board meeting. It was the consensus of the Executive Committee to have a separate Board meeting before the Spring Board meeting, if necessary, for the Board members to discuss the rules.

Legislative Update

Christine Butcher reported that the 2017 legislative session will begin January 9. Thereafter, she provided an update on the actions taken by the Advisory Committee on Legislation at its meeting on December 29. She reported that she may bring back the weekly web video updates to keep Bar members updated on the Bar's legislative agenda and other bills of importance.

Attorney Conflict Registry

Jeff Davis reported that Justice Harold Melton and Judge David Emerson have made arrangements to convene a meeting on Friday, January 13, 2017, at 10:30 am, in the YLD Boardroom to begin discussions about a vision for a conflict registry. Anyone interested in volunteering and attending is welcome to attend the meeting.

ABA President Linda Klein – ABA Board of Governors Meeting

The Executive Committee received a copy of a letter from ABA President Linda Klein thanking the State Bar for facilitating a luncheon during the American Bar Association Board of Governors meeting in Atlanta.

Old Business

There was no old business.

New Business

There was no new business.

Adjournment

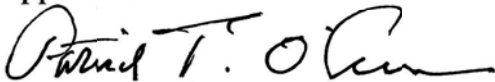
There being no further business the meeting was adjourned.



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Darrell L. Sutton, Secretary

Approved:



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Patrick T. O'Connor, President