

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Thursday, December 14, 2017/12:00 p.m.
State Bar Building/ Atlanta, Georgia**

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 (by phone); Nicole C. Leet, YLD President; Rizza O'Connor, YLD President-elect (by phone); Jennifer Campbell Mock, YLD Immediate Past President; Damon E. Elmore (by phone); Elizabeth Louise Fite (by phone); David S. Lipscomb; Frank Strickland; and Nicki Vaughan.

Members Absent:

Phyllis Holmen.

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 at 12:17 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings

President Buck Rogers reviewed the Future Meetings Schedule. He announced that a dinner with the Court of Appeals is being arranged for a date in January, and if needed, an Executive Committee meeting will be scheduled on that same date.

Executive Committee Minutes

Secretary Dawn Jones presented the minutes of the Executive Committee meetings held on November 9 and November 16, 2017. The November 9 minutes were approved as presented by unanimous voice vote. The November 16 minutes were approved, with two revisions, 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: Carol Lee Shellhouse-141446; Bonnie Lee Loffredo-455710; Michael L. Roberts-608810; Judy Kay Marshall-471655.

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee, by unanimous voice vote, approved one member's request for disabled status.

Recommended Policy Change on Interim Suspensions

In follow up to information requested by the Executive Committee at its last meeting concerning the removal of interim suspension designation from a member's record shown on the Bar's website after the suspension is lifted, General Counsel Paula Frederick displayed the public disciplinary information reflected in members' records on the Bar's website regarding suspensions and disbarments. She reported that the IT department will need to create a report for her office to keep track of when to purge the interim

suspension information in a member's record, but that the programming will not be extensive. She also reported that many attorneys with interim suspensions eventually end up disbarred, so suggested we consider which would be more helpful to the public—displaying that information or removing it from the Bar's website.

Member Benefits Committee Recommendation

President Buck Rogers reported on a recommendation from the Member Benefits Committee to allow Member Benefits, Inc., the Bar's recommended insurance broker, to expand its insurance coverage offering to Bar members to include a 1) Cyber Security Insurance Program, and 2) 401(K) Plan Retirement Program. The expanded services would appear as new offerings under the existing Private Insurance Exchange for Georgia Bar Members. The Executive Committee, by unanimous voice vote, deferred action on the request to the next meeting so as to obtain more information about the 401 (K) Plan Retirement Program offering and third party administrator.

Arc of Justice Project

Derrick Pope, Co-chair of the Committee to Promote Inclusion in the Profession (CPIP), reported on the *Arc of Justice* Project that was organized to develop and manage an exhibit conceived by the CPIP to recognize the historic role of the legal profession in the civil and human rights movement. To date there is an eight-person content council developing the narrative and scope of the exhibit, a governing board of advisors, and a leadership council to spearhead fundraising. The content council has completed the basic concept for the exhibit to be conducted in two phases. Phase 1 is the creation of a traveling exhibit with four featured exhibits called *Under the Color of Law* that traces the historic role of the legal profession from the colonial period through the modern civil rights era. Phase 2 will concentrate on the acquisition of artifacts and collections that will become *The Arc of Justice Pavilion* exhibit at the National Center for Civil and Human Rights.

To promote the exhibit, the *Arc of Justice* Project will hold special events at its partner law schools in advance of a tour schedule. These events, called *Hidden Legal Figures: Conversations with the Unsung*, will focus on the work of lawyers and judges who inspired the exhibit. The first event will take place at Emory Law School in February featuring attorney W.J. Michael Cody. The second event will take place in April at Mercer Law School featuring Judge William Bootle. The third event will take place at the State Bar Annual Meeting and it will be the official kickoff for the fundraising campaign.

Since the project was conceived by the CPIP, Derrick asked the State Bar to adopt as a Bar initiative the traveling exhibit in name only at this time. In the meantime, he has been talking to the Georgia Bar Foundation about it serving as the entity to accept the funds collected for the development and fabrication of the traveling exhibit, the retention of appropriate personnel to handle the above mentioned programs, and the creation of an endowment.

The Executive Committee, by unanimous voice vote, approved the Bar adopting as a Bar initiative the traveling exhibit.

Thereafter, Derrick Pope asked for office space at the Bar. The request was tabled by unanimous voice vote to allow the Executive Committee to gather more information on the cost to the Bar and other issues discussed.

The Executive Committee also received written information on the *Arc of Justice* initiative; the upcoming program *Hidden Legal Figures: Conversations with the Unsung* featuring attorney W.J. Michael Cody; and the *Under The Color of Law* traveling exhibit.

Proposed Disciplinary Rules

Supreme Court Justice Keith Blackwell reported on the Supreme Court's consideration of the State Bar's motion to approve revisions to the procedural rules for disciplinary cases, and some of the changes the Court is making to those provisions. He anticipates that the Court will decide the motion in January; however, some substantive issues have been identified and are discussed below.

The first issue was to decide on an implementation date for the proposed rules. If the new rules are adopted in January, the effective date for most of the provisions will be July 1, 2018. The six month lead-in will ensure that formal proceedings are not disrupted midstream, allow time to get the new special masters in place, and allow the Bar to budget for the changes. Some of the provisions may have a deferred effective date beyond July 1 if necessary for smooth implementation. Matters pending at the Supreme Court level on July 1 will continue to be governed by the old rules.

The second issue was the reconstitution of the Investigative Panel under the new rules. It is being downsized under the proposal and the basis for appointments will change from the state judicial districts to the three federal judicial districts. Since those districts do not cleanly align, there may be some geographical disparities in representation for the first two years after implementation.

The third issue was the need for a standard of conduct for special masters in discipline cases. The Bar proposed that special masters be subject to the Code of Judicial Conduct (CJC) as it applies to part-time judges, but Justice Blackwell was concerned that some of the restrictions for part-time judges under the CJC do not make sense if applied to special masters. He will recommend restricting application of the CJC to recusal matters only, so that a special master must recuse under the same circumstances as part time judges.

The Court also identified concerns about the appointment and compensation of the Coordinating Special Master and the pool of special masters. He is going to propose that all of the special masters be appointed by the Court, but the Court will want input from the Bar concerning the compensation for both the Coordinating Special Master and the special masters. He is going to propose that the existing compensation commission be enlarged so that it consists of three Past Presidents of the Bar, the current Treasurer of the Bar, and such other Bar members as the Court might appoint.

Justice Blackwell reported that adding the Review Panel (RP) back into the disciplinary process also created some issues. The Court was concerned with its size under the new time restrictions and getting quorums at its meetings. After discussion with General Counsel Paula Frederick and current RP Chair Tony Askew, the Court has decided to reduce the RP to 7 lawyers, 2 lay members, and 2 ex officio members. Justice Blackwell and Mr. Askew also discussed the responsibilities reassigned to other entities under the proposed rules, and Justice Blackwell will recommend that the Court return administration of RP reprimands to the RP. The Court has not yet decided if reciprocal discipline should be a function of the RP, due to concerns about timely handling, and welcomes the Bar's input.

Justice Blackwell also reported that some other parts of the Bar rules are inconsistent with the new discipline rules. In particular, the Consumer Assistance Program (CAP) rules need to be revised. He asked the Executive Committee to send back revised CAP rules before the July 1 implementation date of the new disciplinary rules.

President Buck Rogers suggested that the Bar's recommendations on reciprocal discipline and realigning the CAP rules be completed by the March Board of Governors meeting. He thanked Justice Blackwell for his input.

David Lipscomb posed a question to Justice Blackwell about interim suspension and whether it is a form of discipline. After some discussion, Justice Blackwell shared his thoughts and said that he thought it was not discipline, but that he had not polled the Court on this particular subject.

Requests for Contributions

The Executive Committee took the following action on requests for contributions:

- 1) After presentation of the request by President-elect Ken Hodges, the Executive Committee, by unanimous voice vote, with YLD President Nicole Leet abstaining, approved contributing up to \$4,000 total, whether in cash or as an in-kind donation via use of the Bar Center for a reception, to the National Association of Criminal Defense Lawyers President Summit/2018 State Criminal Justice Network Conference. The Conference will take place in Atlanta on August 23-25, 2018.
- 2) After presentation of the request by President Rogers, the Executive Committee, by majority voice vote, determined that a request for \$1,500 to The Heritage Project for the Georgia's Great African Americans of History Achievement exhibit was not germane to the legitimate purposes of the Bar and therefore did not comply with Keller.

President's Report

President Buck Rogers reported that the sale of the ICLE Athens property is moving along. A contract has been signed and we have memorialized our agreement with the University of Georgia Law Alumni Association on dividing the proceeds from the sale equally between the State Bar and the Alumni Association. We are in due diligence now and hope to close by early January 2018.

Strategic Plan

President Buck Rogers reported that he is working on the edits for the Strategic Plan. Once completed, it will be distributed to the Board of Governors.

Treasurer's Report

Treasurer Darrell Sutton reported on the Bar's finances. Reporting no overall budgetary issues, Darrell mentioned that there have been some delays secondary to a backlog of work caused by staffing deficiencies, with more work being handled by fewer people. Permanent staff is needed, and the Personnel Committee will be asked to address this issue. Darrell also reported that a larger number of emeritus members than had been projected at this point has been reached, and that we are closing in on 50,000 members of the Bar. He also reported that legislative contributions have been fairly flat, although Georgia Legal Services Program contributions are up, compared to this time last year. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Preliminary Revenues and Expenditures Report as of September 30, 2017; Income Statement YTD for the Three Months Ended September 30, 2017; Bar Center Revenues and Expenditures Report for the Three Months Ended September 30, 2017; Summary of Dues and Voluntary Contributions at October 31, 2017; Legislative Fund and Cornerstones of Freedom Fund Activity Reports through September 30, 2017; and an Investment Performance Comparison 2005-2017.

Access to Justice Strategic Plan

Past State Bar President Charlie Lester reported (by phone) on the Georgia Justice For All Strategic Plan developed by the Justice For All (JFA) Working Group through a grant from the National Center for State Courts. The plan is intended to meet consumers of civil legal services where they are geographically, institutionally and financially located through a coordinated effort of all stakeholders in the civil justice community. The Administrative Office of the Courts has asked the Supreme Court if the Access, Fairness, Public Trust and Confidence Committee can take over administering the plan. That committee currently has a part-time staff person to complete a term that runs through June 30. The JFA Working Group is

requesting that the Bar appropriate \$20,000 for the balance of this fiscal year to help provide additional staff or pay more money to the current staff to oversee the implementation of the strategic plan for this aspect of the project, and an appropriation of \$40,000 in next year's budget to continue the work. The National Center for State Courts has additional funds, and money left over from the grant, but the current request is to have a coordinated effort on access to justice with all entities working together.

The Executive Committee, by unanimous voice vote, deferred action on the request in order to get more information and a list of other contributors, and asked that the request go through the Bar's normal budget process.

YLD Report

YLD President Nicole Leet reported that there are several events taking place tomorrow, including a Leadership Academy luncheon at the Piedmont Driving Club, and the annual YLD Holiday Party that evening. A new Leadership Academy class of 30 will kick off with a meeting at the Midyear Meeting. The Signature Service Project will have an event in February to recognize and celebrate those that have taken the challenge. The tentative date is February 1 at Eventide Brewing. She reported that there is still time to encourage young lawyers to take the challenge. Lastly, she announced that the Spring meeting will take place in Nashville on March 15-18, 2018.

PSAs

Communications Director Sarah Coole presented this year's proposed PSAs to the Executive Committee for review and comment. All were well received by the Executive Committee, and feedback was provided. Sarah was asked to review the media area buys to make sure that the PSAs are running statewide.

Executive Director's Report

Executive Director Jeff Davis reported that the 2018-19 budget process is beginning. The Programs Committee will be reviewing the Bar's programs and hearing proposals for any new programs in January. He also reported that the Bar will be gearing up for the 2018 legislative session.

ACL/Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported on the legislative proposals presented at the ACL meeting on November 29. She also reported on the carryover bills from last year's legislative agenda.

Office of General Counsel Report

Deputy General Counsel Bill NeSmith reported that the contract has been finalized with CloudLawyers (formerly Zeekbeek/CloudLaw) for the members' enhanced directory. Communications Director Sarah Coole has prepared a draft press release that informs Bar members that Georgia and South Carolina have joined the network and outlines what CloudLawyers offers.

General Counsel Paula Frederick reported that she is in the process of working on the budget for the special masters and institution of the new disciplinary rules. She announced that receiverships are up and her office's handling of those is not sustainable. She reported that the Membership Department asked for the addition of the following sentence in line (9) to Rule 1-202 that was previously approved by the Executive Committee: Emeritus members may only vote in person or electronically. The Executive Committee approved the new language by unanimous voice vote.

ICLE Update/Athens Property Update

Deputy General Counsel Bill NeSmith reported that the closing for the sale of the Athens ICLE property will take sometime in January.

Membership Department's Karen Nix

The Executive Committee received a copy of a member's email informing Executive Director Jeff Davis how helpful Karen Nix, Senior Administrator of Membership, was to his inquiry.

Court Access for the Hearing Disabled

The Executive Committee received information on a member's request that the Bar take a leadership role in addressing the issue of hearing impairment and its impact on the justice system. Executive Director Jeff Davis advised that the request would be more properly addressed to the Administrative Office of the Courts (AOC) since it would have the authority to prescribe and/or mandate that courts have technology to assist the hearing impaired. If the Court decided to move forward with the initiative, the Bar could support the proposal as it does other AOC budget requests. The Executive Committee, by unanimous voice vote, supported the initiative and the forwarding of it to the AOC to address the issue.

Old Business

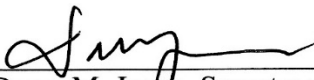
The Executive Committee, by majority voice vote, approved a motion recommending to the Supreme Court that it leave reciprocal discipline with the Review Panel.

New Business

There was no new business.


Adjournment

There being no further business the meeting was adjourned at approximately 3:30 pm.



Dawn M. Jones, Secretary

Approved:



Buck Rogers, President