

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
February 21-22, 2014  
Lodge at Sea Island/St. Simons Island, GA**

Members Present:

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

Staff Participating:

Sharon Bryant, Chief Operating Officer; Bob McCormack, Bar Counsel; Paula Frederick, General Counsel; and Thomas Worthy, Director of Governmental Affairs. Steve Laine, Chief Financial Officer, participated by phone for a portion of the Financial Report.

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 November 15, 2013, December 5, 2013, January 10, 2014, and January 16, 2014 (Current Versions)
- b) Approval of Members' Requests:
  - 1) Irene Kim (approve waiver of fitness but deny waiver of reinstatement fees)
  - 2) Warlesha Ryan (approve extension of time on fitness requirement)
  - 3) Sara Anne Thompson (approve waiver of fitness but deny waiver of reinstatement fees)
- c) Members Requesting Resignation (approve): Sara J. Savage, 627567, Robert Paul Finch, 260250, Rachel Devenow, 476508, Donna C. Wyatt, 778925, Dennis M. Carazza, 708969, Samuel M. Olmstead, 141677, Kristofer Hall, 319120, Mark W. Meyer, 503633, Coby R. Leslie, 275072, Nicole L. Lipiec, 794891, Lisa Allen, 011115, Ana S. Alexandra, 431089, Debra A. Lauzon, 604030, Jean Simons, 647525, Karen Lynn Jennings, 778695, Ryan DeRossett, 315079, Robert J. Abrams, 001425, Patrick K. Wiggins, 757750, Barbara Kay Lane, 654479
- d) Member Requesting Disability (approve): David J. Grindle, 312630

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

Employee Corporate Credit Card

Following a report by President Ruffin, the Executive Committee, by unanimous voice vote, approved providing the Director of Governmental Affairs and the Deputy General Counsel access to a State Bar corporate credit card with a \$5,000 limit.

#### Employee Travel and Reimbursement Policies

Following a report by President Ruffin, the Executive Committee, by majority voice vote, approved revisions (Exhibit A) to the State Bar's Travel and Reimbursement Policy.

#### State Bar Tenant Request

Following a report by Sharon Bryant, the Executive Committee, by unanimous voice vote, declined a request for tenant space by the State Properties Commission Office of State Administrative Hearings due to egress, parking, and other tenant requirements the Bar cannot currently fulfill.

#### Law School Scholarship in Cliff Brashier's Name

Following a report by Immediate Past President Robin Frazer Clark, the Executive Committee, by unanimous voice vote, approved creating a law school scholarship fund in memory of Cliff Brashier, subject to input from the Brashier family, and utilizing the State Bar of Georgia Foundation for tax deductible contributions to the scholarship program.

#### Friendship Agreement Between the State Bar of Georgia and the Barcelona, Spain Bar Association

Following a report by Paula Frederick, the Executive Committee, by unanimous voice vote, approved a proposed Friendship Agreement between the Barcelona Bar Association and the State Bar of Georgia (Exhibit B). The primary purpose of the agreement, which is spearheaded by the International Law Section, is to assist the lawyers of both Bar associations in understanding the legal aspects of the economic relationship between their respective jurisdictions as well as social relationships between their citizens, to facilitate reciprocal knowledge of the legal and judicial systems of both jurisdictions, and to develop a friendship and a cooperative relationship between the lawyers of both Bar associations. The International Law Section will take primary charge of implementing the Agreement.

#### International Regulatory Information Exchange

Following a report by Paula Frederick, the Executive Committee, by unanimous voice vote, approved proposed Guidelines for an International Regulatory Information Exchange (Exhibit C). This proposal allows regulatory authorities in one jurisdiction to share information about a lawyer's status and disciplinary history with other jurisdictions.

#### ABA Resolution Urging Congress to Reject Burdensome Tax Proposal that Adversely Affects many Lawyers and Law Firms

Following a report by Paula Frederick, the Executive Committee, by unanimous voice vote, took the following action on proposed legislation that would require law firms to use accrual accounting and pay taxes on income not yet received.

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar; and
2. By unanimous voice vote, determined that immediate Executive Committee action was necessary because the Board of Governors will not meet until March 22, 2014;
3. By unanimous voice vote, directed Paula Frederick to draft a letter for the President's signature to Georgia's United States Senators opposing the proposed legislation.

#### Request for a Rules Change by Auden Grumet

Following a report by President Ruffin, the Executive Committee, by unanimous voice vote, with President-elect Patrise Perkins-Hooker abstaining, tabled a proposed revision requested by Bar member

Auden Grumet to Rule 1-207 wherein all Bar members would be required to provide a valid telephone number and email address that would be available to every Bar member.

#### Law School Excellence in Access to Justice Award

Following a report by Sharon Bryant, the Executive Committee, by unanimous voice vote, approved the creation of a State Bar of Georgia Law School Excellence in Access to Justice Award (Exhibit D) requested by the Access to Justice Committee. The award will recognize an individual law student, law student group or group activity that has developed or has been instrumental in the development of civil pro bono or legal aid program satisfying previously unmet civil legal needs or extended services to underserved segments of the population.

#### Treasurer's Report

Treasurer Robert Kauffman reported on the Bar's finances. He reviewed the actions of the Programs, Personnel, and Finance Committees, and discussed the Bar's employee health plan renewal. 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 six months ending December 31, 2013.

#### Dues 2014-2015 Recommendation to the Board of Governors and Other Bar Dues Statement Items

Following a report by Treasurer Kauffman, and in consideration of the recommendations submitted by the Finance Committee, the Executive Committee, by unanimous voice vote, approved submitting the following recommendations to the Board of Governors for approval:

1. Increasing dues by \$2 from the previous year to \$248 for active members and \$124 for inactive members, and includes indexing for the Law-Related Education Program and the Fee Arbitration Program contract attorneys, along with a requirement that either the Finance Committee, Executive Committee, or a subcommittee thereof, review and analyze the Bar's current indexing policy relative to the profitability of the Bar in conjunction with next year's budget process; 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. Maintaining the current suggested \$250 opt-in provision for Georgia Legal Services Program.

The Executive Committee received copies of the minutes of the Programs Committee meeting on January 16, 2014, the Personnel Committee meeting on February 3, 2014, and the Finance Committee meeting on January 31, 2014.

#### Next Generation Courts Commission

Following a report by Judge Lawton Stephens (by telephone), the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the final report (Exhibit D) of the Next Generation Courts Commission, *Embracing the Court of the Future*, and providing the commission with \$500 from the Committees budget to help defray the cost of printing 500 copies of the report.

### Other Financial Requests

Following a report by President-elect Perkins-Hooker, the Executive Committee, by unanimous voice vote, approved a 1) \$10,000 request from the Cornerstones of Freedom budget for the 2014 Law Day Program that will take place in April, and 2) \$15,000 sponsorship request from the Sponsorship budget to host a reception and welcome event at the State Bar Building in July for the National Bar Association's Annual Meeting. There was no action on a sponsorship request by GABWA for its 2014 Glitter Ball Gala. Executive Committee members are encouraged to buy tickets to attend the event.

Following a report by Secretary Sheffey, the Executive Committee, by unanimous voice vote, approved a one-time \$5,000 contribution from the Cornerstones of Freedom 2014-15 budget to the Atlanta Legal Aid Society Capital Campaign for its new headquarters on Ellis Street in downtown Atlanta.

### Audit Committee's Recommendation To Continue To Use Cherry Bekaert LLP

Following a report by Treasurer Kauffman, the Executive Committee, by unanimous voice vote, approved utilizing for one more year the audit firm of Cherry Bekaert for the State Bar's 2013-14 fiscal year audit. The Executive Committee received a copy of the State Bar of Georgia Audit Report for the 2012-13 fiscal year.

### Money Purchase Plan

Following a report by Treasurer Kauffman, the Executive Committee, by unanimous voice vote, approved the restated version of the State Bar's Money Purchase Pension Plan that will be filed with the IRS.

### Legislative Update

Thomas Worthy provided an update on the Bar's legislative proposals and the 2014 General Assembly. He reported that the Bar's requests for funding for the Georgia Appellate Resource Center and increased funding for legal services for victims of domestic violence were included in total in the House's FY 15 Budget. He reported that both the House and Senate are working on resolutions to honor Cliff Brashier. He announced that he was named by Chief Justice Thompson to an ad hoc committee to consider funding to provide representation for judges who are sued in their official capacity when the Attorney General's Office cannot represent them due to a conflict. The Executive Committee received a written update on the Bar's 2014 legislative agenda.

### Grassroots Update

Thomas Worthy reported on the Bar's legislative grassroots efforts. The Executive Committee received a copy of the Lobby Days for local bar associations and sample agenda.

### Legislative Proposals

Following a report by Thomas Worthy, the Executive Committee took the following action on proposed legislation:

#### SB 364, Juvenile and Corrections Code and SB 365, Enact Offender Reentry Reforms

1. By unanimous voice vote, found the subject matters to be within the legitimate purposes of the Bar; and
2. By unanimous voice vote, determined that immediate Executive Committee action was necessary because the Board of Governors will not meet until March 22, 2014;
3. By unanimous voice vote, supported SB 364 and SB 365.

### President's Report

President Ruffin reported on the Bar's Executive Director search process. Heidrick and Struggles was selected as the search firm, and announcements have been sent to national organizations and placed on the Bar's web site.

Secretary Sheffey and Bob McCormack provided an update on revisions made to the IOLTA rate comparability proposal that were requested by the Georgia Bar Foundation. Thereafter, the Executive Committee, by majority voice vote, voted to accept and recommend to the Board of Governors the proposed draft language as submitted (Exhibit E), contingent upon approval by the Civil Legal Services Task Force and the Georgia Bar Foundation Board of Trustees. President Ruffin reported that the Task Force is also looking at pro hac vice fees that would be required of out-of-state attorneys in all courts in Georgia. Secretary Sheffey reported that the proposal to raise pro hac vice fees in the Superior Courts has been presented to the Council of Superior Court Judges and passed the first reading.

President Ruffin reported that the Constitutional Law Symposium, which will take place March 12-14, 2014, will have between 400-450 attendees.

Following a report by President Ruffin, the Executive Committee, by unanimous voice vote, approved the presentation of a resolution to the family of BASICS Director Ed Menifee at the Spring Board of Governors meeting.

President-elect Perkins-Hooker provided an update on the activities of the Real Estate Task Force. Upon a motion and second, the Executive Committee met in Executive Session. Thereafter, by unanimous voice vote, the Executive Committee moved out of Executive Session.

### YLD Report

YLD President Darrell Sutton provided a report on the activities of the Young Lawyers Division. The Public Interest Internship Program (PIIP) was the beneficiary of the 2014 Signature Fundraiser that was held on February 8, 2014. It set a record in every category, including a record 289 lawyers in attendance. It raised more than \$90,000, nearly \$20,000 more than any other fundraiser, and more than \$66,000 will be donated to the PIIP endowment. He thanked the Executive Committee members for their support. The Executive Committee also received a written YLD report outlining the activities and other upcoming events of the YLD committees.

### Board of Governors Minutes

The Executive Committee received a copy of the draft minutes of the Board of Governors meeting on January 11, 2014.

### Board of Governors Elections

The Executive Committee received a copy of the Board of Governors Candidate Information email notifying all Bar members about the upcoming Board election and posts where the incumbent has chosen not to run for re-election.

### Savannah lawyer's Super Bowl Ad

The Executive Committee received information on a Bar member's Super Bowl ad.

### Member Benefits Private Insurance Exchange

The Executive Committee received information from Member Benefits, Inc. regarding the initial activity for the private insurance exchange for State Bar members.

### BASICS

The Executive Committee received a written update on the BASICS program, and a copy of the President's letter to the editor regarding Ed Meniffee's passing.

### Lawyer Suicide

The Executive Committee received a CNN article on lawyer suicides.

### Legal Aid

The Executive Committee received a *National Law Journal* article on legal aid services' failure to keep pace with legal aid demand due to continued cuts in federal and state dollars.

### Civil Legal Services Task Force

The Executive Committee received a copy of an Atlanta Legal Aid Society and Georgia Legal Services Program Snapshot prepared by Secretary Rita Sheffey for the Civil Legal Services Task Force.

### Spring Street Viaduct Replacement Project

The Executive Committee received information on the Spring Street Viaduct Replacement Project.

### First Year Law Student Enrollment

The Executive Committee received a *Wall Street Journal* article reporting that first-year law school enrollment is the lowest it has been since 1977.

### Law School Graduates Skipping Bar Exams

The Executive Committee received an *ABA Journal* article reporting that the Iowa Supreme Court is to consider a proposal that would allow graduates of Iowa's two law schools to skip the bar exam if they practice in the state. Wisconsin is the only state that allows grads of its law schools to practice without taking the bar exam – a system known as an in-state diploma privilege.

### State Legal Agencies Seek 6% Increase in FY15 Budget

The Executive Committee received a *Daily Report* article on Georgia's judiciary and executive branch legal agencies asking for the state legislature to increase their budgets by \$13.5 million in the coming fiscal year. That increase would only partially restore funds lost during the years of cutbacks.

### ABA Day in Washington

The Executive Committee received information on the ABA Day in Washington on April 8-10, 2014.

### 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.

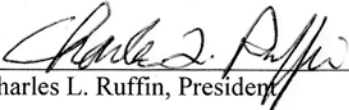
### Executive Committee/Supreme Court Retreat

The Executive Committee and Justices of the Georgia Supreme Court conducted a joint meeting on February 22, 2014, to discuss pending issues and developments affecting the administration of justice and the regulation of the legal profession. Those present for the meeting from the Supreme Court of Georgia were Chief Justice Hugh P. Thompson, Presiding Justice P. Harris Hines, Justice Robert Benham, Justice

Carol W. Hunstein, Justice Harold D. Melton, Justice David E. Nahmias, and Justice Keith R. Blackwell. All members of the Executive Committee were present, along with Bar staff Paula Frederick, Bob McCormack, and Sharon Bryant.

  
Rita A. Sheffey, Secretary

Approved:

  
Charles L. Ruffin, President