

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Friday and Saturday, April 26-27, 2013
Hyatt Regency Hotel/Lexington, KY**

Members Present:

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

Members Absent

Darrell L. Sutton, YLD President-elect; and Stephanie J. Kirijan, YLD Immediate Past President.

Staff Participating:

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

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 February 21, 2013
- 2) Future Meetings Schedule (Current Version)
- 3) Approval of Members' Requests:
 - a. Annette D. Brown (grant waiver of \$875 in late fees and \$750 in reinstatement fees but require her to pay \$947 in dues)
 - b. Resignation Requests (grant):
David M. Rapp (594850), Kaitlin E. Abbitt (702707), Andrew I. Hamelsky (320357),
Jeremy A. Veillette (100777), Grace Frances White (753475), Martin Munoz Careaga
(870276)

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

Standing Executive Committee Policy Regarding State Bar Elections

Following a report by Cliff Brashier and Rita A. Sheffey on a proposed Standing Executive Committee Policy regarding State Bar of Georgia elections for leadership positions, including officers, Executive Committee at-large members, Board of Governors members elected by judicial circuit and ABA delegates, the Executive Committee, by majority voice vote, with President-elect Buck Ruffin voting against, tabled the issue until the next Executive Committee election.

A motion made by President-elect Buck Ruffin that the State Bar notify all Bar members about upcoming Board of Governors elections and those terms of office that are expiring in each circuit, was tabled by majority voice vote, so as to allow time for it to be incorporated into the proposed Standing Executive Committee Policy, along with other suggested changes.

Bylaw Amendment, Article III, Section 3

The Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed amendments to Article, III, Section 3, as follows:

Article III - Section 3. Term of Office

The term of office of the circuit members, nonresident members, and the appointed members of the Board of Governors shall be two years; the word “year” as used here shall mean the period from the adjournment of an annual meeting until the adjournment of the next annual meeting of the members. Each circuit member, nonresident member, and appointed member shall continue to serve (a) until the term for which the member was elected or appointed has expired, and (b) until a successor has been elected or appointed. Notwithstanding the above, the Board may adopt attendance requirements which condition or terminate the term of a Board member for failure to attend Board meetings.

2013 Election Update

Cliff Brashier provided an update on the 2013 elections. He announced that Treasurer Patrise Perkins-Hooker will be the seventh African American female State Bar President in the nation (or eighth if the District of Columbia is included) when her Presidential term begins. The State Bar of Texas and several other Bars will soon follow.

Officer Reimbursement Policy

Following a report by Treasurer Perkins-Hooker, the Executive Committee, by unanimous voice vote, with President-elect Buck Ruffin, Secretary Bob Kauffman and Rita Sheffey abstaining, approved providing \$2,000 each for the State Bar Secretary and Treasurer positions for reimbursable travel expenses effective the next Bar year (2013-14 budget).

Juvenile Code Celebration – Just Georgia

Following a report by President Clark, the Executive Committee, by unanimous voice vote, approved providing \$5,000 to Just Georgia, from the Legislative and Public Advocacy fund, to help offset the costs for a reception for the stakeholders and volunteers who helped with the passage of the juvenile code rewrite, contingent upon the reception being held at the State Bar Building and the use of State Bar vendors to help minimize the costs.

GLSP Potential Mandatory Assessment of Lawyers by the Supreme Court of Georgia

President Clark reported that she and President-elect Ruffin had a meeting with Chief Justice Carol Hunstein and Presiding Justice Hugh Thompson who encouraged the State Bar to look at adopting either a mandatory assessment, an opt-out policy on the dues statement, or look at other solutions to help generate funds for the GLSP to help it provide access to justice for those in need.

Phyllis Holmen provided a report on the state of the GLSP. She reminded the Executive Committee that the program was started forty-two years ago by the State Bar’s then Young Lawyers Section. Georgia has been particularly hard hit by the recession. Nineteen percent of Georgians are below the poverty line. Forty percent of Georgians live below 200% of the poverty line. Fifty percent of Georgia’s children live in those families. GLSP’s resources are not keeping up with the needs. IOLTA funds are only providing 10% of what it provided four years ago, and funding from the Legal Services Corporation has been flat and is not keeping up with inflation. GLSP’s Waycross office was closed in 2007, and the Valdosta office is down to one lawyer. GLSP receives \$11.4 million in funding from various sources. About 5% of that comes from State Bar members. In addressing the issues of clients being turned away, she reported that if clients do not fit one of the niche funding sources, they have to be turned away. The

impact of LSC cutbacks, reductions in state, IOLTA and other funding sources, coupled with the increasing number of Georgians with incomes at or below poverty level, has put the program under great financial stress forcing the program to focus on its clients most critical needs.

Report of the Executive Committee Legislation Action on S.B. 202

President Clark provided a report on legislative action taken under Standing Board Policy 100 on S.B. 202.

2012-13 Legislative Year

President Clark provided an update on the 2012-13 legislative session. President-elect Ruffin, with the Executive Committee concurring, recognized President Clark for having the most effective legislative program ever under her leadership. President Clark acknowledged that a lot of credit is due to the State Bar's legislative consulting team: Rusty Sewell, Jim Collins, Charlie Tanksley, Meredith Weaver, Roy Robinson, and Zach Johnson (grass roots coordinator). She announced she is appointing a Standing Committee, consisting of the State Bar President-elect, Immediate Past President and the chair of the Advisory Committee on Legislation, among others, to meet and evaluate the State Bar's lobbying team and make recommendations concerning its makeup to the Executive Committee at its May meeting.

The Executive Committee received a copy of the a) President's 2013 Final Legislative Update that was emailed to all Bar members, b) a *SavannahNow* regarding Georgia's juvenile code rewrite, c) two *Daily Report* articles on H.B. 359, and the Supreme Court of Georgia's ruling on the assignment of legal malpractice claims, d) S.B. 141, Patients for Fair Compensation Act, e) information on LegalZoom v. North Carolina State Bar, and f) information on the January 11, 2013 Legislative Forum, committee dinners and letters and articles.

President's Report

President Clark provided an update on her recent activities. It included information on the President's *Georgia Bar Journal* Golf and Professionalism article, letters to the editor and press releases in 2012-13 circulation, keeping members informed, emails about problems with the Secretary of State's office, Paul Nally and terroristic threats, Virginia Shapard Church on mental v. physical illness, an update on suicide prevention, and the Secretary of State's website.

Treasurer's Report

Treasurer Perkins-Hooker 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 eight months ending February 28, 2013.

YLD Report

YLD President Jon Pannell provided a report on the activities of the Young Lawyers Division. The YLD Spring meeting was held at St. Simons Island the weekend of April 4-7, 2013, and was very well attended. The annual Legal Food Frenzy has kicked off and he encouraged everyone to donate food. He announced he is looking forward to the Annual Meeting on June 20-23, 2013, at the Marriott Resort on Hilton Head Island, SC.

Hyde Post Proposal

Cliff Brashier provided a report on an online marketing proposal from Hyde Post Communications. The proposal is to optimize the State Bar's website to better enable the public's use of the bar directory and its resources on how to choose a lawyer and how to connect with local bar association referral services, to provide attorneys with a basic understanding of how to approach marketing their practice effectively, and

create a web Search Engine Marketing Campaign (SEM) to drive those who are using the web to find legal help to the useful and enhanced information and services on the Bar's website.

Real Estate Task Force

Secretary Perkins-Hooker presented the Proposed Plan of Action to Address Threats to the Public From Witness Only Closings and Conduct Constituting the Unauthorized Practice of Law submitted by the 2013 Real Estate Task Force. She referred everyone to the revised proposed Formal Advisory Opinion No. 10-R2 that was handed out at the Executive Committee. She reported that the UPL Standing Committee approved drafting a complaint regarding third party service providers selling services that, by Georgia law, are only to be performed by a Georgia licensed lawyer that will be reviewed at a special called meeting. In addition, the UPL Standing Committee has authorized the UPL staff to enforce Georgia law by seeking injunctions against third party service providers that are engaging in, aiding, or abetting in the unauthorized practice of law. Following that, the Executive Committee, by unanimous voice vote, approved the report (Exhibit A). President Clark will draft an email to the Real Estate Section to inform them of the progress being made by the Task Force. President-elect Ruffin recommended that Past President Jeff Bramlett be retained to help in the efforts of drafting the complaint.

The Executive Committee received a copy of class action law suits in the cases of Clements v. LSI and Busbee v. Title Source Inc., Burton Fletcher, a copy of the UPL Standing Committee, and a *Daily Report* article on the GLSP contesting the garnishee law.

Executive Session

Upon a motion and second, the Executive Committee met in Executive Session. Thereafter, a motion was made and seconded to move out of Executive Session.

Office of General Counsel Report

Paula Frederick provided a report on the activities of the Office of General Counsel. She announced that Past President Bryan Cavan has been retained as the State Bar's new Special Master Coordinator. She reported that the Supreme Court of Georgia approved FAO 10-1 regarding conflicts of interest of public defenders offices, but denied the State Bar's motion to amend Georgia Rule of Professional Conduct Rule 1.10(d) as the Court found the amendment unnecessary in light of its approval of FAO 10.1. The Public Defender Standards Council has filed a motion with the Supreme Court for reconsideration. She provided copies of proposed FAO No. 10-R2 regarding witness only closings that will be published in the June issue of the *Georgia Bar Journal* for members comments.

President-elect Ruffin provided an update on the Spring Street viaduct project.

The Executive Committee received a written Report of the Office of the General Counsel for the period following the February Executive Committee meeting.

Draft Board of Governors Minutes

The Executive Committee received a copy of the proposed minutes of the March 9, 2013 Board of Governors meeting.

South Dakota Small Town Lawyer Subsidies

Cliff Brashier referred the Executive Committee to information on rural attorney recruitment in South Dakota.

Member Benefits Insurance Report

The Executive Committee received a Member Benefit Insurance Summary Report for 2009, 2010, 2011, 2012, and January through March of 2013.

Section Leaders Meeting

The Executive Committee received a copy of the State Bar of Georgia Section Leaders' Handbook.

Consumer Assistance Program

The Executive Committee received a report on the Consumer Assistance Program for March 2013.

Diversity Program

The Executive Committee received information on the Georgia Diversity Program's Business Development Symposium series.

2013 Fifty Year Members

The Executive Committee received a list of 50 Year Certificate Recipients admitted in 1963.

Transition into Law Practice Program

The Executive Committee received a copy of *The Bench* article on Georgia's Transition into Law Practice Program.

Old Business

There was no old business.

New Business

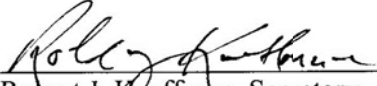
A motion to table until the next Executive Committee meeting a discussion on pro-rating dues was approved by unanimous voice vote.

Adjournment

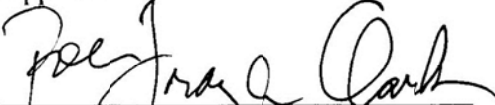
There being no further business, the Executive Committee meeting was adjourned.

Executive Committee/Supreme Court Retreat

The Executive Committee and Justices of the Georgia Supreme Court conducted a joint meeting on April 27, 2013, 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 Carol W. Hunstein, Justice Robert Benham, Justice P. Harris Hines, Justice David E. Nahmias, and Justice Keith R. Blackwell.


Robert J. Kauffman, Secretary

Approved:


Robin Frazer Clark, President