

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Friday, April 21, 2017  
Hyatt Regency on Capitol Hill/Washington, D.C.**

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; John R.B. Long, YLD Immediate Past President; Thomas R. Burnside, III; Elizabeth Louise Fite; Phyllis Holmen (by phone); Dawn Jones; David S. Lipscomb; and Nicki Vaughan (by phone).

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 reviewed the Future Meetings Schedule.

Executive Committee Minutes

The minutes of the Executive Committee meeting held on February 17, 2017, were approved, as revised, 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: Mark J. Scott-012178; Rachel Marie Fahery-970648; Brent A. King-004970; Martin L. Melton, III-560643; Matthew McFarlane-707761; Barry Kyle Childress-124405; Kelly Rixner-Curry-607555; Katrien Hemelsoet-122756

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee approved the following requests for disabled status by unanimous voice vote: Amelia M. Feuss-350518; Amy Hope Mitnick-513826; Susan Quinn Deese-215843

Members Requesting Extension of Time for Fitness

The Executive Committee, by unanimous voice vote, took the following action on members requesting extensions of time to complete fitness:

- 1) Approved a one-year extension of time to complete Fitness for Kipp Knight (380686). He is also required to pay all past due fees, and change his membership status to Resigned-Good Standing while he is completing Fitness; and
- 2) Approved an extension of time to complete Fitness for James Brumsey (090688), and established a new termination date of January 24, 2018 if Fitness is not completed.

Executive Session

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

Distinguished Service and Employee of the Year Awards. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

### ICLE

President Pat O'Connor reported that the ICLE rules have been adopted by the Supreme Court of Georgia and that Immediate Past President Bob Kauffman will call a meeting of the new ICLE Board in the near future. After reporting that the Court removed the judicial immunity clause in the ICLE rules because the Court did not believe that judicial immunity applies in this instance, Paula Frederick explained the immunity provisions in existing Bar rules. Following that, the Executive Committee discussed having the chair of the Insurance Committee meet annually with the Executive Committee to review the Bar's insurance coverages and answer any questions or concerns it may have about immunity or other issues.

Jeff Davis reported on ICLE's operations and the need for and benefits for moving ICLE to the State Bar Building. Through attrition at ICLE, staff is being replaced with people who are willing to work in downtown Atlanta. The Bar has entered into a forbearance agreement with the UGA Law Alumni Association and all of the affected property is in the process of being appraised. The Bar also entered into an extension with the Law Alumni Association for ICLE to stay in its current location until the end of December. He would like to get ICLE integrated into the Bar's accounting and membership database systems, as well as automate the current method of entering attorneys' CLE credit hours, the on-site registration process, and other processes that are currently done by hand. Jeff Davis also reported that a decision on whether to keep the print shop, which appears to be operating at a loss, and instead move to an electronic format for all printing, will be a discussion for the new ICLE Board. Most other bar associations that conduct CLEs have moved to electronic formats only and CLE attendees can either choose to print the materials or view them electronically on their devices.

The Executive Committee, by unanimous voice vote, approved a motion to begin the process of moving ICLE from Athens to the Bar Center.

### Access to Justice Committee Proposed Resolution

Following a report by President Pat O'Connor on a proposed resolution requested by the Access to Justice Committee about funding for the Legal Services Corporation (LSC), the Executive Committee took the following action:

1. By majority 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 be meeting until June 9, 2017; and
3. By unanimous voice vote, approved the Resolution of the State Bar of Georgia in Support of Federal Funding for Civil Legal Services, as revised (Exhibit A).

### Creation of Biking Law Section

Following a report by President Pat O'Connor, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the Bylaws creating the Biking Law Section (Exhibit B).

Jeff Davis asked the Executive Committee to think about increasing the threshold number of signatures required for the creation of a section, which is currently ten members, because Section activities are self-funded through section memberships.

### Executive Session

Following a motion and second, the Executive Committee met in Executive Session to discuss the Officers' stipends. Thereafter, by majority voice vote, the Executive Committee emerged from Executive Session.

### State Bar Policies – Sponsorships

Jeff Davis reported on Officers using their Officer accounts for donations to various entities, and whether doing so should be subject to the Bar's Sponsorship Policy. Following a general discussion, the Executive Committee, by unanimous voice vote, approved the President appointing a subcommittee to revise the Bar's current Sponsorship Policy that is consistent with the concerns expressed during that discussion, as well as the timing of sponsorship requests. The following members were appointed to the subcommittee: Darrell Sutton, Nicole Leet, Elizabeth Fite, Paula Frederick, Bill NeSmith, Jeff Davis, and Steve Laine.

### Officers and Executive Committee Policies: Judicial Office, Personal Public Political and Judicial Endorsement, Removal of Officers or Executive Committee Members

Paula Frederick presented for general discussion the following draft policies: Judicial Office, Personal Public Political and Judicial Endorsement, and Removal of Officers or Executive Committee Members.

The draft policy on Personal Public Political and Judicial Endorsement included the following provisions:

While the State Bar encourages its members to seek judicial office, anyone who runs for judicial office is subject to the Code of Judicial Conduct. Being subject to the Judicial Code could prevent an Officer or Executive Committee member from fulfilling some of the duties inherent in those positions because judges have to regulate their extra-judicial activities to minimize the risk of conflict with their judicial duties. Additionally, when an Officer or Executive Committee member is campaigning for judicial office, it could be difficult to avoid the appearance that the candidate is being supported or endorsed by the State Bar of Georgia.

The Executive Committee asked the General Counsel's office to research the issue further and report back to the Executive Committee at its May meeting.

The Executive Committee asked the General Counsel's Office to reword the proposed Personal Public Political and Judicial Endorsement Policy before distributing it for the Executive Committee's review and comment.

The Executive Committee also asked the General Counsel's Office to make changes to the investigative process proposed in the Removal of Officers or Executive Committee Members Policy for review and further discussion.

### Sponsorship Request

The Executive Committee, by unanimous voice vote, approved the following sponsorship requests: 1) \$1,500 sponsorship request from GABWA for its 2017 Glitter Gala on July 22, 2017; and 2) \$1,500 sponsorship request from the National Association of Women Judges for its 39<sup>th</sup> Annual Conference in Atlanta on October 11-15, 2017.

### Judicial Procedure & Administration/Uniform Rule Committee

Bill NeSmith reported on the final version of USCR Rule 22, which was unanimously approved by the Judicial Procedure & Administration/Uniform Rules Committee. The rule will be presented to the Board of Governors at the Annual Meeting.

#### Clients' Security Fund Part X Proposed Amendments

Following a report by Bill NeSmith, the Executive Committee, by unanimous voice vote, with David Lipscomb recusing, approved recommending to the Board of Governors proposed amendments to Part X of the Clients' Security Fund (Exhibit C).

#### Wellness Committee Standing Committee

The Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors that the Attorney Wellness Task Force become a Standing Committee beginning the 2017-18 Bar year.

#### Approval of 2017-2018 State Bar Budget

Following a report by Treasurer Ken Hodges and Steve Laine, the Executive Committee, by unanimous voice vote, approved and recommended to the Board of Governors the 2017-2018 Proposed (3<sup>rd</sup> Draft) State Bar and Bar Center Budgets, as revised (Exhibit D). The budget also reflects:

- 1) Dues at \$250 for active members and \$125 for inactive members, which represents a \$2 dues increase; 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) A suggested \$300 opt-in provision for individual contributions (\$100 for young lawyers) for the Georgia Legal Services Program.

#### President's Report

President Pat O'Connor thanked the Executive Committee for their support and hard work this Bar year. He especially thanked Immediate Past President Bob Kauffman for his leadership on the ICLE transition and for his mentorship. He stated that the Bar can be confident in the good leaders coming up, which includes President-elect Buck Rogers, Treasurer Ken Hodges, YLD President-elect Nicole Leet, and Secretary Darrell Sutton. President O'Connor also thanked Jeff Davis, Sharon Bryant, Paula Frederick, Bill NeSmith, Steve Laine, Christine Butcher, and Michelle Garner for their assistance. Finally, he expressed thanks to departing Executive Committee members Thomas Burnside, YLD Immediate Past President Jack Long, and Immediate Past President Bob Kauffman.

The Executive Committee recognized President O'Connor for stepping up a year early and for his leadership this year.

#### Treasurer's Report

Treasurer Ken Hodges provided an update about the Bar's finances. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of February 28, 2017; Income Statement YTD for the Eight Months Ended February 28, 2017; Bar Center Revenues and Expenditures for the Eight Months Ended February 28, 2017; State Bar Balance Sheet as of February 28, 2017; Summary of Dues and Voluntary Contributions as of February 28, 2017; Legislative Fund and Cornerstones of Freedom Fund Activity Reports as of February 28, 2017; and Summary of Investment Portfolio as of February 28, 2017. The Executive Committee also received a report on Recent Non-Assessed Programs.

YLD Report

YLD President Jennifer Campbell Mock reported on the activities of the YLD. She stated that she is winding down her Bar year. She reported that the Legal Food Frenzy is in full swing and will end on April 28. Thereafter, she thanked the Executive Committee for its support. President Pat O'Connor recognized YLD President Mock for her leadership.

Executive Director's Report

This report was covered during earlier reports.

Office of General Counsel Report

This report was covered, in part, during earlier reports. Paula Frederick also thanked the Executive Committee for its support of the disciplinary rules revisions and for Bill Smith's retirement dinner. Lastly, she reported on some staffing changes in the Office of General Counsel.

Legislative Update

Christine Butcher reported that her focus for the summer will be building relationships with Georgia's legislators. Because this was the end of her first year as the Bar's Director of Governmental Affairs, she stated she was open to any suggestions the Executive Committee may have on how she can improve the Bar's legislative program.

Old Business

There was no old business.

New Business

There was no new business.

Adjournment

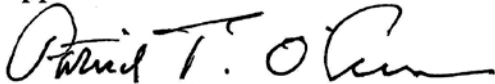
There being no further business the meeting was adjourned.



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Darrell L. Sutton, Secretary

Approved:



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Patrick T. O'Connor, President