

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Thursday, May 23, 2013
Coastal Georgia Office/Savannah, GA**

Members Present:

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

Staff Participating:

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

Recognition of Outgoing Executive Committee Members

President Robin Frazer Clark recognized outgoing Executive Committee members Immediate Past President Ken Shigley and YLD Immediate Past President Stephanie Kirijan and thanked them for their service and support.

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 April 26-27, 2013 (As Revised)
- 2) Future Meetings Schedule (Current Version)
- 3) Approval of Members' Requests:
 - a. Resignation Requests (grant):
Linda Maney Thorpe (495805), Susan L. Jones (403579)
 - b. Petition for Disability Requests (grant):
Miguel J. Cortez, Jr. (840179), Todd Cline (170533)

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

Distinguished Service Award

President Clark announced her recipient for this year's Distinguished Service Award and members of the Executive Committee nominated others for future consideration.

2013 Employee of the Year

Paula Frederick announced that Bobbie Kendall has been selected as the 2013 Employee of the Year.

Personnel Committee

Following a report by Paula Frederick and President-elect Buck Ruffin, the Executive Committee, by majority voice vote, with YLD President Stephanie Kirijan abstaining, approved the independent

contractor agreements for Norman Zoller (Military Legal Assistance Program Director) and Marlene Melvin (Law-Related Education Program) as recommended by the Personnel Committee.

Following a report by President Clark on the State Bar adopting domestic partner benefits for State Bar staff, as was recommended by the Personnel Committee, the Executive Committee took the following action:

- 1) By a hand vote of 4 in favor to 9 opposed, defeated a motion to table the issue until the next Executive Committee meeting following the U.S. Supreme Court's rulings on current cases pending before it on same sex issues; and
- 2) After additional discussion, and by majority voice vote, tabled a motion to accept the Personnel Committee's recommendation to expand the definition of dependents in the State Bar's insurance policies to include those that have submitted an affidavit of domestic partnership. At the request of President Clark, she wants the minutes to reflect that she moved in favor of changing the current policy so as to allow domestic partner benefits for State Bar staff and that she also voted against tabling the motion.

2013-2014 State Bar Budget

Following a report by Treasurer Perkins-Hooker, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors at the 2013 Annual Meeting the proposed 2013-2014 State Bar Budget and 2013-2014 Bar Center Budget (Exhibit A). (Please see item 4) below for insurance premium additions.)

Paula Frederick and Cliff Brashier provided an overview of the State Bar's Unlicensed Practice of Law (UPL) program. Following that, President-elect Ruffin requested that the UPL program provide an update on its activities at a future Executive Committee, and Pat O'Connor said he would ask the UPL Standing Committee chair to invite President-Elect Ruffin to its meeting on June 13, 2013.

The Executive Committee concurred with Secretary Bob Kauffman's idea of utilizing up to \$25,000 out of the Cornerstones of Freedom 2013-14 budget to help the State Bar's Law-Related Education Program to provide funds for school buses to those schools that are more than 100 miles away, as it has done in the past when it has obtained grant money.

Following a report by Secretary Kauffman, the Executive Committee took the following action on State Bar insurance policies:

- 1) Approved, by majority voice vote, a motion to increase the Professional Liability Policy liability limit from \$1 million to \$2 million, and keep the \$250,000 litigation reserve as is;
- 2) Approved, by unanimous voice vote, a motion to increase the liability limit for the Umbrella policy from \$4 million to \$10 million;
- 3) Approved, by unanimous voice vote, a motion to purchase an endorsement to the State Bar's Automobile Coverage for certain Bar employees who transport Bar leaders/members/volunteers to and from Bar events at an annual premium of \$1500;
- 4) Approved, by unanimous voice vote, a motion to recommend to the Board of Governors that the additional premiums for these insurance policies be included the 2013-14 Proposed State Bar Budget; and

- 5) Recommended that the incoming President appoint an Insurance Committee to further review the State Bar's insurance policies. Members of the Executive Committee who volunteered to serve on that committee included Buck Rogers, Immediate Past President Ken Shigley and Treasurer Patrise Perkins-Hooker.

President-elect Ruffin requested that the Office of General Counsel verify for the Executive Committee the types of insurance, and for whom, that are provided under the State Bar's current insurance policies.

Following a discussion by President Clark, the Executive Committee, by unanimous voice vote, approved amending the State Bar's employee manual to reflect that Bar employees will not conduct Bar business on their cell phones while driving, including 1) no texting in compliance with Georgia state law, and 2) no telephone conversations, including hands free conversations, while driving unless pulled over in a safe parking area. Paula Frederick reported that she will have the Bar's Employee Manual updated to reflect that policy.

Pro-rated Dues/Assessments for New Attorneys

Following a report by YLD President Jon Pannell, the Executive Committee asked the State Bar Membership Department to look into and research the idea of pro-rating dues for new Bar members and report back its findings.

Real Estate Task Force

After President-elect Ruffin recused himself, Treasurer Perkins-Hooker provided an update on the activities of the Real Estate Task Force. Upon a motion and second, the Executive Committee went into Executive Session for further discussion. After which a motion was made and seconded to move out of Executive Session.

Next Generation Courts Commission

Following a report by Judge Lawton Stephens on the Next Generation Courts Commission's study on improving the courts over the next ten to fifteen years and its recommendations outlined in its Executive Summary, the Executive Committee, by unanimous voice vote, approved recommending the Executive Summary (Exhibit B) to the Board of Governors.

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 nine months ending March 31, 2013.

Treasurer Perkins-Hooker reported that to date over 1,000 Bar members have included either the \$2 credit for active members or the \$1 credit for inactive members in their dues payment. Thereafter, and in lieu of sending out individual refund checks, the Executive Committee, by majority voice vote, approved giving Bar members who failed to deduct the \$1 or \$2 in their dues payment a corresponding credit on their next year's (2014-15) dues statement. A letter or email will be sent to the affected members to notify them of the overpayment and credit on their 2014-2015 dues statement.

The Executive Committee received a copy of the State Bar's Investment Policy. No changes were recommended.

Committee to Promote Inclusion in the Profession

Following a report by R. Javoyne Hicks White on a request from the Committee to Promote Inclusion in the Profession for \$1500 for its 2013 Equality Awards Reception that will take place in conjunction with the Annual Meeting, the Executive Committee, by unanimous voice vote, approved the request.

Spring Street Viaduct, GDOT Condemnation

Following a motion and second, the Executive Committee discussed this item in Executive Session. Thereafter a motion was made and seconded to move out of Executive Session.

Rule 7.2 Advertising Rule Amendments

Following a report by Paula Frederick on suggested changes to Rule 4-228 Receiverships, and Rule 7.3 Direct Contact With Prospective Clients, the Executive Committee, by unanimous voice vote, approved recommending the changes to the Board of Governors and republishing them for members' comments before refiling them with the Supreme Court of Georgia.

ABA Resolution Sponsorship

Following a report by Paula Frederick on a Resolution and Report that will be submitted to the ABA House of Delegate in August by the ABA International Trade in Legal Services Task Force and the ABA Standing Committee on Professional Discipline on proposed Guidelines for an International Regulatory Information Exchange, the Executive Committee, by unanimous voice vote, agreed that the State Bar of Georgia be listed as a cosponsor.

Following a report by Paula Frederick on revisions to the ABA's Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as recommended by the ABA Standing Committee on Legal Aid and Indigent Defendants and the ABA Center for Pro Bono, the Executive Committee, by unanimous voice vote, agreed that the State Bar of Georgia be listed as a cosponsor.

Sponsorship Request

Following a report by Paula Frederick, the Executive Committee, by unanimous voice vote, declined a sponsorship request by the Georgia Association of Black Women Attorneys for its 2013 Glitter Gala and Auction on July 20, 2013.

Standing Executive Committee Policy 800

Following a report by Cliff Brashier, the Executive Committee, by unanimous voice vote, approved proposed amendments (Exhibit C) to Standing Executive Committee Policy 800 (Fastcase Policy).

Report: Legislative Representation Committee

Following a report by President Clark, the Executive Committee, by unanimous voice vote, approved the recommendations of the Legislative Representation Committee to 1) retain Rusty Sewell, Jim Collins, Meredith Weaver, and Roy Robinson as the Bar's legislative consultants, and Zach Johnson as the Bar's grassroots coordinator, with a small negotiated COLA increase, for the 2013-14 legislative session, 2) thank Charlie Tanksley for his past service to the State Bar, and 3) study for consideration, perhaps this fall, the hiring of a member of the State Bar of Georgia as the Bar's full-time governmental relations director. The purpose is long-term program continuity, institutional memory, advice for both Bar presidents and the outside lobbyists on Bar policies, and governmental affairs.

President's Report

President Clark reported that the Suicide Prevention video will be ready for presentation at the Annual Meeting.

YLD Report

YLD President Jon Pannell provided a report on the activities of the Young Lawyers Division. The Appellate Admissions Ceremony was held May 9, 2013, where over 180 people were sworn in. He announced that Tyronia Smith, who has been a YLD ABA delegate for several years, was selected as the 2013 ABA Rosner and Rosner Young Lawyers Professionalism Award, and Kimberlee Hillard was selected as the recipient of the 2013 Ethics and Professionalism Award. The Leadership Academy met in conjunction with the 11th Circuit Judicial Conference. He thanked everyone who participated in the Legal Food Frenzy, which had a 38% increase in food donations over last year, which was the inaugural year. He expressed his gratitude to the Executive Committee for its support to him as YLD President and to the Young Lawyers Division.

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 Coordinating Special Master.

The Executive Committee received copies of the Supreme Court Order regarding FAO 10-1 and Motion to Amend 2012-1, a Motion for Reconsideration or Clarification filed on behalf of the Georgia Public Defender Standards Council, the Response of the State Bar of Georgia to that motion, and the Reply Response of the Georgia Public Defender Standards Council.

The Executive Committee received a *Daily Report* article about two class action law suits regarding witness only closings.

2013 Law Day Final Report

Rita Sheffey provided a final report on the 2013 Atlanta Law Day program, *Realizing the Dream: Equality for All!* The program is being submitted in the name of the committee to the ABA Law Day Awards for consideration. The Executive Committee received an *Atlanta Journal Constitution* Op-Ed column about the program written by President Clark.

2013-2014 Executive Committee Elections

Cliff Brashier provided a report on the upcoming Executive Committee elections.

Fastcase/State Bar E-Filing Portal

Cliff Brashier reported that there is a proposal in the works to ask Fastcase to provide an e-filing portal. The State Bar would pay a fee to Fastcase to provide the portal. All lawyers who need to e-file in any Georgia court would log into Fastcase through the Bar's website, and then they would be moved to whatever proprietary system exists in the appropriate county and court. Rita Sheffey reported that the Supreme Court's E-filing Committee has not made much progress to date, but will be meeting next Friday.

2013-14 Preview

President Clark handed the meeting over to President-elect Ruffin, and thanked everyone for their support during her year as President. President-elect Ruffin thanked her for a wonderful job and stated that the State Bar was well-served under her leadership. Thereafter, he reported that a lot of what he would like to do this year is continuity and carry on initiatives of former Presidents Lester Tate, Ken Shigley, and outgoing President Robin Clark. Some of those initiatives include the President's Advisory Committee, the SOLACE program, the suicide prevention and awareness initiative, and the legislative affairs program and possible addition of a governmental relations director. He is appointing a committee to plan a 50th anniversary celebration of the State Bar of Georgia in conjunction with the Midyear Meeting. Governor Nathan Deal will be the keynote speaker of that event. Also, in celebration of the 225th anniversary of the

ratification of the U.S. Constitution, he is planning a Constitutional Law Symposium in March. He has a commitment from U.S. Associate Justice Antonin Scalia and a tentative commitment from U.S. Associate Justice Stephen G. Breyer, commitments from two prior U.S. Solicitors General, and he is endeavoring to get David McCullum and Judge Ellis. He hopes to be able to open up the symposium to non-lawyers.

Criminal Justice Reform (Governor Deal)

The Executive Committee received a *Marietta Daily Journal* article about Governor Deal's efforts to continue reforming Georgia's criminal justice system with a focus on helping inmates transition back into society.

Election Results

The Executive Committee received the 2013 Election results.

Juvenile Code Celebration – JustGeorgia

The Executive Committee received information on the reception honoring the stakeholders of the juvenile code rewrite.

Members Insurance Participation Report

The Executive Committee received a Member Benefit Insurance Summary Report from BPC through April 2013.

Chief Justice's Commission on Professionalism

The Executive Committee received the agenda for the May 17, 2013, meeting of the Chief Justice's Commission on Professionalism.

New Chief Justice Thompson Elected

The Executive Committee received a *Daily Report* article on the election of Justice Hugh Thompson as the new Chief Justice effective August 15.

Washington Supreme Court Authorizes Non-Lawyer Limited Law Practice

The Executive Committee received information on the Washington Supreme Court's adoption of a Limited License Legal Technician Tule. The rule authorizes non-attorneys who meet certain educational requirements to advise clients on specific areas of law, which have yet to be determined.

BASICS Graduation

The Executive Committee received information from the BASICS Program on the Metro Transitional Center's May 3, 2013, graduation ceremony.

Old Business

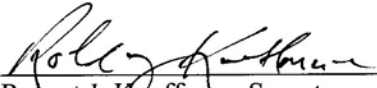
Following a report by Jon Pannell, a motion that Immediate Past Presidents, who have money left over in their expense allowance, may utilize those funds during their Past Past President year for Bar-related activities, was approved, with Immediate Past President Ken Shigley and YLD Immediate Past President Stephanie Kirijan recusing themselves, by unanimous voice vote.

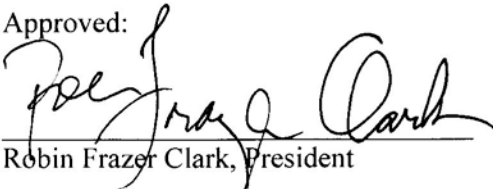
New Business

There was no new business.

Adjournment

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


Robert J. Kauffman, Secretary

Approved:

Robin Frazer Clark, President