

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Tuesday, August 16, 2016/11:00 a.m.  
Hull Barrett Law Firm/Augusta, GA**

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 (by phone); Phyllis Holmen; Dawn Jones; David S. Lipscomb; and Nicki Vaughn.

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. All members of the Executive Committee were in attendance as indicated above.

Future Meetings Schedule

President Pat O'Connor reviewed the Future Meetings Schedule.

Executive Committee Minutes

The minutes of the May 19, 2016, and June 29, 2016, meetings of the Executive Committee were approved by unanimous voice vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee, by unanimous voice vote, approved the following resignation requests: Colin E. McDonald-488725, Susan E. McNally-498294, Patricia Sullivan Ullman-721618, Madeline Warner-655740, Gary A. Alexion-009235, Laura Jane Lester-447520, Joseph Frank Chvasta Jr.-908670, Laurence J. Shapiro-637806, John B. Wolf-773275, Arnold L. Cooperman-186650, Leona Alice Power-586574, Michael Jason Greenberger-991310, Russell Doyle Shurtz-644719, Allan T. Downen-228225, Anuradha Yadav-557479, Allan T. Robes-609813, Jane Burritt Whitehurst-755550, Carl E. Bystrom-000730, Elie Marc Miller-506577, Elizabeth Cona Jacobs-388028, Kathy Lynn Urbach-722667

Members Requesting Disability

Pursuant to State Bar Rule 1-202, the Executive Committee, by unanimous voice vote, approved the following requests for disabled status: Jacqueline Scott-632037, Bernard R. Thomas Sr.-704675, Russell Mabrey-462790, Aja Diamond Moore-142003, Wendy B. Hart-142037, Jay John Schnell-629575, Thomas Jefferson Moore Jr.-520850

Member Request: Appeal for Extension of Time to Complete Fitness

The Executive Committee, by majority voice vote, granted a request by Everett Kilphouse for an extension of time to complete the Fitness process on the condition that it is completed by no later than June 1, 2017.

### Hospitality Suites at Meetings

President Pat O'Connor reported that he received feedback from Bar members requesting that a hospitality suite be available at Bar meetings to provide a location for members to gather for socializing, networking, and meeting other new members. The Executive Committee concurred that a general meeting location for Bar members promotes camaraderie, but there was no consensus on whether the hospitality suite should offer only non-alcoholic beverages, a cash bar, or a hosted bar. President Pat O'Connor reported that due to the location and meeting agenda for the Fall Board of Governors meeting at Callaway Gardens, he will have a hospitality suite with a hosted bar available for a limited time only on Friday evening following the Board dinner.

### Lawyer Assistance Program (LAP)

Jeff Kuester, LAP Committee Chair, reported on the soon to be launched *Lawyers Helping Lawyers (LHL)* peer volunteer program and the *LHL* database. The database is designed to assist participants who identify a problem and request to meet with a colleague who has successfully managed a similar problem or who can offer support and guidance. All attorney peer volunteers will be required to attend a training session that will be conducted by CorpCare. He explained that while the State Bar owns the database and all the information contained therein, CorpCare is being asked to be responsible for maintaining the database and keeping it secure. The Executive Committee received copies of the database's screen shots and waiver forms.

Jeff Kuester reported that he is exploring the idea of the voluntary side of the LAP splitting away from the State Bar into a separate 501(c)(3) foundation/organization. The separation of the LAP from the State Bar would alleviate Bar members' perceived privacy concerns and the appearance of a connection with the Office of General Counsel. Approximately a third of the state bars with LAP's operate with this type model. The Executive Committee consensus was for the LAP to continue to explore this idea.

Jeff Kuester announced that he has been appointed to the ABA CoLAP Advisory Committee.

### Augusta Bar Association Luncheon

The Executive Committee joined the Augusta Bar Association for lunch, where President Pat O'Connor addressed the group.

### Rule 1-501.1 License Fees - Proposed Rule Change Related to Waivers and Appeals of Licensing Fees

Following a report by Bill NeSmith, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed Rule 1-501 (Exhibit A), as amended.

### Rule 4-402 Formal Advisory Opinion Board

Following a report by Bill NeSmith, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed amendments to Rule 4-402 (Exhibit B) that adds a member of the Executive Committee to the Formal Advisory Opinion Board for a one-year term.

### Proposed Disciplinary Rules Changes

Paula Frederick briefly reported on proposed disciplinary rules changes approved by the Disciplinary Rules and Procedures Committee. The rules changes will improve the operation of the lawyer disciplinary system in efficiency, effectiveness, and protecting the public. President Pat O'Connor reported that there will be a more in depth discussion on the proposed new rules at the Executive Committee Retreat, and he urged everyone to educate themselves on them. Paula Frederick reported that there will be an open hearing on the proposed new rules at the Fall Board of Governors meeting, and a vote on the rules by the Board of Governors at the Midyear Meeting.

### Proposed Amendments to USCR 22

Following a report by Nicki Vaughan, the Executive Committee, by unanimous voice vote, opposed Proposed Modifications to USCR 22. The modifications are almost identical to those proposed in USCR 48 in 2015, which the Executive Committee opposed at that time. Bill NeSmith will draft a letter to the Council of Superior Court Judges for the Executive Committee's review and comment reiterating the Bar's opposition.

### High School Mock Trial (HSMT) – Reallocation of Restricted Funds to the 2019 National HSMT Championship

Following a report by Jeff Davis, the Executive Committee, by unanimous voice vote, approved allocating \$20,000 from the HSMT Program's restricted funds to the 2019 National HSMT Championship. The State Bar of Georgia will host the Championship in Athens on May 16-18, 2019.

### Sponsorships

The Executive Committee, by unanimous voice vote, approved a \$2500 sponsorship request from the Georgia Legal Services Program for its Biennial Champions of Justice recognition event on October 13, 2016. The funds will be paid from the Conference Sponsorship line item.

Jeff Davis presented a proposed draft policy concerning the State Bar providing financial sponsorships for events or to other organizations. He encouraged everyone to read it before the Executive Committee Retreat.

### Request for Amicus Brief: *Mad Joint Investments v. Fidelity National Title Company; Apollo Land Title Company; Tiffiny Wolf, Esq. and Johnson & Freedman, LLC*

President Pat O'Connor and Paula Frederick presented a request for an Amicus Brief in *Mad Joint Investments v. Fidelity National Title Company; Apollo Land Title Company; Tiffiny Wolf, Esq. and Johnson & Freedman, LLC*. The Executive Committee, by unanimous voice vote, denied the request as it does not meet the requirements of the State Bar's Amicus Brief Policy.

### President's Report

President Pat O'Connor reported that the JQC Legislation Task Force is scheduled to meet again on September 1. He stated that there are two other entities also working on the JQC issue. One is a committee formed by Supreme Court Justice David Nahmias, who serves as the liaison between the Supreme Court and the legislature, which is looking at ways to improve the legislation. Those improvements propose adding 3 additional members to the JQC to act as a hearing panel and to be appointed as follows: one lawyer appointed by the State Bar, one judge appointed by the Supreme Court, and one lay member appointed by the Governor. His committee is also trying to reduce the number of names the State Bar needs to submit for the other State Bar appointment. The other entity is an alliance of Common Cause Georgia, the Southern Center for Human Rights, the NAACP, and the ACLU that opposes the constitutional amendment replacing the JQC with a new commission designed by the General Assembly. Nicki Vaughan reported that the alliance plans to conduct some sort of media campaign encouraging the public to vote against the constitutional amendment. President-elect Buck Rogers reported on the activities of the JQC Task Force. Task Force members are submitting their suggestions, which are being synthesized before being disseminated back to the Task Force. President Pat O'Connor stated that he is in the process of setting up meetings with Speaker David Ralston and Representative Wendell Willard to discuss State Bar relations and the JQC. He plans to provide an update to the Board of Governors on the Bar's JQC efforts after the September meeting of the JQC Legislation Task Force. Christine Butcher reported that the legislature has yet to establish the JQC Study Committee.

President Pat O'Connor announced that the Advisory Committee on Legislation meets on September 14. He will be speaking at the Chief Justice's Commission on Professionalism Convocation on the Profession on August 30, and at the YLD Women in the Profession Committee's 100<sup>th</sup> Anniversary Celebration of

women lawyers' event on August 24. He reported that the October *Georgia Bar Journal* is dedicated to the 100<sup>th</sup> Anniversary Celebration.

#### CloudLaw/Zeekbeek Consortium State Bar Lawyer Referral Service

President Pat O'Connor and Jeff Davis reported on CloudLaw, Inc. that has partnered with the State Bar of Michigan and the Ohio State Bar Association to create linked member directories that help consumers find their active attorneys on Zeekbeek.com. Features members can take advantage of include the ability to create customized profiles that consumers can search to find a lawyer, establish unique URLs that allow members to use the profile page as a personal website, and several others. It would be a free service for State Bar members and good public service to members of the public needing lawyers. The Member Benefits Committee has been asked to review and comment on the program.

#### Strategic Plan

President Pat O'Connor reported that there will be a strategic plan update at the Executive Committee Retreat.

#### Treasurer's Report

Following a report by Treasurer Ken Hodges, the Executive Committee, by unanimous voice vote, approved the following transfers from the State Bar's surplus to the following accounts: \$271,931 to replenish Cornerstones, \$50,000 to increase the Litigation Reserves, \$57,850 to bring the Meetings Fund to zero, and \$413,577 for the 2015-16 Bar year net loss.

Treasurer Ken Hodges reported on the Bar's finances and investments. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of May 31, 2016; Income Statement YTD for the Eleven Months Ended May 31, 2016; Bar Center Revenues and Expenditures Summary for the Eleven Months Ended May 31, 2016; State Bar Balance Sheet as of May 31, 2016; Summary of Dues and Voluntary Contributions at May 31, 2016; Investment Performance Comparison 2005-2016, and Legislative Fund and Cornerstones of Freedom Fund Activity Reports through May 31, 2016.

#### YLD Report

YLD President Jennifer Campbell Mock reported on the activities of the YLD. She announced that the Leadership Academy participants have been recruited. She stated that the *YLD Newsletter* is being reformatted. She reported on what an amazing job Morgan Clemons has done on getting great programming and sponsorships for the YLD Women in the Profession Committee's 100<sup>th</sup> Anniversary Celebration and Retreat. She invited members of the Executive to attend one of the YLD meetings this year to meet and share with the young lawyers their experiences as leaders in their profession.

#### Executive Director's Report

Jeff Davis reported that he and Past President Bob Kauffman will be meeting with the consultants that prepared the study on the feasibility of utilizing the 5<sup>th</sup> floor as a data center to discuss their findings.

#### Office of General Counsel Report

Paula Frederick reported on the activities of the Office of General Counsel and referred the Executive Committee to her written memorandum to them concerning their interaction with consumers contacting them about problems with their lawyers. She announced that she will be sending each of them a memo briefly outlining policies and procedures that appear on the State Bar's website to help them avoid pitfalls and problems during their service. Those policies and procedures include Legislation, Contacts with the Press, Conflicts of Interest, Websites, Contracts and Legal Services to the Public.

Board of Governors Minutes

The Executive Committee received copies of the minutes of the June 17 and 18, 2016, meetings of the Board of Governors.

February 2016 Georgia Bar Examination Pass List

The Executive Committee received a copy of the February 2016 Georgia Bar Examination Pass List.

Daily Report Article: State Bar of Georgia Will Not Fight Amendment to Abolish Judicial Watchdog Agency

The Executive Committee received a copy of a Daily Report article concerning the JQC.

ABA Journal Article: Legal Aid Agencies are Using Webchat to Answer Queries

The Executive Committee received a copy of an *ABA Journal* article about how legal services providers are using a Webchat tool to improve access to legal aid. It allows users to communicate in real time using easily accessible web interfaces.

Old Business

President Pat O'Connor reported that he wants the Executive Committee to consider doing away with the current Officers Travel and Expense reimbursement policy and going back to the former policy. A motion to revoke the current policy and revert back to the previous policy was approved by majority voice vote, with the understanding that the previous policy will be reviewed at the Executive Committee Retreat.

New Business

Treasurer Ken Hodges reported that Judge David Cannon wants the State Bar to appoint a committee to look at electronic notification of conflicts, scheduling and calendaring. Jeff Davis said he would see if there is a Supreme Court committee already working on those issues.

Treasurer Ken Hodges reported that GTLA wants to know what the Bar's position will be on Uniform Rule 6.8 (e-discovery rule). The Executive Committee, by unanimous voice vote, approved the State Bar responding through a letter that the Board of Governors already took a position on the issue and the position has not changed.

Executive Session

Following a motion and second, the Executive Committee met in Executive Session to discuss legislative lobbyist contracts, and by unanimous voice vote, approved the proposed lobbyist contracts for the 2016-17 Bar year. Thereafter, by unanimous voice vote, the Executive Committee moved out of Executive Session.

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