

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Wednesday, August 2, 2017/12:00 p.m.  
State Bar Building/Atlanta, GA**

Members Participating:

Brian D. (Buck) Rogers, President; Kenneth B. Hodges, III, President-elect (by phone); Dawn M. Jones, Secretary; Darrell L. Sutton, Treasurer; Patrick T. O'Connor, Immediate Past President (by phone); Nicole C. Leet, YLD President (by phone); Rizza O'Connor, YLD President-elect; Damon E. Elmore; Elizabeth Louise Fite; Phyllis Holmen; David S. Lipscomb; Frank Strickland; and Nicki Vaughan (by phone).

Members Absent

Jennifer Campbell Mock, YLD Immediate Past President.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Christine Butcher Hayes, 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 Buck Rogers called the meeting to order and welcomed new EC members in attendance. Members of the Executive Committee in attendance are indicated above.

Future Meetings

President Buck Rogers reviewed the Future Meetings Schedule. The Executive Committee discussed setting an Executive Committee meeting in early February since the Georgia General Assembly will convene on January 9, 2018, to which President Rogers agreed.

Executive Committee Minutes

Secretary Dawn Jones presented the minutes of the Executive Committee meeting held on May 19 2017, which were approved by unanimous voice vote. She then presented the minutes of the Executive Committee meeting held on July 14, 2017, which were revised to change "President Pat O'Connor" to "President Buck Rogers" in the Call to Order, and then 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: George Austin III-028842, Mark Chester-123812, Christopher Paul Calsyn-435139, Edward E. Robinson-610290, Fan Zhang-785034, Jared Bybee-831165, Kelly McCracken III-486500, Thomas G Burch Jr.-094925, Karen W. Rowles-617150, John F. Eichorn-242375, Lara Bishop Keahey-142175, Paul M. Coe-172820, Chaney Lynne Clark-126460, Ashley Baquero-445721, Patricia VanAllan-723386, Carolyn Esther Wright-777718, William Hagenbuch Jr.-316689, Sue D. Gunter-315650, Michael Alan Spero-579106, Vicki A. Hirsch-357257, Aaron D. Zibart-785033, Brian Ryckman-707721, Marie K. Evans-251404, Sharon DiMuro-222657, Judith Lee Curry-099648, Andrej Bajuh-032889, Brian C. Hale-317461, Michael, Schwenk-631925, Jonathan Palmer Summers-236598, Thomas P. Rack-591703, Cynthia Allen Smith-655475, Neil A. Creasy-194850, William E. Barfield-037335, Reginald F. Murphy-531042, Max Harry White-754585, Jeremy Michael Klass-706511, Gary G. Horlacher-366950, Elizabeth Riley McAleese-988813, Harold S. Lewis Jr.-001980, John Logan Marshall III-471690, Matthew Lee White-129866, Carole Miranne Osborne-511577, Warren Alves-014225, Mary-Ann Smyth Rush-286805, Sarah Kirsten Keech-410098, Beth Kathryn Watkins-740235, Sharon Coursey-

186001, Raymond Ho-358112, Kristine Murray-525183, Robin Angel-019820, and Matthew Hindman-768275.

#### Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee unanimously approved seven requests for disabled status.

#### Members Requesting Military Dues Waiver

The Executive Committee, by unanimous voice vote, granted a Military Dues Waiver request for Jennifer Marie Coleman (076125).

#### Membership Department's Request for Delegation of Limited Authority to Grant Courtesy Fee Waivers

Following a report by Deputy General Counsel Bill NeSmith, the Executive Committee, by unanimous voice vote, delegated limited authority to the Membership Department to grant courtesy waivers of late fees under the following three specific and limited circumstances: 1) a member in good standing who has not been late paying Bar dues for the immediate past three years and has not been late paying Bar dues more than two times in the last six years, 2) a member in good standing who has suffered a debilitating medical condition, either causing severe financial hardship or the inability to pay Bar dues that has been substantiated by the member's primary care physician, mental health provider or other medical provider, and 3) a member in good standing who has documented proof that his/her Bar dues were timely submitted, but not delivered due to a U.S. Postal Service problem. Only the Director or Assistant Director of Membership can approve a waiver under the above circumstances, and will report those members to the Executive Committee at its meetings or any time upon request.

#### Officers and Executive Committee Policy

General Counsel Paula Frederick reported on the rules and judicial ethics opinions from 34 state bar organizations, the District of Columbia, the US Virgin Islands and Puerto Rico, about the propriety of a judge serving as a bar officer. The Executive Committee also received a copy of a letter from Ben Easterlin, Executive Director of the Judicial Qualifications Commission (JQC), regarding the JQC's consideration of a request for an opinion on whether a judge may serve as president of the YLD. It was the opinion of the JQC that this is a State Bar policy issue and not a matter for the Commission.

After lengthy discussion, the Executive Committee deferred further discussion on the topic to the September Executive Committee meeting.

#### Sponsorship Policy

Following a report by Treasurer Darrell Sutton, the Executive Committee, by unanimous voice vote, approved proposed amendments, as revised, to the State Bar of Georgia Sponsorship Guidelines (Exhibit A). The sponsorship granting process by the State Bar will be discussed further at the September Executive Committee meeting.

#### Approve Funds for *Who Needs Lawyers* PSA Campaign from Cornerstones (\$370,000)

Following a report by President Buck Rogers, the Executive Committee, by unanimous voice vote, approved up to \$370,000 from the Cornerstones of Freedom budget to fund the second year (of three years) of the *Who Needs Lawyers* PSA campaign. The funds will also cover surveying Georgians to gauge the success of the campaign, as per one of the Strategic Plan's objectives.

#### Employee Credit Card Policy Revision – Authorize New Card Holders

The Executive Committee, by unanimous voice vote, authorized State Bar credit cards for the Executive Director, the CCLC Executive Director, and the Executive Administrator, each with a \$5,000 limit.

#### ServiceLink (UPL) Settlement - Receipt of Settlement Funds

Executive Director Jeff Davis reported that a recently resolved UPL claim by the UPL Standing Committee against ServiceLink resulted in the State Bar receiving a \$100,000 settlement from ServiceLink. The Executive Committee, by unanimous voice vote, approved receipt of the settlement funds. He also reported that the Georgia Bar Foundation would receive \$13,680 related to this settlement as well.

#### Sponsorship Request - Gwinnett Legal Aid – Friday at the Festival (\$1860)

Following a report by Executive Committee member David Lipscomb, the Executive Committee, by unanimous voice vote, with Dawn Jones and David Lipscomb abstaining, approved an \$1860 sponsorship request from Gwinnett County Legal Aid (GCLA) for its *Friday at the Festival in Gwinnett County* event on October 20, 2017. The funds will be paid from Conference Sponsorship budget.

#### Sponsorship Request - ABA Section of State and Local Governmental Law

General Counsel Paula Frederick presented a written sponsorship request from the ABA Section of State and Local Government for the Section's CLE and Networking Conference in Savannah on October 5-8, 2017. This was an additional agenda item. After discussing potential benefits to members and whether sponsorship funds would support the CLE or the reception, a motion to grant the Section a \$3000 sponsorship failed for lack of a second.

#### CJCP Request for Reimbursement from ICLE – Audit Expense

Executive Director Jeff Davis reported that the Chief Justice's Commission on Professionalism (CJCP) is asking that the State Bar or ICLE reimburse it \$14,577.50 for expenses it incurred when the Commission undertook an audit in 2016 to evaluate discrepancies in ICLE's accounting for and remittance to the CJCP of professional CLE hours. The Executive Committee, by majority voice vote, deferred action on the item.

#### Justice For All – Judicial Council Request for Grant Funding (\$100,000)

Executive Director Jeff Davis reported on a funding request from the Justice for All Working Group for \$100,000 to provide financial support to the Judicial Council's Access, Fairness, Public Trust and Confidence Committee (AFPTCC) that will be charged with coordinating and implementing gaps in access to justice. The request is for either the State Bar and/or the CCLC to approve a \$100,000 grant for the 2018 calendar year to hire a director and to defray associated costs with implementing the strategic plan, with the Georgia Bar Foundation serving as the grant recipient. Before it makes a recommendation on the request to the Board of Governors, the Executive Committee asked for a detailed proposal to be submitted, including a job description of the proposed director position and list of other participating stakeholders, for the Executive Committee to review and discuss at its September meeting.

#### CloudLaw/Zeekbeek 30-Day Opt-Out Provision

Following a report by Bill NeSmith, the Executive Committee, by unanimous voice vote, agreed that a 30-day individual member opt-out provision be included in the agreement between the State Bar and CloudLaw/Zeekbeek.

#### President's Report

President Buck Rogers commended Immediate Past President Pat O'Connor, Bill NeSmith and others who worked on the specifics and negotiated the terms with CloudLaw/Zeekbeek. He announced that Tangela King was recently named the Director of ICLE. Lastly, he reported that Board of Governors member Alvin Leaphart is in the hospital due to complications from knee surgery so to please keep him in their prayers.

### Strategic Plan

President Buck Rogers reported that he will be assigning the Executive Committee members to some of the tasks outlined in the Strategic Plan's objectives to ensure that the objectives are being accomplished.

### Treasurer's Report

Treasurer Darrell Sutton reported on the Bar's finances. He thanked Steve Laine for his invaluable management of the Bar's assets. The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of May 31, 2017; Income Statement YTD for the Eleven Months Ended May 31, 2017; Bar Center Revenues and Expenditures for the Eleven Months Ended May 31, 2017; State Bar Balance Sheet as of May 31, 2017; Summary of Dues and Voluntary Contributions as of May 31, 2017; and Legislative Fund and Cornerstones of Freedom Fund Activity Reports through May 31, 2017.

Executive Committee member David Lipscomb noted that the total percentage of members who are contributing to GLSP is in the single digits. He requested that the GLSP opt-in dues checkoff be discussed at the September Executive Committee meeting.

### YLD Report

YLD President-elect Rizza O'Connor reported that the YLD has gotten off to a strong start. The YLD Program Chair Orientation was held at the Bar Center on July 28, 2017, at which President Buck Rogers and Jeff Davis spoke, and that was followed with the YLD Executive Committee Retreat at Glen-Ella Springs. The YLD Summer meeting will take place this weekend, August 3-6, 2017, in Austin, Texas. She reported that YLD President Nicole Leet is doing a pro bono service project this year that encourages all young lawyers to perform 50 hours of pro bono service. The service project will be kicked off at the YLD Summer meeting and end in January. She reported that other initiatives of YLD President Leet are increased communications and member engagement in the YLD, the Board of Governors relationship with young lawyers, and the transitioning of recently aged-out lawyers. Lastly, she expressed YLD President Leet's thanks to President Buck Rogers for his efforts in reaching out to young lawyers through his Bar committee appointments.

### Executive Director's Report

Executive Director Jeff Davis reported on ICLE's move to the Bar Center. It has been seamless so far thanks to Tangela King's efforts and various Bar staff who have worked on legal and other issues. The physical move will take place tomorrow, August 3, 2017. ICLE will be housed in space already built out on the 2<sup>nd</sup> floor. Some ICLE staff that opted to not move to Atlanta have found other employment opportunities.

### Legislative Report

Christine Butcher Hayes reported that the Advisory Committee on Legislation will meet at 10 a.m. at the State Bar headquarters on September 19 and November 28, 2017. She announced that the Georgia General Assembly will convene on January 9, 2018. This year's legislative agenda will also include five bills carried over from last year. She reported that mandatory e-filing will come up again this year and the judges and courts will be looking for input from the Bar. She also reported that the Attorney General's Office has a Court Reform Council that will be addressing the sovereign immunity decision from the Supreme Court, that the administrative law courts would be changing their procedures to match the civil practice act, and that implementation of business courts statewide was being considered.

### ICLE Update

Jeff Davis reported on ICLE's staffing. Staff positions are being reorganized and some empty positions are being filled. During this transition process, he has tried to look at ICLE's organizational structure to make better utilization of existing and new staff positions. He has hired experienced event planners to

manage the seminars, and has designated an MIS staff person to assist ICLE with its technology needs. Through the Accounting Department, cost centers have been created to determine whether a seminar is revenue positive or negative, which was never done before. Currently there are 13 filled staff positions, and two open positions for registrars. All of ICLE's printing will be outsourced from now on.

#### State Bar Virtual Law Museum Added to Georgia Standards Website

Executive Director Jeff Davis reported that the Executive Committee had received information from the Bar's LRE Program that the Georgia Department of Education (GDE) would be adding the Virtual Law Museum to its teacher resources on the GDE's website at [www.georgiastandards.org](http://www.georgiastandards.org).

#### Office of General Counsel Report

General Counsel Paula Frederick reported that Bill Smith will host the State Disciplinary Board at Lake Burton on September 28, 2017. The disciplinary rules changes were published in the *Georgia Bar Journal* a few months ago and no objections were received from Bar members. The rules will be filed with the Supreme Court soon. The Bar received a Supreme Court order in June that gives the Executive Committee the authority to waive late fees and other requirements of lawyers seeking reinstatement. Paula announced that Maddox Kilgore has been hired as the new interim Coordinating Special Master. She stated that she will have a statistical update on the disciplinary process at the September Executive Committee meeting. She reported that receiverships are up and her office is getting an increasing number of calls from incapacitated lawyers who do not have a succession plan for the takeover of their files. Lastly, she reported that there was no new litigation to report, but for the benefit of the new Executive Committee members, she discussed the types of the claims made against the Bar.

#### Board of Governors Minutes

The Executive Committee received copies of the draft minutes of the Board of Governors meetings on June 9 and June 10, 2017, for informational purposes only.

#### Old Business

There was no old business.

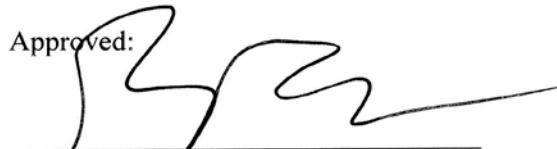
#### New Business

Executive Committee member Frank Strickland reported that the Legal Services Corporation recently published *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans* report that measures the justice gap among low-income Americans. He is going to try and get copies of the report to the Executive Committee.

#### Adjournment

There being no further business the meeting was adjourned at approximately 3:32 p.m.

  
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Dawn M. Jones, Secretary

Approved:   
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Buck Rogers, President