

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE MEETING
MINUTES
Friday, July 9, 2021 at 1 p.m.
Zoom Meeting**

Members Participating

Elizabeth L. Fite, President; Sally B. Akins, President-Elect; Ivy N. Cadle, Secretary; Dawn M. Jones, Immediate Past President; Elissa B. Haynes, YLD President; Ronald E. Daniels, YLD President-Elect; Bert D. Hummel, IV, YLD Immediate Past President; William C. Gentry; R. Javoyne Hicks; Shiriki Jones; David S. Lipscomb; Martin Valbuena; and Nicki N. Vaughan.

Members Absent

Tony DelCampo, Treasurer.

Staff Participating

Sarah Coole, Chief Operating Officer; Damon Elmore, Executive Director; Paula Frederick, General Counsel; Christine Butcher Hayes, Director of Governmental Affairs; and Bill NeSmith, Deputy General Counsel.

Call to Order

President Elizabeth L. Fite called the meeting to order at 1:10 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings Schedule

President Elizabeth L. Fite reviewed the Future Meetings Schedule. As it concerns the Executive Committee Extended Meeting on August 20-22 at Barnsley Resort, she said that Michelle Garner is working with the hotel on available options to participate virtually. She added that there will be an open time in the schedule Saturday afternoon, and there will be a dinner Saturday night.

As it concerns the joint meeting of the Executive Committee and Supreme Court of Georgia on September 23, the Executive Committee will meet in the morning and have lunch together. That afternoon, the Executive Committee will meet jointly with the Supreme Court and then have dinner that night. For the Executive Committee meetings on the schedule that aren't assigned a location, President Fite said that she is confirming those details and will have more information at the next meeting.

Executive Committee Minutes

President Elizabeth L. Fite presented for approval the minutes of the May 14, 2021, Executive Committee meeting. By unanimous vote, after revision, the Executive Committee approved the revised minutes.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by majority voice vote, with Javoyne Hicks abstaining: James Bly-064642, Thomas Bannigan 036441, Susan Gerrits-291725, Kyle Thomas Jones-383693, Carla Anne Ford-267935, Tyler Stuart Brown-089715, Wade Ross Wright-778787, Michael James Welch-747198, Andrew Robert H. Newton-541623, Simmons I. Patrick Jr.-566225, Karen Marcus Cucolo-470270, Christine Hye Won Park-815516, Lillian Mee Jing Moy-527525, William Keith Bryant-092030, Keith Noble Wilson-004667, Jialing Shen-631075, Gabrielle Nicole DiBernardi-102924, Ross Edward Longood-457630, Marshall H. Ross-615187, Sarah Swanson Higgins-352116, James D. Bridgeman-080476.

Member Status Appeals

The Executive Committee, by unanimous voice vote, approved a request by Elizabeth Thompson for an extension until March 30, 2022, to complete fitness and reinstatement from Administrative Suspension due to non-payment of fees. In the event that it becomes necessary, the Executive Committee is willing to review a second request from Thompson if more time is needed.

Amendments to Rules & Summary of Proposed Rule Changes

The Executive Committee tabled proposed changes to “Rule 1-501. License Fees” until the August meeting. They discussed whether certified mail was necessary as a last form of communication prior to suspension. Deputy General Counsel Bill NeSmith informed the Executive Committee that the Membership Department sends several notices by mail and email to members prior to this step. Past President Dawn Jones raised the issue that first class mail has been less than dependable lately, and that sending the notice by certified mail was important as a way to confirm that the letter was received. Secretary Ivy Cadle pointed out that receiving a piece of certified mail is difficult if you miss the initial delivery. NeSmith asked that the Executive Committee also review all of part (d) in the rule, because the appeals process was very complicated and difficult, and it can be amended to be more efficient. He will ask the Membership Department for additional information regarding notifying members of suspension and the Executive Committee will review that information along with section (d) to Rule 1-501 in its entirety.

The Executive Committee, by unanimous voice vote, approved changes to “Article V, Section 4. The Immediate Past President,” updating the ICLE Board of Trustees language because there is no longer an ICLE Board of Trustees, but rather an ICLE Board.

Member Benefits Committee Recommendation

The Member Benefits Committee voted unanimously to recommend to the Executive Committee that Member Benefits, Inc., the State Bar’s recommended broker, pursue and include a MEWA (Multiple Employer Welfare Arrangement) insurance option on the Private Insurance Exchange for Bar members. Nick Trefry and John Kelly, representatives from Member Benefits, Inc., presented information about the Members Health Plan to the Executive Committee. After a lengthy discussion by the Executive Committee, it was decided that additional due diligence was needed prior to voting on this issue, and the committee will discuss it further at the August meeting. Executive Director Damon Elmore will contact the Texas Bar to find out more information about how the program is working for them, and General Counsel Paula Frederick will look more into the concerns to avoid a situation similar to what happened with ANLIR. It was suggested that the chair of the Member Benefits Committee attend the August meeting to answer questions as well. The Executive Committee, by unanimous voice vote, agreed to table this item until the August meeting.

CCLC Executive Committee Appointment

The Executive Committee, by unanimous vote, approved the President’s recommendation to appoint President-Elect Sally Akins to the CCLC Board as the Executive Committee Appointment.

New Judicial Circuit/Augusta Board of Governors Posts (Rule 1-302)

As of July 1, Senate Bill 9 created a new Columbia judicial circuit comprised of Columbia County. Per Bar Rule 1-701, “whenever a new judicial circuit is created, the Executive Committee shall determine, under the provisions of Bar Rule 1-302 (b) and the bylaws, the number of members of the Board of Governors the new circuit is entitled to elect....” Per Article III Section 8. New Positions Unfilled Positions, Vacancies, and Lost Positions, “if any new position is created as a result of legislation establishing a new judicial circuit, the President shall appoint an active member of the State Bar in such circuit to hold office for the remaining term.”

Currently, there are two lawsuits pending over the creation of the new circuit, and there is a moratorium preventing the split of the circuit. Before the moratorium, President Elizabeth L. Fite appointed current Augusta Circuit, Post 2, Board of Governors member Danny Durham to serve as the Board of Governors member for the new Columbia Circuit. However, as a result of the moratorium, it was decided that Durham would continue to serve as the Post 2 member of the Board of Governors until the courts issue a decision. General Counsel Paula Frederick will monitor the lawsuit and advise the Executive Committee on next steps as applicable.

President's Report

President Elizabeth L. Fite reported on her plans for the upcoming year. For Bar committees, she requested that Executive Committee members who may be on committees that require any rules changes that would make things consistent with current practices, to bring them to the Executive Committee for consideration. She said this will be a good year for house-keeping changes. She stated that continuing to refine virtual participation is important, which includes balancing the expense and the virtual experience with the number of remote participants. She said remote participation is important, and virtual options could include simply using a conference call line, livestreaming a meeting, or continued use of Zoom. President Fite asked Executive Committee members to share platforms they have used with other organizations that may be beneficial for the Bar to consider. Bar staff are also reviewing options for virtual voting.

President Fite said one of her biggest goals this year is educating Bar members and the public on what the Bar does, how it operates, and what member benefits are available. The Law Practice Management Program was highlighted at the Annual Meeting, and additional programs and benefits will be highlighted in the upcoming year. Building relationships within the Legislature will be a priority and will be pursued through a coordinated effort with Governmental Affairs Director Christine Hayes, President Fite, Executive Committee members, and other key stakeholders.

President Fite reported that the Office of the General Counsel Oversight Committee will be working on a succession plan, and the Unified Bar Committee will continue to meet to address challenges the mandatory bar faces.

Treasurer's Report

Due to unavoidable conflicts, Treasurer Tony DelCampo and Chief Financial Officer Ron Turner were absent from the meeting. Executive Director Damon Elmore gave the treasurer's report. He referenced the detailed financial reports that were provided with the written materials and noted that there will be more information and discussion at the next Executive Committee meeting.

YLD Report

YLD President Elissa Haynes reported that she's excited about this year and looking forward to the involvement of the YLD and Bar holding activities together. She encouraged the Executive Committee to attend as many YLD meetings as they can. One of her main goals this year will be to create a YLD listserv for those who don't have the benefit of other listservs. She said it will take time, but she thinks it's an important resource to provide to young lawyers.

Executive Director's Report

Executive Director Damon Elmore reported that reopening the Bar offices is going well, and that Bar staff will continue to thoughtfully adjust protocols and be mindful of safety. He said that the Woodrow Wilson exhibit relocation was stalled because of an individual who was unresponsive, but all signage has been removed and there is a new plan in place. He reported that two of the parking deck gates are currently not working, and we are waiting on those to be repaired. Executive Director Elmore said that along with the

Bar Center Committee, he is reviewing the Cushman Wakefield Management agreement with an eye toward savings. Additional review and evaluation is necessary.

He reported that he visited both the Tifton and Savannah offices, and they were good meetings where he was able to meet with members in the area and the property owner for the Tifton location.

Office of the General Counsel's Report

Following a motion, second, and unanimous voice vote, the Executive Committee met in Executive Session to discuss the litigation report and other items. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

Proposed Rules Changes to Fee Arbitration Program (Part VI – Arbitration of Fee Disputes)

Deputy General Counsel Bill NeSmith briefly explained how the Fee Arbitration Program currently operates. If a case is accepted by the Fee Arbitration Committee, the respondent has a choice of being bound or not bound. In a joint meeting with the Supreme Court of Georgia in March 2019, the Court expressed their preference that the Bar's fee arbitration program be like any other arbitration program, that if you choose to participate, then you're bound by the ruling. The Fee Arbitration Committee is working on an amendment to the rules to reflect that.

Executive Committee member and liaison to the Fee Arbitration Committee David Lipscomb reported that the Fee Arbitration Program changed from in-house lawyers to a contract attorney about 10 years ago, and the program is now on its fourth contract attorney in 10 years.

If the rules are amended, the program would be a consent-only program where both the petitioner and respondent must agree to be bound by the arbitration award. The proposed amendments would also allow the Fee Arbitration Committee to refer a petition to the Office of the General Counsel for consideration of a disciplinary investigation should a lawyer refuse to be bound by the arbitration proceeding. The Executive Committee will consider the amended rules at their August meeting.

Discussion of 2021-2022 Lobbyists Contracts

Following a motion, second, and unanimous voice vote, the Executive Committee met in Executive Session to discuss the 2021-2022 lobbyists' contracts. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session. While in Executive Session, the Executive Committee voted unanimously to renew each of the lobbyists' contracts at their current rates for the 2021-2022 Bar year.

Committee Updates

President Elizabeth L. Fite reminded the Executive Committee members of their responsibility to report to the Executive Committee on all Bar committees they are liaisons to, specifically what those committees are working on and accomplishing. She said the Committee Chair Orientation will be on July 29, and the committee chairs will receive information in regard to expectations and rules, etc. Executive Committee members were also reminded that the Bar rules allow Executive Committee liaisons to serve as voting members of the committees where they serve as an Executive Committee liaison. President Fite also pointed out there are many committees that overlap in their purposes. She specifically asked Immediate Past President Dawn M. Jones to be the Executive Committee liaison to the Georgia Diversity Program Committee, the Committee to Promote Inclusion in the Profession and the Seeking Equal Justice and Addressing Racism & Racial Bias Committee, in order to help the committees collaborate with each other in their similar purposes and roles.

Staff Accolades

Written letters were provided to the Executive Committee highlighting the work of the Communications

Department and the *Georgia Bar Journal*; Amanda Draper in the Membership Department, specific to her role as staff liaison to the Elections Committee; and a report from LRE Director Deborah Craytor that she received great feedback from the Georgia PTA on their presentation and individual school PTAs are requesting presentations as well.

Members of the Executive Committee commended Bar staff on all their hard work ensuring that the first hybrid Annual Meeting was a huge success.

Old Business

There was no old business.

New Business

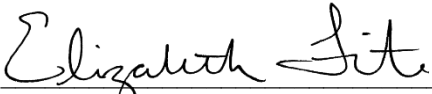
There was no new business.

Adjournment

There being no further business, the meeting was adjourned at 5 p.m.


Ivy N. Cadle, Secretary

Approved:


Elizabeth L. Fite, President