

D-R-A-F-T
STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE MEETING
MINUTES
Thursday, October 8, 2020 at 10:00 a.m.
Zoom Meeting

Members Participating:

Dawn M. Jones, President; Elizabeth Louise Fite, President-elect; Sally B. Akins, Treasurer; Tony DelCampo, Secretary; Darrell L. Sutton, Immediate Past President; Bert D. Hummel, IV, YLD President; Elissa B. Haynes, YLD President-elect; William T. Davis, YLD Immediate Past President; Ivy N. Cadle; R. Javoyne Hicks; Amy V. Howell, David S. Lipscomb; and Nicki Vaughan.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Sarah Coole, Director of Communications; Jeff Davis, Executive Director; Paula Frederick, General Counsel; Michelle Garner, Director of Meetings; Cassie Hallstrom, Executive Administrator; Christine Butcher Hayes, Director of Governmental Affairs; Bill NeSmith, Deputy General Counsel; and Ron Turner, Chief Financial Officer.

Call to Order

President Dawn M. Jones called the meeting to order at 10:03 a.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings

Dawn reported that the Fall Board of Governors agenda book and meeting brochure are at the printer, and she thanked Sarah and Michelle Garner for their work on those. In addition to the virtual Board meeting, there will be various committee meetings, two CLE seminars, and social activities in lieu of the BOG dinner. Dawn encouraged everyone to register and encourage their colleagues to do the same.

Dawn stated there was nothing new to report about the Midyear Meeting. Right now, the Board of Governors meeting will be a hybrid meeting (virtual and in-person) and there will be a full set of events around the meeting. Dawn reported the survey was very informative and reiterates that the stats and information we are using to make our decision about moving forward safely with meetings are on point.

Dawn reported the joint Spring Board of Governors/YLD Meeting at Brasstown Valley Resort is also moving forward, so we are not cancelling any other contracts right now.

Executive Committee Minutes

Secretary Tony DelCampo presented the minutes of the Executive Committee meetings held September 11 and September 25, 2020. The Executive Committee approved the minutes by unanimous vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: Ashley Reckford-603710, Matthew Cassel-116020, Leif Jensen-391280, Jamie Martin-473207, Rebecca O'Connor-199022, Jeffrey Beyle-056325, David Shallenberger-631450, Greg Landau-433240, Constance Young-141841, Daphne Lancaster-432603, Ryan Huschka-993353.

Members Requesting Disabled Status

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

Member Status Appeal

Following a report Bill NeSmith, the Executive Committee took the following action on member status appeals:

- 1) Stephen Franklin Abney: Unanimously approved waiving late and reinstatement fees, but required him to complete Fitness.
- 2) Robert Kinz: Unanimously approved giving him until June 30, 2021 to complete Fitness and be reinstated without taking the Bar exam due to timing issues created by the COVID-19 pandemic.
- 3) Din Khary Duggan: By a hand vote of 8 in favor to 5 opposed, granted late registration on the condition that all past dues, including any late fees and penalties, for the past twelve years be paid, and required he be recertified through Fitness.

Team Building

Tanya Washington, Professor of Law at Georgia State University College of Law, presented a team building program for the Executive Committee and senior staff. ICLE Director Michelle West and Human Resources Director Sandra Dixon joined the Executive Committee for the team building program.

Executive Director Candidate Package

Following a motion, second, and unanimous voice vote, the Executive Committee met in Executive Session to discuss the new Executive Director package. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

While in Executive Session the Executive Committee agreed, by majority vote, to make a counter-offer to the Executive Director candidate.

President's Report

Dawn made reference to the future Executive Committee meetings reflected on the Future Meetings Schedule and said, based on the amount of time we have spent to date in EC meetings, to expect those to be 4-hour meetings starting at 1:00 p.m.

Dawn reported that she had a speaking engagement this morning with the Atlanta Bar Family Law Section where there were numerous questions about allies and working on social justice issues. She will be speaking to the Gwinnett Bar, and to the Cobb Women in the Bar in December. She continues to receive great feedback on the work of the Seeking Equal Justice and Addressing Racism & Racial Bias Committee, and the statement made by the State Bar. There are a large number of bar members who want to get involved.

Dawn reported she continues to meet at least weekly with Jeff, Paula and Sharon, but remains in constant contact as needed.

Dawn reported that on Saturday an emergency order will be issued from the Supreme Court that suggests that courts move forward with in-person jury trials, and it will include guidelines for doing so. The next meeting of the Judicial Council is October 19.

Dawn reported that the Fall Board agenda and meeting brochure will be sent out electronically. She said when everyone receives the agenda they will see that Rick Rufalo and Christine Hayes are both listed, and will be listed on each BOG meeting agenda, in Dawn's attempts to increase contributions to GLSP and the Bar's public advocacy and legislative funds that have been trending down for several years. Jeff is making certain that contributions can be made online to those two entities any time during the year, and we will keep reminding everyone to do so. On the Fall Board agenda, there is a discussion by Professor Washington on ABA Model Rule 8.4(g) prohibiting discrimination and harassment in the practice of law. It's on the agenda to be a discussion item only as it relates to what we are doing at the Bar. Dawn's vision is to help us continue the conversation on

social injustice. Dawn also reported that the Seeking Equal Justice and Addressing Racism & Racial Bias Committee's first *Courageous Conversation* took place.

Dawn reported that she and Christine are meeting with the Governor's Executive Counsel David Dove in December to talk about what the Bar is thinking going into this legislative session and to investigate and discuss ways in which we can partner. If anyone has thoughts on this Dawn asked that they send them to Christine. They will also be discussing the space leased at the Bar Center by GPDC.

Dawn announced the Strategic Plan item has been removed from the agenda for the sake of time.

Executive Director's Report

Executive Director Jeff Davis reported ICLE is continuing to live stream CLEs, which are also being recorded and distributed through webcasts. He expressed his thanks to Michele West and her ICLE team.

Jeff reported that we have been working with the Judicial Council on PSAs related to jury trials, called *Justice Needs Jurors*, and they are in production now.

Jeff reported that we continue to do the work of Bar virtually and, so far, we are not seeing any issues that we haven't been able to address. We are working on making payments to GLSP and the legislative fund more prominent on the website.

Jeff reported that this is unlike any Executive Committee before as it is the last meeting Sharon will be with us after 41 years of service at the Bar.

Advisory Committee on Legislation/Legislative Report

Christine reported the Advisory Committee on Legislation met on September 15. ACL chair Javoyne Hicks ran a great efficient meeting with 80+ people in attendance. The ACL voted on funding for kinship care to legal services for Board of Governors support. The mediation bill and funding for victims of domestic violence will be presented at the next ACL meeting. Christine reminded everyone that general election early voting starts Monday.

Treasurer's Report

Treasurer Sally Akins stated that Ron would discuss the year-end financials.

The Executive Committee received the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of June 30, 2020; Bar Center Revenues and Expenditures Report as of June 30, 2020; Income Statement YTD-Operations as of Ended June 30, 2020; Status and Use of Cash and Investment as of June 30, 2020; Board-Designated and Donor Temporarily Restricted Net Assets as of June 30, 2020; Summary of Members and Voluntary Legislative Contributions Paid Through June 30, 2020; Summary of Members and Voluntary Contributions to GLSP Paid through June 30, 2020; Summary of Members and Voluntary Legislative Contribution Paid through June 30, 2020; Legislative Activity Report from July 1, 2019-June 30, 2020; Clients' Security Fund Activity Report as of June 30, 2020, and the ICLE Income Statement Ending June 30, 2020.

End of Year (2019-2020) Budget Report

Ron reported on the State Bar of Georgia Reconciliation of Net Income (Loss) Budget to Actual Final Net Income (Loss) for Fiscal Year Ended June 30, 2020 report. He also reported we used \$388,000 of the \$500,000 grant from CCLC for the Clients' Security Fund (CSF).

Office of General Counsel Report

Paula reported her office has finally gathered its statistics to put together the OGC annual report and the numbers

look good. The statistics reflected in the report will be for the period of May 1, 2019 through April 30, 2020, and will include reports on the Formal Advisory Opinion Board, Clients' Security Fund, State Disciplinary Board and State Review Board and a whole host of other things.

Paula reported her office is getting increasing requests to serve as CLE speakers.

Paula reported that she is submitting on behalf of the Professional Liability Insurance (PLI) Committee a grant request seeking funds from the Chief Justice's Commission on Professionalism for programming for a Georgia-specific management-based assessment test. The assessment test will be available to lawyers on a voluntary basis to help them determine if they have proper risk-assessment safeguards in place and to help them reduce being subject to a malpractice case. The start-up cost is \$13,000 to develop a Georgia-specific risk assessment program that will cover 18 topic areas. Whether or not the PLI Committee passes self-assessments, she believes it would be very helpful to our members.

Bill NeSmith reported on rules changes for the CSF that would change the bottom threshold of the CSF fund balance. Currently the most that can be spent in a Bar year is \$100,000. When the fund balance gets below \$1 million threshold, it triggers an assessment, and the fund's current burn rate has gotten close to the threshold. The fund is sitting on a \$1 million reserve that if freed up, could assist more clients that we could be helping. The CSF is trying to figure out how we can spend at least the \$500,00 annually without triggering an assessment as well as how to continue funding it. Ivy Cadle reported the rules have largely been vetted by the CSF Board of Trustees.

YLD Report

YLD President Bert Hummel reported on the activities of the YLD. The YLD Women in the Profession Committee has been working on a wills program for nurses and teachers, and there will be a training session for it on October 30. The volunteer poll workers program across Georgia has been a great success. Some counties are having to turn away some volunteers, so now the YLD is creating a list of active attorneys that can be trained through the Secretary of State's office and be present at the polls to help voters who elected to receive absentee ballot, but never received it, by changing their voter status so they can vote at their polls. The YLD Executive Committee and Board of Directors recently met with various breakout sessions. The YLD conducted a survey at its General Session on virtual meetings, racial bias, and stress around COVID-19. Eighty attendees participated in the YLD Summer Meeting with a lot of those being first-time attendees. About 65% of the survey participants indicated a desire for in-person meetings so going forward the YLD plans to hold hybrid meetings. The YLD is also working on programming for implicit bias training and a program on elections laws in general, runoffs, and other issues. In the meantime, YLD committees continue to work on their projects.

Judicial COVID Taskforce

Elizabeth reported that the COVID Task Force is still meeting, but is mostly working on guidelines now. Jury trials will be able to move forward beginning on Saturday, but there will be a lag time getting those set up. Elizabeth said there is still a need to have a repository for complaints, concerns, or suggestions being raised by attorneys as the courts move forward with jury trials.

Committee Updates

David reported the 1) Judicial Procedure and Administration Committee met and is looking at modifications to Rules 9.1 and 9.2 that deal with video conferencing, 2) Disciplinary Rules and Procedures Committee has meeting on October 23 and is looking at the advertising and marketing rules and the possibility of an anti-bias rule, and 3) Professional Liability Insurance Committee met in August and chair Chis Twyman will give a report at Fall Board meeting. The committee is hoping to present a recommendation to the Board to Governors at the Midyear Meeting.

Javoyne reported that the Wellness Committee's *Monthly Touches* are actively being done, and the committee would like Dawn to record an introduction for those.

Old Business

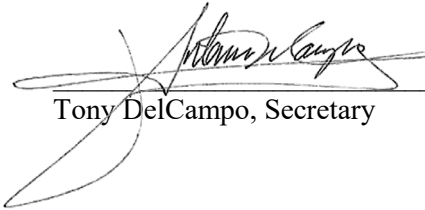
There was no old business.

New Business

There was no new business.

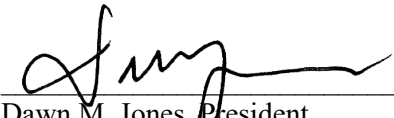
Adjournment

There being no further business, the meeting was adjourned at 2:25 p.m.



Tony DelCampo, Secretary

Approved:



Dawn M. Jones, President