

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE MEETING
MINUTES
Friday, December 4, 2020 at 1 p.m.
Zoom Meeting**

Members Participating

Dawn M. Jones, President; Elizabeth Louise Fite, President-Elect; Sally B. Akins, Treasurer; 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; Martin Valbuena and Nicki N. Vaughan.

Members Absent

Tony DelCampo, Secretary.

Staff Participating

Sarah Coole, Chief Operating Officer; Jeff Davis, Executive Director; Damon Elmore, Incoming Executive Director; Paula Frederick, General Counsel; Michelle Garner, Director of Meetings; 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 1:02 p.m. Members of the Executive Committee in attendance and participating staff are indicated above.

Future Meetings Schedule

President Dawn M. Jones reviewed the Future Meetings Schedule. She announced that because of the increasing numbers in COVID-19 cases, the 2021 Midyear Meeting will be completely virtual instead of a hybrid meeting. She said that there would be one more Executive Committee meeting this calendar year on December 17, 2020, and that she expected it to last no more than two hours.

Executive Committee Minutes

President Dawn M. Jones presented for approval the minutes of two Executive Committee meetings. By unanimous voice vote, the Executive Committee approved the revised minutes of October 8, 2020, and the minutes as presented for October 13, 2020.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: Richard Kerr Jr.-240408, Harald Beardall III-044540, Mary Elizabeth Oxley-337644, Robin Dunaway-549740, Kathleen Crumbley-443409, Krystal Witter-969720, Jane Bradshaw-159095, Timothy Bliss-063392, Robert Goldman-297342, Melvin Shulze-630277, Krista Seckinger-634036, Steven Salzer-623420, Caroline Sage-142645, Kaye Ford-268103, Kathleen Stallings-271466.

Member Status Appeals

The Executive Committee, by unanimous voice vote, approved a request by Alexander Perez to allow him to register with the State Bar without reapplying to the Office of Bar Admissions, after failing to apply to the State Bar when he was sworn in to Superior Court on March 29, 2017. The Executive Committee, by unanimous voice vote, approved a request by Emily Bernstein to allow her to apply and complete bar fitness by March 11, 2021, paying all fees and not retaking the bar exam.

Amendments to Rules

Following a report by Deputy General Counsel Bill NeSmith, the Executive Committee took the following action on proposed Rules amendments (Exhibit A):

- 1) Rule 1.0 Terminology and Definitions: Recommended to the Board of Governors by unanimous vote.
- 2) Rule 9.3 Cooperation with Disciplinary Authority: Recommended to the Board of Governors by unanimous vote.
- 3) Rule 4-202 Receipt of Grievance; Initial Review by Bar Counsel: Recommended to the Board of Governors by unanimous vote.
- 4) Rule 4-203 Powers and Duties: Recommended to the Board of Governors by unanimous vote.
- 5) Rule 4-204 Investigation and Disposition by State Disciplinary Board: Recommended to the Board of Governors by unanimous vote.
- 6) Rule 4-204.1 Notice of Investigation: Recommended to the Board of Governors by unanimous vote.
- 7) Rule 4-204.3 Answer to Notice of Investigation Required: Recommended to the Board of Governors by unanimous vote.
- 8) Rule 4-208.2 Notice of Discipline; Contents; Service: Recommended to the Board of Governors by unanimous vote.
- 9) Rule 4-208.4 Formal Complaint Following Notice of Rejection of Discipline: Recommended to the Board of Governors by unanimous vote.
- 10) Rule 4-222 Limitation: Recommended to the Board of Governors by unanimous vote.
- 11) Rule 4-223 Advisory Opinions: Recommended to the Board of Governors by unanimous vote.
- 12) Rule 4-224 Expungement of Records: Recommended to the Board of Governors by unanimous vote.
- 13) Client Security Fund Rule 10-106 Eligible Claims: Recommended to the Board of Governors by unanimous vote.
- 14) Rule 8.4 Misconduct: Recommended to the Board of Governors by unanimous vote.

Bar Assessment

At the Spring 2019 Board of Governors meeting, Board of Governors Member and YLD Past President Henry Walker reported that he was on the Executive Committee when the Bar building was purchased, and he said that the plan had been when the Bar building was paid in full, we were no longer going to require the assessment from young lawyers. Others had different recollections, yet the motion passed. In the 2020-2021 license fee statement, we did not assess new members the Bar Center Assessment fee, which led to a revenue loss of roughly \$200,000.

The Bar Center Committee, chaired by Past President Hal Daniel, met to discuss the Bar Center Assessment fee. Those on the Bar Center Committee similarly recalled discussions of purchasing the Bar building. The general consensus was the assessment was to be paid by every Georgia lawyer going forward, so every Georgia lawyer would have an equity interest in the building.

President Dawn M. Jones would like to add this discussion to the Board of Governors 2021 Midyear Meeting as an informational item, to begin discussions on possibly reinstating the assessment. The presentation to the Board will include Past Presidents Hal Daniel, Patrise Perkins-Hooker, Charlie Lester, Bill Barwick and

Lester Tate. The reinstatement of this assessment is even more paramount in the current climate, where we are facing loss of tenants. Chief Financial Officer Ron Turner said that individually the assessment is small, but when you multiply it by so many, it has a big impact on our budget. The idea is that if it is reinstated, the ones who were not assessed last year would have earned an additional year of deferment. All others would pick up where they were in the 4-year assessment. President Jones stated that she would like to add it to the 2021 Spring Meeting as an action item.

ACL Proposals

Advisory Committee on Legislation Chair Javoyné Hicks reported that they held a productive ACL meeting on Tuesday, December 1, 2020. The committee recommends the following seven proposals for consideration by the Board of Governors:

- 1) Committee to Promote Inclusion in the Profession, Support for Judicial Council Budget Request for FY 2022 Funding for Civil Legal Services Grants for Victims of Domestic Violence
- 2) Indigent Defense Committee, Support for Judicial Council Budget Request for FY 2022 Funding for Georgia Resource Center
- 3) Real Property Section, Remote Online Notary Legislation
- 4) Fiduciary Section, Codification of Psychiatric Advance Directive
- 5) General Practice and Trial Section, Proposed State Bar Support for Digital Court Reporting Legislation
- 6) Appellate Section, Draft Superior and State Court Appellate Practice Act
- 7) Dispute Resolution Section, Uniform Mediation Act (SB 464 - 2020)

ACL/Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported that until after the election on January 5, 2021, there will not be much happening in the way of a legislative agenda from the governor's office. The session will likely focus on COVID-19 and healthcare-related items, dissemination of vaccines and if that will require legislation or state budget, elections and voting items. Christine reported that she heard state revenues are not as dire or severe as some previously projected. With COVID-19, she is not sure if they will be able to hold legislative dinners as they have done in the past. We may need to come up with creative ideas in order to get to know the legislators, because that is important. January 11 is the start the 2021 legislative session.

President's Report

President Dawn M. Jones reported that Director of Governmental Affairs Christine Butcher Hayes is helping her to prepare for a 10-minute presentation at the Biennial Institute for new legislators on December 7, 2020. Other speaking engagements include: Cobb Bar Association; Seeking Equal Justice and Addressing Racism & Racial Bias; and the ABA Techshow in March. She uses these opportunities to let members know of ways to serve the Bar and how everyone is continuing to do the work of the Bar during the pandemic. President Jones stated that she appreciates the work of General Counsel Paula Frederick and Executive Director Jeff Davis in keeping staff safe and ensuring they are working efficiently. She is hopeful for the upcoming vaccine because there are many members asking her when we will be able to meet in person. She added that if any other Executive Committee members are fielding calls or emails about the Bar Center being closed, she is more than willing to talk to members as needed.

President Jones advised Executive Committee members of the upcoming December 17, 2020, Executive Committee meeting. Agenda items will include: proposed changes to ICLE operating agreement; rules

changes; further Bar Center Assessment discussion; and discussion regarding the Spring Meeting being hybrid or virtual.

President Jones asked that Executive Committee members continue to report on the committees for which they are liaison to. She stated there are a few committees without an Executive Committee liaison, and she will be making assignments to those. She thanked incoming Executive Director Damon Elmore for his time and energy during November and December for the Bar, even though his official start date is January 1, 2021.

Executive Director's Report

Executive Director Jeff Davis reported that the Bar staff continues to operate very well virtually. He reported there was a slight issue with the email server because of an air conditioning system that went out and overheated a server. MIS Director Lamont Burwell reconstructed the server and corrected the issue. Jeff reported that only essential personnel are allowed in the Bar Center. He said that the Supreme Court of Georgia extended the live CLE requirement until May 31 for 2020 hours. Jeff reported that he is meeting with incoming Executive Director Damon Elmore weekly, in order to give him background information and make for a smooth transition. He congratulated Sarah Coole on her promotion to chief operating officer, and he thanked Damon for participating in so many time-consuming meetings.

Incoming Executive Director's Report

Incoming Executive Director Damon Elmore thanked everyone for preparing him for his new position and that he is really looking forward to this new opportunity. He reported Supreme Court of Georgia Justice Neels Peterson has already talked with him and that they will have an ongoing conversation.

Treasurer's Report

Treasurer Sally Akins reported on the Bar's finances. She advised that everything is in order regarding the Bar's finances. She stated there have been additional incurred charges regarding COVID-19, but nothing out of the ordinary, and those expenses will be offset by other areas. She reported that the Bar's audit has begun.

Office of the General Counsel Report

General Counsel Paula Frederick reported that as of last month, OGC is caught up on the backlog of complaints that had been caused by the pandemic shutdown. She said that she has compared figures from October 2019 to October 2020 to see if business had changed and found that grievances are down, but that is not affecting the number of those who are pending. She reported that the Ethics Hotline receives an average of 22 calls per day. Paula stated that they are working the disciplinary boards and General Counsel Overview Committee on ways to increase the electronic nature of the initial grievance process, but that issues like restricting the number of pages, etc., needs to be addressed.

Pro Hac Vice Processing Fee

General Counsel Paula Frederick reported that we have about 800 out of state attorneys, not our members, that are required to be admitted pro hac vice to appear in state or appellate courts. She said we have only been doing this for 10 to 12 years. Our fee is \$275, and of that money \$200 goes to the Georgia Bar Foundation and \$75 stays in the Bar for expenses. She said that renewals of \$75 are in January of every year, and we accept the renewal fees electronically, in attempt to complete the process electronically. She stated that we can receive the \$275 fee by credit card as well. In the past, we paid the credit card processing fees for the \$75 renewal because it was nominal.

The Executive Committee, by majority vote, agreed to assess a convenience fee of \$2-6 (to be determined by general counsel and chief financial officer), to pro hac vice applicants, for both the application and renewal fees. Individuals may still pay by check, thus avoiding the convenience fee if they wish.

Elections Committee Recommendations

General Counsel Paula Frederick reported that the Elections Committee is reviewing our current rules to make sure they are in order for an election during the pandemic. There are no recommendations for any rules changes. One concern was getting petitions signed, but that has been resolved by allowing Board of Governors candidates to send in separate scanned copies to Amanda Draper, assistant director of membership, to verify.

There was additional discussion about the cost of paper ballots and the election in general, and also discussion about the return rate and participation of members in the Bar election. President Dawn M. Jones asked to add this to the next Executive Committee agenda for further discussion. Chief Financial Officer Ron Turner will gather election data to present at the next meeting.

YLD Report

Young Lawyers Division President Bert Hummel reported that the YLD continues to focus on their community service and outreach to the public. The YLD through its Public Interest Internship Program is holding a Saturday Lawyer Program on December 12, 2020, where they will provide services to those having landlord/tenant issues, etc. The Poll Worker Program has had at least 300 lawyers volunteer to be deputy registrars, a position allowing lawyers to cancel out absentee ballots, and they are working to get more volunteers for the run-off election. The Leadership Academy class 2021 has a reduced membership of 20 members for this class. They are planning ahead so they can have the sessions in person in small settings. The Leadership Academy Alumni typically has holiday luncheon, but this year it is going to be via Zoom. The YLD is planning other 2021 events and fundraisers.

Committee Updates

Executive Committee Member David Lipscomb reported the Professional Liability Insurance Committee will present their recommended five options at the next in-person Board of Governors meeting. David reported the Disciplinary Rules and Procedures Committee made several recommended rules changes, which were on this agenda.

Board of Governors Minutes

A copy of the October 24, 2020, Board of Governors minutes were provided.

Executive Session

A motion and second was made to go into executive session, with a unanimous vote. No action was taken during Executive Session.

Old Business

There was no old business.

New Business

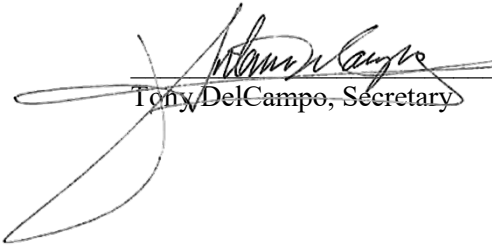
There was no new business.

Announcements

There were no announcements.

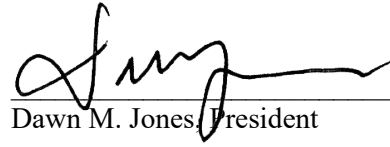
Adjournment

There being no further business, President Dawn M. Jones adjourned the meeting at 5:03 p.m.



Tony DelCampo, Secretary

Approved:



Dawn M. Jones, President