

**STATE BAR OF GEORGIA  
BOARD OF GOVERNORS  
MEETING MINUTES  
Saturday, October 28, 2023, 9:00 a.m.  
The Westin Jekyll Island  
Hybrid Meeting**

The 299<sup>th</sup> meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. President J. Antonio “Tony” DelCampo presided.

Pledge of Allegiance

Board of Governors Member Joseph W. Dent, Dougherty Circuit, Post 1, led the pledge of allegiance.

Invocation

Board of Governors Member Hon. Rhonda B. Kreuziger, Griffin Circuit, Post 2, gave the invocation.

Special Recognition

President Tony DelCampo recognized the members of the judiciary, the past presidents of the State Bar, and other special guests in attendance.

Roll Call

Secretary Bill Gentry circulated the roll for signature for in-person attendees. Those attending virtually were marked present through a Zoom report. The list of those in attendance is attached as Exhibit A.

Future Meetings Schedule

President Tony DelCampo reviewed the Future Meetings Schedule.

Minutes of the 297<sup>th</sup> and 298<sup>th</sup> Meeting of the Board of Governors

The minutes of the Board of Governors meeting held June 9-10, 2023, were approved by majority vote.

Proposed Rules and Bylaws Changes

1. *Rule 4.2. Communication With Person Represented by Counsel.*

The proposed rule change clarifies that the “anti-contact” rule, which prohibits a lawyer from communicating with a represented adverse party, applies to a lawyer who is self-representing. The proposed change states that a lawyer who is proceeding pro se is prohibited from communicating about the subject of the representation with represented adverse parties. Comment [8] explains that a lawyer who is proceeding pro se but who also has co-counsel is included within the meaning of this rule.

The Board of Governors, by majority vote, approved the proposed changes to Rule 4.2.

2. *Rule 4-201. State Disciplinary Board.*

This proposed change increases the State Disciplinary Board from twelve to fourteen investigating members (the Board also has four lay members and two ex-officio members who do not investigate cases). The proposed change adds two members-at-large, one to be selected by the Court and one by the President of the State Bar.

The Board of Governors, by majority vote, approved the proposed changes to Rule 4-201.

3. *Rule 4-203.1. Uniform Service Rule.*

The proposed changes introduce a new requirement that a member inform the Bar of their email address part of their “official address” for purposes of Bar business, including service in disciplinary matters. An amendment to subsection (b)(3)(i) will allow the Chair of the State Disciplinary Board to authorize individuals to serve process in disciplinary matters. The provisions at subsection (b)(3)(ii) regarding service by publication will include a requirement that the service documents be emailed to the respondent’s official email address. Subsection (b)(5) creates service procedures for members with an address outside of the United States.

The Board of Governors, by majority vote, approved the proposed changes to Rule 4-203.1.

4. *Rule 4-209.1. Coordinating Special Master.*

The current rule suggests that it is preferable for a lawyer to serve as a Special Master for no more than five years. The amendment would delete that language.

The Board of Governors, by majority vote, approved the proposed changes to Rule 4-209.1.

5. *Rule 4-221.1. Confidentiality of Investigations and Proceedings.*

The proposed changes expand and provide clarity on the entities or individuals with whom the State Disciplinary Board and the State Bar can share information regarding a disciplinary matter. The change specifically defines the members of the State Disciplinary Board who have the authority to approve the release of information pertaining to a disciplinary matter.

The Board of Governors, by majority vote, approved the proposed changes to Rule 4-221.1.

Proposed Energy Law Section

Deputy General Counsel Bill NeSmith presented the request to create an Energy Law Section. He reported that the proposed section application is complete and complies with the rules for creating a section. The application-states that “[t]he Energy Law Section of the State Bar of Georgia will provide a place for lawyers working on this important aspect of our lives to interact and network. The Section will promote the practice of energy law, help establish camaraderie and support among energy law practitioners, and provide education and training on energy law topics.” The Board of Governors, by majority vote, approved the proposed Energy Law Section.

Appointment to the Commission on Continuing Lawyer Competency

The Board of Governors approved the two-year appointment (2024-2026) of Shiriki Jones to the Commission on Lawyer Competency by majority vote.

Appointment to the Formal Advisory Opinion Board

The Board of Governors approved the appointment of R. Gary Spencer to the Formal Advisory Opinion Board as the Executive Committee representative for 2023-2024 by majority vote.

Advisory Committee on Legislation (ACL)/Legislative Proposals

Following a report by Legislative Consultant Rusty Sewell, the Board of Governors took the following action on proposed legislation:

Legislative Proposal

Germane to Purposes  
of the Bar

Support on Merits  
2/3 Majority

*Fiduciary Law Section*

- 1) Amendments to Title 53 and  
Related Code Sections

Passed by majority  
vote

Passed by 2/3 vote

*Business Law Section*

- 2) Amendments to O.C.G.A.  
Title 11

Passed by majority  
vote

Passed by 2/3 vote

Legislative Update

Legislative Consultant Mark Middleton discussed the upcoming legislative session. He said this is the second year of a two-year cycle. Bills that did not pass last year will be carried over to this year. From the Bar's standpoint, both judiciary committees are represented well by lawyers. He said in addition to the normal items of interest each year, there are a few unusual things. U.S. District Court Judge Steve Jones recently ruled that Georgia's congressional and state legislative districts must be redrawn before the 2024 election. The Legislature will have a special session on Nov. 29 to take up the issue. He said while it is hard to predict other things that will come up during the session, they will keep the Bar informed of any legal-related legislation.

President's Report

President Tony DelCampo reported that he has had a great first three months as Bar president. He provided an update on the unallocated cash year one plan. He said all parts are on order for the replacement of our front-end building management system and controls; the Wi-fi capabilities have been expanded, particularly in places around the first floor, and conference capabilities on the conference center floor; the first-floor doors have been updated to improve access for people with disabilities, as well as continue our focus on safety and security; and the Bar's website redesign is on schedule and continues to be a priority. He said that some of the unallocated cash has been used for unplanned events as well: repairs due to major flooding to our 3rd floor conference center; some expenses associated with the unauthorized access event and legal fees.

President DelCampo reported that the Wellness Retreat was a success, and he urged board members to share the #UseYourSix campaign at every opportunity and to help spread the word on the importance of mental health in order to remove the stigma around seeking help for mental health. He invited local or voluntary bar groups to contact him to attend events to share information about the Bar's work and member resources.

Executive Director's Report

Executive Director Damon Elmore reported that the State Bar's Annual Report is complete for the 2022-2023 Bar year, and that it is an analysis of the effectiveness of the work done and a good reminder of the work the Bar does. He said that ICLE has been analyzing their prices and have decreased some of the pricing in order to bring better value to Bar members that choose to utilize ICLE programming, reducing the rate for most programs by 10%.

He updated the Board of Governors on new Bar staff who have come onboard over the last few months: Emily Rodriguez, CLE administrator; Christie Johnson, South Georgia Office administrative assistant; Tatyana Hunt, Consumer Assistance Program administrative assistant; and Lesly Lopez, receptionist/administrative support assistant. He also reported that Jenny Mittelman will be retiring in early 2024, and Andreea Morrison has been named the next Deputy General Counsel. He said her

familiarity with our processes will allow her to make an instant impact. He also reported that budget planning has begun and that he remains focused on increasing tenants and marketing the Bar Center.

#### Treasurer's Report

In the absence of State Bar Treasurer Chris Twyman, Executive Director Damon Elmore reported on the Bar's finances, saying that the Bar is fiscally sound. The Board of Governors received a copy of the June 2023 Financial Statements, including Bar operations and Bar Center. The Executive Summary is as follows:

In total, the Bar (excluding ICLE) budgeted a loss of \$151,233 for the year ended June 30, 2023. This total budgeted loss for the Bar was calculated as a budgeted loss for Bar operations of \$282,201 and a budgeted gain for the Bar Center of \$130,968. The Bar Center realized an actual gain of \$371,623 for the year. Bar operations realized a gain of \$209,689 instead of the budgeted loss of \$282,201. This difference of \$491,890 is comprised of the following components: (1) savings in salaries and related personnel costs of \$561,578, (2) savings in officer expenses of \$53,273, (3) savings in bond premium amortization and investment service fees of \$76,726 and (4) savings in YLD Committees expenses of \$44,439. The savings were offset by the following components: (5) overage on credit card fees and discounts of \$61,947, (6) additional costs for the special contract master of \$84,628 and (7) additional costs associated with the Bar Journal of \$83,040. These seven items total \$506,401.

Executive Director Elmore stated that the September 2023 financials are complete and that there was nothing of note to report from those. He said that the 2022-2023 audit is underway.

#### Young Lawyers Division Report

YLD President Brittanie Browning reported that the YLD Fall Meeting will be held in Charleston on Nov. 9-12. She said Justice Verda Colvin will be attending for a fireside chat, and the YLD will participate in a service project at the Holy Smokes Festival benefiting the Ronald McDonald House. She reported that the YLD Signature Fundraiser will be held at the Midyear Meeting in Atlanta, on Jan. 12, at the Westin, benefiting the YLD's Public Interest Internship Program. She invited the Board of Governors to attend and asked for their support. YLD President Browning reported that the new leadership academy class has been selected, and there will be a Leadership Academy luncheon on Dec. 1 at the Piedmont Driving Club with Justice Sarah Warren as the keynote speaker.

#### Suicide Prevention and Awareness Report

Hon. Shondeana Morris, chair of the Suicide Prevention and Awareness Committee, encouraged members of the board to participate in the Out of the Darkness Walk on Nov. 5 at 2 p.m. at Piedmont Park. The committee received donations that allowed the State Bar to be a sponsor of all seven walks across the state. Judge Morris said she continues to speak across the state to bring awareness to suicide and shared stories of those whose lives were saved due to the program.

#### Chief Justice's Commission on Professionalism Report

CJCP Executive Director Karlise Grier reported on the commission and thanked Chief Justice Michael Boggs for his leadership. She said the 24<sup>th</sup> Annual Justice Robert Benham Awards nominations have been opened with a deadline of Nov. 10, 2023. She reminded everyone that serving the community is what makes a nominee eligible, not service to the Bar. She asked members of the board to consider submitting a nomination. She said the Law School Orientation evaluations are on the website and thanked those who participated.

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meeting on August 24, 2023.

Combined State Bar of Georgia and Office of the General Counsel Annual Report

The Board of Governors received a copy of the 2023 Combined State Bar of Georgia and Office of the General Counsel Annual Report.

ICLE Report

The Board of Governors received a written report from ICLE.

Law Practice Management Program

The Board of Governors received a written report on the activities of the Law Practice Management Program.

Communications Update

The Board of Governors received a media report from the Communications Department.

Old Business

There was no old business.

New Business

There was no new business.

Announcements

There were no announcements.

Executive Session

There was no executive session.

Remarks / Q&A / Comments / Suggestions

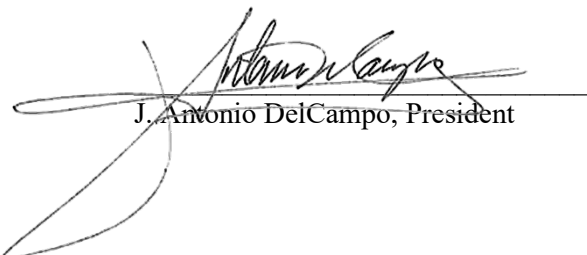
There were no remarks, Q&A, comments, or suggestions.

Adjournment

There being no additional business, the meeting was adjourned at 10:17 a.m.

  
William C. Gentry, Secretary

Approved:

  
J. Antonio DelCampo, President