

**STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MEETING MINUTES
Saturday, April 20, 2024, 9:00 a.m.
Brasstown Valley Resort and Spa
Young Harris, GA/Zoom Hybrid**

The 301st meeting of the Board of Governors of the State Bar of Georgia was held at the date and time shown above. President J. Antonio “Tony” DelCampo presided and called the meeting to order at 9 a.m.

Pledge of Allegiance

William J. Monahan, Out-of-State, Post 2, led the pledge of allegiance.

Invocation

Hon. Joy R. Parks, Enotah Circuit, 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. He reminded everyone participating by Zoom that it automatically creates a report of attendees. However, he asked those who telephoned into the meeting to email him to ensure they are reflected in the attendance record as being present. The list of those in attendance is attached as Exhibit A.

Future Meetings Schedule

President Tony DelCampo reviewed the Future Meetings Schedule. President-Elect Ivy Cadle discussed his upcoming meetings. He announced a reimbursement program to help offset costs for Board members in their first two terms based on financial need. He said the Executive Committee will discuss the program further at their meeting on April 26 to work out the logistics.

Minutes of the 300th Meeting of the Board of Governors

Secretary Bill Gentry presented the minutes of the Board of Governors meeting held on January 13, 2024, which were approved as presented by majority vote.

Proposed Changes to the Georgia Rules of Professional Conduct

Deputy General Counsel Bill NeSmith presented the following proposed rules changes.

Rule 4-102. Disciplinary Action; Levels of Discipline; Georgia Rules of Professional Conduct

The title under Contents will be changed to “Preamble and Scope.” The word “Terminology” is being deleted because Terminology and Definitions were moved to Rule 1.0 in November 2011. This is a housekeeping change with no substantive effect.

The Board of Governors, by majority vote, approved the proposed Rule change.

Rule 9.4 Jurisdiction and Reciprocal Discipline

This proposed change requires the State Disciplinary Review Board to file its recommendations for imposing substantially similar discipline with the Clerk of the State Disciplinary Board instead of the Supreme Court of Georgia. The State Disciplinary Board Clerk is required to serve the respondent and file the record in the disciplinary matter with the Supreme Court of Georgia within ten days. The proposed change also requires the State Disciplinary Review Board to file its report and recommendations within 60 days with the State Disciplinary Board Clerk after receiving and considering exceptions from the respondent or the Office of the General Counsel. The State Disciplinary Board Clerk will serve the respondent and file the record in the disciplinary matter with the Supreme Court of Georgia within ten days. These changes create better continuity and organization of the filings in a reciprocal discipline matter.

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

License Fee Approval 2024-2025

After a report from Treasurer Chris Twyman, the Board of Governors, by majority vote, approved active license fees at \$264 (\$4 increase from fiscal year 2023-2024) and inactive license fees at \$130 (\$2 increase from fiscal year 2023-2024) for fiscal year 2024-2025.

Approval of Other Items to Appear on the License Fee Statement

The Board of Governors, by majority vote, approved the following items to appear on the license fee statement:

- 1) Section Dues (\$10 to \$50).
- 2) Clients' Security Fund (\$15 per member per Rule 1-506).
- 3) Professionalism Fee (\$11/year).
- 4) Legislative and Public Education Fund Contribution (\$100 optional contribution).
- 5) Georgia Legal Services Program (\$400 suggested individual contribution/\$100 suggested contribution for young lawyers).

President's Report

President Tony DelCampo began his remarks by thanking everyone for their work on the Board of Governors and thanking Bar staff for their work as well. He gave an update on the current status of the unallocated cash plan, and he said that the projects are either on budget or under budget and going well. He announced that the website redesign is on track to launch on August 1 and that a beta version will be completed by the Annual Meeting. He reminded the Board that General Counsel Paula Frederick is retiring at the end of January 2025. The process of hiring a new general counsel is almost complete, and there should be an announcement in the next couple of weeks.

President DelCampo said every time he is invited to speak at local bars or events, he talks about lawyer wellness and the #UseYourSix campaign through the Lawyer Assistance Program. He reminded everyone that a healthy lawyer is a good lawyer. He encouraged others to talk about it with their groups as well. He said while the judicial pay legislation did not pass this session, the Bar will continue to support the judicial pay raises next year.

Executive Director's Report

Executive Director Damon Elmore echoed his thanks to the Bar staff. He reported that there are no significant challenges currently regarding the Bar Center and that improvements will be continued regarding technology, use, and occupancy. Georgia CASA will be moving in on the 6th floor as a new tenant in August 2024.

Treasurer's Report

Treasurer Chris Twyman reported on the financials of the Bar and said that there were no surprises and that everything was in good financial order. The Board was provided with the January 2024 financial statements for Bar Operations and the Bar Center.

Young Lawyers Division

YLD President Brittanie Browning reported that the Legal Food Frenzy's goal this year is to raise \$1 million for Georgia's food banks. She said food banks need extra resources during the summer because children aren't in school to receive meals. She announced that the 2024 YLD Signature Fundraiser raised \$36,500, with the YLD's Public Interest Internship Program being the beneficiary. She reported on several YLD events in the past few months and multiple events taking place to close out the Bar year.

ACL/Legislative Report

Legislative Consultant Rusty Sewell reported the following on the Bar's 2024 legislative package:

1. Support for the Uniform Commercial Code Modernization Act of 2024 (HB 1240)—Business Law Section. Summary: HB 1240 seeks to update and modernize various statutes in the commercial code relating to commercial transactions to maintain uniformity in the state's statutes governing commercial transactions. It also establishes commercial law for transactions involving digital assets. Status: Signed by Gov. Kemp on May 6.
2. Support for Amendments to Title 53 and Related Code Sections (HB 1218)—Fiduciary Law Section. Summary: HB 1218 relates to general provisions relative to probate and requires that notice be provided to beneficiaries of a testate estate. Status: Did not pass.
3. Support for Judicial Council's Judicial Compensation Reform Proposal (HB 947)—Advisory Committee on Legislation. Summary: HB 947 seeks to increase compensation received by superior court judges and create the Judicial System Compensation Commission. Status: Did not pass.
4. Support for a Proclamation by the Governor Recognizing April 2024 as Legal Professionalism Month—Professionalism Committee. Status: Proclamation issued by Gov. Kemp on Jan. 24.
5. Support for the Judicial Council's Budget Request for FY 2025—Indigent Defense Committee \$900,000 for Increased Funding for the Georgia Appellate Practice and Educational Resource Center. Status: Fully funded for FY 2025.
6. Support for the Judicial Council's Budget Request for FY 2025—Committee to Promote Inclusion in the Profession \$3 Million for Continued Funding for Civil Legal Services Grants for Victims of Domestic Violence. Status: Fully funded for FY 2025.
7. Support for the Judicial Council's Budget Request for FY 2025—Access to Justice Committee \$619,000 for Increased Funding to Provide Civil Legal Services Grants for Medical Legal Partnerships. Status: Funded at \$409,500 for FY 2025.

In other legislative activity of interest to the Bar, SB 73 regarding lawyer advertising passed. Bar leadership will review the legislation to see what, if anything, needs to be done by the Bar. Tort reform was a priority for the governor. SB 426 was passed, which limits a plaintiff's ability to sue motor carriers and their insurers simultaneously. There were also changes to landlord-tenant laws, providing more clarity. The bill regarding salaries for judges began in a positive light in the House but ran into issues in the Senate. They pointed out there would have to be an amendment to the state's constitution. It has been put on hold.

CLE Rewrite and Rules Change

Executive Director Damon Elmore reported on the proposed changes to the CLE Rules. Based on the Lawyer Competency Task Force Report, the Supreme Court of Georgia asked that the Bar look into a longer compliance period and a reduction of required hours. Bar staff and the Commission on Continuing Lawyer Competency have worked on a draft incorporating those items and took the opportunity to incorporate feedback from the CLE Survey conducted in January 2023. Minimal housekeeping changes were also included.

Summary of the Proposed Changes:

- Moved from an annual CLE requirement to a biennial CLE requirement (every two years).
- The first biennial compliance period begins January 1, 2025, and ends December 31, 2026. All lawyers will have the same CLE deadline of December 31 in every even year (except new lawyers in TILPP).
- Eliminated reference to a grace period. The deadline for the CLE compliance period is December 31 of every even year (2026, 2028, 2030, etc.). If CLE hours are not completed by the compliance deadline, a \$200 late fee will be assessed. However, a notice of lawyers who have not complied or paid the late fee will be forwarded to the Supreme Court of Georgia, per the rules, no sooner than April 30 of every odd year.
- CLE Hours Requirement:
 - 18 hours every two years (maximum of 6 CLE hours can be carried from one compliance period to the next).
 - 3 hours of ethics every two years (no ethics carry-over from one compliance period to the next).
 - 2 hours of professionalism every two years (no professionalism carry-over from one compliance period to the next).
 - 3 trial hours every two years (for trial lawyers) (no trial carry-over from one compliance period to the next).
- Moved all exemptions to one place under Rule 8-104 (d). Previously, the exemptions were spread out in Rule 8-102, Rule 8-104 (c), and under Regulations to Rule 104 (c).
- Age 70 CLE Exemption:
 - Grandfathered exemption for attorneys who reached age 70 before the effective date of the new CLE rules.
 - Attorneys who reach age 70 after the effective date of the new CLE rules will have a biennial requirement of 9 CLE hours (including 3 ethics hours, 2 professionalism hours, and 3 trial hours for trial attorneys).
- Eliminated trial observation as an activity approved for CLE hours.
- Removed the portion of the rules that says, “expenses of Commission members shall not be reimbursed.”
- Moved most definitions to the top (Rule 8-102).
- Changed the CLE late fee to \$200 after the compliance deadline (currently, it is \$100) but eliminated the additional CLE late fee of \$150 currently in the regulation.
- TILPP Rules and Regulations were all moved under one rule (new Rule 8-105).
- Changed “sponsor” to “provider” and changed “attorney” to “lawyer” throughout.

A robust and comprehensive discussion with questions and answers occurred. CCLC Chair Thomas Herman was available to help answer questions from the Board members. After much discussion, Executive Director Elmore said he would work on creating an FAQ page that further explains the changes, in addition

to items during the discussion, to use during the Board of Governors Annual Meeting and on the website. This will be an action item at the Annual Meeting in June.

New Process for Budget Approval

Chief Financial Officer Ron Turner presented a proposed new process for budget approval. The purpose of the proposed bylaw change is to change the timing of the approval of the annual budget from the Annual Meeting to the Spring Meeting. The advantages of changing the timing for approval would be as follows: (1) the approval of the license fees and the budget in the same meeting, (2) a reduction in committee meetings, (3) cohesion with the timing related to the new evaluation process, and (4) creation of more efficiencies within the Accounting Department. This will be an action item at the Annual Meeting in June.

Chief Justice's Commission on Professionalism Report

Executive Director Karlise Grier thanked Chief Justice Michael Boggs for his leadership of CJCP. She held a moment of silence in honor of Jim Elliot and Avarita Hanson, both leaders of professionalism who have died since January. She said that CJCP held a low-cost CLE, "The Significant Lawyer," with 15 people in person and 149 online. Currently, CJCP is hosting the "Connect with a Colleague Contest," where lawyers are encouraged to have lunch or coffee with another lawyer. Prizes for the contest are being funded by the CLE held in January. She mentioned that Law Day is May 1, but it will be celebrated throughout the month with the theme of "Voices of Democracy."

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on December 15, 2023, and February 9, 2024.

Law Practice Management Program

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

Office of the General Counsel

The Board of Governors received a written report from the Office of the General Counsel.

Institute of Continuing Legal Education Report

The Board of Governors received a written report from the Institute of Continuing Legal Education.

Media Report

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

Old Business

There was no old business.

New Business

Secretary Bill Gentry discussed the possibility of a Senior Lawyers Division and said there's a strong need for it. The division would be for lawyers 55 and over. Secretary Gentry said that Past President Pat O'Connor appointed him to the Aging Lawyers Task Force, which morphed into the Senior Lawyers Committee. Through those two committees, work was done to focus on succession planning and naming a designated attorney on the dues notice. They created content for the Bar's website to help guide what steps to take when faced with a sudden health crisis. They worked with the Membership Department and Office of the General Counsel to create a "retired" member status for attorneys who may have a minor Bar complaint against them but would require them to no longer practice law, allowing them to retire with

dignity. Secretary Gentry said that he has talked with past and current YLD leaders, and they agree this would provide a great opportunity for mentoring.

Announcements

There were no announcements.

Executive Session

There was no executive session.

Remarks / Q&A / Comments / Suggestions

President Tony DelCampo opened the floor to remarks, questions, comments and suggestions.

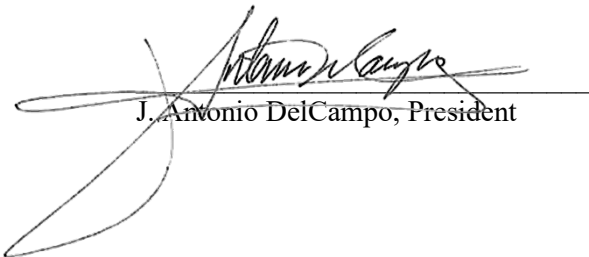
Adjournment

There being no additional business, the meeting was adjourned at 11:21 a.m.



William C. Gentry, Secretary

Approved:



J. Antonio DelCampo, President