

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE MEETING
MINUTES
August 24, 2023, 9 a.m.
Barnsley Resort/Hybrid
Adairsville, GA**

Members Participating

J. Antonio “Tony” DelCampo, President; Ivy N. Cadle, President-Elect; Christopher P. Twyman, Treasurer; William C. “Bill” Gentry, Secretary; Sally B. Akins, Immediate Past President; Brittanie D. Browning, YLD President; Kenneth Mitchell Jr., YLD President-Elect; Ronald E. Daniels, YLD Immediate Past President; R. Javoyne Hicks; Shiriki Jones; David S. Lipscomb; Jonathan B. Pannell; R. Gary Spencer; and Martin Valbuena.

Members Absent

None.

Staff Participating

Sarah Coole, Chief Operating Officer; Damon Elmore, Executive Director; Paula Frederick, General Counsel; Bill NeSmith, Deputy General Counsel; and Ron Turner, Chief Financial Officer.

Call to Order

President Tony DelCampo called the meeting to order at 9 a.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings Schedule

President Tony DelCampo reviewed the Future Meetings Schedule.

Executive Committee Orientation/Start of the Year

Executive Director Damon Elmore, General Counsel Paula Frederick, Chief Financial Officer Ron Turner, and Deputy General Counsel Bill NeSmith reviewed the following policies and topics: Officer and Non-Officer Executive Committee Expense and Reimbursement Policy; Standing Board Policy 600: Disclosure of Conflicts; Standing Board Policy 800: Confidentiality; Keller Considerations; Standing Executive Committee Policy 1200: Statements to the Press/Endorsements; and Responding to Communication Regarding the Disciplinary Process.

Executive Committee Minutes

Secretary Bill Gentry presented for approval the minutes of the April 20, 2023, and May 3, 2023, Executive Committee meetings. The April 20, 2023, minutes were passed as presented by unanimous vote. The May 3, 2023, minutes were passed as amended by unanimous vote.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous vote: Joseph F. Pelusi-253838; Jeffrey George Fletcher-263967; Amanda Marie Davis-227122; Mary Virginia Shasteen-142503; Susan Joan Doty-227268; Thomas Peter Ryan-262781; Thomas R. Berka-054690; Marcy Alice Greene-306567; Galen A. Mirate-023319; Sarah Ellen Tollison-714319; Scott Gerard Wolfe Jr.-554557; Gregory John Spicer-672013; Scott Thomas Peterson-101103; Lawrence A. D'Orazio Jr.-202981; Tory Shanholtzer Vornholt-637625; Anthony Joseph Zingales-730793; Edward Gary Spitko-672265; Lora Dean Curtis-779486; Kiran Arjandas Ahuja-005801; Lucy W. Kerman-415815; Mark Terrell Hurst-379773; Helen Shishkevish-643490; Anna Grace Plyler-333485; G. Phillip Bramlett-075775; Rick

Monte Reznicek-558228; Omar Saleem Jr.-720172; Teresa Brickman Finer-260860; Margaret Ann Shannon-637742; Alisa Maslia Austin-475515; Hugh Costigan Carlin-109505; Gina Caya-375478; Jeffrey Raphael Richardson-076959; Grant Cape-108413; Carole Adele Loftin-455714; Benjamin J. Bogos-853291; Sherryl Mason Marsh-471432; Carol Brittain Allums-083243; Danielle M. Ryea-621729; Robert Howard Lutz-461565; Robert Evan Wilder-758655; Helen K. Hopkins-366375; Jill Ripans Greaney-606476; Kenneth A. Grant-305420; Harry McKinley Lightsey-452360; Monique Deborah Moyse-527693; Stephanie Nicole Wald-707508; Ronald Giles Peresich-557165; Byron Randall Dong-225668; Nancy Lynn Weiss-746487; Anne Armitage Rogers-747008; Stephanie Baldauff Hope-034040; Erin Kathleen Jansen-970244; Kerry Elizabeth McGrath-493113; Katherine Anne Brokaw-084268; Noor Shekh Najeeb-391423; Richard Oliver Brown-750825; Mary Pappas-561187; Matthew S. Cornick-188576; Rachel Leeann Bisbort Stevens-389057; Kelly Michelle Corredor-477004; Emily G. Johnston-352840; Monica Jayne Brasington-078391; Virginia Boyd Peterson-072850; James Houston Thompson-708533; Denise Hall Dickinson-221134; Thelma Yvette Hawkins-339092; Charles H. Ogburn-550175; Alban Emerson Brooke II-394036; Lamar Kirkland Mitchell-136806; Stacy Fred Sauls-627067; Steven Paul O'Connor-549305; Kathryn M. Carpenter-470935; Michael Gary Leveille-447928; Julie Ann Baenziger-030780; Jennifer Adair Comfort-001935; David M. Yokel-780948; David Felton Smith-763624; Peggy Jo Caldwell-002770; Richard Henry Poulson II-585718; Luther J. Carroll III-112712; Jan Farmer Gadow-281738; Jeanne M. Faust-256465; Eli Jeremy Richardson-233872; Robert Mark Haire-317240; Carmen Suarez Mills-509513; Schaune C. Griffin-311437; Keith T. Ott-555337; Helma Deloris Clark-126927; Christopher Brian Keim-168889; Stephen Christopher Vogt-769107; Kenneth Steven Barr-039467; Paul Howard Schwartz-631060; Daniel Michael Brennan-271142; Marlin R. Escoc-250220; Joseph William Ballard-151234; Grace Palmer Liu-870529; Angela M. Lavori-439519; Jenny Lu McLeroy-497567; Thomas Burns Bacon-226750.

Members Requesting Disability Status

Pursuant to State Bar Rule 1-202, the Executive Committee approved six requests for disabled status by unanimous vote.

Proposed Rules and Bylaw Changes

Deputy General Counsel Bill NeSmith presented the following proposed rules and bylaw 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.

By unanimous vote, the Executive Committee approved the proposed change as presented.

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.

By unanimous vote, the Executive Committee approved the proposed change as presented.

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 as 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.

By unanimous vote, the Executive Committee approved the proposed change as presented.

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.

By unanimous vote, the Executive Committee approved the proposed change as presented.

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.

By unanimous vote, the Executive Committee approved the proposed change as amended.

6. Article VIII. COMMITTEES – GENERALLY. Sections 1 and 2.

The purpose of this proposed amendment to the bylaws is to provide clarity regarding voting and quorum requirements for committees. The amendment specifically states that a member serving ex officio retains the right to vote and their presence contributes to meeting the quorum requirements for voting in both standing and special committees. Also, the proposed change clearly states that liaisons and advisory members are not granted voting rights, and their presence does not contribute to establishing a quorum for conducting business in a standing or special committee, with the exception of Executive Committee liaisons which are specifically addressed in Article VIII, Committees – GENERALLY. Section 1(b)(7) and Section 2(f).

By unanimous vote, the Executive Committee voted to approve the proposed bylaw as amended.

Legislative Consultants Agreements

Executive Director Damon Elmore presented the 2023-2024 legislative consultant agreements of Rusty Sewell and Mark Middleton. The Executive Committee approved the agreements unanimously.

Request to Remove Discipline from the Website

General Counsel Paula Frederick reported that a member has requested their discipline history be removed from the website because of its age (a public reprimand from 1998) and because the lawyer has no additional discipline. After discussion, the Executive Committee asked General Counsel Frederick to review how

other jurisdictions handle disciplinary reporting. She will provide additional information for the next meeting. President Tony DelCampo will also discuss with the Supreme Court of Georgia their thoughts on the issue.

Judicial Legal Fund List

The Judicial Legal Defense Fund and Commission, OCGA § 45-15-71, provides that the State Bar of Georgia will assist the commission in maintaining “a list of attorneys who are members in good standing with the State Bar of Georgia and who have agreed to provide legal representation for judges through the fund; provided, however, that no attorney shall be included on such list of attorneys without the approval of the Governor and each attorney on such list shall be maintained on such list only at the pleasure of the Governor.”

General Counsel Paula Frederick reported that the Governor’s Office requested assistance under the statute in late July. Since the Bar had not created a list as described in the statute, and since the statute requires that the lawyers on the list “have agreed to provide legal representation for judges through the fund,” the list of past presidents of the Bar was used as “the list” for purposes of this request. Executive Director Damon Elmore sent an email to the group. He received four responses from past presidents interested in serving, which were passed on to the Office of the Governor.

After discussion, a motion and second were made to ask the Judicial Qualification Committee Nominating Committee to create a permanent list for the Judicial Legal Defense Fund, which passed unanimously.

President’s Report

President Tony DelCampo updated the Executive Committee on the progress of matters identified to be completed with the aid of unallocated cash in the 2023-2024 Bar year, which are all being completed and overseen by Bar staff: new lobby doors; outdoor heater for the parking deck attendant; website redesign; courtroom audio and video upgrades; speakers and microphones added to multiple conference rooms; kitchen tables and chairs; and membership database upgrade. President DelCampo reported that there will be a second round of interviews over the next two weeks for the Deputy General Counsel position and initial interviews for the Director of Governmental Affairs position. He mentioned his recent visits and speaking engagements with the Gwinnett County Bar Association and GSU law school orientation.

Executive Director’s Report

Executive Director Damon Elmore reported that the following orientations have been completed: committee chair, section chair and ICLE programs chair, and each orientation included a reminder about the Bar’s purpose, stance on positions, applicable policies and other necessary information. He updated the Executive Committee on Membership Department staff changes and specifically mentioned staff members who have gone above and beyond in the last few months. Executive Director Elmore shared ideas for possible uses for the unused space on the 5th floor of the Bar Center. He also mentioned that an issue was recently raised about solo and small firm member health insurance, the possibility of a MEWA or private insurance marketplace, and the request that the Bar look into the issue again. (The Executive Committee recommended that the Member Benefits Committee research the topic.)

Legislative Report

Executive Director Damon Elmore reported that the Advisory Committee on Legislation will meet on Sept. 14, Dec. 7, and Feb. 7. A reminder has been sent to committees and sections announcing the deadline of Sept. 5 for all proposals and materials. He thanked Megan Jones, Rusty Sewell, Mark Middleton and Brandon Peak for their help during this transition period.

Proposed Standing Board Policy 1000 (Positions, Articles, Programs, Meetings, Activities of Committees and Sections. Guidelines for the State Bar of Georgia)

Executive Director Damon Elmore presented proposed Standing Board Policy 1000 (Positions, Articles, Programs, Meetings, Activities of Committees and Sections. Guidelines for the State Bar of Georgia). He said that staff and committees have reviewed the Bar's publications and programming over the last year and recommended that a policy be created to ensure everyone keeps the Bar's purpose and the essence of a mandatory Bar in mind when creating publications or programming and that there is a clear connection to the practice of law. Standing Board Policy 1000 was drafted with that in mind. Executive Director Elmore will share the draft policy with the Supreme Court of Georgia to get their feedback as well. This will be an action item at the next meeting.

Treasurer's Report

Treasurer Chris Twyman reviewed the finances of the Bar for the year-to-date period ending May 31, 2023. He pointed out that the voluntary Legislative Contributions were at an all-time high for the 2022-2023 Bar year, along with the contributions to GLSP. He said that the Bar is on track to come in under budget for 2022-2023 and is fiscally sound. The final report for the year will be available at the next Executive Committee meeting.

Office of the General Counsel Report

General Counsel Paula Frederick reported that the Office of General Counsel will have a detailed OGC report available at the Fall Meeting as a supplement to the Bar's overall Annual Report. Following a motion, second, and unanimous voice vote, the Executive Committee met in Executive Session to discuss the status of lawsuits involving the Bar.

Committee Updates

The following committee updates were provided:

- Executive Committee Member Shiriki Jones reported that the *Georgia Bar Journal* Editorial Board is working on an effort to build a repository of legal articles by utilizing social media, among other ways, to encourage individuals to submit legal articles, highlighting that up to 6 hours of CLE credit is available for published articles.
- Shiriki Jones reported the Georgia Diversity Program's summer associates and judiciary reception went well. They also just completed their High School Pipeline Program with 14 students, which gives them exposure to the practice of law and general life skills. They are working on their 30th-anniversary dinner and awards program, which will be held on Thursday, Oct. 12, at the Bar Center.
- Shiriki Jones reported that the Law Practice Management Committee has been holding and planning numerous informative CLEs for solo and small practitioners.
- Shiriki Jones reported that the Seeking Equal Justice and Addressing Racism & Racial Bias Committee recently held a talk about the Latinx experience in the legal profession, planned by committee member Miguel Dominguez, featuring President Tony DelCampo.
- Executive Committee Member David Lipscomb reported that the new Fee Arbitration Program director, Donna Davis, has been doing a great job learning her new position and supporting the committee.
- Secretary Bill Gentry reported on the Senior Lawyers Committee. He said their current project is planning a Senior Lawyer seminar on Cognitive Impairment – diagnosing and intervening to help lawyers facing this problem.
- Bill Gentry reported that the Judicial Procedure and Administration/Uniform Rules Committee is reviewing Uniform Rule 8.3. Trial Calendar, which says, "The trial calendar shall be distributed or published a sufficient period of time, but not less than 20 days, prior to the session of court at which the actions listed thereon are to be tried."

- Bill Gentry reported that the Military Legal Assistance Program is hosting a seminar in November to assist veterans in handling VA appeals.
- Executive Committee Member Javoyné Hicks reported that the Attorney Wellness Committee is hosting a Wellness Institute, Sept. 21-24, at Wild Dunes in South Carolina, that will focus on the state of wellness and well-being in the practice of law.
- Javoyné Hicks reported that the Suicide Prevention and Awareness Committee will be an official sponsor of the Out of the Darkness walk on Nov. 5. Pursuant to the Conflicts of Interest Policy, she disclosed that she is on their board.
- Javoyné Hicks reported that the Lawyer Assistance Program Committee has focused their efforts on advertising the Lawyers Helping Lawyers initiative and is working on a new website for the program.

Young Lawyers Division Report

Young Lawyers Division President Brittanie Browning reported the YLD is off to a good start this year. They held a successful committee chair orientation and YLD Board of Directors and Representatives retreat. They will be in Charleston for their Fall Meeting, with Justice Verda Colvin leading a fireside chat. They will also hold a CLE on disaster relief. YLD President Browning said the Leadership Academy applications are online, and she asked that the Executive Committee encourage young lawyers to apply and also write recommendations for them. She mentioned the upcoming CLE in Puerto Rico, with YLD officers moderating many CLE panels.

Institute of Continuing Legal Education Report

ICLE Director Julia Neighbors reported on the Institute of Continuing Legal Education. She said in the last year, ICLE has hosted 69 programs, 12 of which were institutes, 467 hours of programs, and they have had 765 program chairs and speakers. She said ICLE has the largest market share of CLE programming in Georgia, accounting for a large portion of all CLE providers. She and her team are looking to increase productivity and efficiency, update and review CLE pricing, and work with program chairs to ensure they incorporate innovative programming.

Member Benefits vLex Agreement (Fastcase)

Law Practice Management Director Nkoyo Effiong and Member Benefits Coordinator Sheila Baldwin, staff liaisons to the Member Benefits Committee, along with Fastcase's Joe Patz Vineyard, vice president, Alliances and Business Development, presented on behalf of the committee. The Member Benefits Committee recommends extending the Bar's Fastcase subscription to include Docket Alarm, a collection of court briefs, motions, and complaints for our members. "Docket Alarm Briefs, Pleadings and Motions Library" means the searchable collection of millions of state briefs, pleadings, and motions, including but not limited to those of the Georgia Court of Appeals and the Supreme Court of Georgia, that are part of the Docket Alarm database and available for searching by Members on the vLex Fastcase System. The Executive Committee asked the Member Benefits Committee for additional information, which will be presented at the next meeting.

Topics of Discussion with the Supreme Court

The Executive Committee discussed topics for the joint meeting with the Supreme Court of Georgia which follows this meeting.

Board of Governors Minutes

The Annual Meeting minutes were provided as informational material.

Old Business

There was no old business.

New Business

Following a motion, second, and unanimous voice vote, the Executive Committee met in Executive Session to discuss the Georgia Bar Journal editorial process.

Deputy General Counsel Bill NeSmith presented an application to create the Energy Law Section of the State Bar of Georgia for consideration. The purpose of this section shall be to form an association of licensed lawyers in the State of Georgia who desire to develop their knowledge and professional abilities in energy law and to render better services to their clients and to the public.

By unanimous vote, the Executive Committee recommended that the creation of the Energy Law Section go before the Board of Governors for approval at the Fall Meeting.

Announcements

There were no announcements.

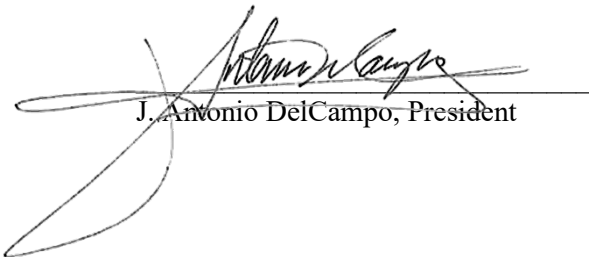
Adjournment

There being no further business, the meeting was adjourned at 12:30 p.m.



William C. Gentry, Secretary

Approved:



J. Antonio DelCampo, President