

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE MEETING
MINUTES
December 15, 2023, 12 p.m.
Bar Center/Hybrid
Atlanta, GA**

Members Participating

J. Antonio “Tony” DelCampo, President; Ivy N. Cadle, President-Elect; Christopher P. Twyman, Treasurer; William C. “Bill” Gentry, Secretary; Sarah B. “Sally” 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 1 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings Schedule

President Tony DelCampo reviewed the Future Meetings Schedule. He said the schedule has been updated to reflect that the April Executive Committee meeting will be held in Dalton, which is Justice Charles J. Bethel’s hometown.

Executive Committee Minutes

Secretary Bill Gentry presented for approval the minutes of the August 24, 2023, Executive Committee meeting. The 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: Reuben Allen Akin-086601, Christopher C. Antone-020680, Frances Marie Attaway-027220, Catherine Ford Boone-067710, Mark Wellman Botsch-069951, Bradley Matthew Burman-940379, Rocco Joseph Carbone III-484226, Michael C. Castellon-116106, Gene Bert Clark Jr.-126867, Michael Shields Connor-935921, Louis A. Cruz-199665, Germaine Curtin-202348, Cynthia Lee Davis-207780, Ellen Victoria Endrizzi-304178, Gregory David Goolsby-301850, Jeffrey Bruce Goore-301931, Andrew Lamkin Hamilton-895442, Dawn Marie Jordan-404452, Christopher John Kiefer-417247, Gai Lynn McCarthy-482223, Mark McDermott-488323, Mark Alan Murphy-530401, Michael J. O’Leary-551025, Mark Frederick Padilla-558769, Brooks Pennington III-571375, Deana Kay Pruitt-588880, Lillian Myrick Robinson-631273, Leonard Alan Scott-632170, Ashlee K. Smith-214971, Rina So-515766, Dawn Vernise Stephens-141218, Robert S. Ukeiley-721597, Rachel Kathryn Watson-808707, John Andrew Wickham-734848, Steven Thomas Wittmer-772550.

Members Requesting Disability Status

Pursuant to State Bar Rule 1-202, the Executive Committee approved two requests for disabled status by unanimous vote. Executive Committee Member David Lipscomb suggested a review of Rule 1-202(e), adding information about who can request a disability status. Currently, it only says “member,” and there are times when the member is in a coma or otherwise unable to send the application themselves. Deputy General Counsel Bill NeSmith will revise the rule and provide it at an upcoming Executive Committee meeting.

Proposed Change to Rule 1.8(e) Conflict of Interest: Prohibited Transactions.

General Counsel Paula Frederick presented the following proposed change to “Rule 1.8 Conflict of Interest: Prohibited Transactions.” The proposed change to this rule would adopt a recent amendment to the American Bar Association Model Rules. It would allow lawyers who represent a client pro bono, an indigent client through a nonprofit legal service or public interest organization pro bono, or an indigent client pro bono through a law school clinical or pro bono program to provide modest gifts to the client for food, rent, transportation, medicine, and other basic living expenses. The proposed amendment prohibits lawyers from making any promises or assurances to clients before or after they have been retained. The comments have been revised to emphasize that lawyers still are not allowed to financially support a lawsuit or administrative proceeding on behalf of their clients. By unanimous vote, the Executive Committee approved the proposed change as presented. This will now go before the Board of Governors at the Midyear Meeting in January.

Request to Remove Discipline from the Website

General Counsel Paula Frederick reported that at the last meeting, the Executive Committee discussed the request from a member to remove from the website directory information about a public reprimand imposed more than 25 years ago. There was a similar request from the friend of a deceased lawyer whose disciplinary history was still public after death. General Counsel Frederick reported information from 15 jurisdictions—Alabama, Colorado, Florida, Hawaii, Illinois, Kentucky, Maine, Michigan, New Jersey, North Carolina, Rhode Island, Utah, Virginia, Washington, and Wisconsin. Twelve of them never remove public discipline from the lawyer’s listing on the website. Three do: Alabama only lists discipline imposed since 2018, although they do provide information about discipline that occurred before 2018 in response to calls or written request; Florida only lists current status and discipline that occurred within the past 10 years; and Utah, which only lists the current status of the attorney and does not publicly list any discipline that occurred in the past.

By majority vote, the Executive Committee denied the member’s request. There was a motion and second to send this issue to the Rules Committee for consideration of a rule that would allow a member to request that their disciplinary history not appear in the website directory after a certain period of time, which passed unanimously.

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 the policy was designed to support the ability, mainly the staff’s ability, to adjust, change or omit program design and publications. The staff felt a policy was easier to refer to and helped support their position. He said it is also essential considering recent cases and believes it will support the ability to ensure events and publications are in line. He added that it may have an added benefit of having something in the Bar rules that can be pointed to acknowledging the narrow focus on the Bar’s mission, lawyer regulation, helping members’ practice and improving the quality of legal services.

By unanimous vote, the Executive Committee approved Proposed Standing Board Policy 1000. This will now go to the Board of Governors as an informational item at the Midyear Meeting and then as an action

item at the Spring Meeting.

Legislative Consultant Agreement

Executive Director Damon Elmore presented the 2024 legislative consultant agreement for Roy Robinson. The Executive Committee approved the agreement unanimously.

Fastcase/vLex Contract with DocketAlarm Benefit

Chief Operating Officer Sarah Coole presented the vLex/Fastcase contract with the option of adding the new DocketAlarm benefit, a docket research database that lives alongside Fastcase, enhancing members' research experience, which came from the Member Benefits Committee as a recommendation. She said that it was reviewed internally and found to be a helpful benefit for members, solo/small firm litigators specifically. DocketAlarm would cost an additional \$146,000, which equates to a \$4 dues increase. Members already have the option to purchase Docket Alarm separately, for \$95 a month, and some pay that now. By majority vote, the Executive Committee approved the DocketAlarm proposal. This will now go to the Board of Governors as an action item at the Midyear Meeting.

Proposed White Collar Section

Deputy General Counsel Bill NeSmith presented the proposed new White Collar Section. The application states the section "would focus on the practice of white collar law, an amalgamation of several practice areas, including business litigation, criminal law, technology law, civil litigation, securities litigation, compliance, and corporate governance. Instead of duplicating any of the above-mentioned sections, the White Collar Section would uniquely fuse a few specific, applicable aspects from each of them to create a common ground for professionals working on criminal, civil, parallel, or internal white-collar matters or investigations, compliance, and any resulting litigation." By unanimous vote, the Executive Committee approved the new White Collar Section. This will now go to the Board of Governors as an action item at the Midyear Meeting.

President's Report

President Tony DelCampo reported that the first year's plan for the unallocated cash continues to go well, and all projects are either completed or being worked on at a steady pace. He said the Wellness CLE in South Carolina went well, and he uses every chance he gets to tout #UseYourSix. He said he has had great feedback and shared stories of people letting him know they have used their benefit. President DelCampo reported on the meeting of the Southern Conference of Bar Presidents that he attended in Virginia and the information he was able to share with the other bars who attended and said he was amazed at what the Bar does with our resources and staff compared to other bars. He reported that he continues to work with the Supreme Court regularly.

President DelCampo said that the Bar has hired Andreea Morrison as the new deputy general counsel in the Office of the General Counsel. He said Jenny Mittelman has done great work over her 30 years at the Bar and will retire in February. He said after interviewing several candidates and offering the position to one of the applicants, they did not accept the director of governmental affairs position. For this legislative session, our contract lobbyists will handle the Bar's legislative package. Afterward, the Bar will start the process of hiring again. He said they are also beginning the process of hiring General Counsel Paula Frederick's replacement with her upcoming retirement in January 2025.

Executive Director's Report

Executive Director Damon Elmore reported he and other staff are still working on a lease with Georgia CASA, and there is still work being done for leasing the fifth floor. He said the JQC nominating committee met and considered candidates for the Judicial Legal Defense Fund and compiled a list of 14 lawyers that has been delivered to the Governor's office. Executive Director Elmore said that there continues to be

improvement and progress with ICLE and sections. He mentioned the 60th anniversary of the unified Bar. Staff explored events and decided that 60 was not necessarily a “milestone” year, but that it will be mentioned at meetings and on social media, etc. He said that he recently visited the Alabama State Bar for the first “11th Circuit Bar Associations” cohort and there was good discussion and shared lessons learned. For staff, he said that all people in new roles are clicking appropriately, and HR is rolling out new initiatives focused on training and development.

Treasurer’s Report

Treasurer Chris Twyman reviewed the finances of the Bar for the year-to-date period ending Sept. 30, 2023, and said that everything is on track and the Bar continues to be fiscally sound. He pointed out that the voluntary legislative contributions have already surpassed last year’s contributions. He gave kudos to Chief Financial Officer Ron Turner and his staff for a successfully completed audit with no adjustments.

Young Lawyers Division Report

Young Lawyers Division President Brittanie Browning reported the YLD Fall Meeting went well, and they had 10 new young lawyers who attended because they liked the location and wanted to be more involved. There was a “fireside chat” with Justice Verda Colvin. They also had a Murder Mystery dinner that everyone enjoyed. The service project as part of the meeting was at Holy Smokes and benefited the Ronald McDonald House. YLD President Browning mentioned tickets are on sale for Signature Fundraiser at the Midyear Meeting with the YLD’s Public Interest Internship Program (PIIP) as the beneficiary. Also, the Leadership Academy will kick off during the Midyear Meeting. She said to contact her if anyone is interested in judging the Moot Court Competition that will be held at the Bar Center in March.

Office of the General Counsel Report

General Counsel Paula Frederick thanked everyone for their support during the hiring process for the deputy general counsel and said that they will now focus on hiring someone for the GC position. She reported that in September, the Supreme Court ordered that the proposed changes to the advertising rules be briefed. The justices seem to be particularly concerned about the constitutionality of the proposed rules under the Georgia Constitution. The Clerk sent their order to several organizations and invited any interested bar members to file amicus briefs. Oral arguments will be in February.

Committee Updates

The following committee updates were provided:

- Executive Committee Member Shiriki Jones reported on the recent Georgia Bar Journal Editorial Board meeting where they reviewed and accepted an article for February. For cost, staff efficiency and more time to get in better quality articles, the Journal will be going to four issues instead of six beginning in 2024.
- Executive Committee Member Shiriki Jones reported the Georgia Diversity program held their 30th anniversary dinner in October where they celebrated many award recipients. They are currently planning for the February 2024 Business Development CLE.
- Executive Committee Member Shiriki Jones reported the Law Practice Management Committee hosted a networking and CLE event on Nov. 9 focused on AI.
- Executive Committee Member Shiriki Jones said the Seeking Equal Justice and Addressing Racism & Racial Bias Committee has been meeting and planning for 2024, including new Courageous Conversations topics.
- Executive Committee Member Martin Valbuena reported that the BASICS Committee is drafting a Memorandum of Understanding with Southeastern Management, which runs the BASICS program on behalf of the Committee. While the Bar no longer funds the program with member license fees, the Georgia Bar Foundation has been supporting them through grants and requested

the Bar continue to support the program by allowing the committee to continue to serve as an advisory board.

- Executive Committee Member Javoynne Hicks reported the Wellness Committee is beginning the planning for the 2024 retreat. She said Wellness Committee members reached out to other committees for the planning of the Wellness Center. Initially they are looking at charging \$40 to be a member of the Wellness Center. Once leadership is in place, they will continue the initial planning of the Center.
- Executive Committee Member Javoynne Hicks reported that Lawyer Assistance Program Committee Chair Lynn Garson will be stepping down as chair. The LAP committee will be looking to get new leadership and members to create new ideas and push the committee forward even more.
- Executive Committee Member Gary Spencer reported the Access to Justice Committee recently held the Pro Bono Awards Reception at Wild Leap to honor the recipients.
- Executive Committee Member David Lipscomb said the Fee Arbitration Committee is updating the Fee Arb petition based on the new rules.

Legislative Report

Legislative Consultants Rusty Sewell and Mark Middleton presented the legislative report. They reminded the Executive Committee that the Board of Governors approved two bills at the Fall Meeting, the Fiduciary Law Section's "Amendments to Title 53 and Related Code Sections" and the Business Law Section's "Amendments to O.C.G.A. Title 11." At the Midyear Meeting, the Board will be voting on additional legislative support, including various funding support requests, support for the General Assembly to recognize April 2024 as professionalism month, and support for the Judicial Council's Compensation Reform Proposal. They updated the committee on what the special session covered in early December. They said among other items that the Bar may be interested in is tort reform, which will be a big area this legislative session.

Personnel Committee Update

President-Elect Ivy Cadle reported the Personnel Committee met on Nov. 15. No new positions were evaluated, although there will be a change in the Office of the General Counsel as Paula Frederick prepares for retirement. The committee's discussion focused on salary increases for staff for the 2024-2025 budget. Senior staff recommended a 3% cost of living increase to all staff, and an optional 2% as merit for eligible employees, which the committee approved.

Programs Committee Update

Executive Committee Member Martin Valbuena reported that the Programs Committee met on Dec. 1. He said the committee does a full, comprehensive review of all programs every three years. This year was the second year in that rotation, so only those asking for additional funding were reviewed. The Georgia Diversity Program requested an additional \$10,000 (for a total of \$20,000). Halima White, director of the program, said despite her best efforts, she has not been able to raise enough money from law firms and bar associations to cover her out-of-pocket expenses and contract price over the past few months. The Programs Committee voted to keep the Georgia Diversity Program's 2024-2025 budget consistent with last year's funding of \$10,000. The Access to Justice Committee requested a budget increase of \$7,000 (for a total of \$9,500). They requested \$4,000 to integrate their annual pro bono awards reception into a Bar Board of Governors event. The ATJ Committee also requested \$3,000 to cover an ATJ Committee retreat in the spring of 2025. The Programs Committee voted to increase the Access to Justice Committee's 2024-2025 budget by \$5,000, for a total of \$7,500. The vote passed unanimously. The Committee to Promote Inclusion in the Profession requested that the Bar continue their support at \$2,500, which the committee approved. The Georgia Resource Center requested that the Bar continue their support at \$55,166. The committee recommended maintaining the request of \$55,166 this year.

Board of Governors Minutes

The Fall Board of Governors Meeting minutes were provided as informational material.

Executive Session

Following a motion, second, and unanimous voice vote, the Executive Committee met in Executive Session to discuss the status of potential tenants at the Bar Center.

Old Business

There was no old business.

New Business

President-Elect Ivy N. Cadle announced his meetings for the upcoming Bar year. He said that he will not hold hybrid meetings. Instead, there will be in-person meetings only. There will be an option to view a stream of the meeting, but that will not be counted as attending the meeting because there is no way to interact.

Announcements

There were no announcements.

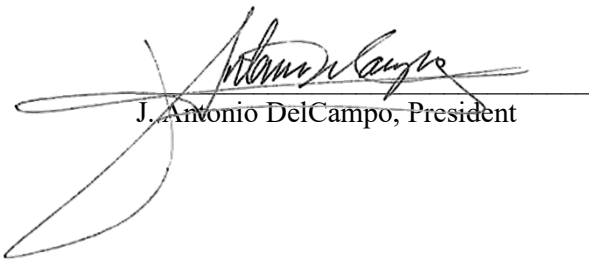
Adjournment

There being no further business, the meeting was adjourned at 3:57 p.m.



William C. Gentry, Secretary

Approved:



J. Antonio DelCampo, President