

**STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MEETING MINUTES
Saturday, January 12, 2019/9:00 a.m.
Macon Marriott City Center/Macon, GA**

The 276th meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Ken Hodges, President, presided.

Special Recognition

President Ken Hodges recognized the members of the judiciary, the Past Presidents of the State Bar, and other special guests in attendance.

Roll Call

Secretary Elizabeth Fite circulated the roll for signature. The list of those in attendance is attached as Exhibit A.

Future Meetings Schedule

President Ken Hodges and President-elect Darrell L. Sutton reviewed the Future Meetings Schedule.

Minutes of the 275th Meeting of the Board of Governors

The minutes of the Board of Governors meeting held November 2, 2018, at The Lodge & Spa at Callaway Gardens, Pine Mountain, GA, were approved by unanimous voice vote.

Proposed Rules Changes – Part VII - Lawyer Assistance Program (LAP)

Following a report by Deputy General Counsel Bill NeSmith and LAP Committee Chair Jeffrey R. Kuester, the Board of Governors, by unanimous voice vote, approved proposed rules changes to Part VII – Lawyer Assistance Program (Exhibit B).

Nominations of State Bar Officers

The Board of Governors received the following nominations for State Bar officers for the 2019-2020 Bar year, and there being no others, declared the nominations closed:

<u>Office</u>	<u>Nominator</u>	<u>Nominee</u>
Treasurer	Patrick T. Connor Michael G. Geoffroy (Seconding)	Elizabeth L. Fite
Secretary	John Flanders Kennedy Daniel Brent Snipes (Seconding) Shondeana G. Morris Lawton E. Stephens (Seconding)	Sarah (Sally) Brown Akins Frank B. Strickland
President-elect	R. Gary Spencer Lester B. Johnson, III (Seconding)	Dawn M. Jones

Nominations of ABA Delegates

The Board of Governors, by unanimous voice vote, nominated the following attorneys for two-year terms to the Georgia ABA Delegate Posts indicated. These positions are open to Georgia lawyers who are

members of the ABA. Anyone else interested in running for any of the three posts can do so by filing a petition as outlined in Article VII Section 1 of the Bylaws.

<u>Post</u>	<u>Delegate</u>
2	Past President S. Lester Tate, III
4	Donna G. Barwick
6	(will be held by the Immediate Past President as of July 2019)

Advisory Committee on Legislation (ACL)/Legislative Proposals

Following a report by ACL Chair Thomas Worthy, the Board of Governors took the following action on proposed legislation:

<u>Legislative Proposal</u>	<u>Germane to Purposes of the Bar</u>	<u>Support on Merits 2/3 Majority</u>
Fiduciary Law Section		
1) Proposed Amendments to the Uniform Guardianship & Conservatorship Proceedings Jurisdiction Act	Passed by unanimous voice vote	Passed by unanimous voice vote
Dispute Resolution Section		
1) Proposal to Adopt the Uniform Mediation Act	Passed by unanimous voice vote	Passed by 2/3 majority voice vote
Comm. to Promote Inclusion in the Profession		
1) Continued State Appropriations to the Judicial Council for Legal Services Grant for Victims of Domestic Violence	Passed by unanimous voice vote	Passed by unanimous voice vote
Georgia Appellate Practice & Educational Resource Center		
1) Continued State Funding to the Judicial Council for Post-Conviction Proceedings	Passed by unanimous voice vote	Passed by unanimous voice vote
Family Law Section		
1) Counterclaims in Response to a Complaint Changing Custody & Counterclaims in Response for a Motion for Contempt for Enforcement of a Custody Order	Passed by unanimous voice vote	Passed by unanimous voice vote
Real Property Law Section		
1) Remote Online Notary Proposal (to support a study committee in the Legislature)	Passed by unanimous voice vote	Passed by unanimous voice vote

Legislative Update

Governmental Affairs Director Christine Butcher Hayes and Legislative Consultant Rusty Sewell provided an update on the upcoming legislative session. Christine reported that President Ken Hodges created a working group of representatives from the Georgia Trial Lawyers Association, the Georgia Chamber of Commerce, and the State Bar that are working on business court enabling legislation. Rusty reported on new leadership in the House Judiciary and Judiciary Non-Civil Committees. He said there

will also be new leadership under Governor Brian Kemp and the State Bar will be working with a number of new state elected officials in the coming year.

The Board of Governors received a copy of the November 27, 2018 Advisory Committee on Legislation meeting minutes.

Resolution for Honorable Carol W. Hunstein, Supreme Court of Georgia Justice (Retired)

President Ken Hodges presented a resolution to (Retired) Supreme Court Justice Carol W. Hunstein honoring her for forty-two years of service to the profession, the public, and the judicial system. She recently retired after serving twenty-six years on the Supreme Court of Georgia.

Recognition of Disciplinary Rules & Procedures Committee

President Ken Hodges recognized the members of the Disciplinary Rules & Procedures Committee who worked several years on reforming the disciplinary rules.

President's Report

President Ken Hodges stated that service on the Board of Governors is a commitment and thanked all members for doing so. He recognized outgoing Board member Jeffrey S. Ward who recently vacated his post due to moving to another circuit. His replacement representing the Brunswick Circuit is Martha Wilson Williams. Ken also recognized Donna Coleman-Stribling who he appointed to the Stone Mountain Circuit replacing outgoing Board member Gary Freed.

Ken reported that he appointed a Professional Liability Insurance Committee, chaired by Linley Jones, to study and make recommendations to the Executive Committee and Board of Governors on issues concerning lawyers' professional liability insurance. He encouraged the Board members to provide their input to the committee. He stated that in his talks to bar associations around the state about the issue of malpractice insurance that feedback has been positive.

Ken reported that the U.S. Supreme Court granted writ of certiorari and issued an opinion in *Fleck v. Wetch*, a case out of the Eighth Circuit challenging mandatory payments of bar dues. The Supreme Court vacated the Eighth Circuit's decision and remanded it for further consideration in light of the Supreme Court's recent decision in *Janus*. He has appointed a Unified Bar Committee to watch that.

Ken reported that ongoing with the YLD we have a disaster relief initiative spearheaded by Pro Bono Director Mike Monahan helping Albany and Southwest Georgia hurricane victims. Eighty-two lawyers around the state have volunteered their time and assisted forty-five people to date. Also, the following three law firms put together a detailed and comprehensive state disaster manual for lawyers: Kilpatrick Townsend, Alston & Bird, and Troutman Sanders, and Ken thanked them for their service.

Lastly, Ken reported that he will be sworn in to the Court of Appeals on January 16, 2019 at 10:30 a.m. and invited those that can to attend. He thanked everyone for the privilege of serving and looks forward to working with them over the next five months.

Treasurer's Report

Treasurer Dawn Jones reported on the Bar's finances. She referred members to the line item variances supplied by the Accounting Department each month and how those variances are being addressed, the legislative fund activity and encouraged members to contribute to it when they are renewing their dues this year, and to the ICLE financials that will be a regular report in the financials from here on out. She reported that there are a number of ICLE programs that do not make money and some that lose a lot of

money, and the ICLE staff is addressing that. She reviewed the 2018-19 State Bar Budget Timeline for the 2019-2020 State Bar Budget, and reported that over the last six years we have raised dues by \$8. She reviewed the Clients' Security Fund and stated that it will need to be replenished in the near future. She reported on changes that have been made on how we manage the Finance Department. Financial information is now current and accounting procedures have been streamlined, allowing us to eliminate a staff position. We have implemented the first budget for ICLE, a new general ledger reporting system, and transitioned to a new expense report system.

President-elect Darrell Sutton reported on the new State Bar of Georgia Officer Reimbursement Policy adopted by the Executive Committee.

The Board of Governors received a copy of the following State Bar financial reports: Consolidated Revenue & Expenditures (Operations and Bar Center Combined) as of October 31, 2018; Summary of Dues and Voluntary Contribution as of October 31, 2018; Income Statement YTD (Operations) for the Four Months ending October 31, 2018; Bar Center Revenue and Expenditures for the Four Months ended October 31, 2018; Investment Performance Comparison 2005-2018; Cornerstones of Freedom Fund and Legislative Fund Fiscal Year Through October 31, 2018; and ICLE Statement of Financial Position as of October 31, 2018, and ICLE Statement of Operating Revenue and Expenditures for the Four Months ended October 31, 2018 and Budget Fiscal Year Ended June 30, 2018.

2018-19 State Bar Budget Timetable (for the 2019-2020 State Bar Budget)

The Board of Governors received a copy of the 2018-19 State Bar Budget Timetable for the 2019-2020 State Bar Budget.

Young Lawyers Division

YLD President Rizza O'Connor reported that the YLD has had a very busy year supporting young lawyers around the state both professionally and personally. In the past six months the YLD has done many things to actively engage in the human aspect of the profession through a tacky Christmas sweater party, haunted ghost tours, yoga, and kickboxing. It has reached out to all of the YLD affiliates to make those personal relationships, and young lawyers continue to do things that inspire and encourage each other.

Rizza reported that the YLD has 27 committees and there is something going on at the Bar Center almost every week. There is a lunch and learn series featuring topics such as educational rights for students with disabilities, navigating your first year of a real estate practice, and how to start your own law practice. Adhering to the YLD motto, working for the profession and the public, on the public end the YLD has handled close to 100 calls through its disaster relief hotline and will continue to work through that for the months to come. The YLD put together hygiene kits for the homeless in Savannah. This past Wednesday, the YLD was in Atlanta at the Gateway Center and helped over twenty-five people formulate a resume, and the community service project at this meeting is collecting coats and blankets to give to the Gateway Center.

Rizza highlighted the YLD's 31st Annual Capitol Leadership luncheon on February 5 where leadership academy and other young lawyers will meet with lawyer legislators, the Intrastate Moot Court Competition at Emory on May 23, and the YLD Spring Meeting in Washington, D.C. on April 25-29 that will feature a swearing-in at the U.S. Supreme Court. She reported that the Annual Signature Fundraiser will take place on April 13. It will be an 80's, 90's and early 2000's themed affair with dinner and dancing, and drinks and games. This year's recipient is the Lawyers for Equal Justice Project. On May 19 a Build a Better Day will take place at which the YLD will build Habitat for Humanity houses in Atlanta,

Macon and Savannah. Young lawyers are very much involved in the upcoming National High School Mock Trial Competition, May 14-18 in Athens, which you will be hearing more information on. Lastly, Rizza reported that the YLD has started using Facebook Live at all YLD general sessions and is creating YLD podcasts offering practical advice. She thanked the Board of Governors for its support of the YLD and hopes Board members will continue to join the YLD at their events.

Who Needs Lawyers? We do. 2019 Campaign

Communications Committee Co-chair Sonjui Kumar, and *Arc of Justice* President and Managing Director Derrick Alexander Pope, reported on the *Who Needs Lawyers? We do. 2019* campaign messaging.

2019 National High School Mock Trial Championship

High School Mock Trial Director Michael Nixon reported on the upcoming National High School Mock Trial Championship being hosted this year by the State Bar of Georgia. The event will take place May 14-18, 2019, in Athens. Forty-six teams from 42-43 states, Guam, Northern Marianas Island, and South Korea will be participating in the competition. There will be about 1,200 students, coaches and parents in attendance along with 200-300 volunteers, staff, and NHSMT Board members. The competition needs to fill 92 judging panel spots each round for four rounds. Michael encouraged the Board members to participate as judges and encouraged them to become sponsors. The Board of Governors also received written information on the Championship.

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on September 21-22, November 7, and November 12, 2018.

Office of General Counsel

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

Military Legal Assistance Program

The Board of Governors received a written report on the activities of the Military Legal Assistance Program.

Consumer Assistance Program

The Board of Governors received a written report on the activities of the Consumer Assistance Program.

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.

Georgia Legal Services Program

The Board of Governors received a written report on the activities of the Georgia Legal Services Program.

Old Business

There was no old business.

New Business

There was no new business.

Remarks/Q&A/Comments/Suggestions

President Ken Hodges opened up the floor to remarks, questions, comments and suggestions.

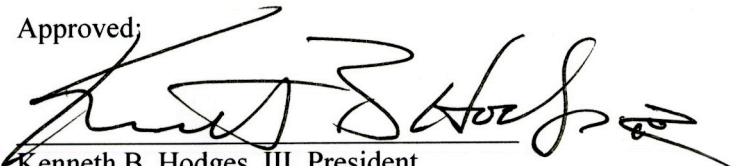
David Cannon requested that Board members receive in advance any proposal drafted by the Professional Liability Insurance Committee so Board members have an opportunity to discuss it with their constituents, and David Lipscomb asked if the Communications Department could assist in distributing the proposal to their constituents. President Ken Hodges affirmatively agreed to both requests

Adjournment

There being no further business, the meeting was adjourned at 11:15 a.m.



Elizabeth D. Fite, Secretary

Approved;


Kenneth B. Hodges, III, President