

**STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MINUTES
April 18, 2015
Brasstown Valley Resort/Young Harris, GA**

The 256th meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Patrise M. Perkins-Hooker, President, presided.

Special Recognition

President Patrise Perkins-Hooker recognized the members of the judiciary, the Past Presidents of the State Bar, and other special guests in attendance.

Roll Call

Secretary Pat O'Connor circulated the roll for signature. The list of those in attendance is attached as Exhibit A.

Recognition of Retiring Board Members

President Patrise Perkins-Hooker recognized the following retiring members of the Board of Governors: Emily S. Bair (Atlanta Circuit), James Randolph Evans (Atlanta Circuit), Donald W. Gillis (Dublin Circuit), Steven A. Hathorn (Alcovy Circuit), Brian A. McDaniel (Southern Circuit), and Andrea D. McGee (Stone Mountain Circuit).

Approval of the Meeting Agenda

President Patrise Perkins-Hooker presented the Revised Meeting Agenda. There being no requested changes to it, the Board of Governors adopted the Revised Meeting Agenda by unanimous voice vote.

Future Meetings Schedule

President Patrise Perkins-Hooker referred the Board of Governors to the Future Meetings Schedule.

Consent Agenda

President Patrise Perkins-Hooker presented the following Consent Agenda. There being no objection or request for removal of the item, a motion was made and seconded to approve the following item:

1) Minutes of the 255th Meeting of the Board of Governors

The minutes of the Board of Governors meeting held on January 10, 2015 at the Atlanta Marriott Marquis in Atlanta, GA.

The Board of Governors, by unanimous voice vote, approved the above item on the Consent Agenda.

2015 Legislation Update

Thomas Worthy provided a recap of the 2015 General Assembly and the State Bar's legislative program. He reported on the State Bar's Action Network, and he encouraged the Board of Governors members to ask their local and voluntary bars to participate in Lobby Day at the Capitol. President Patrise Perkins-Hooker recognized the Bar's legislative lobbyists in attendance, Roy Robinson and Rusty Sewell, and the members of the Advisory Committee on Legislation. She praised the work of the entire legislative team, captained by Thomas Worthy, and requested that the Board of Governors give them a standing ovation. The Board of Governors received a copy of the State Bar Legislative Tracker.

Investment Policy

Following a report by President Patrise Perkins-Hooker the Board of Governors, by unanimous voice vote, approved proposed amendments (Exhibit B) to the State Bar's Investment Policy.

Pro Hac Vice Fees

President Patrise Perkins-Hooker presented a request by the Office of the General Counsel that Uniform Superior Court Rule 4.4 be amended to add \$75 to the annual fee to cover its administrative costs related to billing, collecting and accounting to the Bar Foundation for the money collected. The Board of Governors, by unanimous voice, approved recommending to the Supreme Court of Georgia the proposed amendment as follows:

Uniform Superior Court Rule 4.4/Pro Hac Vice Admission

3. Annual Fee. Any Domestic Lawyer or Foreign Lawyer who has been granted admission pro hac vice before any court of this State shall each year thereafter pay an annual fee of \$275, regardless of the number of pro hac vice admissions on or before January 15 as long as the Domestic Lawyer or Foreign Lawyer is admitted pro hac vice before any court of this State. The annual fee shall be payable to the State Bar of Georgia.

Clients' Security Fund Funding

YLD Immediate Past President Darrell Sutton and Vince Clanton reported on recommendations made by the Clients' Security Fund Task Force to address a sustained reduction in the amount of interest income generated by the Fund's corpus and a resulting reduction in that corpus, and the filing of several substantial claims by clients of several Georgia attorneys. The Board of Governors, by unanimous voice vote, approved the following Task Force's recommendations:

1. Recommending to the Supreme Court of Georgia a change to Bar Rule 10-103 providing for an increase in the annual claims paid cap from \$350,000 to \$500,000, and
2. A one-time contribution of \$500,000 from the State Bar's unrestricted surplus to the Clients' Security Fund.

Randy Davis recognized Vince Clanton for all of his work on behalf of the Clients' Security Fund.

Civil Legal Services Task Force (CSFTF)

Following a report by Treasurer Rita A. Sheffey, Chair of the CLSTF, the Board of Governors, by unanimous voice vote, approved the following Task Force's recommendations:

Excess County Law Library Funds

- 1) A proposed educational piece (Exhibit C) on Excess County Law Library Funds that can be used when judges are being asked to consider using some of their excess county law library funds for civil legal services. OCGA §36-15-7 provides for the granting of excess county law library funds to charitable tax exempt organizations that provide civil representation for low income people.

Cy Pres Doctrine

- 1) A proposed educational piece (Exhibit D) on best practices for awarding residual *Cy Pres* funds to local legal aid provider organizations that can be disseminated to state and federal judges in Georgia, as well as plaintiff and defense lawyers.

Treasurer Rita Sheffey also reported that the Task Force has discussed approaching the Supreme Court of Georgia to recommend that state trial courts designate 25% of *Cy Pres* funds for civil legal services, but she indicated that more work still needs to be done in that regard. She reported that the Institute for Continuing Judicial Education (ICJE) is also asking for the same consideration to support judicial education, and the Task Force will coordinate and parallel with ICJE on the requests.

Dues 2015-16 Recommendation to the Board of Governors

Following a report by Treasurer Rita Sheffey, and in consideration of the recommendations submitted by the Programs, Personnel, and Finance Committees, and the Executive Committee, the Board of Governors, by unanimous voice vote, approved setting the 2015-16 dues as follows:

1. Maintaining dues at \$248 for active members and \$124 for inactive members. This reflects no dues increase, but does include indexing dues \$.90 per member for the Fee Arbitration Program contract attorney. The increase in dues will be absorbed from the Bar's excess surplus.

Approval of Other Bar Dues Statement Items

Following a report by Treasurer Rita Sheffey, the Board of Governors, by unanimous voice vote, approved the following other dues statement items:

1. Section dues to be reflected on the dues statement ranging from \$10-\$35; and
2. Continuation of assessments required by Bar Rules regarding the Clients' Security Fund (\$100 @ \$25/year) and Bar Center Facility (\$200 @ \$50/year); and
3. Continuation of a \$100 opt-out contribution for the Legislative and Public Education Fund; and
4. A suggested \$300 opt-in provision for individual contributions and a \$100 opt-in contribution for young lawyers for Georgia Legal Services Program.

Approval of 2013-2014 Annual Audit

Following a report by Treasurer Rita Sheffey, the Board of Governors, by unanimous voice vote, approved the 2013-2014 Annual Audit (Exhibit E).

President's Report

President Patrise Perkins-Hooker reported on her program of activities for the 2014-15 Bar year and referred the Board of Governors members to the President's Activity Report included in the agenda. She continues to attend committee, section and bar-related meetings. She has traveled around the state to speak at local bar meetings, visit with colleges and high schools on law-related topics, and attend national bar meetings. She announced that the Rural Lawyers initiative that was introduced in the Georgia General Assembly did not advance through the legislative process, but that it will be introduced again next year. She reported that support for this initiative remains strong in the local communities.

The iCivics initiative had a successful launch in five school districts this year, and the YLD has paired up attorney volunteers with teachers in those districts. The iCivics Committee will be working with Fulton, Gwinnett, Hall, DeKalb and Richmond Counties next year to see if training for the program can be incorporated in those school systems. She met with the State School Superintendent about iCivics and he has agreed to allow an iCivics presentation to be held at the next Conference of Social Studies Teachers in October and to place a link to the iCivics program on the State's Department of Education website. She reported that her communications efforts about lawyers and their accomplishments are making a difference on how the State Bar and the legal profession are being viewed.

She reported that she is working with the National Center for Civil and Human Rights on a Celebration of Civil Rights Milestones that will take place at the State Bar on June 3. The program will be a combination of a CLE seminar, a panel discussion of civil rights activities involved in the March on Selma, and a celebration of Georgia lawyers in the civil rights movement. She announced that there will

be a Military Legal Services Symposium on May 29 sponsored by the State Bar's Military Legal Assistance Program.

Law School Incubator Program

President Patrise Perkins-Hooker reported on a proposed Law School Incubator Program and announced there would be time for questions and answers both following her report and after the conclusion of the Board meeting. Plans to demolish and build out the 5th floor to create more leasable space in the Bar Center were discussed by the Executive Committee in the summer of 2014. In August, the concept of the Incubator Program was referred to the Bar Center Committee for evaluation and recommendation on uses of the space, leasing terms for the project, and build-out costs for the incubator. In September, the Bar Center Committee approved recommending to the Executive Committee several items related to improvements on the 5th floor and the building including: 1) costs to renovate the bathrooms to make them ADA compliant at a cost of \$162,000, 2) costs to demolish and remove the remaining flooring and casing for communications cabling left by the Federal Reserve at cost of \$82,000, 3) and costs for architectural drawings for the build-out of the 5,300 sq. ft. requested for the incubator site of \$7,500. In October, the Executive Committee approved a motion that the State Bar will work with the five law schools in Georgia to develop a law school incubator program, which could include a provision of office space at the Bar subject to approval by the State Bar of a final budget and operational procedures for the proposed incubator program. In January 2015, the Bar Center Committee approved a motion recommending to the Executive Committee that space be provided for the incubator project rent-free for 3 years with the location of the space to be determined by the State Bar staff if this project is approved as a State Bar program. The Executive Committee voted to approve the recommendations of the Bar Center Committee to provide a rent free lease to the incubator program for space identified by the Bar Staff on the 4th floor, and recommend the same to the Board of Governors for approval. The Board of Governors will be asked at its June meeting to approve support of the Law School Incubator Program by providing rent free space for the program for three years during the initial start-up of the program. The President reported that this is the State Bar's way of providing financial support to this worthwhile project to enable it to be launched. No other funding is being requested.

The Law School Incubator Program would be set up as follows: 1) a 501 (c) entity called Lawyers for Equal Justice, Inc. (LEJ) will be responsible for running it, 2) representatives from the 12 stakeholders who have been involved in the development of the program will form a board to create policies and procedures to govern and oversee it, 3) it is envisioned that 2 law students from each of the 5 participating law schools will be selected every 6 months to participate in the program, and 4) the program has 3 phases during which the number of participants will increase by 10 until the full component of 30 lawyers will be in the incubator. The maximum time that a participant can remain in the incubator program is 18 months.

The Chief Justice's Commission on Professionalism (CJCP) issued a \$15,000 planning grant for this novel program to cover the expenses associated with developing a best in class program. Each of the five law schools have committed in writing to provide \$25,000 as the initial capital to get the program running. The State Bar has been working in collaboration with the five law schools, the CJCP, and the other stakeholders to develop the basic principles of the program for final approval by the LEJ board. The program is designed to be self-sustaining by year three from a combination of fees charged to the participants and future fundraising.

President Patrise Perkins Hooker reported that this program is a way for the State Bar to address the lack of access to justice by having a steady stream of lawyers, who are going through the incubator, be available to provide additional assistance to meet the unmet need for legal services by poor and low income citizens. It will also be a way to help younger lawyers obtain experience in several legal areas

and learn how to operate a law firm. These types of programs are also being used to test new legal services delivery methods and techniques which will hopefully result in new and more efficient ways to handle pro bono or low bono cases for all lawyers. The five law schools and the stakeholders are looking for the State Bar to take a supportive lead in the creation of innovative programs to address the lack of access to justice problems in Georgia.

President Patrise Perkins-Hooker continued to report to the Board of Governors that the State Bar is being asked to house the Law School Incubator Program and to allocate and build out approximately 5,300 square feet of currently unfinished space on the 5th floor. The cost of the build out of the space is estimated to be \$240,000-\$260,000. This amount is what is needed in addition to the cost to renovate the bathrooms on the 5th floor. Renovations to the bathrooms are needed regardless of to whom the Bar leases space on the 5th floor. These renovations are estimated to cost \$162,000. Renovations to make the bathrooms ADA compliant were being contemplated prior to any request from the incubator and they are common area expenses of the landlord. The funds for the build out of the space to be occupied by the program and the restrooms will come from the approximately \$6 million in Bar Center reserves which was created to cover expenses associated with improvements needed to the Bar Center. The 5th floor is the only floor in the Bar Center which has not been prepared for leasing, and currently there is no other leasable space in the Bar Center. If the incubator were charged rent, the rent would be approximately \$71,550 per year; however, funds are not available to pay for rent in the formative years.

President Patrise Perkins-Hooker addressed potential questions. The State Bar is not required to use funds that it collects from its members or generates from the operation of the Bar Center to all lawyers. There are numerous examples of programs to which every lawyer is not eligible to participate in for which we spend money or provide support such as the Transition into Law Practice Program, B.A.S.I.C.S., and YLD programming that provides benefits to one-fourth of our membership. The Bar's participation will utilize existing unrestricted Bar Center reserves and not result in a dues increase. Following her report, she commended Bucky Askew for all of his work on behalf of the Law School Incubator Program, and she and Bucky Askew entertained questions from Board members after the meeting.

The Board of Governors received copies of letters in support of the Law School Incubator Program from the law school deans of Atlanta's John Marshall Law School, Emory University School of Law, Georgia State College of Law, Mercer University School of Law, University of Georgia School of Law, and from Hugh P. Thompson, Chief Justice of the Supreme Court of Georgia, and a handout on the program's proposed Preliminary Expense Projections.

Treasurer's Report

Treasurer Rita Sheffey reported on the Bar's finances and investments. The Board of Governors received copies of the combined Operations and Bar Center Consolidated Revenues and Expenditures Report as of February 29, 2015; Income Statement YTD for the Eight Months Ended February 28, 2015; Bar Center Revenues and Expenditures Summary for the Eight Months Ended February 28, 2015; State Bar Balance Sheet for February 28, 2015; and the Summary of Selected Payment Information for the May through February, 2013-2015.

YLD Report

YLD President Sharri Edenfield reported on the activities of the Young Lawyers Division. The YLD continues to focus on its three initiatives: Service, Education and Leadership. She thanked everyone for their support of the Annual Signature Fundraiser that raised \$60,140 for the Augusta Warrior Project. At that event, Past YLD President Damon Elmore was presented the 2015 Signature Service Award. The YLD efforts in support of veterans and active duty service members has included a VA Accreditation

CLE at the Midyear Meeting, volunteering pro bono services with the Military/Veterans Law Section's Legal Assistance Clinics around the state, and supporting the Augusta Warrior Project. She discussed her Succession Planning Program and referred Board members to the handout on same. This initiative is designed to connect young lawyers with older lawyers transitioning out of the practice of law and is a joint project of the YLD and the Georgia Law School Consortium. Professional development initiatives have included a Next Step Institute in January, a Solo-Small Firm Institute/Affiliates Conference in February, and a Leadership Roundtable in March during the YLD Spring Meeting. The Spring Meeting also featured a CLE on *Plessy v Ferguson* CLE. She announced that the Legal Food Frenzy competition runs from April 20-May 1 and encouraged everyone to participate.

The Board of Governors received a written report on the YLD committees, programs and projects for the 2014-15 Bar year.

Activities in the Circuits

Alvin Leaphart and Jeff Ward, Brunswick Circuit Board of Governors representatives, reported on the activities in the Brunswick Judicial Circuit.

Judge Joy R. Parks, Enotah Circuit Board of Governors representative, reported on the activities in the Enotah Circuit.

Walter James Gordon, Jr., and Judge Chris Phelps, Northern Circuit Board of Governors representatives, reported on the activities in the Northern Judicial Circuit.

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on November 20, 2014, January 28, 2015, February 16, 2015, and March 2, 2014.

2015 Board of Governors Election Information

The Board of Governors received a written report on the 2015 State Bar Board of Governors Election Information.

2016 Election Schedule

The Board of Governors received a copy of the 2016 Election Schedule (proposed).

Office of the General Counsel

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

Executive Director's Report

The Board of Governors received a copy of the Quarterly Report of the Executive Director.

Military Legal Assistance Program

The Board of Governors received a written annual report on the Status 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 Report

The Board of Governors received a copy of the 2014-15 Media Report.

Old Business

There was no old business.

New Business

Tina Shaddix Roddenbery reported that at the recent meeting of the Atlanta Board Delegates the President reported that the Law School Incubator Program did not need approval by the Board of Governors. She asked President-elect Bob Kauffman to bring all proposed programs such as this to the Board of Governors for its consideration.

Judge Dane Perkins reported that in his circuit the nearest legal services office is 70 miles away in Albany, and if the State Bar is truly interested in helping indigents with legal services, the time is ripe.

Immediate Past President Buck Ruffin reported that the Executive Committee did vote to take the Law School Incubator Program to the Board of Governors for its consideration and action.

Lester Johnson, III reported that at a two recent Savannah events, people mentioned to him they were pleased to see articles about attorneys in the local papers. He thanked President Patrise Perkins-Hooker for her efforts in that regard.

President Patrise Perkins-Hooker announced that the 2015 Law Day Program on the Magna Carta will take place at the State Bar on Tuesday, April 21.

Remarks, Questions/Answers, Comments/Suggestions

The President opened up the meeting for questions and comments.

Adjournment

There being no further business, the meeting was adjourned.



Patrick T. O'Connor, Secretary

Approved:


Patrise M. Perkins-Hooker, President