

**STATE BAR OF GEORGIA  
BOARD OF GOVERNORS  
MINUTES  
January 11, 2014  
InterContinental Buckhead Hotel/Atlanta, GA**

The 250<sup>th</sup> meeting of the Board of Governors of the State Bar of Georgia was held at the date and location shown above. Charles L. Ruffin, President, presided.

Special Recognition

President Ruffin recognized the staff of the State Bar for carrying on with the Bar's work after Cliff Brashier's passing. He specifically thanked Sharon Bryant, Chief Operating Officer, Steve Laine, Chief Financial Officer, and Paula Frederick, General Counsel, for their help and support. He also recognized and thanked Michelle Garner, Director of Meetings, Sarah Coole, Director of Communications, and Gakii Gingoria, Administrative Assistant, for their help with the State Bar's 50<sup>th</sup> Anniversary Celebration dinner and the history book. Thereafter, the Board of Governors held a moment of silence in honor of Cliff Brashier.

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

Roll Call

Secretary Rita A. Sheffey circulated the attached roll (Exhibit A) for signature.

Consent Agenda

President Ruffin presented the Consent Agenda. There being no objection or request for removal of any item, a motion was made and seconded to approve the following items:

- 1) Board of Governors Minutes  
The minutes of the November 2, 2013, Board of Governors Minutes, as presented.
- 2) Executive Committee Minutes (information)  
The minutes of the September 13, 2013, and October 21, 2013 Executive Committee Minutes, as presented.
- 3) Future Meetings Schedule (information)  
The Future Meeting Schedule, as presented.
- 4) Judicial Qualifications Commission  
The appointment of James B. Franklin for a four-year term (2013-2017).

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

General Session

Following a unanimous voice vote on a motion to adjourn the Board of Governors meeting and to convene a General Session, President Ruffin called to order the General Session of the Midyear Meeting of the State Bar of Georgia. Pursuant to Article II, Section 4, of the State Bar Bylaws, at least fifty active members were present at the meeting, thereby constituting a quorum.

Bylaw Article II, Section 5. Resolutions Committee

Following a report by Bob McCormack, the Board of Governors, by unanimous voice vote, approved dissolving the Resolutions Committee and the accompanying Bylaw Article II, Section 5.

Board of Governors Meeting

Following a unanimous voice vote, President Ruffin adjourned the General Session and reconvened the Board of Governors Meeting of the State Bar of Georgia.

Legislation

President Ruffin introduced Thomas Worthy, the Bar's new Director of Governmental Affairs. Thomas Worthy announced that following the 2014 General Session, he will be traveling around the state to meet with Board members and local bar associations to learn more about them and the issues facing the Bar.

Advisory Committee on Legislation

Following a report by Dan Snipes, 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>
Real Property Law Section 1) Unlicensed Practice of Law Proposal	Passed by unanimous voice vote	Passed by unanimous voice vote
Support of H.B. 674 – State Funded Positions for Juvenile Court	Passed by unanimous voice vote	Passed by unanimous voice vote

2014 General Assembly Preview

Rusty Sewell provided a legislative preview for the 2014 Georgia General Assembly. He announced that the session is expected to be a short one since the primary election is being moved to May 20, 2014. He reported that Zach Johnson has coordinated legislative programs for 14 local bar associations around the state reaching over 827 attorneys and 43 legislators. Bills expected to be discussed this year include medical malpractice, gun control, criminal justice reform and the budget. Carryover legislation includes guardianships and military parental rights. Groundwork is being laid for increases in judicial salaries, but no action is expected to be taken on this issue until 2015. He was asked to email the list of lawyer legislators to all the Board members.

2014 Legislative Forum

President Ruffin provided a report on the 2014 Legislative Forum that took place on Thursday afternoon, January 9, 2014 in conjunction with the Midyear Meeting.

Civil Legal Services Task Force

Before recognizing Secretary Rita Sheffey, President Ruffin announced that the IOLTA rate comparability proposal on the agenda would not be voted on at this meeting. Secretary Sheffey reported on the activities of the Civil Legal Services Task Force. She stated that on average the Atlanta Legal Aid Society (ALAS) and the Georgia Legal Services Program (GLSP) jointly lost \$3 million from their budgets since 2008. At the same time, the poverty population statewide has increased by sixty-four percent (64%). She reported that the President and Director of the Georgia Bar Foundation asked for additional time to review the proposed revisions to Bar Rule 1.15 and New Part XV, which is the reason for withdrawing the proposal from today's agenda. She expects that the proposal will be an action item at the Spring Board meeting. Other funding options being explored by the Task Force are pro hac vice fees,

and she referred the Board members to the handout on proposed amendments to Rule 4.4(E) of the Uniform Superior Court Rules for their review and comment. The Task Force will ask the Council of Superior Court Judges to modify the pro hac vice rules to incorporate a \$75 per matter application fee and a \$200 annual renewal fee, if the case is still pending. The \$75 fee would go to the General Counsel's office for administration, and the \$200 fee would go to the Georgia Bar Foundation. If approved, the proposal would likely be adopted in the State, Magistrate and Probate Courts. Similarly the Supreme Court of Georgia has a pro hac vice rule, but no fee associated with it, so the Task Force has begun talks with it about implementing a fee and will do the same with the Court of Appeals of Georgia. The Task Force is also looking at county law library funds and hopes to facilitate conversations with those boards and ALAS and GLSP. The Task Force is going to embark on an education or informational campaign to explain and encourage trial judges statewide to consider legal services when disbursing *cy pres* awards. The Task Force has also been mindful at looking at the expense side of ALAS and GLSP. While it is not in the purview of the Task Force to dictate to these organizations and their boards how to run their organizations, it is creating a checklist of things that any prudent non-profit should look at and consider.

President Ruffin reported that there is no limit on the number of times an out of state attorney can come into Georgia and practice pro hac vice and he hopes the Task Force will explore that. At every opportunity he has to speak to civic groups or local bar associations, he has made a point of talking about what it is that GLSP does and provides examples of how they have helped in dramatic ways for people who cannot afford a lawyer. He also reported that he thinks it is equally as important that the civil legal services organizations also go out and talk to groups and encourage them to donate money.

#### Law and Economics Section

Following a report by Bob McCormack and John Flanders Kennedy, the Board of Governors, by unanimous voice vote, approved the creation and Bylaws (Exhibit B) for a new Law and Economics Section.

#### E-Discovery & Use of Technology Section

Following a report by Bob McCormack, Rachel Zichella, and Scott Wilson, the Board of Governors, by unanimous voice vote, approved the creation and Bylaws (Exhibit C) for a new E-Discovery & Use of Technology Section.

#### New Members Dues Proration

Following a report by Bob McCormack, the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court of Georgia the following Bylaws Amendment to Article 1. Members:

##### Section 1. Registration of Members.

Persons admitted by the courts to the practice of law shall, within sixty days after admission to the bar of the Superior Court, register with the State Bar and pay a monthly pro-rated dues amount calculated from the date of Superior Court admission through the remainder of the State Bar's fiscal year.

#### Resolution Honoring Officer James Neal Bowers

President Ruffin reported that a resolution was to be presented to the family of Police Officer James Neal Bowers of Columbus. He attended night law school in Atlanta and passed the Bar exam, but was killed in the line of duty before he could be sworn in to the Bar. Since his family was unable to attend the Board meeting, the resolution is being sent to the Columbus Bar Association to present to his family at an appropriate time.

2014 Marshall-Tuttle Award

Norman Zoller presented the Military Legal Assistance Program's 2014 Marshall-Tuttle Award to William John Camp for providing legal expertise in working with military service members and veterans, and for his unwavering support of the Bar's military legal assistance program. He also announced that there will be a CLE trip to Normandy and Paris over the period of May 1-9, 2014, that is open to all Bar members.

Nomination of State Bar Officers

The Board of Governors received the following nominations for officers for the 2014-2015 Bar year, and there being no others, declared the nominations closed:

<u>Office</u>	<u>Nominator</u>	<u>Nominee</u>
Treasurer	Dawn M. Jones Thomas W. Herman (Seconding)	Rita A. Sheffey
Secretary	Allegra J. Lawrence-Hardy Daniel Brent Snipes (Seconding)	Patrick T. O'Connor
President-elect	S. Lester Tate, III Kenneth R. Bernard, Jr. (Seconding)	Robert J. Kauffman

Nomination 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:

<u>Post</u>	<u>Delegate</u>
1	Robert Leonard Rothman (to succeed Rudolph Patterson)
3	Hulett Askew (to succeed Cubbedge Snow, Jr.)
7	Gerald Edenfield

President's Report

President Ruffin reported that with Cliff's passing, and until his successor is hired, Paula Frederick has been asked to handle operational questions that call for a legal discussion and Sharon Bryant will continue in her position as the Chief Operating Officer and take on the day to day role of running the Bar as necessary. He reported that after talking with people involved in the previous Executive Director selection process, which was over 20 years ago, the Executive Committee convened on Thursday to discuss the Executive Director search process. The Executive Committee unanimously approved the following process for the selection of a search committee. It will be composed of the following individuals based on positions: President Buck Ruffin, President-elect Patrise Perkins-Hooker, Immediate Past President Robin Frazer Clark, YLD President Darrell Sutton, YLD President-elect Sharri Edenfield, and YLD Immediate Past President Jon Pannell. The Executive Committee also approved adding six Past Presidents to the search committee from differing parts of the state and who fell into different time periods during Cliff's service. Thee six past presidents appointed by President Ruffin are: Paul Kilpatrick, Jr., Ben Easterlin, Jim Durham, Robert Ingram, Jeff Bramlett, and Bryan Cavan. The Search Committee will hire an executive search firm to assist with the process. In order to be considered for the Executive Director's position, the candidate will initially have to obtain a majority vote from the Search Committee. In order to advance to the second stage for further consideration and to be one of the 3-5 candidates to be interviewed, a candidate must obtain at least a 2/3 vote of the Search Committee. The final group of candidates will be interviewed by the Executive Committee, as the representative body of the Board of Governors, and a final candidate must obtain at least a 2/3 vote of the Executive Committee before being

brought to the Board for consideration and approval. In the meantime, President Ruffin asked Board members to send any recommendations or resumes to him until the executive search firm is selected. He also stated that the Executive Committee generally felt it was preferable that the Executive Director be a practicing lawyer or have a law degree. He said he appreciated the Boards' indulgence during this transition period. Thereafter, the Board of Governors, by unanimous voice vote, authorized the President to use the Executive Director's salary line item to employ a professional executive recruiter to assist the search committee in the selection of a new Executive Director. Following that there was discussion about the makeup of the search committee and whether or not it reflected the gender and racial diversity of the Bar. In response to a suggestion that the Bar staff be represented on the Search Committee, President Ruffin also stated that Bar staff will have an advisory role in the decision and that the search committee will be mindful of the Board's comments.

#### YLD Report

YLD President Darrell Sutton reported on the activities of the YLD. He stated that 185 young lawyers attended the YLD General Session. He reported that 4 of the 5 Georgia law schools are participating in the Law School Fellows Program allowing 2L and 3L students to serve on the YLD Executive Council. He provided an update on the Local Affiliate Outreach efforts. He reported 11 young lawyers received scholarships in order to participate in the 2014 Leadership Academy. Fifty-five young lawyers were selected for the new class out of 140 applicants. In his efforts to establish an endowment to obtain permanent funding for the Public Interest Internship Program, that program is the beneficiary of the 2014 Annual Signature Fundraiser. He encouraged Board members to make a donation to help the YLD reach its endowment goal.

#### Treasurer's Report

Treasurer Bob Kauffman reported on the Bar's finances and investments. The Board of Governors received a summary report of the State Bar of Georgia Revenues and Expenditures Report as of November 30, 2013, the Income Statement YTD for the two months ending November 30, 2013, the State Bar Balance Sheet as of November 30, 2013, and the State Bar of Georgia Revenues and Expenditures Report for the Bar Center as of November 30, 2013. The Board of Governors also received a copy of the 2014-15 Budget Timetable.

#### ABA Report

Paula Frederick reported on the upcoming ABA Annual Meeting. She announced that Linda Klein has announced her candidacy for ABA President-elect.

#### Long-Range Planning & Bar Governance Committee

Patrick T. O'Connor reported on the activities of the Long-Range Planning & Bar Governance Committee and its Midyear CLE: The Future of the Practice of Law and Access to Justice. Participants heard that change in the legal landscape is rapid. Now, non-legal firms worldwide are providing legal services, and legal services are being auctioned on eBay. Law school admissions are down 24% nationwide. Today there are almost 1 million lawyers in the nation. Job opportunities are increasingly challenging. New lawyers in Georgia are forming virtual law firms. In South Dakota, the state bar and the state legislature are providing financial incentives to lawyers to practice in rural areas in that state. There is a rise in pro se litigation in Georgia and the nation. He reported that the committee plans to address specific proposals that it will bring to the Board designed to assist all lawyers as they face these and other issues.

#### Law Day 2013 Report

Secretary Sheffey reported on the 2013 Law Day Program, a collaborative effort among Georgia's legal community, the National Center for Civil and Human Rights and school systems in Atlanta and Tifton. The program, *Realizing the Dream – Equality to All*, will be honored with a Law Day 2013 Outstanding

Activity Award from the American Bar Association. That same collaborative group has begun planning the 2014 Law Day program on *Why Every Vote Matters*. If anyone is interested in working on the program they should contact her or President-elect Patrise Perkins-Hooker.

#### Members Benefits Committee

John Flanders Kennedy reported on an insurance exchange that will soon be available for all Bar members that is being offered by Member Benefits Inc., the Bar's recommended insurance broker. It is a private market place for attorneys to go and buy health insurance rather than going through the federal exchange. There will be a presentation on the exchange at the Spring Board meeting.

Steven Liebel asked if there is a way for the Bar to get policy information for each member for a minimum insurance for malpractice. As part of dues structure, there could be a minimum limits malpractice insurance policy for all members of the Bar, so that there are insurance funds available when something happens rather than using funds from the State Bar. He was asked to attend the next Member Benefits Committee meeting and make that proposal.

#### Special Recognition

The Board of Governors, by unanimous voice vote and with a standing ovation, formally expressed its confidence in Sharon Bryant, Paula Frederick, and the State Bar staff during the Executive Director transition.

#### Office of General Counsel

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

#### Military Legal Assistance Program

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

#### Law Practice Management Program

The Board of Governors received a written report on the activities of the Fee Arbitration Program.

#### Consumer Assistance Program

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

#### South Georgia Office Usage Report

The Board of Governors received a written report on the activities of the South Georgia Office.

#### Coastal Georgia Office Usage Report

The Board of Governors received a written report on the activities of the Coastal Georgia Office.

#### Medical Malpractice Reform Article

The Board of Governors received a copy of an article in the Atlanta Journal Constitution concerning Medical Malpractice Reform.

#### July 2013 Georgia Bar Examination General Statistics Summary

The Board of Governors received a copy of the July 2013 Georgia Bar Examination General Statistics Summary.

#### Spring Street Viaduct Replacement Project

The Board of Governors received written information concerning the Spring Street Viaduct Replacement Project.

Old Business

There was no old business.

New Business

The Board of Governors, by unanimous voice vote, approved a motion recognizing its confidence and support in Sharon Bryant and Paula Frederick and all of the Bar staff going forward until an Executive Director is found, and to let them know they have its full support and confidence.

Remarks, Questions/Answers, Comments and Suggestions

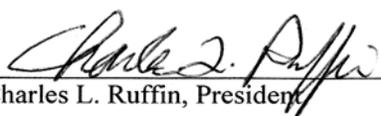
The President opened up the meeting for questions and comments.

Adjournment

There being no further business, the meeting was adjourned.

  
Rita A. Sheffey, Secretary

Approved:

  
Charles L. Ruffin, President