

**STATE BAR OF GEORGIA  
BOARD OF GOVERNORS  
MEETING MINUTES  
Friday, November 2, 2018/2:00 p.m.  
The Lodge & Spa at Callaway Gardens/Pine Mountain, GA**

The 275<sup>th</sup> 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 reviewed the Future Meetings Schedule.

Minutes of the 273<sup>rd</sup> & 274<sup>th</sup> Meetings of the Board of Governors

The minutes of the Board of Governors meetings held June 8 and 9, 2018, at the Omni Amelia Island Resort, Amelia Island, Florida, were approved by unanimous voice vote.

Resolution for Justice Carol W. Hunstein

The resolution will be presented at the Midyear Meeting.

Marshall Tuttle Award

Military Legal Assistance Program (MLAP) Committee Chair Jay Elmore presented the Marshall Tuttle Award to Past President Linda A. Klein. Linda has always been and remains committed to access to justice issues. During her tenure as ABA President, one of her priorities was to mobilize lawyers to provide legal services on behalf of our nation's veterans. Her efforts resulted in the creation of the ABA Military and Veterans Legal Center and the establishment of programs like the Bar's MLAP in every state but one. President Ken Hodges thanked Linda for all of her efforts and Jay for his work on behalf of the MLAP.

Transition into Law Practice Program (TILPP) Mentor of the Year Award

TILPP Director Michelle West presented the TILPP Mentor of the Year Award to John T. Marshall. The TILPP began in 1996 under the direction of Bar President Ben Easterlin, who asked John Marshall to lead the Standards of the Profession Committee and develop a pilot mentor program for beginning lawyers. Michelle reported that as of August 2018, the TILPP has had 12,481 newly admitted lawyers to enroll and complete the program. There have been 51 Supreme Court orders appointing TILPP's 4,680 mentors. Many of these mentors have served multiple times. She further reported that the Bar's TILPP has been a template for other programs across the country. President Ken Hodges thanked Michelle for her work on behalf of the TILPP and John Marshall for his well-deserved honor.

Appointments to the Commission on Continuing Lawyer Competency (CCLC)

The Board of Governors, by unanimous voice vote, approved the reappointment of Jeff Ward and Donna Hix to the CCLC for three-year terms (2019-2021).

Appointments to the Formal Advisory Opinion Board

The Board of Governors, by unanimous voice vote, approved the following presidential appointments to the Formal Advisory Opinion Board:

State Disciplinary Board: William Hickerson Thomas (2018-19)  
State Disciplinary Review Board: C. Brad Marsh (2018-19)  
Executive Committee Liaison: J. Antonio DelCampo (2018-19)

Appointments to the Georgia Legal Services Board

The Board of Governors, by unanimous voice vote, approved the reappointment of Marquetta Bryant, and the appointments of Laverne Lewis Gaskins and Trey Underwood, to the Georgia Legal Services Board of Trustees for two-year terms (2019-2021).

Terminating the Judicial District Professionalism Program (JDPP)

Following a report by Deputy General Counsel Bill NeSmith, the Board of Governors, by unanimous voice vote, terminated the JDPP. The program had a very low usage rate and the issues under its purview can best be addressed best by the local and circuit bar associations and the Judicial Qualifications Commission.

Approval of New Sections

Following a report by Deputy General Counsel Bill NeSmith, the Board of Governors, by unanimous voice vote, approved the proposed bylaws (Exhibit B) for the creation of a 1) Class Action Law Section and 2) Construction Law Section.

Mandatory Professional Liability Insurance and Disclosure

President Ken Hodges reported that the Executive Committee voted to explore the concept of mandatory malpractice insurance disclosure for Georgia lawyers. To ensure public confidence, he believes we need to start this dialogue and begin gathering data to see how many Bar members carry professional liability insurance. He stated that most bar associations gather the information through their annual dues statement and the information is often provided to the public for the benefit of potential clients. Ken said that once the information is collected we can assess the situation and see what impact insurance coverage could have on the amount of claims being paid through the Clients' Security Fund. Following questions and comments from the Board of Governors, there was a motion and second to gather the information, on a voluntary basis, on the annual dues statement. After more discussion, it was the consensus of the Board of Governors that a committee should be appointed to study the issue, talk to our members, and come back with a recommendation. By unanimous voice vote, the Board of Governors approved a motion to table the issue to a date certain, which caused the main motion to fail. Ken said he hopes to have a full committee report at the Midyear Meeting and a vote on the issue at the Spring Meeting.

Advisory Committee on Legislation (ACL)/New Legislative Proposals

Following a report by Governmental Affairs Director Christine Butcher Hayes, 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>
Judicial Council Budget Request		
1) Support of \$750,000 to fund Civil Legal Services Grants for Kinship Care Families	Passed by unanimous voice vote	Passed by unanimous voice vote

### Legislative Update

Governmental Affairs Director Christine Butcher Hayes reported that the ACL will next meet on November 27. Rusty Sewell reported on the upcoming elections and said that there will be 32 lawyers in the legislature if all those running get elected. There are six elections with open seats that have lawyers running in them. Rusty asked that following the elections each Board member meet with their representative and senator and let them know they are available to help them as needed. President Ken Hodges asked that if anyone has a personal relationship with a legislator to please let Christine know.

### President's Report

President Ken Hodges reported that the transition of ICLE is complete. There is a new content management system in place that will enhance the live seminars, and ICLE has opened up new satellite meeting locations and new seminar offerings. He stated that forty percent of all CLEs are held at the Bar Center. Ken reported that since January of this year, 168 Bar members sought counseling through CorpCare, the Lawyers Assistance Program (LAP) clinical provider. The LAP's Lawyers Helping Lawyers confidential peer-to-peer assistance program has trained 32 volunteers and made four matches. He reported that the Suicide and Prevention and Awareness Committee is sponsoring a team for the Out of Darkness Atlanta walk on November 4; and the Attorney Wellness Committee created a *#UseYourSix* flyer to educate Bar members about the LAP. Ken reported that we have had a great response from lawyers on the dues statement to our succession planning efforts, and the Senior Lawyers Committee is working with the Office of General Counsel (OGC) on a retired membership status. The committee is also putting together a resource center for those transitioning out of practice.

Ken reported that we are operating under the new disciplinary rules wherein the OGC does not have to wait for a grievance to be submitted before beginning an investigation, and special master training has taken place. He also reported that at its September meeting, the Executive Committee discussed, among other things, registration of in-house counsel, which 38 states do, the idea of mandatory written fee agreements, random audits of trust accounts, and practicing under a trade name. These are important issues for public protection. He announced that the Communications Committee is launching new PSAs for our *Who Needs Lawyers? We Do* campaign. Ken also announced that that Pro Bono Director Mike Monahan is leading 72 lawyers who have volunteered to help people in Georgia affected by Hurricane Michael.

Lastly, Ken addressed his term as Bar President and soon-to-be Court of Appeals Judge. He stated he has met with many judges at all levels, the Bar's officers, and others, and that in his opinion, he can fulfill both roles. He said that Judge John Ellington has helped in this regard by completing the cases assigned to him so the Ken will begin with a clean slate. Ken also stated that if he finds he cannot fulfill both roles, he will step aside as Bar President.

### Treasurer's Report

Treasurer Dawn Jones reported on the Bar's finances. She reported the membership count by gender and by age. Dawn also presented the July 2018 Georgia Bar Examination Statistics. Lastly, Dawn announced that we will soon be including ICLE financial statements in future agendas.

The Board of Governors received a copy of the ICLE Statements of Financial Position as of June 20, 2017 and June 30, 2018; the ICLE Statements of Operating Revenue and Expenditures Fiscal Years Ended June 30, 2017 and 2018 with Budget Fiscal Year Ended June 30, 2019; and ICLE Notes-Statements of Financial Position and Statements of Operating Revenue and Expenditures.

#### Young Lawyers Division

YLD President Rizza O'Connor announced that the YLD has been around for 72 years. She reported that 18% of Bar is under the age of thirty-six, and there are almost 10,000 young lawyers statewide. Sixty percent of the young lawyers work in the 5-county metropolitan area. There are 10 YLD Affiliate organizations around the state. The YLD provides opportunities for service, networking, and leadership. Recent opportunities for service included making over 200 hygiene kits for the homeless at the YLD Summer Meeting, volunteering for the Atlanta Volunteer Lawyers Foundation Saturday Lawyers Program through the Public Interest Internship Program, working with the Disaster Legal Assistance Program's Helpline, and feeding families at the Ronald McDonald House. The YLD offers great networking opportunities through CLEs and other events. The YLD is also working to support college and law students. It has partnered with Georgia State University's Center for the Advancement of Students and Alumni aimed to help undergraduate pre-law students understand what it means to be a lawyer through a mentorship program with a practicing attorney, and visiting every law school to educate the students about the YLD. The 2019 Leadership Academy will begin in January at the Midyear Meeting and leadership classes will also take place in Macon, Vidalia, and Washington, D.C. The Fall YLD Meeting will take place November 9-11 at Lake Oconee and feature a Wills Clinic. In 2019, the Intrastate Moot Court Competition will be held on March 22-23, the Signature Fundraiser will be held April 13, and on April 15 there will be a Legal Food Frenzy golf tournament.

#### Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on April 13, June 19, and August 16, 2018.

#### 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.

#### Chief Justice's Commission on Professionalism

The Board of Governors received a written report on the activities of the Chief Justice's Commission on Professionalism.

#### 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.

Chief Justice's Commission on Professionalism (CJCP)

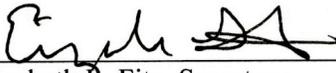
CJCP Executive Director Karlise Grier announced that nominations for the annual Justice Robert Benham Awards for Community Service are open until Dec. 3. The awards ceremony will be held March 29, 2019 at Georgia State University. Karlise also announced that today is the last day to register for the November 30 CJCP's Convocation on Professionalism.

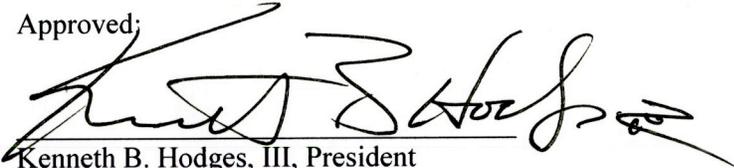
Remarks/Q&A/Comments/Suggestions

There were no remarks, questions, comments or suggestions.

Adjournment

There being no further business, the meeting was adjourned at 4:15 p.m.

  
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Elizabeth D. Fite, Secretary

Approved;  
  
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Kenneth B. Hodges, III, President