

**STATE BAR OF GEORGIA
BOARD OF GOVERNORS
MINUTES
January 10, 2015
Atlanta Marriott Marquis/Atlanta, GA**

The 255th 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 attached roll (Exhibit A) for signature.

Approval of the Meeting Agenda

President Patrise Perkins-Hooker presented the following changes to the Board of Governors Meeting agenda: 1) item 6) b) Nominations of ABA Delegates that reflects "formerly held by" should be changed to "currently held by," and 2) the term for Post 6, held by the Immediate President, begins August 2015. There being no other requested changes, 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 254th Meeting of the Board of Governors
The minutes of the Board of Governors meetings on November 1, 2014 at the Jekyll Island Club at Jekyll Island, GA.

The Board of Governors, by unanimous voice vote, approved the above item 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 Patrise Perkins-Hooker 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.

Amendment to Bylaws Article V, Officers

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved proposed amendments (Exhibit B) to Bylaws Article V, Officers.

Board of Governors Meeting

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

Disciplinary Rules and Procedures Committee

Following a report by Bill NeSmith and John Haubenreich the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court proposed amendments (Exhibit C) to the following disciplinary rules: 1) Rule 4-110 – Definitions, 2) Rule 4-204.1 – Notice of Investigation, 3) Rule 4-111 – Audit for Cause, 4) Rule 4-217 – Report of the Special Master to the Review Panel, 5) Rule 4-219 – Judgments and Protective Orders, 6) Rule 1.6 – Confidentiality of Information – 7) Rule 4-208.3 – Rejection of Notice of Discipline, 8) Rule 4-213 – Evidentiary Hearing, 9) Rule 12-107 – Confidentiality of Proceedings, 10) Rule 3.5 – Impartiality and Decorum of the Tribunal, 11) Rule 5.4 – Professional Independence of a Lawyer, 12) Rule 8.4(d) – Misconduct, 13) Rule 4-104 – Mental Incapacity and Substance Abuse, 14) Rule 4-204 – Preliminary Investigation by Investigative Panel-Generally, 15) Rule 4-221 – Procedures, 16) Rule 4-403(c) and (d) – Formal Advisory Opinions, 17) Rule 4-106(f)(2) – Conviction of a Crime; Suspension and Disbarment, 18) Rule 4-227 – Petitions for Voluntary Discipline, and 19) Rule 7.3 – Direct Contact with Prospective Clients.

Fulton County Business Court Proposed Rule Amendment

Following a report by Ken Hodges and Jody Rose, the Board of Governors, by unanimous voice vote, approved a proposed amendment (Exhibit D) to Atlanta Judicial Circuit Rule 1004 – Business Case Division pertaining to cases subject to the Georgia International Arbitration Code. The proposed amendment has already been approved by the Fulton County Superior Court Judges’ Business Case Division Committee and will now be sent to the Supreme Court of Georgia for its consideration.

Legislation

Following a report by Dawn Jones, Thomas Worthy, and proponents of the proposals, 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>
Council of Superior Court Judges		
1) Judicial Salary Increase	Passed by unanimous voice vote	Passed by 2/3 rd 's voice vote
District Attorneys’ Association of Georgia		
1) District Attorney Pay Parity	Passed by unanimous voice vote	Passed by 2/3 rd 's voice vote
Indigent Defense Committee		
1) Public Defender Pay Parity	Passed by majority voice vote	Passed by 2/3 rd 's voice vote
General Practice and Trial Section		
1) Long Arm Statute Revision	Passed by majority voice vote	Passed by 2/3 rd 's voice vote
Real Property Law Section		
1) Water Lien Legislation	Passed by unanimous voice vote	Passed by 2/3 rd 's voice vote
Fiduciary Law Section		
1) Uniform Fiduciary Access to Digital Assets Act	Passed by unanimous voice vote	Passed by 2/3 rd 's voice vote

Business Law Section

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| 1) Business Corporation Code Amendments | Passed by unanimous voice vote | Passed by 2/3 rd 's voice vote |
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Before the vote was taken above, Dawn Jones reported that Sections 830 and 842 of the proposal, which contained changes in liability standards for corporate directors, were deleted by the ACL Committee and are not included in the amendments being voted upon.

International Trade in Legal Services Comm.

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| 1) Proposal to Enact the Uniform Unsworn Foreign Declarations Act of Georgia | Passed by majority voice vote | Passed by 2/3 rd 's voice vote |
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Access to Justice Committee

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| 1) Attorneys for Rural Area Assistant Act | Passed by unanimous voice vote | Passed by 2/3 rd 's standing vote |
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Hon. Rucker Smith asked the State Bar to look into setting up an email discussion group to afford Board members the opportunity to discuss amongst themselves these and other issues.

2015 Legislative Session Preview

Thomas Worthy provided a preview of the 2015 Legislative Session. He announced that he and the Bar's legislative consultants, Rusty Sewell, Roy Robinson, and Meredith Weaver, are always available to answer any questions about the Bar's legislative proposals or process. He encouraged the Board of Governors members to register on line for the State Bar's Action Network, a new, web-based legislative program to inform and enhance the Bar's advocacy efforts. Thereafter, President Patrise Perkins-Hooker asked for a round of applause for the members of the Advisory Committee on Legislation.

Advisory Committee on Legislation (ACL) Minutes

The Board of Governors received a copy of the ACL Minutes of Meeting No. 2 held December 4, 2014.

Nomination of State Bar Officers

The Board of Governors received the following nominations for officers for the 2015-2016 Bar year, and there being no others, declared the nominations closed:

<u>Office</u>	<u>Nominator</u>	<u>Nominee</u>
Treasurer	Damon E. Elmore Susan W. Cox (Seconding)	Patrick T. O'Connor
Secretary	Hon. Lawton E. Stephens Robin Frazer Clark (Seconding)	Brian D. Rogers
President-elect	Allegra J. Lawrence-Hardy Gerald M. Edenfield (Seconding)	Rita A. Sheffey

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>
2	Lester Tate (currently held by Lester Tate)
4	Donna Barwick (currently held by Donna Barwick)
6	Held by the Immediate Past President (Patrise Perkins-Hooker) as of July 2015

President's Report

President Patrise Perkins-Hooker reported on her program of activities for the 2014-15 Bar year and referred the Board to the President's Activity Report included in the agenda. She continues to travel around the state promoting the State Bar and encouraging members' participation, and she commended Jeff Davis and Thomas Worthy for traveling the state with her. She continues to work with and support the work of the YLD. The Midyear and future Board of Governors meeting are being videoed so members can view them on the Bar's website. Her meetings with county commissioners and economic development directors on her rural lawyers' initiative has underscored the need for access to justice in those underrepresented counties. The iCivics initiative has reached 20,000 students this year and generated 163 attorney volunteers that are available to pair up with teachers. In honor of the 800th Anniversary of the Magna Carta, the State Bar will host an exhibit of the Magna Carta at the State Bar Building from March 18-31 and a symposium on March 30.

The Board of Governors received a copy of the President's Activity Report.

Treasurer's Report

Treasurer Rita Sheffey thanked the Board of Governors for its nomination of her as President-elect. She also recognized Robert Shapiro, Dean of Emory School of Law, with whom she will be working when she becomes the Assistant Dean of Public Affairs at Emory University later this month. After acknowledging CFO Steve Laine and his staff for their work, she reported on the Bar's finances and investments. She announced that the Bar has appointed an Investment Committee that will be looking at the Bar's investment policy.

The Board of Governors received copies of the combined Operations and Bar Center Consolidated Revenues and Expenditures Report for the Four Months Ended October 31, 2014; Operations Income Statement YTD for the Four Months Ended October 31, 2014; Bar Center Revenues and Expenditures Summary for the Four Months Ended October 31, 2014; State Bar Balance Sheet for October 31, 2014; and the Summary of Selected Payment Information for the May through November, 2012-2014.

The Board of Governors received a copy of the State Bar of Georgia 2015-2016 Budget Timetable.

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. The Military Support Initiative is providing outreach to JAG officers who are young lawyers, volunteer pro bono services with the Military/Veterans Law Section's Legal Assistance Clinics around the state, and support to the Augusta Warrior Project, which is the recipient beneficiary of the 2015 Signature Fundraiser that will be held on February 28 at Terminal West. For the Long-Range Planning Initiative, the YLD is presenting a Succession Planning Program that will connect law students and young lawyers with older lawyers transitioning out of practicing law. A Georgia Law School Consortium is working with the YLD on this project. *The Next Step Institute* took place on January 8, which focused on media training, law practice management, web/social media, becoming a leader in your community and opening your own law firm. There will be a Solo-Small Firm Institute/Affiliates Conference in Macon on February 21 featuring

practical tips to open your own law practice, and a Wills Clinic program will provide intensive training for lawyers to develop estate planning. On March 28 a Gwinnett County reintegration program for probationers called *GRIP* will take place in Lawrenceville. The High School Mock Trial State Finals Competition will take place on March 14. Thereafter, YLD President Edenfield thanked Patty Shewmaker, Norman Zoller, and the Military Legal Assistance Program for helping create opportunities for the Military Support Initiative.

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

Georgia Legal Services Program (GLSP)

Phyllis Holmen provided a report on the activities of the Georgia Legal Services Program, which reaches 154 Georgia counties. She referred the Board members to the written report on GLSP that also includes client stories and testimonials, and she presented a video by the Legal Aid Society of Cleveland. She encouraged Board members to go on line and make a contribution and thanked them for their continued support of the GLSP.

The Board of Governors received a written report on the activities of the GLSP.

Law Day 2014: ABA Outstanding Activity Award

President Patrise Perkins-Hooker and Treasurer Rita Sheffey reported on the 2014 Law Day Program, *American Democracy and the Rule of Law: Why Every Vote Matters*, which has won a second consecutive ABA Law Day Activities Achievement Award. The program was a collaborative effort among the Atlanta Public Schools, the National Center for Civil and Human Rights, and the following associations: Atlanta Bar, Chief Justice's Commission on Professionalism, Fulton County Superior Court, Gate City Bar, Georgia Association for Women Lawyers, Georgia Association of Black Women Attorneys, Georgia Asian Pacific American Bar, Georgia Hispanic Bar, Multi-Bar Leadership Council, South Asian Bar, State Bar of Georgia, and the Stonewall Bar.

Activities in the Circuits

Scott Watts, Clayton Circuit Board of Governors representative, reported on the activities of the Clayton County Bar Association.

Judy King, Gwinnett Circuit Board of Governors representative, reported on the activities of the Gwinnett Bar Association.

Special Presentation - 2014 Marshall Tuttle Award

Eric Ballinger and John Camp presented the Military Legal Assistance Program's 2014 Marshall Tuttle Award to Patricia Dee Shewmaker for her spirit of pro bono public and sense of volunteerism, her legal expertise and knowledge of family law, military law and veterans law, and for her service to the state and nation through her unwavering support of the Military Legal Assistance Program.

Special Presentation - Memorial Tributes

President Patrise Perkins-Hooker provided a memorial tribute for State Bar Past President Kirk McAlpin and former Governor Carl Sanders honoring their many contributions on behalf of the State Bar and the legal profession.

Executive Committee Minutes

The Board of Governors received copies of the minutes of the Executive Committee meetings held on September 6, 2014 and October 24, 2014.

Office of the General Counsel

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

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.

2014 South Georgia Office ((Tifton) Usage Report

The Board of Governors received a copy of the State Bar South Georgia Office Statistics - January 2013 to November 2014.

2014 Coastal Georgia Office (Savannah) Usage Report

The Board of Governors received a copy of the State Bar Coastal Georgia Office Statistics - January 2013 to November 2014.

Georgia Bar Exam – July 2014 General Statistics Summary

The Board of Governors received a copy of the July 2014 Georgia Bar Examination General Statistics Summary.

Communications Report

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

Old Business

There was no old business.

New Business

Hon. Josh Bell encouraged members of the Executive Committee and the Board of Governors to work together collectively as the state moves forward with improving Georgia's probation system.

President Patrise Perkins-Hooker thanked the sponsors and exhibitors who participated in the Midyear Meeting.

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