

Disciplinary Rules and Procedures Committee
Meeting of June 9, 2023
Savannah, Georgia

MINUTES

Chair Michael Bagley called the meeting to order at 2:06 p.m.

Attendance:

Committee members: Michael Bagley, R. Gary Spencer, Erin H. Gerstenzang, Mazie Lynn Guertin, Patrick H. Head, William D. James, Edward B. Krugman (phone), David N. Lefkowitz (phone), Patrick E. Longan (phone), David O’Neal (phone), William Thomas, Jr., J. Maria Waters, Peter Werdesheim, and Judge Paige Whitaker.

Executive Committee Liaison: David S. Lipscomb

Staff: Paula J. Frederick, Damon Elmore, Jenny K. Mittelman, William D. NeSmith, III, Billy Hearnburg, and Kathya S. Jackson.

Guests: Supreme Court Justices Bethel, Colvin, and Warren.

Approval of Minutes:

The Committee approved the April 26, 2023 Minutes.

Action Items:

Rule 4-221.1

After further discussion, the Committee made additional changes to the proposed amendments. By unanimous vote, the Committee voted to adopt the changes discussed during the meeting. A copy of the Rule as amended appears at the end of these minutes.

Rule 1.8(j)

If the Committee wishes to proceed with this amendment, Bar Counsel should provide a memo regarding the constitutionality of the proposed changes.

Use of the term “counsel”

After further discussion, the Committee considered amending the definition of “lawyer.” The Committee would like to consider possible amendments at its next meeting.

Rule 1.8(e)

The Committee agreed to have Bar Counsel pull the proposed amendments from the Board of Governor's agenda. The Committee would like to make additional edits to the first sentence of proposed section (e)(3) and comment (6).

Rule 4-204.3

The Committee decided not to take any action on the proposed changes.

The meeting adjourned at 3:35 p.m.

Rule 4-221.1 Confidentiality of Investigations and Proceedings

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- e. The Office of the General Counsel may reveal confidential information to the following persons if it appears that the information may assist them in the discharge of their duties:
 - 1. The Committee on the Arbitration of Attorney Fee Disputes or the comparable body in other jurisdictions;
 - 2. The Trustees of the Clients' Security Fund or the comparable body in other jurisdictions;
 - 3. The Judicial Nominating Commission or the comparable body in other jurisdictions;
 - 4. The Lawyer Assistance Program or the comparable body in other jurisdictions;
 - 5. The Board to Determine Fitness of Bar Applicants or the comparable body in other jurisdictions;
 - 6. The Judicial Qualifications Commission or the comparable body in other jurisdictions;
 - 7. The Executive Committee with the specific approval of the following representatives of the State Disciplinary Board: the Chair, the Vice-Chair, and a third representative designated by the Chair;
 - 8. The Formal Advisory Opinion Board;
 - 9. The Client Assistance Program;
 - 10. The General Counsel Overview Committee;
 - 11. The Unlicensed Practice of Law Department of the State Bar of Georgia;
 - 12. Agencies, jurisdictions, or courts responsible for disciplinary investigations and proceedings regarding lawyers or judges and engaged in a lawful investigation or proceeding related to the discipline or regulation of a lawyer or judge;
 - 13. Or otherwise with specific approval of the following representatives of the State Disciplinary Board: the Chair, the Vice-Chair, and a third representative designated by the Chair.

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