

Professional Liability Insurance Committee
Meeting of July 23, 2021
Via Zoom

MINUTES

The meeting was called to order at 10:00 a.m.

Attendance:

Committee members: Christopher P. Twyman, Gregg Conley, Stephanie Cooper, J. Hamilton Garner, Brandon Cory Goldberg, Warren Hinds, Kenneth Hodges, III, Linley Jones, Herman Maddox Kilgore, David Lefkowitz, Denis C. Sanders, Toronda Silas, Shannon Sprinkle, and Meredith W. Sutton.

Executive Committee Liaison: David S. Lipscomb

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

Guest: Elizabeth Fite, State Bar President

Approval of Meeting Minutes:

The Committee approved the Minutes from the January 8, 2021 meeting.

Action Items:

By majority vote, the committee voted to renumber Option 3 to 3A and add Option 3B. (Kilgore and Sutton opposed). Option 3B will require mandatory disclosure with publication on the member directory on the Bar's official website and mandatory CLE for lawyers without insurance.

The committee voted on which Option should be recommended to the Board of Governors. The results are as follows:

Options	Votes
Option 1A	0
Option 1B	1
Option 2	5
Option 3A	2
Option 3B	1
Option 4	4
Option 5	2

The committee agreed that Chris Twyman and Paula Frederick would work on an Executive Summary to circulate to the Executive Committee, Board of Governors and Bar membership. Option 2 will be the option presented to the Board; however, all Options and voting results will be available to the Board.

The meeting adjourned at 10:46 a.m.

Revisions approved at this meeting:

OPTION 3B

Mandatory Disclosure Requirement (with publication) with Mandatory CLE for Lawyers Without Insurance (Proactive Management-Based Assistance)

Rule 1-210 Disclosure of Professional Liability Insurance.

(a) Each active member of the State Bar of Georgia who is engaged in the private practice of law in Georgia shall disclose on the annual license fee statement whether the member is covered by a policy of professional liability insurance.

(b) The following members shall be exempt from the requirements of this rule:

(1) Members who are employed by a governmental entity or other organization and whose practice is limited to matters concerning the entity or organization;

(2) Members whose practice consists solely of serving as an arbitrator or mediator; and

(3) Members who are not actively engaged in the practice of law or who do not represent clients.

(c) Every other year, beginning with registration for 2022-2023, each lawyer covered by paragraph

(a) who discloses that he or she is not covered by a policy of professional liability insurance shall

complete a self-assessment of the operation of his or her law practice or shall obtain malpractice insurance and report that fact on the annual license fee statement for the following year.

(d) The information required by this Rule shall be publicly available and included in the member's listing in the Member Directory on the official website of the State Bar of Georgia. Each lawyer's insurance status shall appear in the State Bar Member Directory as "covered," "not covered," or "exempt." Each member shall provide the State Bar of Georgia with confirmation of coverage upon request.

(e) The Proactive Management-Based Assistance program is a free interactive online educational program provided by the Bar. It requires the lawyer to assess his or her law office and operations based upon the requirements of the Georgia Rules of Professional Conduct and best-practices for the operation of a law office. Lawyers may earn one hour of Ethics CLE credit for each module of the self-assessment completed. Upon completion of each module in the Proactive Management Based self-assessment program, the lawyer will receive the results of the self-assessment and suggested resources to help the lawyer address any deficiencies identified by the self-assessment. All information related to the self-assessment shall be confidential and not shared with the Office of the General Counsel, except for the fact of completion of the self-assessment. Neither the Bar nor the lawyer may offer this information into evidence in a disciplinary proceeding. The Bar may report self-assessment data publicly in the aggregate.

(f) The information required by this Rule is due on July 1 of each year. A member who discloses that he or she is not covered by a professional liability insurance policy remains in good standing for one year in order to complete the Proactive Management-Based Assistance Program or to obtain insurance. If the member neither completes the self-assessment required at parts (c) and (d)

nor obtains insurance, he or she goes out of good standing on July 1 of the following year. A member deemed not to be in good standing under this Rule shall be returned to good standing upon making the disclosure required in subpart (a) to the Membership Department of the State Bar of Georgia and, if not covered by a policy of malpractice insurance, by completing the self-assessment course.

(g) Each member shall provide the State Bar of Georgia with confirmation of coverage upon request.

(h) The Bar will provide the information required by part (a) of this rule upon request from any person but will not publish it as part of the member's listing in the Member Directory on the official website of the State Bar of Georgia.