

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Friday and Saturday, March 9-10, 2012
The Lodge at Sea Island/Sea Island, GA**

Members Present:

Kenneth L. Shigley, President; Robin Frazer Clark, President-elect; Charles L. Ruffin, Treasurer; Patrise Perkins-Hooker, Secretary; S. Lester Tate, III, Immediate Past President; Stephanie J. Kirijan, YLD President; Jonathan B. Pannell, YLD President-elect; Michael G. Geoffroy, YLD Immediate Past President; Phyllis J. Holmen; Robert J. Kauffman; David S. Lipscomb; Brian D. Rogers (by phone); and Rita A. Sheffey, and N. Harvey Weitz

Staff Participating:

Cliff Brashier, Executive Director; Sharon L. Bryant, Chief Operating Officer; Paula Frederick, General Counsel; and Bob McCormack, Deputy General Counsel.

Consent Agenda

President Shigley presented the Consent Agenda.

- 1) Previous Executive Committee Minutes of February 16, 2012
- 2) Future Meetings Schedule (Current Version)
- 3) Approval of Members' Requests:
 - a. Late Fee Waiver Appeal for Approval – Nedra Garrett
 - b. Waiver of Fitness to Resign and Reduction of Fees for Approval – Norman Parrett
 - c. Resignation Request for Approval – Susan W. Belson

The Executive Committee, by unanimous voice vote, approved the above items on the Consent Agenda.

Proposed New Child Protection and Advocacy Section

Following a report by President Shigley and Nicki Vaughan, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the creation of a new Child Protection and Advocacy Section.

Family Law Section Bylaws Amendments

The Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed amended Bylaws of the Family Law Section.

YLD Leadership Academy

Following a request by YLD President Stephanie Kirijan, the Executive Committee, by unanimous voice vote, approved transferring \$2,475 in unused 2011-12 Leadership Academy scholarship funds to the Leadership Academy's restricted account so as to carry over and be used for next year's Academy.

Rule 4-109. Refusal or Failure to Appear for Reprimand; Suspension

Following a report by Paula Frederick, the Executive Committee, by majority hand vote, failed to approve a proposed amendment from the Disciplinary Rules & Procedures Committee to Rule 4-109 regarding a member's refusal or failure to appear for a reprimand without just cause.

Business Court

Following a report by President Shigley, the Executive Committee, by majority voice vote, tabled the matter to the next Executive Committee meeting.

2012 Legislative Weekly Updates

Tom Boller provided an update on legislative activities to date, and the Executive Committee received a written legislative update for the weeks of February 10-March 2, 2012.

H.B. 1176 – Criminal Justice Reform

President Shigley provided an update on H.B. 1176 Criminal Justice Reform.

H.B. 641 – Juvenile Code

YLD President Kirijan provided a report on Juvenile Code H.B. 641, which was unanimously passed by the House and now goes on to the Senate. The Executive Committee also heard from Nicki Vaughan, Sharon Hill, and Judge Robert Rodatus. Thereafter, the Executive Committee took the following action:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar, and
2. By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until March 31, 2012, and
3. By unanimous voice vote, determined that a significant material change in circumstances during the legislative session since the last Board of Governors meeting make it appropriate for the Executive Committee to take action on endorsement of HB 641 prior to the next schedule Board of Governors meeting on March 31, 2012, and
4. By majority voice vote, with President-elect Robin Clark dissenting, determined that the State Bar of Georgia, through its Executive Committee pursuant to provisions of Standing Board Policy 100, endorsed H.B. 641 coupled with the appropriation of adequate funding for implementation of the Juvenile Code in the budgets for FY 14 and subsequent years.

S.B. 505 Medical Malpractice Arbitration

The Executive Committee took no action on the proposed legislation.

H.B. 1175, H.B. 960 & S.B. 502 – Bad Faith

The Executive Committee took no action on the proposed legislation.

H.B. 1048 – Certified Process Servers

The Executive Committee took the following action on H.B. 1048:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar, and

2. By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until March 31, 2012, and
3. By unanimous voice, with YLD President Kirijan abstaining, supported H.B. 1048.

S.B. 365 – Real Estate Closings

Following a report by Secretary Perkins-Hooker and Rusty Sewell, the Executive Committee took the following action on S.B. 365:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar, and
2. By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until March 31, 2012, and
3. By unanimous voice vote, approved a motion recommending that the Supreme Court of Georgia form a blue ribbon commission to study and determine whether or not there needs to be any changes to the scope of the practice of law in real estate closings, and for the State Bar to provide money for a reporter to work with the commission.

The Executive Committee requested its lobbyists to immediately inform the President if any amendments from LegalZoom, Lexis Nexis or other entities is tacked on to the proposed legislation.

S.B. 457 – Change County Judicial Offices from Nonpartisan to Partisan

The Executive Committee took no action on the proposed legislation.

H.B. 827 – Eluding Officer Changes to Felony

Following a report by President Shigley, the Executive Committee took the following action:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar, and
2. By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until March 31, 2012, and
3. By unanimous voice vote, with President-elect Clark, Secretary Perkins-Hooker and Phyllis Holmen abstaining, supported H.B. 827.

H.B. 811 – Fee Adjustments

The Executive Committee took no action on the proposed legislation.

Mortgage Settlement Funds (after session)

The Executive Committee received a copy of an article in the *Marietta Daily Journal* regarding the debate brewing in Georgia over how the mortgage settlement funds will be used.

Georgia Benefit Corporation Legislation (2013)

The Executive Committee received information on proposed Georgia Benefit Corporation Legislation that would create a new form of corporate entity known as a benefit corporation.

President's Report

President Shigley provided a report on E-Filing. Plans include a beta test site in the DeKalb County State Courts and Cherokee County Superior Courts later this year. The Bar's new website redesign will be unveiled at the Spring Board of Governors meeting. The Communications Committee is moving forward with some PSA's addressing when you need a lawyer that will be placed on news websites. The Bar is looking into an adaptation of SideBar, a web based communications tool for use by Board of Governors and committee members.

Treasurer's Report

Treasurer Ruffin provided a report on the State Bar's finances and investments. He reviewed several reserves/dues projections that were presented to the Finance Committee at its March meeting, and reported that the Finance Committee is going to ask that the Programs Committee start an earlier, methodical, review of the Bar's programs this next Bar year. The Executive Committee received the Income Statement by Department for the seven months ended January 31, 2012, and a copy of the agenda for the March 2, 2012, Finance Committee meeting.

YLD Report

YLD President Stephanie Kirijan provided a report on the activities of the YLD. Attendance at the YLD business meetings is up 30% from previous years. The annual Signature Fund, which had the highest attendance ever, raised \$73,000 to benefit the GLSP. The YLD is in the final stages of converting over the YLD Presidents Boardroom and will celebrate the occasion on May 3, 2012. The Business Law Committee conducted a CLE in January that featured Fulton County Business Court judges and staff attorneys. The Legal Food Frenzy will be kicking off April 30, 2012 and will run through May 11. The Ethics and Professionalism Committee held a joint CLE in Atlanta and Savannah, with panelists participating from each location, followed with a hosted networking event. The Intrastate Moot Court Competition Committee and the High School Mock Trial Competition Committee will conduct their competitions this month. The Leadership Academy, which kicked off at Midyear Meeting, held a Lawyers as Leaders program in February in conjunction with the YLD's annual legislative luncheon. Its next session will take place in Macon on March 23, 2012, where it will conduct a pro bono project to benefit GLSP. The Minorities in the Profession Committee hosted networking events at both Emory and John Marshall Law Schools. The YLD Spring Meeting will take place in Washington, D.C., the weekend of May 11-14, 2012. Everyone was invited to attend the YLD's Annual Meeting dinner where Presiding Justice George H. Carley will swear in his last group of incoming YLD officers before he is retires from the bench.

Disciplinary Rules & Procedures Committee – IOLTA Rule 1.15

Paula Frederick provided a report on the Disciplinary Rules & Procedures Committee's review of the proposed IOLTA Rule 1.15. The committee did not endorse the concept nor wanted to approve the proposed rule. Len Horten, Director of the Georgia Bar Foundation, is going to meet with the committee to appeal its ruling.

Office of General Counsel

The Executive Committee received a written Report of the Office of General Counsel that provided information about the work of the OGC in both disciplinary and non-disciplinary matters.

Committee Updates

The Executive Committee Liaisons provided reports on various committees' activities.

Consumer Assistance Program

The Executive Committee received a written report from the Consumer Assistance Program for February 2012.

Oddity Software

The Executive Committee received a copy of a cease and desist letter from the Office of General Counsel to Oddity Software. Oddity Software is offering for sale a database purporting to be complete list of the members of the State Bar.

Georgia Legal Services Funding

The Executive Committee received information from the Legal Services Corporation (LSC) regarding budget cuts and staff reductions affecting nonprofit programs funded by the LSC.

Deceased Members by Year

The Executive Committee received a report of State Bar deceased members by year.

Old Business

Harvey Weitz reminded everyone about the Savannah Bar's annual boat ride on April 20, 2012.

New Business

Secretary Perkins-Hooker reported that members of the Savannah Bar Association reported they particularly like the In Memoriam section of the *Georgia Bar Journal* as it keeps older attorneys abreast of their colleagues.

Adjournment


There being no further business, the Executive Committee meeting was adjourned.

Executive Committee/Supreme Court Retreat

The Executive Committee and Justices of the Georgia Supreme Court conducted a joint meeting on March 10, 2012, to discuss pending issues and developments affecting the administration of justice and the regulation of the legal profession. Those present for the meeting from the Supreme Court of Georgia were Chief Justice Carol W. Hunstein, Presiding Justice George H. Carley, Justice Robert Benham, Justice Hugh P. Thompson, Justice P. Harris Hines, Justice Harold D. Melton, and Justice David Nahmias.


Patrice M. Perkins-Hooker, Secretary

Approved:


Kenneth L. Shigley, President