

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Thursday, April 19, 2012  
Coastal Georgia Office/Savannah, GA**

Members Present:

Kenneth L. Shigley, President; Robin Frazer Clark, President-elect (by phone); 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; Phyllis J. Holmen (by phone); Robert J. Kauffman (by phone); David S. Lipscomb; Brian D. Rogers (by phone); and Rita A. Sheffey (by phone), and N. Harvey Weitz.

Members Absent:

Michael G. Geoffroy, YLD Immediate Past President.

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 March 9, 2012
- 2) Future Meetings Schedule (Current Version)
- 3) Approval of Members' Requests:
  - a. Late Fee Waiver Appeal for Denial – Mary Robb
  - b. Waiver of Fitness Requirement for Late Registration Appeal for Approval – Vladimir Maslyanchuk
  - c. Waiver of Fitness Requirement for Reinstatement Appeal for Approval – J. Glenn Brown
  - d. Waiver of Fitness Requirement for Reinstatement Appeal for Denial – A.R. Tulani Grundy
  - e. Waiver of Fitness Requirement for Reinstatement Appeal for Approval – Charles Gurtler, III
  - f. Waiver of Fitness Requirement for Reinstatement Appeal for Denial – Kimberly A. Rivers
  - g. Resignation Requests for Approval – H. Sadler Poe (582700) and Ricky Allen Naude (535740)

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

GLSP Silent Auction at Annual Meeting

Following a request by Phyllis Holmen, the Executive Committee, by unanimous voice vote, gave approval for GLSP to sponsor a Silent Auction fundraiser at this year's Annual Meeting. YLD President Stephanie Kirijan offered to recruit YLD volunteers to assist with the logistics of the auction.

### Disciplinary Rules Amendments

Following a report by Paula Frederick, the Executive Committee took action on the following proposed amendments to the disciplinary rules:

1. By majority voice vote, failed to pass a motion made by Treasurer Buck Ruffin to amend either Rule 7.1 or 7.2 to insert the words “pursuant to decisions of the Supreme Court of the United States, a lawyer may advertise.”
2. By unanimous voice vote, approved recommending to the Board of Governors proposed amendments to:
  - a. Rule 7.2 – Disclaimers (Exhibit A);
  - b. Rule 7.3(5) and 7.3 Comments 8 and 9 - Direct Contact with Prospective Clients (Exhibit B); and
  - c. Rule 4-219 – Judgments and Protective Orders (Exhibit C).

### Atlanta Business Court Filing Fee

Following a report by Wade Herring on proposed amendments to Business Court Rule 1004 that would give the Business Court the flexibility to increase the transfer fee, subject to a \$2500 cap, without having to seek a formal amendment approval each time there is a need, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the proposed amendments.

### JQC’s Visiting Ukrainian Judges

Following a report by Immediate Past President Lester Tate, the Executive Committee, by unanimous voice vote, approved a \$10,000 sponsorship request to help defray the costs associated with the JQC’s hosting a contingent of visiting Ukrainian judges.

### 2012-13 Dues Notice

Following a report by Cliff Brashier on proposed changes requested by GLSP to the 2012-13 dues notice, the Executive Committee, by unanimous voice vote, approved the proposed changes with one revision.

### 2012 Legislative Update

Tom Boller and Rusty Sewell provided an update on the 2011-12 legislative session. The Executive Committee received a written legislative update for the weeks of March 16, 2012 through April 4, 2012.

### Judicial Poll

Cliff Brashier reported that changes in the judicial election process will cause significant changes procedurally for the State Bar’s judicial poll. This year there will be a narrower window of time in which to print, mail, tabulate and publish the results of the poll before voting begins. Per the 2012 Elections Schedule, non-partisan qualifying begins on May 23 and ends on May 25. The earliest the vendor can mail the poll after receipt of the candidate’s names is May 29. Advanced (absentee in-person) voting begins on July 9, and the General Primary/Non-Partisan/Special Election is July 21.

### Eunice Mixon Award

Following a report by Cliff Brashier, the Executive Committee, by unanimous voice vote, approved presenting the 2010-11 Eunice Mixon Award to Marlene Melvin, the State Bar Journey Through Justice Program’s Curriculum Coordinator, and the 2011-12 Eunice Mixon Award to Diane O’Steen, outgoing Executive Director of the Atlanta Bar Association. This award honors a non-lawyer for lifetime contributions to the State Bar or the judicial branch of government, for promoting a better understanding

of the importance of the rule of law, encouraging a greater respect for the law and our courts, and exemplifying a sense of civic responsibility and public service in the state of Georgia.

In Memoriam Publication of Suspended Members Not in Good Standing - Alice Caldwell Stewart

Following a report by Cliff Brashier, the Executive Committee, by unanimous voice vote, approved publicizing any deceased attorney, who was not disbarred at the time of his or her death, including Alice Caldwell Stewart, in the In Memoriam section of the *Georgia Bar Journal*.

Advertising Request by Local Counsel Collective

Cliff Brashier reported that a company called Local Counsel Collective has submitted a classified advertising form to advertise in the *Georgia Bar Journal*. Since the company represents a new form of attorney selection, Bar Counsel has been asked to review the request.

State Bar & State Chambers Task Force on E-Discovery

President Shigley provided a report on the new Joint Task Force on Discovery of Electronically Stored Information. The Task Force, which is composed of members of the State Bar and the Georgia Chamber of Commerce, will work to develop a proposed uniform court rule to govern e-discovery in superior and state courts in Georgia. A reporter will be hired to help the Task Force's work.

President's Report

President Shigley reported that the E-Filing Committee's beta version of a web portal for e-filing will go live this summer.

Cliff Brashier reported that the State Bar Building is moving forward with a new water booster system and electrical room flood prevention plan.

Treasurer's Report

Treasurer Ruffin provided a report on the State Bar's finances and investments. The Executive Committee received the Income Statement by Department for the eight months ended February 29, 2012, and a copy of the March 2, 2012, Finance Committee minutes.

YLD Report

YLD President Kirijan provided a report on the activities of the YLD. Attendance at the YLD business meetings is up 30% from previous years. In conjunction with the YLD's 65<sup>th</sup> Anniversary celebration, she announced that YLD Past President Donna Barwick will receive the 65<sup>th</sup> Anniversary Inclusiveness Award at the Annual Meeting. The dedication ceremony of the YLD Presidents Boardroom will take place on May 3, 2012. There will be an YLD Affiliates Conference on May 18, 2012. The 4<sup>th</sup> session of Leadership Academy took place on April 13, 2012 at the U.S. District Court and 11<sup>th</sup> Circuit Court of Appeals, and the next session will take place on May 4, 2012 in Columbus. From April 30-May 11, the YLD and State Bar are partnering with the Attorney General's Office for the Legal Food Frenzy. The High School Mock Trial Competition had a record no of schools participating in the competition (138 teams). Grady High School is the defending state champion team and will be heading to the national competition next month. The National Moot Court Competition, which took place in March, was won by the University of Georgia. The YLD Law-Related Education Committee is holding a statewide essay contest for middle schools on the importance of the judicial system. The YLD Spring Meeting will take place in Washington, D.C., the weekend of May 11-14, 2012.

State Bar Elections

President Shigley reported that April 30 is last day to vote in the State Bar elections. Cliff Brashier reported that the Elections Committee is putting together proposed rules changes regarding the election process.

### Georgia Multi Modal Passenger Terminal

Secretary Perkins-Hooker provided an update on the proposed Multi Modal Passenger Terminal project. The Wall Street alley is in the study area and it has not yet been determined what portion, if any, of the alley will be involved. At the Public Meeting Kick Off for the MMPT, Secretary Perkins-Hooker discussed the need that as plans develop, any portions of Wall Street that would prevent access to parking in the Bar's loading dock and for buss access for schools must not be jeopardized. Buck Ruffin was asked to contact Planning Design Group to see if it is involved in this project, and if not, what it would cost for them to provide engineering and consulting services to the State Bar to work on its behalf in connection with the Multi Modal Passenger Terminal project.

### Office of General Counsel

Paula Frederick provided a report of the activities of the Office of General Counsel.

### Committee Updates

President Shigley reported that he has provided President-elect Robin Clark with transition notes regarding the committees' activities this year that may help her with her upcoming committee appointments.

### Disability Insurance

The Executive Committee received information on group disability insurance for State Bar members from BPC Financial.

### BASICS Program's Reconviction and Return to Prison Rate Comparison

The Executive Committee received a copy of a report from the Georgia Department of Corrections Office of Planning and Analysis of the "Reconviction" and "Return to Prison" rates for BASICS graduates as compared to all other inmates in the Georgia state prison system for a five-year period starting with prisoners released in March 2004. The report shows that BASICS graduates perform significantly better than non-BASICS inmates at every tracking interval throughout the study.

### Military Spouses Admission to Practice in Georgia

The Executive Committee received a copy of a letter to Gregory S. Ellington from the Office of Bar Admission stating that the military spouse JD network proposal was reviewed by the Board of Bar Examiners of the Supreme Court of Georgia, and at this time, the Board prefers that applicants address the unique admission issues faced by military spouse attorneys through the Waiver Process and Policy, whereby an applicant may petition the Board for waiver of a provision of the Rules, including the Admission on Motion Rule. Such waiver petitions are considered on a case-by-case basis.

### Access to Justice Committee

The Executive Committee received a copy of a letter from President Shigley requesting that the Supreme Court of Georgia appoint a member of the Court as an ex officio member of the Access to Justice Committee.

### Executive Session

The Executive Committee met in Executive Session.

### Old Business

Moving out of Executive Session, there was no old business.

### New Business

Harvey Weitz welcomed the Executive Committee to Savannah and reviewed plans for the evening and for the Savannah Bar's annual boat ride on Friday. He announced that this will be his last term on the


Executive Committee and will be encouraging a few people around Savannah to run for his vacant position. The Executive Committee gave Harvey a standing ovation for all his work on behalf of the State Bar.

Adjournment

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

  
Patrie M. Perkins-Hooker, Secretary

Approved:

  
Kenneth L. Shigley, President