

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
May 15, 2015
Atlanta Legal Aid Society/Atlanta, GA**

Members Participating:

Patrise M. Perkins-Hooker, President; Robert J. Kauffman, President-elect; Rita A. Sheffey, Treasurer; Patrick T. O'Connor, Secretary (by phone); Charles L. Ruffin, Immediate Past President; V. Sharon Edenfield, YLD President (by phone); John R.B. Long, YLD President-elect (by phone); Darrell L. Sutton, YLD Immediate Past President; Elizabeth Louise Fite; Kenneth B. Hodges, III; David S. Lipscomb; Brian D. Rogers and Nicki Vaughn.

Members Absent:

Phyllis Holmen.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Jeff Davis, Executive Director; Paula Frederick, General Counsel; and Steve Laine, Chief Operating Officer.

Approval of the Meeting Agenda

President Patrise M. Perkins-Hooker presented the following changes to the Meeting Agenda: 1) a Welcome and Tour (following the meeting) by Steve Gottlieb, Executive Director, Atlanta Legal Aid Society; 2) a Member Request by James Fisher as item 2)d)(3)); 3) a request for an Indigent Defense Committee Award as item 3)l); 4) a \$2,500 sponsorship request from Atlanta Urban League as item 3)m); 5) proposed Uniform Superior Court Rule 48 as item 3)n); and 6) Old and New Business as items 6)a) and b). The Executive Committee adopted the Meeting agenda, as amended, by unanimous voice vote.

Welcome by Atlanta Legal Aid Society (ALAS)

Steve Gottlieb, Executive Director, ALAS, welcomed the Executive Committee to ALAS's new office and briefly discussed the history of the building. ALAS staff attorneys Payal Kumari Kapoor and Allison Stiles reported on special projects being performed by the ALAS.

Recognition of Retiring Executive Committee Members

President Patrise Perkins-Hooker recognized and thanked outgoing Executive Committee members Immediate Past President Buck Ruffin and YLD Immediate Past President Darrell Sutton for their service over the years to the Bar and the Executive Committee.

Future Meetings Schedule

The Executive Committee received a copy of the Future Meetings Schedule. President-elect Bob Kauffman announced there would be an Executive Committee meeting at the State Bar Building on August 14, 2015 at 12:00 pm in conjunction with the strategic planning process.

Consent Agenda

President Patrise Perkins-Hooker presented the Consent Agenda. There being no request for removal of any of the items, a motion was made and seconded to approve the following items on the Consent Agenda:

- a) Minutes of the March 27 and April 9, 2015 Executive Committee Meetings
- b) Members Requesting Resignation (approve): Kathleen Mayton (479868), Stephen A. Markey (002050), Robert M. Phebus (575255), Christine E. Bryce (092035), Diane Perry (572510)

- c) Members Requesting Disabled Status (approve): John D. Mayer (479250), Suanne Steinman (678250), Kathy R. Bess (055760), Jackson L. Culbreth (200300)
- d) Approval of Member's Requests (based upon staff recommendations shown in parenthesis):
 - 1) Jeffrey A. Rinde (deny request for waiver of fitness but extend termination date until 3/1/2016 to allow time to complete fitness)
 - 2) Truman Tinsely (approve request for military dues waiver)
 - 3) James Fisher (approve request for waiver of exam and fitness but require payment of all fees)

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

David Lipscomb requested that the Military Waiver Form be amended to include information on military members' annual income.

Approval of 2015-2016 State Bar Budget

Treasurer Rita A. Sheffey presented the 2015-16 Proposed (4th Draft) State Bar and Bar Center Budget as recommended by the Finance Committee and the Executive Committee.

YLD President Sharri Edenfield questioned why the travel budgets for the YLD Officers were decreased since the Officers are obligated to attend all meetings of the YLD, Executive Committee, Board of Governors, and the ABA. The Executive Committee, by majority voice vote, approved adjusting the YLD Officers' travel budgets back to their 2014-15 base lines and with the out-of-town adjustments.

YLD President-elect Jack Long asked the Executive Committee to consider offsetting travel costs for all members of the Investigative Panel, not just for the lay members as is currently done. President-elect Bob Kauffman reported that the entire disciplinary process is being reviewed in the next Bar year and the review will include a discussion on whether or not positions on the disciplinary panels need to be funded.

The Executive Committee, by unanimous voice vote, approved submitting to the Board of Governors the 2015-2016 Proposed (4th Draft) State Bar and Bar Center Budgets, as modified for the YLD Officer's travel budgets (Exhibit A). The budgets reflect:

1. Dues maintained at \$248 for active members and \$124 for inactive members, which reflects no dues increase, but does include indexing dues \$.90 per member for the Fee Arbitration Program contract attorney that will be absorbed from the Bar's excess surplus; and
2. Section dues to be reflected on the dues statement ranging from \$10-\$35; and
3. Continuation of assessments required by Bar Rules regarding the Clients' Security Fund (\$100 @ \$25/year) and Bar Center Facility (\$200 @ \$50/year); and
4. Continuation of a \$100 opt-out contribution for the Legislative and Public Education Fund; and
5. A suggested \$300 opt-in provision for individual contributions and a \$100 opt-in contribution for young lawyers for Georgia Legal Services Program.

Lawyer Assistance Program (LAP) Proposed Rule Changes

Following a report by President Patrise Perkins-Hooker and Paula Frederick, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors proposed rules changes to the LAP's Rule 7-303 and Rule 7-305 as follows:

Rule 7-303. Confidentiality

Except as provided in this Rule and in Bar Rule 4-104(b), Bar Rule 4-104(c), Bar Rule 7-203 and Bar Rule 7-305, all proceedings and records of the Committee, its members, staff, consultants (including without limitation its contractor for clinical services) and other designees, including any information provided to any of them, shall be confidential unless the attorney who has provided the information or caused the record to be created otherwise elects, except that any such person may reveal (i) to police or emergency responders, or any person in imminent danger, information needed to avoid or prevent death or substantial bodily harm, and (ii) information

- a. which is mandated by statute to be reported;
- b. to respond in any proceeding to allegations of misfeasance concerning the assistance he or she has provided to an impaired attorney as part of a volunteer network established pursuant to Rule 7-202; and
- c. to secure legal advice about his or her compliance with these Rules.

Rule 7-305. Emergency Suspension

Upon receipt of sufficient evidence demonstrating that an impaired attorney's conduct poses a substantial threat of immediate or irreparable harm to the attorney's clients or the public, or if an impaired attorney refuses to cooperate with the Committee after an authorized intervention or referral, or refuses to take action recommended by the Committee, and said impaired attorney poses a substantial threat to the attorney, the attorney's clients, or the public, the Committee may request that the Office of General Counsel petition the Supreme Court of Georgia for the suspension of the attorney pursuant to Bar Rule 4-108. All proceedings under this part which occur prior to the filing of a petition in the Supreme Court of Georgia pursuant to this rule shall remain confidential and shall not be admissible against the attorney before the State Disciplinary Board of the State. Information from a designee of the Committee acting as a member of a volunteer network established pursuant to Rule 7-202 shall not constitute "evidence" within the meaning of this Rule.

Proposed Public Service Announcement (PSA)

Elizabeth Fite reported that the Communications Co-Chairpersons were on board with the recommendation by the Executive Committee to wait on any development of public service announcements until after the strategic plan is completed, but suggested that perhaps Big Table Agency's Phase I proposal, which is the study, research and collaboration with key stakeholders for the creation of campaign goals and key messages, might be able to be integrated into the strategic planning strategy workshops and information gathering sessions. The Executive Committee, by unanimous voice vote, tabled the matter until President-elect Bob Kauffman can talk to both Leadership Strategies, Inc. and Big Table Agency about the possibility of coordinating the two efforts.

Elections Committee Proposed Rules Changes

President Patrise Perkins-Hooker reported on proposed rules changes recommended by the Elections Committee to bring them into compliance with the current elections process and practices. Bylaws changes proposed by the Elections Committee were not presented for action today. The Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the proposed rules changes as follows:

Rule 1-205. Bar of Judicial Circuit

Each member in good standing who is a resident of this State shall be considered a member of the bar of the judicial circuit in which his /her official bar mail is delivered. As an exception, a member may elect to be a member of the circuit of his/her residence or where their actual office is located.

Rule 1-304 Election of Members of Board of Governors

The State Bar of Georgia shall, in its bylaws, establish the term of office and the method of election of the members of the Board of Governors representing judicial circuits and nonresident members. Such method of election shall ensure that:

- (a) the election will be by secret written or secure electronic ballot;
- (b) each active member of the State Bar of Georgia, in good standing and in conjunction with a specified number of other active members in good standing, will have the right, upon compliance with reasonable conditions, to nominate a candidate from his judicial circuit (or candidates in circuits electing more than one member of the Board of Governors in such election) whose name will be placed on the ballot for his circuit;
- (c) each active member of the State Bar of Georgia in good standing, residing outside of the State, in conjunction with a specified number of other active nonresident members in good standing, will have the right, upon compliance with reasonable conditions, to nominate a candidate from the active members in good standing of the State Bar of Georgia residing outside of the State;
- (d) any nominating petition shall bear or be accompanied by a statement signed by the nominee indicating his willingness to serve if elected;
- (e) a ballot for his judicial circuit will be mailed to each active resident member in good standing, and a ballot will be mailed to each active nonresident member in good standing in ample time for the member to cast the ballot before the time fixed for the election. The ballot will contain the information required by the bylaws. In lieu of a written ballot, a secure electronic ballot, which meets the requirements above, may be provided to members;
- (f) each nominee shall be entitled to have at least one observer present at the counting of the written ballots from his judicial circuit; and
- (g) any change in the geographical limits of a judicial circuit or circuits shall automatically terminate the terms of all members elected to the Board of Governors, accordingly in such manners as the bylaws may provide. In the event the geographical limits of a circuit are changed after the notices of election have been distributed to the members of the State Bar of Georgia, then and in that event, the terms of the members of the Board of Governors from such circuits will remain as they were before the change in geographical limits until the election of the Board of Governors to be held the following year.

Following a discussion by the Executive Committee on other recommendations made by the Elections Committee, it was the consensus of the Executive Committee that the Elections Committee deal with the elections process itself, but not policy questions. The Executive Committee consented to place the Board of Governors Attendance Record of the Bar's web site as recommended by the Elections Committee.

NOW Accounts

President Patrise Perkins-Hooker reported that the Member Benefits Committee (MBC) turned down the vendor proposal on NOW accounts for small law firms, and instead encouraged the vendor to join the bar's online vendor directory and consider becoming a Corporate Sponsor. YLD President-elect and MBC member Jack Long reported on the evaluation process and reasons for denying the request. The Executive Committee, by unanimous voice vote, accepted the recommendation of the Member Benefits Committee.

Distinguished Service Award

The Executive Committee, by unanimous voice vote, approved the recipient of the Distinguished Service Award.

Executive Session

Following a motion and second, the Executive Committee met in Executive Session to discuss the recipient of Employee of the Year Award. Thereafter, by unanimous voice vote, the Executive Committee moved out of Executive Session.

Commitment to Equality Awards Sponsorship/Committee to Promote Inclusion in the Profession

Following a report by President Patrise Perkins-Hooker the Executive Committee, by unanimous voice vote, approved providing a minimum of \$1,000, but up to \$3,000 to close any sponsorship funding shortage, for the Committee to Promote Inclusion in the Profession's 2015 Commitment to Equality Awards Ceremony and Reception. The event will take place on June 11, 2015 at the National Center for Civil and Human Rights.

Insurance Committee Recommendations

Treasurer and Committee Chair Rita A. Sheffey presented two proposed policies recommended by the Insurance Committee. The State Bar Basement Workout Room policy governs the use of the State Bar's workout room in the basement, including rules and regulations to be posted in the room and a procedure for approval and execution of a waiver and release form by each employee or approved guest prior to use of the room. As the proposed policy is for Bar employees and will be approved by the Executive Director, this was presented for information only. The Member Legal Services Programs policy governs the creation and operation of Bar programs that provide free legal services to members of the public, including draft forms on creating programs and annual reporting. It notifies the Sections, Divisions, Committees and Programs that create or endorse such programs that none of the Bar's policies provide malpractice coverage for the members who volunteer their legal services. Members who provide legal services to indigent individuals or small non-profit organizations through the Pro Bono Project or a 501(c)(3) legal services provider typically are provided malpractice insurance through those organizations. YLD President Sharri Edenfield asked if the YLD were to provide money for malpractice insurance for YLD programs that operate in this fashion would that solve the insurance issue, but Treasurer Sheffey stated that it is not a matter of money, but the fact that the Bar's insurance broker reported that there is no coverage available for such programs under the umbrella of the State Bar. President Patrise Perkins-Hooker commented that Member Legal Service Programs policy at that this level of bureaucracy will limit participation in pro bono projects. Immediate Past President Buck Ruffin noted that he did not believe the policy would deter members of the Military/Veterans Law Section who currently volunteer. The Executive Committee, by majority voice vote, approved the Member Legal Services Programs policy, as revised (Exhibit B).

NABE Communications Workshop – Host 2016

Jeff Davis reported that the Bar's Communications Department would like the State Bar to host the NABE Communications Workshop either in Atlanta or Savannah in 2016. The ABA Division for Bar Services is responsible for signing all contracts and making all financial payments on behalf of the Workshop, so there is no financial liability to the host bar. The Executive Committee, by unanimous voice vote, authorized the Communications Department to pursue hosting the event.

Approval of Resolution for Sutherland for Service to the Fee Arbitration Program

Following a report by President Patrise Perkins-Hooker the Executive Committee, by unanimous voice vote, approved presenting a resolution to Sutherland in recognition of its many years of services on behalf of the Fee Arbitration Program. The resolution will be presented at the Annual Meeting in June.

Indigent Defense Award

Following a report by President Patrise Perkins-Hooker and Nicki Vaughan on the Indigent Defense Committee's request for a creation of an Indigent Defense Award the Executive Committee, by unanimous voice vote, approved the creation of and funding for the award. The award will be presented annually at the Annual Meeting to an especially deserving Public Defender.

Urban League Sponsorship Request

Following a report by Ken Hodges the Executive Committee, by unanimous voice vote, approved a \$2,500 sponsorship for the Urban League of Greater Atlanta's 5th Annual Spirit of the League Awards Luncheon on Friday, May 29, 2015.

Proposed New Uniform Superior Court Rule 48

Nicki Vaughan reported on proposed Superior Court Rule 48 and the Indigent Defense Committee's request for approval to file a comment on the proposed rule to the Council of Superior Court Judges before July 6, 2015. The Executive Committee, by unanimous voice vote, opposed proposed Superior Court Rule 48 as written and asked the General Counsel's office to draft a letter outlining the issues for the opposition and to distribute it to the Executive Committee for review and comment. Secretary Pat O'Connor suggested that either the President or President-elect also communicate the Bar's concerns with the Bench and Bar Committee Co-Chairpersons.

President's Report

President Patrise Perkins-Hooker provided an update on her activities. She met with President-elect Bob Kauffman to discuss his transition to the office of President. She circulated letters to the appropriate county commission chairs on the status of the rural lawyers program, and with the assistance of the General Counsel's office, she is in the process of drafting policies and procedures for the program. She reported that the iCivics program is moving forward. Hall and Augusta/Richmond Counties are adopting the program and Cobb County will soon follow. A more detailed report on her activities for the year will be included in the June Board of Governors agenda.

Treasurer's Report

Treasurer Rita Sheffey provided a report on the Bar's finances and investments. The Executive Committee received copies of the Operations and Bar Center Consolidated and Individual Revenue and Expenditures Reports and Income Statement YTD for the seven months ended March 31, 2015, the Balance Sheet as of March 31, 2015, and the Summary of Dues and Voluntary Contributions for May-March 2013-2015.

YLD Report

YLD President Sharri Edenfield reported on the activities of the Young Lawyers Division. She reported that the rollout of the Succession Planning Program has been a huge success. She announced that the Legal Food Frenzy ended on May 21 and surpassed its original fundraising goal, but she did not have the final results to report. She reported that the YLD is sponsoring a YLD Next Step Institute, Part II CLE at Annual Meeting. She reported that the YLD had a very successful year and thanked everyone on the Executive Committee for their support.

Executive Director's Report

Jeff Davis reported that we are completing the arrangements for the Criminal Justice Coordinating Council and Georgia Public Defenders Standards Council to fully occupy the 4th floor. Parking deck upgrades will be done in conjunction with the Spring Street viaduct completion. The upgrades are designed to move cars in and out of the deck more efficiently.

Office of General Counsel Report and ABA Report

Paula Frederick referred the Executive Committee to the written report on the activities of the Office of General Counsel and stated that there will be a more detailed report in the June Board of Governors agenda.

Elections Results

President Patrise Perkins-Hooker reported that the elections results can be found on the Bar's web site. YLD Immediate Past President Darrell Sutton reported that four candidates ran for the office of YLD Secretary, which created a runoff that is taking place now between Rizza O'Connor and Kevin Charles Patrick. Rita Sheffey reported that the runoff will cost the Bar more than \$10,000 so that we might want to look at using only electronic voting for future statewide runoff elections.

Board of Governors Minutes

The Executive Committee received a copy of the draft April 18, 2015 Board of Governors Minutes. David Lipscomb and Treasurer Rita Sheffey requested some revisions to the minutes.

Secretary Pat O'Connor asked if the proposal at the June Board meeting is going to be that the incubator program be made a Bar program. President Patrise Perkins-Hooker said it was the same proposal that it has always been, which is that it will be a joint program of the law schools and the State Bar of Georgia. He stated that he is concerned about it being a Bar program based on the opposition that arose at the Spring BOG meeting.

Law School Outreach Committee

The Executive Committee received a Summary of Law School Presentations from the Law School Outreach Committee. The YLD Officers commented that from their participation, and feedback from several attendees, participation was very low and the programs were poorly executed. They feel it would be worthwhile to involve the YLD leadership directly in the planning and implementation of these programs. Treasurer Rita Sheffey reported that she attended the Emory event, which was also poorly attended, and that she talked to the committee chairperson afterwards about improvements for future programs. President-elect Bob Kauffman indicated he would work with the YLD on any future programs.

Communications Report of Published Articles 2014-2015

The Executive Committee received a copy of the 2014-15 Media Report.

Old Business

David Lipscomb pointed out that to house the law school incubator program on the 5th floor it would cost the Bar \$240,000 in addition to the rent abatement for three years, and that each law school is only committing \$25,000 to the program. He does not think the Bar should build out the 5th floor when it cannot even provide enough parking for its current tenants, let alone any new 5th floor tenants. He senses that the Board of Governors is likely to defeat the program if it is presented as a State Bar program, and he does not believe it can be a self-supporting program in three years. He asked that the Bar consider looking at the Chicago model wherein the Bar would provide some financial support and training, but the program would be housed elsewhere.

Treasurer Rita Sheffey reported that she is more focused on governance issues than the substance issues. She believes we did have extensive conversations about the incubator program at the Spring Board meeting, both by the President and the Board members, as well as conversations following the meeting, and it is important for the Executive Committee to have the same discussion now before the June Board meeting, because if we ignore the incubator issue at this meeting the Board will wonder why the Executive Committee is not acting as Bar leaders to advise and recommend on issues to the Board. When she reflected back on January Executive Committee meeting and vote, and the amendment of that motion

to take the issue to the Board, she said that should have been the standard procedure without the need for a motion. Board members asked her if there should be a policy so that decisions such as this can only be taken by the Board. As she understands it, the Board is the governing body of the State Bar and the Executive Committee serves in that role in between meetings. She stated that when the Executive Committee is thinking about decisions, it needs to be mindful that the Board is the governing body and that the Executive Committee should not surpass that role.

David Lipscomb commented that the incubator program will need dues indexing to fund it if it is approved by the Board.

President-elect Bob Kauffman suggested that the Bar should fund the incubator at the same level as the law schools. He is against housing the incubator at the Bar and what that would entail in terms of security, parking and other issues. He would prefer to see the incubator as a standalone entity outside of the State Bar.

New Business

Buck Ruffin reported that he enjoyed working with each members of the Executive Committee and if he can ever be of help to let them know.

Adjournment

There being no further business the Executive Committee meeting was adjourned by unanimous voice vote.



Patrick T. O'Connor, Secretary

Approved:



Patrise M. Perkins-Hooker, President