

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Friday, May 3, 2019/9:00 a.m.
South Georgia Office/Tifton, GA**

Members Participating:

Kenneth B. Hodges, III, President; Darrell L. Sutton, President-elect; Dawn M. Jones, Treasurer (by phone); Elizabeth Louise Fite, Secretary; Buck Rogers, Immediate Past President (by phone); Rizza O'Connor, YLD President; William T. Davis, YLD President-elect (by phone); Nicole C. Leet, YLD Immediate Past President (by phone); Tony DelCampo (by phone); Amy V. Howell; David S. Lipscomb; and Nicki Vaughan.

Members Absent:

Sally B. Akins; and Frank Strickland.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Sarah Coole, Director of Communications; Jeff Davis, Executive Director; Christine Butcher Hayes, Director of Governmental Affairs; Bill NeSmith, Deputy General Counsel; and Ron Turner, Chief Financial Officer.

Call to Order

President Ken Hodges called the meeting to order at 9:00 a.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings

President Ken Hodges reviewed the Future Meetings Schedule and highlighted several upcoming Annual Meeting events.

Executive Committee Minutes

By unanimous voice vote, the Executive Committee approved the minutes, as revised, of the meeting held on March 15-16, 2019.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: James D. Roundtree-616176, Philip Derek Milks-877194, David Ray LaVance Jr.-439196. Martha Berg, LaVance-054110, David Michael Shippert-643106, Brent Aukai Beck-045797, William Michael Norton-546910, Alvin Louis Harris-330236, Kathleen D. Crane-193250, Timothy H. Allred-013195.

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee, by unanimous voice vote, approved two requests for disabled status.

State Bar of Georgia 2020 Elections Schedule

After a discussion by the Executive Committee about holding elections earlier so that newly elected Board members have more time to make plans to attend the Annual Meetings, the Executive Committee referred the matter to the Elections Committee. Thereafter, the Executive Committee approved the 2020 Election Schedule (Exhibit A) by unanimous voice vote.

Bar Rule 16-104. Director

Following a report by Deputy General Counsel Bill NeSmith, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors a proposed change to ICLE Bar Rule 16-104. Director as shown below.

Rule 16-104. Director

The Executive Director of the State Bar of Georgia may employ a Director for ICLE to oversee the day-to-day operations of the ICLE program and shall serve as the immediate supervisor of the Director. The Executive Director shall consult with the ICLE Board regarding the hiring of a Director.

Treasurer's Report

Finance Committee Chair Nancy Whaley reported that the Finance Committee has been working on making the financial reports easier to understand and more transparent. She stated that the State Bar has spent down its reserves as was planned, but moving forward we will need to look at increasing dues over the next several years. Treasurer Dawn Jones reported that the Finance Committee also discussed looking at the expense side of the budget and having the Programs Committee meet earlier and more often during the year with the anticipation of making budget changes.

Chief Financial Officer Ron Turner reviewed the new color-coded financial reports that delineate more clearly and link together the Bar Operations, Bar Center, and the Combined Bar Operations and Bar Center budgets. He also reviewed the proposed 2019-2020 State Bar Budget, and cash projections for 2019-2020 and 2020-2021 based on budgeted activity. The report changes are going to be provided to a group of Board of Governors members for feedback, and then sent out to the full Board of Governors in advance of the June Board meeting.

Approval of 2019-2020 Proposed State Bar Budget

Following a report by Treasurer Dawn Jones, the Executive Committee, by unanimous voice vote, approved and recommended to the Board of Governors the 2019-2020 Proposed (3rd Draft) State Bar, Bar Center, and ICLE Budgets (Exhibit B). The budget reflects:

- 1) License fees at \$254 for active members and \$127 for inactive members, which reflects a \$2 license fee increase from the previous Bar year; and
- 2) Section dues to be reflected on the dues statement ranging from \$10-\$40; and
- 3) Continuation of the Clients' Security Fund (\$100 @ \$25/year) assessment required by Bar Rule. Such assessment begins with the second full fiscal year following the year of admission; and
- 4) A \$15 Professionalism Fee mandated by the Supreme Court; and
- 5) Continuation of a \$100 voluntary contribution for the Legislative and Public Education Fund; and
- 6) A suggested \$300 individual contribution (\$100 for young lawyers) for the Georgia Legal Services Program.

The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of February 28, 2019; Bar Center Revenues and Expenditures Report for the Eight Months Ended February 28, 2019; Income Statement YTD-Operations for the Eight Months Ended February 28, 2019; Status and Use of Cash and Investment as of February 28, 2019; Board-Designated and Donor Temporarily Restricted Net Assets; Summary of Members and Voluntary Contributions to GLSP with Contributions Paid Through February 28, 2019; Summary of Members and Voluntary Legislative Contributions Paid Through February

28, 2019; Legislative Activity Report from July 1, 2018 through February 28, 2019; and Cornerstones of Freedom Activity Report from July 1, 2018-through February 28.

Clients' Security Fund Assessment Options

Deputy General Counsel Bill NeSmith reported on the current state of the Clients' Security Fund. Presently, funding comes from new lawyers, interest, and restitution, but the bulk comes from the assessment on new lawyers, which averages around \$150,000 per year. The average number of claims paid on the fund over the last five years is \$378,000 per year, but \$490,000 has been disbursed in two of the last three years. The CSF is recommending that the annual assessment of \$25 over 4 years for new lawyers be suspended, and that all dues paying lawyers (excluding emeritus lawyers) pay \$15 annually into the CSF. This will bring in approximately \$720,00/year to the fund. By unanimous voice vote, the Executive Committee approved forwarding the recommendation to the Board of Governors. If approved, the assessment on all dues paying lawyers would not take effect until the 2020-2021 Bar year.

iCivics Funding for 2018-19

Following a report by Executive Director Jeff Davis, the Executive Committee, by unanimous voice vote, approved utilizing the John Marshall fund for this year's iCivics Committee \$12,000 budget.

Distinguished Service Award

President Ken Hodges discussed his Distinguished Service Award recipient.

National Conference of Bar Examiners (NCBE): Testing Task Force Study

Executive Director Jeff Davis reported that the NCBE Testing Task Force is undertaking a comprehensive, future-focused study to ensure that the bar examination continues to test the knowledge, skills, and abilities required for competent entry-level legal practice in the 21st century. The study will consider the content, format, delivery method, and timing of the bar examination and the MPRE, and it will be done collaboratively, with input from stakeholders solicited throughout the study. By unanimous voice vote, the Executive Committee approved the State Bar participating in the survey.

Access to Justice Committee LSC Funding Resolution

This item was tabled.

Georgia Department of Corrections Legal Visit Policy

This item was tabled.

Sponsorship Guidelines/Request for Sponsorship

The Executive Committee, by majority voice vote, with President Ken Hodges and YLD President Rizza O'Connor abstaining, determined the requests below are *Keller* permissible, and took the following action. Executive Director Jeff Davis reminded the Executive Committee that the first request will fall within this Bar year in which we have sponsorship line item, but that we do not have a sponsorship line item in next year's budget, for which the other requests fall.

Georgia Asian Pacific American Bar Association 6th Annual GAPABA Gala on May 30, 2019

- 1) By majority voice vote, determined that the sponsorship is compliant and advances the purposes of the goals of the Bar, and
- 2) By majority voice vote, failed to approve a \$3,500 sponsorship.

Treasurer Dawn Jones went on record to say that she agreed with Tony DelCampo's earlier comments that we have not done a good job making bar associations aware about the availability of Bar sponsorships, and since we are closing the door on monies left in this year's sponsorship line item, she moved that the sponsorship requests from

the Georgia Association of Black Women Attorneys and Gate City Bar Association be considered. The Executive Committee took the following action:

Georgia Association of Black Women Attorneys 2019 Glitter Gala and Auction - \$3500

1) By majority voice vote, determined that the sponsorship is compliant and advances the purposes of the goals of the Bar, and

1) By majority hand vote, failed to approve the \$3,000 sponsorship request.

Gate City Bar Association 2019 Hall of Fame Gala - \$3,000

2) By majority voice vote, determined that the sponsorship is compliant and advances the purposes of the goals of the Bar, and

3) By majority hand vote, failed to approve the \$3,000 sponsorship request.

The Executive Committee took the following action on the Georgia State School of Law Olmstead Symposium:

Georgia State School of Law Olmstead Symposium - \$2,500

1) By majority voice vote, determined that the sponsorship is compliant and advances the purposes of the goals of the Bar, and

2) By majority voice vote, approved a \$2,500 sponsorship.

President's Report

President Ken Hodges reported that he and President-elect Darrell Sutton have spoken regarding mandatory professional liability insurance, and both believe, as do others, that the issue needs further study. President-elect Sutton will continue to work with the Professional Liability Insurance Committee, which will have additional members appointed to it, to gather more information and continue to receive feedback. There will not be a vote on the issue at the June Board of Governors meeting.

YLD Report

YLD President Rizza O'Connor reported on the activities of the YLD. She thanked everyone for their generous contributions to the Signature Fundraiser, which raised over \$40,000. She reported that everyone had a good time at the Spring Meeting, especially meeting U.S. Supreme Court Justices Clarence Thomas, Brett Kavanaugh, and Ruth Bader Ginsberg at the swearing-in ceremony. She announced that tomorrow is the Build a Better Day in Georgia that will take place in each Federal Judicial District, and that in two weeks the National High School Mock Trial Competition will take place in Athens. Lastly, she reported that she is looking forward to President-elect Will Davis assuming the YLD Presidency.

Executive Director's Report

Executive Director Jeff Davis reported that the Bar's security committee met with CNN security personnel to get feedback on the security operations of the CNN Center and will be visiting CNN's command center. He will inform the Executive Committee of their recommendations as we look at installing additional security cameras, magnetic access cards for secured spaces, and other security upgrades. Jeff reported that he is still in conversation with the Prosecuting Attorneys Council about moving to the State Bar Building. Lastly, he reported that he is moving ICLE to the 1st floor so that the Georgia Public Defender Council can take over that space. Doing so will provide approximately \$80,000 in additional rental income.

ACL/Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported that the legislative session ended April 2 and we successfully passed both the family law bill and guardianship rewrite bill. Three funding requests supported by

the Bar were also approved for victims of domestic violence, funding for the Georgia Appellate Resource Center, and a new appropriation for civil legal services for kinship care families.

Office of General Counsel Report

Deputy General Counsel Bill NeSmith reported that no additional litigation issues have occurred since the last report. He stated that he is about to file several motions with the Supreme Court of Georgia on rules changes.

Briefs in *Fleck v. Welch*

Executive Director Jeff Davis reported that the information in the agenda is what will be provided to the Unified Bar Committee for its May 8 meeting. He said that the 8th Circuit U.S. Court of Appeals will hear oral arguments in *Fleck v. Welch* in June. He reported that Executive Directors and General Counsel around the country are in constant communication about *Fleck* and other challenges facing bar associations.

Board of Governors Minutes

The Executive Committee received a copy of the Board of Governors minutes of March 30, 2019.

Students Learn About Juvenile Offenses - Savannah Morning News Article

The Executive Committee received a copy of a *Savannah Morning News* article about West Chatham Middle School students attending a program about juvenile justice that was presented by Deborah Craytor, the Bar's Law-Related Education Director.

2019 Commitment to Equality Awards

The Executive Committee received information on the upcoming 2019 Commitment to Equality Awards sponsored by the Committee to Promote Inclusion in the Profession.

Old Business

Deputy General Counsel Bill NeSmith reported he is working on rules changes for the Consumer Assistance Program.

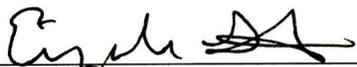
Treasurer Dawn Jones stated that she has received questions from members of the JQC Nominating Committee as to when the committee will meet. Executive Director Jeff Davis said it will meet in the next few weeks to put together a list of candidates for the Board of Governors consideration. There is only one lawyer appointment to the JQC this year, which will be made by the Governor.

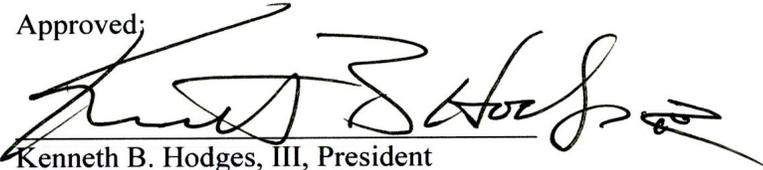
New Business

There was no new business.

Adjournment

There being no further business, the meeting was adjourned at 12:20 p.m.


Elizabeth D. Fite, Secretary

Approved:

Kenneth B. Hodges, III, President