

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Thursday, August 1, 2019/12:00 p.m.
State Bar Building/Atlanta, GA**

Members Participating:

Darrell L. Sutton, President; Dawn M. Jones, President-elect; Elizabeth Louise Fite, Treasurer; Kenneth B. Hodges, III, Immediate Past President (by phone); William T. Davis, YLD President; Bert D. Hummel, IV, YLD President-elect; Rizza O'Connor, YLD Immediate Past President; Tony DelCampo; Amy V. Howell (by phone); R. Javoyne Hicks; David S. Lipscomb; and Nicki Vaughan.

Members Absent:

Sally B. Akins, Secretary; and Ivy N. Cadle.

Staff Participating:

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

Call to Order

Darrell Sutton called the meeting to order at 12:15 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings

Darrell reviewed the Future Meetings Schedule.

In-Person Attendance Policy for Executive Committee Meetings

Darrell said he originally asked for attendance in person at the Executive Committee meetings to allow for more efficient and effective meetings, robust discussions, and to limit miscommunications, but asked the Executive Committee members for their thoughts. It was generally agreed that meetings are more effective in-person, but that various situations can arise that may prevent someone from doing so, including the travel required for members around the state. In those circumstances, attendance by phone should be allowed. Darrell reported that Deputy General Counsel Bill NeSmith will prepare a policy on Executive Committee meeting procedures in order to provide guidelines governing phone participation in Executive Committee meetings.

Executive Committee Minutes

By unanimous voice vote, the Executive Committee approved the minutes of the meetings held on May 3 and May 21, 2019. The Executive Committee asked that we include the accompanying exhibits to the minutes when the minutes are posted online.

Members Requesting Resignation

For the benefit of the new members, Bill NeSmith reviewed Bar Rule 1-208. Resignation from Membership. Pursuant to that rule, the Executive Committee approved the following resignation requests by unanimous voice vote: Brian N. Larson-134383; Max Theodoric Eichelberger-998275; Katherine S. Youngblood-783438; Francine Nicole Nisim-646715; Steven H. Taylor-701240; Tara Nicole Halbert-172195; Meredith K. Shaffer-551251; Lori Powell Hughes-001820; Michael U. Lee-443802; William Cristman Jr-196629; Jesse Edward Wright-204011; Zachary Peter Reibstein-295646; Robert Clay Harris-442238; Meg Deborah Goldstein-300445; Martha Salomon Henley-346976; Michael Joseph Templeton-701925; Susan J. Rickertsen-695476; John Arthur Davison-213385; Suzanne Guido-731751; Diane C. Sands-626135; Stacey Mitchell Eisenberg-242665; James M. Lord-457828; Robert Charles Lightburn-452316; Jeffrey M. Siegel-

645815; Marianne Bradley-075116; Linda Flewellen Gould-302305; Mary Bridget Burke-095630; Kevin McGill-558139; William Harry Fussell-281174; Eboni Robinson-539296; Jon Lieth Woltmann-773565; Zara Kivi Kinnunen-422140; Nancy Kay Peterson-005140; Erin Cavan Wrenn-814528; David Wallingford Hunt-378497; Chey Phleshette Blake-061582; J. Stephen Shi-642650; Allen C. Winsor-770964; Kevin R. Brehm-079337; Gregory Edward Stern-435178; Colin S. Braybrooks-078780; Jessica D. French-065760; Nicole Lynn Mitchell-225425; Scott Bradley Cooper-568138; Ryan Kenneth Crayne-504488; Ilana Zehava Sultan-691744; Stuart A. Miller-508382; Benjamin Robert Kogan-427645; Jose Eduardo Ancer-490043; Eugene Applegate Beatty-045260; Gregory John Giornelli-003560; Joel; Matthews McDonald-489409; Eric Job Seese-771052, Patrick E. Thieffry-704275

Members Requesting Disabled Status

For the benefit of the new members, Bill reviewed Bar Rule 1-202 pertaining to members requesting disabled status. Pursuant to that rule, the Executive Committee approved four requests for disabled status by unanimous voice vote. Bill also reported that he is in the process of updating the rules to add a retired status, which will impact disabled status. The Senior Lawyers Committee will be reviewing the proposed changes to these two statuses.

Members Requesting Waiver of Late Fees

After Darrell explained the deadlines for paying dues and accompanying fees, the Executive Committee took the following action on members requesting a waiver of late fees:

- 1) Jennifer Coleman: A motion to deny the request failed for lack of a second. A motion and second to waive all late and reinstatement fees and to complete Fitness failed by majority voice vote. A motion and second to require payment of all late and reinstatement fees and waive Fitness was approved by majority voice vote.
- 2) Joel Dichter: A motion and second to waive both late fees was approved by unanimous voice vote.
- 3) Alyssa Campbell Hutson: A motion and second to waive the late fee was approved by unanimous voice vote.

Members Requesting Waiver of Fitness

The Executive Committee took the following action on members requesting to waive Fitness:

- 1) Rasheena Latham Franklin: A motion and second to allow her to register with the Bar without reapplying to the Office of Bar Admissions, but to still pay all appropriate fees, was approved by unanimous voice vote.
- 2) Emily Sue Hedit: A motion and second to allow her to register with the Bar without reapplying to the Office of Bar Admissions, but to still pay all appropriate fees, was approved by unanimous voice vote.
- 3) Oliver Logan Ide: A motion and second to allow a six-month extension from July 1, 2019 for the Office of Bar Admissions to complete his Fitness was approved by unanimous voice vote.

Legislative Consultant Contracts

Following a report by Darrell, the Executive Committee, by majority voice vote, approved one-year contracts for Rusty Sewell/Capital Partners and Mark Middleton, and a session-only contract for Roy Robinson. The funds to pay the consultants come from voluntary contributions to the Legislative and Public Advocacy Fund.

Darrell further reported that he suggested to these consultants that it would benefit this Fund if they took a more active role in encouraging member contributions to the Fund, especially as these contributions continue to decline.

President-elect Dawn Jones reported her feeling that the Bar has not effectively communicated to the Board of Governors how the Fund is used.

Darrell said he also encouraged the consultants to make our membership more aware of the value the consultants bring to the Bar's legislative program.

Governmental Affairs Director Christine Butcher Hayes reported on the value of lobbyists and contract teams.

Javoyne Hicks suggested posting on the Bar website information about what the Advisory Committee on Legislation does so that members can see the benefits of supporting the legislative program, and that we also target the committees and Sections that use it the most.

Amendment to Standing Board Policy 100 - Section 1.04(h)

Following a report by Bill, the Executive Committee approved recommending to the Board of Governors the following amendment to Standing Board Policy 100 – Section 104(h) by unanimous voice vote:

Section 104(h)

(h) The Advisory Committee ~~shall~~ may review ~~all~~ legislation filed in the State Legislature which would require an amendment to the State Constitution. The Advisory Committee ~~shall~~ may determine whether the State Bar should take a position pursuant to this policy regarding the proposed constitutional amendment.

Amendments to Bylaws and Rules

Following a report by Bill, the Executive Committee took the following action on proposed Bylaws and Rules amendments:

- 1) Article 1 Members: By unanimous voice vote, recommended to the Board of Governors the proposed amendments (Exhibit A).
- 2) Article VIII Committees-Generally: By unanimous voice vote, recommended to the Board of Governors the proposed amendment (Exhibit B).
- 3) Rule 1-702. Standing Committees; Special Committees: By unanimous voice vote, recommended to the Board of Governors the proposed amendment as follows:

Rule 1-702. Standing Committees; Special Committees

Unless otherwise provided in these ~~Rules~~ rules there shall be standing and special committees, which shall be composed of such members, serving such terms, appointed in such manner, and having such duties as the bylaws may provide. A statement of the purpose of each committee shall be published annually ~~in~~ on the official State Bar of Georgia ~~Directory~~ website.

Security Committee Recommendations for Safety Upgrades

Darrell reported that the staff security committee is putting together recommended upgrades to our building security system. Executive Director Jeff Davis said that he is still awaiting final bids to review and asked that we consider this at the next Executive Committee meeting. Javoyne suggested the Executive Committee be presented a comprehensive plan so that all security upgrades can be processed at one time.

YLD Report

YLD President Will Davis reported that he is looking forward to working with YLD Immediate Past President Rizza O'Connor and YLD President-elect Bert Hummel. He reiterated that his goals this year are to increase the work of the existing programs, particularly those that are service-project oriented, such as the Wills Clinics, Build a Better Georgia Day, and the annual Signature Fundraiser. Events are being planned around the state to reach as many YLD members as possible. He reported that the YLD recently conducted its Committee Chair Orientation and he thanked the speakers who participated. He plans to continue to reach out to the Board of Governors members because there is so much to learn from them. Will announced that all of his meetings this year are in Georgia, with the next being the YLD Summer Meeting in St Simons Island on August 22-25, 2019, and everyone is invited to attend. Lastly, Will stated that he is excited to kick the year off, and asked the Executive Committee members to let him know if they have any suggestions for other YLD programs.

President's Report

Darrell reported that the Professional Liability Insurance Committee, chaired by Chris Twyman, is meeting on August 20, and will also hold a town hall meeting in conjunction with Fall Board of Governors meeting in Savannah. All Bar members in coastal Georgia will be invited to ask questions and receive information about the committee's initiative and work to date.

Darrell reported that the Programs Committee, traditionally chaired by the President-elect with one meeting in the late winter, was revamped so that the committee is now chaired by Martin Valbuena. Due to the likely need to increase license fees in the spring and the possible impact of *Fleck*, the committee has been undertaking a comprehensive review of all Bar programs, assessing and rating each program on the extent to which it meets the Bar's mission and the extent to which it delivers value. At the same time, the Unified Bar Committee is conducting a review of each program based upon *Keller*. The committees will complete their respective reviews by the end of August, and their recommendations will be merged and presented to the Executive Committee in September. The Board of Governors will be provided that information at the Fall Board of Governors meeting, along with a recommendation from the Executive Committee about what action to take considering these recommendations. Between the Fall and Midyear Board of Governors meetings, the Programs and Unified Bar committee chairs and the Bar's officers will be available to conduct meetings and teleconferences to review and discuss the information and hear from proponents of the various programs. The Board will be asked to take action on the Executive Committee's recommendation at the Midyear Meeting. This timeframe is necessary so that any alterations to Bar programs can be accounted for during budgeting for the 2020-2021 Bar year, which will occur following Midyear Meeting. Darrell suggested it would be inappropriate to recommend to membership an increase in license fee without having first performed a comprehensive analysis of all Bar programs and suggested program cuts where appropriate.

Darrell reported that he has met with many Bar members around the state to hear what they want, but for those he was unable to reach, he is launching a virtual listening tour, #shapethebar, to hear what they think about Bar programs, initiatives, and services. At the same time, we will use this initiative to inform members about what resources the Bar offers them, how the Bar serves members and the public, and ask what additional resources members believe would be beneficial. Amy Howell asked Darrell to share information about the legislative program through this initiative.

Treasurer's Report

Treasurer Elizabeth Fite reported on the Bar's finances and the Executive Committee reviewed the budget variances. Javoyné asked about the number of overages in the summary report, and Elizabeth reported that those line item overruns are a running total for the Bar year. Chief Financial Officer Ron Tuner reported that some line items may go over, but those overages are offset by savings within other line items of the

departments, and the bottom line budget does not go over. He said that most departments spend 96-98% of their budgets.

Executive Director's Report

Jeff reported that ICLE recently moved to the 1st floor from the 2nd floor, and the space it vacated is being leased to a paying tenant, the Georgia Public Defender Council. He also reported that the Criminal Justice Coordinating Council has leased unoccupied space on 4th floor, so all floors will soon be fully leased with the exception of the empty 5th floor. While we were hoping to lease that floor to a data center, we found that it is cost prohibitive to do so. Jeff reported that we went to eBooks for all ICLE seminars, which put a bit of strain on our 3rd floor meeting space, so we are in the process of extending power and USB ports across all tables in the Auditorium and Room A, as well as increasing our internet bandwidth. Jeff announced that the new ICLE Director is Michelle West, and the new TILPP Director is Kellyn McGee. He said there will be a lot of talk about *Fleck* at next week's National Conference of Bar Presidents meeting. Thereafter, Christine reported on litigation facing mandatory bar associations.

Advisory Committee on Legislation/Legislative Report

Christine reported that contributions to the Legislative and Public Advocacy Fund are down by 43%. She broke down the number of people from Sections that are asking the legislative program to support bills and found that most are not contributing to the fund. She said she is open to comments on how we can better inform our members that the legislative program operates on voluntary contributions and not license fees, and will be going to the Sections to ask for their support.

Office of General Counsel Report

General Counsel Paula Frederick reported that under our current Amicus Brief Policy there is no avenue in which to file a brief under a tight deadline, which makes it unworkable for federal litigation regarding mandatory bars. Leaving that policy in place, she believes we need a separate policy for national litigation affecting mandatory bars. She proposes that there be an Executive Committee policy, applicable only to federal litigation involving efforts to de-unify the mandatory bar, that gives the Executive Committee the authority to sign off on an Amicus Brief. The policy would need approval by the Board of Governors. The Executive Committee asked her to draft a proposed policy for the September Executive Committee meeting.

Paula referred the Executive Committee to the written Report of the Office General Counsel dated July 22, 2019. She announced that she has hired Billy Hearnburg to replace recently retired Senior Assistant General Counsel Bill Cobb. She reported on efforts to deal with the new Georgia Access to Medical Cannabis Commission that is being formed to oversee the state's medical marijuana operations and select the state's cannabis growers in light of the ethics issues created by the conflict in federal and state law. She said most jurisdictions have addressed the issue either through rules changes and ethics opinions or both.

Executive Session

Following a motion, second, and unanimous voice vote, the Executive Committee went into Executive Session to discuss pending litigation. Thereafter, a motion and second to move out of Executive Session was approved by unanimous voice vote.

Lawyer Assistance and other Wellness Programs

This item was tabled to the next meeting.

Update on Clients' Security Fund

Darrell reported that Bill is working on new rules to make effective a \$15 per member assessment for the Clients' Security Fund. That recommendation was approved by the Executive Committee at its meeting on May 3, 2019.

Satellite Office Statistics

The Executive Committee received copies of 18-month office usage reports from the South Georgia and Coastal Georgia Offices.

Board of Governors/YLD Meetings

This item was tabled.

Board of Governors Minutes

The Executive Committee received copies of the Board of Governors minutes of June 7 and June 8, 2019.

Law-Related Education Program

The Executive Committee received a copy of a tweet from Odyssey's 7th graders about their *Journey Through Justice* experience.

Law Practice Management (LPM) Program Solo & Small Firm Institute

The Executive Committee received information on LPM's upcoming Solo & Small Firm Institute on September 26-27, 2019.

Kentucky Bar Client Security Fund

The Executive Committee received information on the Kentucky Bar Clients' Security Fund.

Employee Appreciation

The Executive Committee received a copy of a member's comment about the great job the staff did at the Annual Meeting, and a petitioner commending the State Bar for providing the Fee Arbitration Program.

Old Business

There was no old business.

New Business

Tony DelCampo announced that the Georgia Hispanic Bar is hosting its 5th Annual Cocktails Around Latin America on August 24, 2019 at the Druid Hills Country Club. Attorney General Chris Carr is the keynote speaker.

Dawn reminded the Executive Committee about the email they received regarding the Association of Chiefs of Police all-day event in LaGrange designed to develop a strategy on improving relationships between police and communities.

Adjournment

There being no further business, the meeting was adjourned at 3:30 p.m.



Sarah B. (Sally) Akins, Secretary



Darrell L. Sutton, President