

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE MEETING  
MINUTES  
Friday, February 26, 2021, 1 p.m.  
Zoom Meeting**

Members Participating

Dawn M. Jones, President; Elizabeth Louise Fite, President-Elect; Sally B. Akins, Treasurer; Tony DelCampo, Secretary; Darrell L. Sutton, Immediate Past President; Bert D. Hummel, IV, YLD President; Elissa B. Haynes, YLD President-Elect; William T. Davis, YLD Immediate Past President; Ivy N. Cadle; R. Javoyne Hicks; David S. Lipscomb; Martin Valbuena; and Nicki N. Vaughan.

Members Absent

Amy V. Howell

Staff Participating

Sarah Coole, Chief Operating Officer; Damon Elmore, 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

President Dawn M. Jones called the meeting to order at 1:03 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings Schedule

President Dawn M. Jones reviewed the Future Meetings Schedule. More information regarding future meetings will be detailed during the president's report. President-Elect Elizabeth L. Fite reported that she is continuing to work on contracting her upcoming Board of Governors meetings. For future Executive Committee meetings, President Elect Fite's plan is to preschedule future meetings regularly, for example, every second Friday of the month, and hold half in-person and half virtually on Zoom.

Executive Committee Minutes

Secretary Tony DelCampo presented for approval the minutes of the January 29, 2021, Executive Committee meeting. By unanimous vote, after revision, the Executive Committee approved the revised minutes.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: Jill Levy-449607, Gail Travillian-535790, Kevin Watson-741710, Michael Youtt-783492, Louise Wells-532925, John Denis Falk-254484, Ann Novak Russell-620267, Catherine Torres-412033, Dawn Edge-McKendrick-477036, Matthew Rogers St. John-673360, Joy Grayson-013192, Gary Rutledge-621505, Mary Moore-520070, Renee F. Williams-763975, Jessica Anne Thompson-483093, Peter Reed Hill-003920.

Disability Status

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

### Member Status Appeals

The Executive Committee, by majority vote, approved a requests by Jean Brown and Jamie Morton to waive the January late fee.

### Amendments to Rules & Summary of Proposed Rule Changes

General Counsel Paula Frederick reported that the Rules Committee has been working on a proposed rule change to Rule 3.8 Special Responsibility of a Prosecutor. The changes are substantially similar to the American Bar Association's model rule, with emphasis on increasing the maximum level of discipline for violation of the rule to disbarment. The existing rule carries a maximum discipline of public reprimand. Both the District Attorneys Association and representatives from the Georgia U.S. Attorneys Offices/Department of Justice attended the Rules Committee meeting and gave their input. Afterward, the committee voted unanimously to recommend the proposed changes to the Executive Committee. After discussion, the Executive Committee, by unanimous vote, approved the recommendation of the Rules Committee as presented. This will now be on the 2021 Board of Governors Spring Meeting agenda, and the Georgia U.S. Attorneys Offices/Department of Justice will be invited to attend to answer questions.

### Elections Committee Recommendation

Elections Committee Chair Allegra J. Lawrence reported that the Elections Committee had reviewed participation and historical voter data for the previous five election cycles and found that participation has been between 8-17% of eligible voters. A majority of votes cast, 78-81%, were electronic. The committee's recommendation is to change the election format to opt-in to paper ballots rather than opting out, for a cost savings of \$17,000 to \$18,000. The committee would like to use the savings in the 2022-2023 election cycle for a PR campaign to ensure Bar members are aware of the changes. After discussion, the Executive Committee, by unanimous vote, approved the recommendation of the Elections Committee as presented. This item will be added to the 2021 Board of Governors Annual Meeting agenda.

### President's Report

President Dawn M. Jones thanked President-Elect Elizabeth L. Fite and Executive Director Damon Elmore for overseeing the Jan. 29 Executive Committee meeting due to an emergency in her family. President Jones reminded everyone that she is not pursuing adding the Executive Committee attendance record to the board book. She reported that she meets with senior staff, Executive Director Damon Elmore, General Counsel Paula Frederick and Chief Operating Officer Sarah Coole, twice a week to ensure all Bar needs are handled.

Director of Meetings Michelle Garner has negotiated with Wild Dunes Resort where the 2021 Annual Meeting will be held, and if we cancel, the Bar will pay no more than \$311,000, instead of it increasing incrementally the closer we get to the meeting date. At this time, there is no indication that we will cancel, but instead we are moving forward with a hybrid Annual Meeting, holding both in-person and virtual meetings. President Jones said that masks will be required at both indoor and outdoor functions, with no exceptions, and safety is of the utmost importance.

President Jones reported that the joint meeting of the Executive Committee and the Supreme Court will be held virtually, with an Executive Committee meeting on April 15 from 1-5 p.m. and a joint meeting on April 16 from 9 a.m.-12 p.m. There will likely be a joint social event held Thursday evening.

The Executive Committee, by unanimous vote, ratified the letter signed by President Dawn M. Jones that was requested by Jana Edmondson-Cooper in support of the Judicial Council of Georgia Administrative Office of the Courts' grant application regarding the Pilot Project to Supply ADA Compliant Hearing Devices to Georgia Courts.

### Executive Director's Report

Executive Director Damon Elmore reported that senior staff is working closely together to examine the strategic direction and operations of the Bar, taking advantage of looking at every department and every role in regard to technology, staffing, positions, etc. He reported that another area of focus is member value, with a lot of that being concentrated around member communications. Bar staff morale amid a continuing pandemic continues to be a focal point while we begin discussions of returning to work at the Bar offices. Executive Director Elmore reported that along with discussions of getting employees back into Bar offices, he is also looking to slowly open the offices to visitors and guests, keeping safety at the forefront of all plans. He also gave special acknowledgement to the following staff for going above and beyond their duties during this time: Office Manager Mary McAfee, High School Mock Trial Director Michael Nixon and Fee Arbitration Director Rita Payne.

### Treasurer's Report

Treasurer Sally Akins and Chief Financial Officer Ron Turner reported the finances of the State Bar. Chief Financial Officer Turner explained the budget process, from working closely with each department head and then progressing through the Personnel, Programs and Finance committees. He then stated the 2021-2022 budget assumptions and answered questions regarding the Bar's finances and proposed budget.

### Bar Facility Assessment

Past President and Bar Center Committee Chair Hal Daniel and Board of Governors Member and Past YLD President Henry Walker attended the Executive Committee meeting to further discuss the Bar Center Committee's recommendation of reinstating the Bar Facility Assessment. They both commented on their recollection of the purpose of the assessment at the time the Bar Center was purchased. President Dawn M. Jones reported that she had spoken with Supreme Court of Georgia Justice Nels Peterson, and unanimously, the Supreme Court of Georgia justices are not in favor of reinstating the Bar Facility Assessment. General Counsel Paula Frederick pointed out that Rule 1-507 Bar Facility Assessment authorizes the State Bar to assess the Bar Facility Assessment but does not require the State Bar to do so. The Executive Committee took no further action on the Bar Center Committee's recommendation.

### Clients' Security Fund

Deputy General Counsel Bill NeSmith reported that the Clients' Security Fund is once again below the \$1,000,000 threshold, triggering an assessment per Rule 10-103. Last year, the Commission on Continuing Lawyer Competency granted funds to the Clients' Security Fund to bring it to the \$1,000,000 level in order to avoid a member assessment. To prevent the fund from going below the threshold in the future, the trustees of the Clients' Security Fund recommended that Bar Rule 10-103 "be amended to dispense with the \$500,000 aggregate cap on yearly payments from the Fund and the automatic assessment trigger should the balance of the Fund fall below \$1,000,000." The Trustees also recommended amending Bar Rule 1-506 "to provide for an annual assessment, in the amount of \$15, of all active and inactive State Bar members, including Emeritus members and attorneys practicing pro hac vice."

Deputy General Counsel NeSmith advised that amending Bar Rule 1-506 would fix future issues with the fund, but for an immediate fix for the current situation, according to outside counsel and our auditors, ICLE LLC can transfer money from ICLE Athens LLC to the Clients' Security Fund.

The Executive Committee, by unanimous vote, recommended transferring \$1,000,000 from ICLE Athens LLC to the Clients' Security Fund, pending approval of the ICLE board of trustees, and as a part of the motion, also asked that within three months, Bar staff advise the Executive Committee of the appropriate rules changes to remove any triggering event of the fund, dispense with the \$500,000 aggregate cap on yearly payments from the fund, and provide for an annual assessment of members for a permanent fix.

### Finance Committee Recommendations

President Dawn M. Jones reported that the Finance Committee recommended no changes to the dues amount for the 2021-2022 Bar year. GLSP has requested that their suggested contribution on the dues notice be changed from \$350 to \$400 with no change to the young lawyer contribution. After discussion, the Executive Committee, by majority vote, approved the recommendations of the Finance Committee and GLSP request as presented. These items will be added to the 2021 Board of Governors Spring Meeting agenda.

### Credit Card Fees

This item will be discussed at the March Executive Committee meeting.

### Board Designated Funds

Chief Financial Officer Ron Turner requested that the Executive Committee give positive acknowledgement, for auditing purposes, that ICLE restructuring fees are board designated. Deputy General Counsel Bill NeSmith reminded Executive Committee members that the ICLE LLC cash was transferred to the State Bar but earmarked for ICLE use only, and after December 31, 2020, any new ICLE funds would go into the general State Bar fund. The Executive Committee, by unanimous vote, approved the motion that the Board Designated Litigation Fund can be used to pay for those legal and other professional invoices associated with the ICLE restructuring.

### Crisis Communications Consultant Update

Executive Director Damon Elmore gave an update on hiring a crisis communications consultant. Seven firms were presented to the Executive Committee. The plan and purposes are to engage and establish a relationship with an outside communications firm to advise leadership when and if needed. Executive Director Elmore will report back to the Executive Committee at the March 16 meeting with a final recommendation.

### YLD Report

YLD President Bert Hummel reported that the YLD continues to host several virtual events as well as helping others in their communities. He has created a new program called the Speakers Bureau, with the purpose of bringing young lawyers together to talk about their varied experiences of COVID-19 and living as a young lawyer in a pandemic. He reported that there are multiple YLD events taking place at the Spring Meeting: a YLD Leadership Academy Alumni event, using a virtual cloud-based conference room called Wonder; a YLD Wellness event that is a nutritional cooking demonstration; a YLD stand-up social with breakout rooms for more interaction; a YLD CLE called "Bias in Judicial Proceedings" with Dr. Ansley Booker, director of diversity of inclusion initiatives at Mercer University; and a YLD general session. He invited everyone to join all events. YLD President Hummel reported High School Mock Trial was still in need of volunteers and to contact Michael Nixon to volunteer. The Legal Food Frenzy will take place April 19-30 this year, and he encouraged everyone to compete in this important initiative. The YLD is planning a virtual event to help benefit the Legal Food Frenzy as well.

### Legislative Report

Director of Governmental Affairs Christine Hayes reported that day 28 of the legislative session, Crossover Day, was planned for March 8. Crossover Day serves as an important deadline during the legislative session and marks the date when a bill must pass in one chamber and "crossover" to the other in order to continue through the process this year. She will be following the Bar's legislative package closely as Crossover Day approaches. She reported that the mediation bill should be in Senate Judiciary on Monday; the remote notary bill passed out of committee on Thursday; the advanced psychiatric directive proposal will likely be delayed until next year; and HB 166 had a hearing this week where Executive Director Damon Elmore testified.

Executive Session

Following a motion, second, and unanimous voice vote, the Executive Committee met in Executive Session. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

Old Business

There was no old business.

New Business

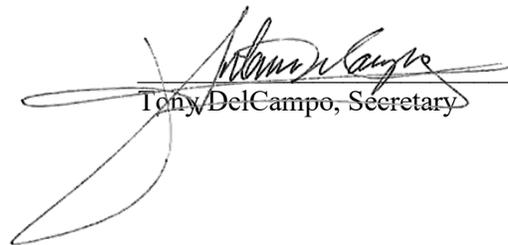
There was no new business.

Adjournment

There being no further business, the meeting was adjourned at 6:56 p.m.

Approved:

  
Dawn M. Jones, President

  
Tony DelCampo, Secretary