

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE MEETING  
MINUTES  
Thursday, November 21, 2019/12:00 p.m.  
Berry College/Rome, Georgia**

Members Participating:

Darrell L. Sutton, President; Dawn M. Jones, President-elect; Elizabeth Louise Fite, Treasurer; Sally B. Akins, Secretary; Kenneth B. Hodges, III, Immediate Past President; Bert D. Hummel, IV, YLD President-elect; Rizza O'Connor, YLD Immediate Past President (by phone); Ivy N. Cadle; Tony DelCampo (by phone); Amy V. Howell (by phone); R. Javoyne Hicks; David S. Lipscomb; and Nicki Vaughan (by phone).

Members Absent:

William T. Davis, YLD President.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Sarah Coole, Director of Communications; 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 Darrell Sutton called the meeting to order at 12:00 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings

Sutton reviewed the Future Meetings Schedule.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: Donald B. Kuperman-430342, Adam Chapman-115077, Paul Libretta-491888, Frank M. Holbrook-360200, Susan Hilton Munger-355440, Stacey Chanelle McClurkin-429362, Kathryn Johnson Tanksley-394867, Kevin Aaron Chastine-120203, Robert Michael Zakem-593606, Christina Marie Mims-509990, Dianne M. Moonves-518310, Victor R. Donovan-225817, Julie Hackenberry Savell-316459, James Warren Ott-550332, W. Randy Eaddy-237040, Sandra Ganus Moses-283815, Steven John Roberts-608888, Lillian Cousins Giornelli-003070, Catherine Amspacher Meeker-016101, John Paul Musone-532855, John DeSaussure Allison-012890, Michael D. Payne-568212, Donna Lynn Spruill-673220, Catherine Rose Stanton-720293, W. Jay Hughes-109609, Christopher C. Howard Jr.-370150, Richard Dallas Elms Jr.-243970, Julie Christine Jared-801699, Lucas Matthew Brainerd-737090, Beth A. Des Jardins-219413, Amy E. Angle-019832, Glen Roy Fagan-253944, Daniel Steven Francom-725489, Adrienne J. Rodgers-611226

Members Requesting Disabled Status

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

Members Status Appeals

The Executive Committee took no action on a request from Sundee Davis to waive her Administrative Suspension.

### Members Requesting Military Dues Waiver

The Executive Committee, by unanimous voice vote, denied a request from Jennifer Coleman for a waiver of inactive dues.

### Amendment to Rule 10-104. Board of Trustees Bylaws and Rules

Following a report by Deputy General Counsel Bill NeSmith, the Executive Committee, by unanimous voice vote, approved proposed amendments to Rule 10-104. Board of Trustees as follows:

#### Rule 10-104. Board of Trustees of the Clients' Security Fund

- (a) The Board of Trustees shall consist of six lawyers and one non-lawyer appointed by the President of the State Bar of Georgia. The initial appointments to the Board shall be for such terms as to result in the staggered expiration of the terms of all members of the Board. Thereafter, the appointments shall be for a term of ~~five~~ three years.
- (b) Vacancies shall be filled by appointment of the President of the State Bar of Georgia for any unexpired term.
- (c) The Board members shall select a chairperson, who is a member of good standing of the State Bar of Georgia and such other officers as the Board members deem appropriate.
- (d) A quorum for the transaction of business at any meeting of the Board shall consist of three current members in attendance.
- (e) The Board may adopt a regulation to terminate Trustees who fail to regularly attend meetings and may adopt additional regulations for the administration of the Fund which are not otherwise inconsistent with these Rules.

### Programs Update

Sutton reported that the Executive Committee has received the following information, which was requested by Board of Governors members at the Fall Board meeting: 1) The Resource Center's funding sources (still awaiting information from the Center about its staffing levels), 2) a breakdown of the BASICS budget, and 3) a dues history demonstrating a purposeful slowing of dues increases, and consequently, dues rates lagging inflation. That, and our negative budgeting, has resulted in the depletion of allocated cash leading to the programs assessment and recommended defunding of certain programs.

David Lipscomb reported that he talked to Rob Remar about The Resource Center's caseload and was told that it has 48 open cases, contrary to a report made during the Fall Board meeting. Sutton said he has invited The Resource Center to the Midyear Meeting to answer any further questions from the Board of Governors. David requested that along with the dues history, a chart demonstrating our dues level relative to other state bars be provided with the Midyear Board meeting agenda.

Sutton reminded the committee that during the Fall Board meeting a request was made for an explanation about why the Executive Committee did not recommend eliminating funding for the programs rated with a C but not being considered for defunding by the Board. The committee then held a discussion, coming to a consensus explanation:

- 1) Some programs are in the process of being restructured, such as the Clients' Security Fund and the Fee Arbitration Program.
- 2) The Wellness Program has no direct cost, but wellness (and mental health issues) affect lawyers' competency to practice law, which is part of the Bar's mission.
- 3) The High School Mock Trial Program and the Law-Related Education (LRE) Program were considered to be cost-effective for the number of people they touch and the impact they have on teaching an understanding of and appreciation for the law, court procedures and the legal system to young people. Additionally, some LRE program costs are funded through the Marshall Fund.

- 4) The Pro Bono Project plays a critical role in providing access to justice for low-income Georgians and has also agreed to take on MLAP.

#### Building Security Upgrades

Following a report by Sutton, the Executive Committee, by unanimous voice vote, approved building security upgrades totaling up to \$399,512. The upgrades include replacing existing security cameras with HD cameras, both inside and outside the building; conversion of the building elevators to key card access only on all floors other than the 1st and 3<sup>rd</sup> floors; emergency lights and call boxes in the parking deck; a command center with space for two additional security officers; and a tie-in to the VIC system, which is a video surveillance network system that allows APD officers to monitor area activities from one location. The cost of these upgrades will be funded from Bar Center reserves.

President-elect Dawn Jones asked the staff to develop a cost estimate for building-out the 5<sup>th</sup> floor.

#### Executive Session

Following a motion, second, and unanimous voice vote, the Executive Committee met in Executive Session to discuss security at the Bar Center. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

#### Registration of In-House Counsel

General Counsel Paula Frederick presented a proposed draft rule for the registration of in-house counsel, which she believes may apply to 200-300 lawyers in Georgia. Following discussion, the Executive Committee asked Paula to disseminate the information for comments from the Sections, Committees, and corporate counsel groups.

#### Request from Member Benefits, Inc. for Insurance Program Name Change

This item was withdrawn.

#### Proposed Membership Category for Non-Lawyer Judge Membership

Sutton reported that Georgia allows non-lawyer probate and magistrate judges in certain counties, approximately 240 state-wide. Since the probate courts handle complex matters and demands on both classes of judges increase each year, the Council of Probate Judges has requested that its non-lawyer members be given a class of membership with the State Bar that would allow them to participate in the Lawyer Assistance Program (LAP), access Fastcase, and participate in CLE training.

Following this, Sutton asked Bill Nesmith to draft proposed revisions to the bylaws for an affiliate membership category that was included in the agenda. Sutton also reported that the Supreme Court was generally supportive of this initiative, but desired feedback from the Executive Committee before making a determination about how to proceed.

After discussion by the Executive Committee where there was support for but concerns about creating this membership category, Paula indicated the need for a better understanding about governance issues for affiliate members, such as how they will be tracked and how we will operate their benefits. She agreed to inquire with the Membership Department about how affiliate memberships are currently handled.

Others raised questions about why ICJE does not provide the training the non-lawyer judges need, the ability of non-lawyer judges to attend ICLE seminars without having to be a Bar member, and the Council of Probate Judges ability to separately contract the services of Fastcase. Sutton said he will consider the comments made and report them back to the Supreme Court.

### President's Report

Sutton thanked the Bar staff, and in particular Michelle Garner, for their work on the meeting of the Southern Conference of Bar Presidents the State Bar hosted in October. The attendees were impressed by the State Bar Building, and by the responses we have received, the conference programming and events were a huge success.

### Treasurer's Report

Treasurer Elizabeth Fite reported on the Bar's finances.

The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of June 30, 2019; Bar Center Revenues and Expenditures Report for the Twelve Months Ended June 30, 2019; Income Statement YTD-Operations for the Twelve Months Ending June 30, 2019; Status and Use of Cash and Investment as of June 30, 2019; Board-Designated and Donor Temporarily Restricted Net Assets; Summary of Members and Voluntary Legislative Contributions Paid Through June 30, 2019; Summary of Members and Voluntary Contributions to GLSP with Contributions Paid Through June 30, 2019; Legislative Activity Report from July 1, 2018 through June 30, 2019; and Cornerstones of Freedom Activity Report from July 1, 2018-through June 30. The Executive Committee also received copies of the ICLE Statement of Financial Position as of June 30, 2019, and Statement of Revenues and Expenses from July 1, 2018 through June 30, 2019 with Budget for the Fiscal Year Ended June 30, 2019.

### YLD Report

YLD President-elect Bert Hummel provided the YLD Report. He reported that the YLD Fall Meeting was recently held at Lake Lanier, and those in attendance included ten first-time attendees. LAP chair Lynn Garson spoke about LAP, and Director of Governmental Affairs Christine Butcher Hayes conducted a CLE about *Fleck*. Meeting attendees also volunteered at a local food bank.

Bert further reported that the 2020 Leadership Academy participants have been selected and the Academy will kick-off at the Midyear Meeting. Other upcoming YLD activities include the YLD Litigation Committee Clerks Luncheon at Maggiano's Restaurant on December 4, the Leadership Academy Alumni Luncheon on December 5 at the Piedmont Driving Club, and the YLD Spring Meeting on April 24-26, 2020 in Athens in conjunction with the Twilight Series bike race.

Bert further reported that the YLD is assisting with the 11<sup>th</sup> Circuit Judicial Conference in the Spring, and there will be an opportunity for YLD'ers to be sworn into the U.S. Supreme Court. Also, the Signature Fundraiser will be held March 21, 2020, with a St. Patrick's theme to benefit GLSP. And the National Moot Court Competition is being held this weekend in Atlanta, and Bert thanked anyone who is judging the rounds on Saturday.

Bert also reported that in the Spring of 2021 there will be a joint meeting of the YLD and Board of Governors at Brasstown Valley Resort.

### Executive Director's Report

There was no report.

### Office of General Counsel Report

Paula reported that the merger with CAP and her office is going well and she believes the Bar can deliver better client service through this merger. She said that to date, paying the Special Masters and the Disciplinary Board members has not put a strain on the Office's budget, but very few of the cases that were pending when the Bar began paying Special Masters have been resolved.

### Executive Session

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

### Advisory Committee on Legislation/Legislative Report

Governmental Affairs Director Christine Butcher Hayes reported that the Advisory Committee on Legislation will meet December 5. She recently attended a meeting of Governmental Affairs representatives, where Tony Wiler, Executive Director of the North Dakota Bar, reported that a cert. petition had not yet been filed in the *Fleck* case. Christine also reported that the Oregon Bar has two lawsuits pending in the 9<sup>th</sup> Circuit Court of Appeals and it has just filed its responses to them. Christine also told Executive Committee members to be on the lookout for invitations to the House and Senate Judiciary Committee dinners and the State of the Judiciary sometime in January.

### Legislative Program Marketing/Awareness Campaign/Fund Reserve

Christine reported that contributions to the legislative fund are down substantially this Bar year. To date only \$209,000 has been collected. Bar staff have therefore been working on plans to increase contributions, and there is now a link on the Legislative Program's web page to make contributions online. There is also an initiative in the works to encourage more Section members to contribute to the program, especially members of Sections that frequently submit legislation. Christine plans to actively push this initiative at upcoming Section institutes.

Christine also reported that there will be a CLE legislative program in conjunction with the Midyear Meeting. Tony DelCampo suggested holding a reception at that meeting for legislative fund donors, but due to scheduling it was decided to look at holding that reception at the Annual Meeting.

### Board of Governors Minutes

The Executive Committee received the (draft) minutes of the Board of Governors meeting held October 19, 2019.

### New Georgia Legal Incubator Will be a "Law Firm Ride-Along"

The Executive Committee received an article about two lawyers starting an incubator program for lawyers who either want to start their own firm or become shareholders in one. It is a one-year program offering firsthand experience and advice to those starting their own law practice.

### Old Business

Immediate Past President Ken Hodges asked for an update about succession planning. Sutton said it would be on the next meeting agenda.

### New Business

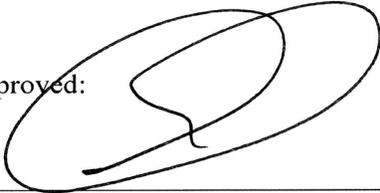
Sally Akins reported that ABOTA, both nationally and the Georgia Chapter, would like to have some additional language added to the Attorney Oath, similar to what 21 other states have added, that gives professionalism and civility more emphasis. Paula said she would find the rules applicable to the oath, which she believes may reside with the Office of Bar Admissions.

Immediate Past President Ken Hodges said that he recently learned from some other states that their appellate judges have the technology where one or both litigants can present their arguments remotely and the judge comes in as needed. He would like to start exploring that idea with the Georgia Court of Appeals and asked the Executive Committee for their thoughts.

Adjournment

There being no further business, the meeting was adjourned at 3:10 p.m.

Approved:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

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Darrell L. Sutton, President

A handwritten signature in black ink, featuring a large, stylized initial 'S' with a long horizontal stroke extending to the right.

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Sarah B. (Sally) Akins, Secretary