

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Friday and Saturday, September 13-14, 2013
Planters Inn/Charleston, South Carolina**

Members Present:

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

Members Absent:

Phyllis Holmen.

Staff Participating:

Cliff Brashier, Executive Director (by phone); Sharon L. Bryant, Chief Operating Officer; Paula Frederick, General Counsel; and Bob McCormack, Deputy General Counsel.

Recognition of New Executive Committee Members

President Buck Ruffin recognized the two new Executive Committee members, YLD President-elect Sharri Edenfield and Member-at-Large Ken Hodges.

Consent Agenda

President Ruffin presented the Consent Agenda. Requests were made to remove the following five items from the Consent Agenda: the May 23, 2013 Executive Committee Minutes, and Members' Requests from Brandon White, Michael Hession, Jeannine Novack, and Sharon Wichter. There being no objection to any of the remaining items, a motion was made and seconded to approve the remaining Consent Agenda items:

- a) Previous Executive Committee Minutes of May 23, 2013, June 26, 2013, and July 2, 2013 (Current Versions)
- b) Future Meetings Schedule (Current Version)
- c) Georgia Legal Services Programs Board of Directors Appointment – Stan Jones 2013-15
- d) Members Requesting Resignation (approve): Lisa P. Wilcox, 758527; Valerie Nicole Teal, 504890; Julie Marburger, 196461; Gary Parker, 562350; James Donnell Bolton, 66212; Eleanor M. Maccorkle, 462935; John Robert White Jr., 754350; Thadeus Matthew Creech, 533164; John S. Graettinger Jr., 304075; Otis E. Sain Jr., 622225; David Paul Bains, 32455; Bruce Canetti, 842656; Julie M. Clifford, 170162; Cecil G. Foster, 270475; Howard Atkins, 26640; Elizabeth J. Barry, 40337; Terry S. McRae, 499175; Matthew T. Butler, 548089; Mark Ehrlich, 234255; Vickie G. Sachs, 307775; Nicholas Farrell, 140977; Dwayne A. Morris, 557663; Michael D. Simpson, 648150; Courtney M. Taylor, 148055; G. Brinson Williams, 761700; Edgar B. Williams Jr., 761510; Brian P. Turcott, 718643; William R. Lawrence, 439930; Ann Talman, 779650; Steven J. Hirsch, 357250; Jennifer W. Adams, 749655; Courtney Dunbar Jones, 141540; Renee V. Cooper, 142068; Terence J. Centner, 118193; Martha L. Fox, 519631; John Wesley Fudge Jr., 217058; Ridney C. Floyd, 266425; J. Elizabeth Dobbs, 223455; Larry Estridge,

250700; Corey R. Amundson, 16109; Jeffrey M. Blankenship, 62552; J. Patrick Sutton, 693786; Adam J. Long, 422575; Madeline Johnston, 396710; Linton K. Crawford Jr. , 194156; Joseph A. Pachnowski, 558552; Julie A. Chambers, 119350; Andrea J. Vaughn, 324117; Diane Griffin Holland, 310765; Melody Bock, 65125; Thomas Muehleck, 527887; Roger Wood, 775732; Livia Santschi, 106139; Caitlin Lee Decatur, 215480; Richard P. Schultz, 630375; LaShanda Taylor, 700715; Russell Scott Buhite, 93944; Shona Narula Singer, 142144; Geoffrey H. Cederholm, 118035; Eva P. Cederholm, 561186; Bradley Jason McGiboney, 326626; Barry F. Shea, 638650; Kimberly Jean Potter, 585624; Effie Teresa Miller, 506572; Daniel A. Blumenthal, 64064; Cristina M. Meneses, 420144; C. McBrier Maloney, 468105; Ira Cohen, 174378; Solomon H. Ashby Jr., 24447; Frederick Tanne, 697527; Robert Skidmore, 650395

e) Members Filing Petition for Disability (approve): Carolyn A. Baer, 003035; Patsy L. Young, 782598; Karen K. O’Riordan, 140939; Patrick Scott Reid, 599966

f) Approval of Members’ Requests:

- 1) Athens-Clark County Solicitor General’s Office: Ryan S. Hope, William Fleenor, Keenan Howard, Janna Landreth, Lauren Ellison, Carroll Chisholm, Jr., Barbara Quilliams (waive all)
- 2) Andrea Baird (waive)
- 3) Juniata Ford (waive and refund)
- 4) Sara Beth Myers (waive)
- 5) Sara Jones (deny)
- 6) Harris S. Fried (waive and extension to Oct. 15)
- 7) Brandon White (deny appeal to waive Fitness)
- 8) Nancy O’Quinn (waive Fitness requirement)
- 9) Michael Hession (waive Fitness requirement)
- 10) Susan Bronston Sullivan (deny appeal for Fitness waiver)
- 11) Jeannine Novack (deny appeal to waive Fitness, retake exam)
- 12) Walter Ruiz (grant military dues waiver)
- 13) Sharon Wichter (deny military dues waiver)
- 14) Robert Lay Martin (grant military dues waiver)
- 15) Shornden G. McCloud (waive Fitness requirement)

The Executive Committee, by unanimous voice vote, approved all of the above items on the Consent Agenda with the exception of the following matters that were removed from it for separate discussion:

Executive Committee Minutes

The Executive Committee, by majority voice vote, approved as revised the minutes of the May 23, 2013 Executive Committee meeting. President-elect Patrise Perkins-Hooker abstained.

Approval of Members’ Requests

The Executive Committee took the following action on four Members’ Requests:

- 1) Brandon White – approved, by unanimous voice vote, to waive the Fitness requirement.
- 2) Michael Hession – approved, by majority voice vote, to waive the Fitness requirement.
- 3) Jeannine Novack – approved, by unanimous voice vote, to send a recommendation to the Board of Bar Examiners that it consider only requiring her to go through the Fitness requirement, but not require her to retake the Bar exam. The Executive Committee asked Paula Frederick to relay

this recommendation to the Board of Bar Examiners and report its decision back to Executive Committee.

- 4) Sharon Wichter – approved, by unanimous voice vote, her request for a military dues waiver.

2013-2014 Legislative Representation

Following a report by President Ruffin, the Executive Committee, by unanimous voice vote, approved the recommendation of the Legislative Representation Committee to retain Capitol Partners (Rusty Sewell and Wanda Segars) for the 2013-14 Bar year at a cost of \$183,000. The cost will be paid out of the voluntary contributions in the Legislative and Public Advocacy Fund.

2013 Grass Roots Legislative Events

President Ruffin and Zach Johnson provided a report on the Bar's legislative grass roots efforts. The Executive Committee received a list of upcoming Grass Roots Legislative Events for November and December 2013.

Citizens Advisory Council

President Ruffin and Past President Lester Tate provided a report on the Citizens Advisory Council (CAC). CAC, which previously was called the Presidents' Advisory Council, is a voluntary coalition of non-lawyer, "grass-top" business leaders from around the state of Georgia whose members are nominated by the Board of Governors. A new Standing Committee is being proposed to oversee the CAC. It will be comprised of the current president and the preceding eight presidents, and chaired by Past President Tate.

2013 Final Legislative Report

The Executive Committee received a written Annual Report on the Legislative Activities of the State Bar of Georgia for 2013.

2014 Legislative Update

The Executive Committee received information on the upcoming legislative session. The House Judiciary Committee, chaired by Wendell Willard, has held the first of several meetings on proposed legislation regulating e-discovery. The first meeting of the Advisory Committee on Legislation will be September 27, 2013. Legislative proposals to be considered at that meeting include: 1) a domestic violence funding request of \$2,500,000 for the 2015 fiscal year by the Committee to Promote Inclusion in the Profession, 2) a Resource Center Funding request of \$800,000, and 3) the Franchise and Distribution Law Section's proposed amendments to OGCA §10-1-410.

Resolution for Chief Justice Carol Hunstein

Following a report by President Ruffin, the Executive Committee, by unanimous voice vote, approved as revised (Exhibit A), a Resolution Recognizing Chief Justice Carol W. Hunstein for Outstanding Service to the Justice System of the State of Georgia.

Private Insurance Exchange by Member Benefits

Treasurer Bob Kauffman provided a report on a private insurance exchange being set up by Member Benefits, Inc. (formerly PBC Financial) that the Bar's Member Benefits Committee is recommending be considered as a recommended exchange for Bar members. Chip Telfry and Nick Telfry of Member Benefits, Inc. made a presentation on the private Health Insurance Exchange they have designed to assist individual members and employer groups in securing health insurance coverage. The Florida Bar will provide the Member Benefits, Inc. exchange to Florida Bar members beginning October 1, 2013. Thereafter, the Executive Committee, by unanimous voice vote, approved recommending the Member Benefits, Ink's. Health Insurance Exchange to members of the State Bar of Georgia as a preferred

provider of a private insurance exchange. The exchange should be branded as the Member Benefits, Inc.'s. Health Insurance Exchange and not the State Bar of Georgia's Exchange.

The Executive Committee received a Member Benefits, Inc. Insurance Summary Report for the period of January through August 2013.

Real Estate Task Force

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

Proposed New Election Rules, Bylaws & Policies

Following a report by Secretary Rita Sheffey, the Executive Committee, by unanimous voice vote, approved a new Standing Executive Committee Policy regarding State Bar of Georgia Elections (Exhibit B). The Executive Committee also discussed having the Elections Committee consider Executive Committee elections by post instead of group, Board elections by majority instead of plurality, a declaration of intent to re-run or run for the Executive Committee in advance of the Annual Meeting, and setting minimum qualifications for officer positions. There was also some interest in having officer candidates speak in lieu of nominations.

State Bar Credit Cards

Following a report by President-elect Patrise Perkins-Hooker, and after distributing a draft Bar Officer Corporate Credit Card Policy for Executive Committee review, the Executive Committee, by unanimous voice vote, 1) approved State Bar credit cards for six Officers (President, President-elect, Immediate Past President, YLD President, YLD President-elect, and YLD Immediate Past President), each with a \$5,000 limit that can only be replenished after the officer provides receipts for their charges, and 2) approved a limit increase from \$10,000 to \$20,000 for the Director of Meetings. The Executive Committee asked that the Bar Officer Corporate Credit Card Policy be amended to state what happens in the event an Officer makes improper charges, and that in doing so, the use of the credit card is subject to revocation. For the record, President Ruffin, Immediate Past President Robin Frazer Clark, and YLD President Darrell Sutton stated they do not want a State Bar credit card. President-elect Patrise Perkins-Hooker noted that she does want a State Bar credit card.

Pro-rated Dues/Assessments for New Attorneys

YLD President Darrell Sutton and Treasurer Bob Kauffman provided a report on pro-rating Bar dues. The idea is that whenever a lawyer initially joins the State Bar, his or her annual dues would be pro-rated by the number of months remaining in the Bar year. While the current Membership database has monthly proration as a feature, there will be a small amount of programming needed to implement the change, which can be done this winter when the Bar reworks the online payment system. Following that, the Executive Committee asked that Bob McCormack draft a proposal that pro-rates Bar dues on a monthly basis for the next Executive Committee meeting.

Sponsorship Request – 2014 Conference of Chief Justices

Treasurer Kauffman provided a report on a sponsorship request from the Administrative Office of the Courts for the Conference of Chief Justices that will be at Sea Island in January 2014. Since the amount to be requested has not yet been determined no action was taken on the request. The Executive Committee asked that Treasurer Kauffman explore what other State Bars have contributed for past conferences.

Resolutions Committee, Bylaw Article II, Section 5

Following a report by Bob McCormack, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the dissolution of the Memorials/Resolution Committee.

New Section Request – Law and Economics

Following a report by President Ruffin, the Executive Committee, by majority voice vote, approved recommending to the Board of Governors the creation of a Law and Economics Section, subject to Executive Committee oversight and prior review and approval of any proposed subject of study or article to be published. The purpose of the section is to increase awareness of the economic impact of statutes, regulations, and case-law decisions by bringing together lawyers and scholars to discuss and study such issues. Since Sections' bylaws state that only Bar members in good standing may be members of Sections, any non-lawyer scholars will be advisors to this new Section.

Presidents' Report

President Ruffin reported on the State Bar's 50th Anniversary Celebration that will take place in conjunction with the 2014 Midyear Board of Governors meeting in Atlanta. The celebration will take place in lieu of the traditional dinner for the Board of Governors. It will feature Governor Nathan Deal as the guest speaker and a special awards ceremony recognizing members who have made major contributions to the Bar over the last 50 years. Linton Johnson is working on a desk book about the history of the legal profession in Georgia as part of the celebration.

President Ruffin also gave a report on the National Constitutional Law Symposium, March 12-14, 2014, to celebrate the 225th anniversary of the U.S. Constitution's ratification. Participants will include U.S. Supreme Court Justice Antonin Scalia and either Justice Stephen Breyer or Justice Elena Kagan, Georgia Supreme Court Justice David Nahmias, Georgia Attorney General Sam Olens, Pulitzer Prize winner and Medal of Freedom recipient David McCullough, and other prominent national legal scholars and historians. As the program is being finalized, President Ruffin will prepare a budget for the Executive Committee's information. The program's costs are to be paid out of the Cornerstones of Freedom budget.

Immediate Past President Clark reported that the Suicide Prevention video is finalized and will soon be shown at CLE's.

President Ruffin reported that the Secretary of State's website is still experiencing many problems. He and Rusty Sewell will meet with Secretary of State Brian Kemp and the Governor's staff to discuss these issues.

President Ruffin reported that ICLE, working with the Military/Veterans Law Section and the Military Legal Assistance Program, is exploring the feasibility of a CLE trip to Normandy in celebration of the 70th anniversary of the D-Day invasion.

Treasurer's Report

Treasurer Kauffman provided a report on the Bar's finances. He reported that the SOLACE materials are included as an informational item. While SOLACE is not designed to cost any money, Chair Ken Shigley had offered the amount remaining in his State Bar expense budget; however, it was noted that that is not the purpose of an officer's expense budget. Mr. Kauffman announced that the State Bar co-sponsored a reception for incoming Chief Justice Hugh Thompson in the amount of \$1,000 that was paid out of the Conference Sponsorship budget. The Resource Center funding was also an informational item. He reported that while the \$2 or \$1 dues overpayments last Bar year were to be credited back on next year's due statement, he will come back to the Executive Committee with another proposal for its consideration. There are approximately 4,000 Bar members who overpaid their dues by those amounts. He stated that

this year's proposed deficit may be close to the projection depending on how much is spent out of the Cornerstones of Freedom budget, and the percentage increase for the Bar's health insurance cost.

The Executive Committee received copies of the Revenues and Expenditures, Income Statement YTD, Balance Sheet, and Bar Center Revenues and Expenditures Executive Summary for the twelve months ending June 30, 2013.

Civil Legal Services Task Force

President Ruffin provided a brief report on the Civil Legal Services Task Force that will explore options and make recommendations to the Executive Committee and Board of Governors for securing reliable and adequate funding for civil legal services to the poor.

Real Estate Task Force (continued)

President-elect Perkins-Hooker provided an update on the activities of the Real Estate Task Force.

YLD Report

YLD President Darrell Sutton provided a report on the numerous activities of the Young Lawyers Division. He announced that the Law School Fellows Program is up and running and there should be representatives from all five of Georgia's law schools at the Fall YLD Meeting. In conjunction with the Local Affiliate Outreach Program, the YLD visited with members of the Cobb Bar's YLD in August, and the Conasauga Bar YLD is petitioning for affiliation. The YLD Officers will meet this year with YLD affiliates in Macon, DeKalb, Augusta, Savannah, Albany, Columbus, Glynn County, Gwinnett County, Western Circuit Bar, Rome, and Valdosta. In addition, the YLD is using its Multi-Bar Leadership Council Representatives to partner with local YLD's for joint programming. He is expanding the YLD Leadership Academy this year by increasing the number of scholarships available to young lawyers who qualify for participation but otherwise cannot afford its tuition. He reported that he is working on identifying and obtaining permanent funding for the Public Interest Internship Program. The Program will be the beneficiary of the YLD's Annual Signature Fundraiser. In conjunction with the State Bar's legislative lobbying team, the YLD is working to recruit more young lawyers to run for elected office, and he has appointed Will Fagan to head up these efforts. State Bar Lobbyist Jim Collins and Grass Roots Coordinator Zach Johnson spoke at the YLD's Executive Committee Retreat, and a YLD Day at the Capitol is being planned. He reported that Brandon Elijah and Katie Willett are heading an effort to organize and implement a Wills Clinic for first responders. The Fall Meeting will be held in Chattanooga the weekend of October 4-6.

The Executive Committee received a written YLD report outlining the activities mentioned above as well as upcoming events and activities of other YLD committees.

Office of General Counsel Report

Paula Frederick provided a report on the activities of the Office of General Counsel. She announced that the Supreme Court of Georgia approved Rule 6.5 in June (pro bono conflicts) that had been requested by the Atlanta Legal Aid Society and Georgia Legal Services Program to help recruit pro bono volunteers. She reported that they are receiving comments on FAO 10-R2 as relates to witness only closings. Once revisions are made to it, the Real Estate Task Force will be provided a copy for review and comment. She provided a report on FAO 10-1 (Public Defender Conflicts). She also announced that the Spring Street Viaduct condemnation case was settled.

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

She reported that suits in other states against Avvo ratings of lawyers on the internet have been dismissed due to first amendment rights. She is preparing a memo on Keller and related cases for the Executive Committee's information. She announced that the ABA's Guidelines for an International Regulatory Information Exchange were approved at the ABA's Annual Meeting, and the State Bar intends to share information with the regulators abroad. Lastly she reported that her office is being sent boxes of a lawyer's files found by a bank in a home during a foreclosure. Her office will determine whether or not the cases have been closed or if a receiver will need to be appointed.

The Executive Committee received a written Report of the Office of the General Counsel, a Daily Report article on pro bono recruitment (new Bar Rule 6.5), the State Bar's response to the Supreme Court regarding the Georgia Public Defender Standards Council letter regarding FAO 10-1 and the Supreme Court's approval of FAO 10-1, the Spring Street Viaduct Settlement Agreement.

Long-Range Planning Committee

Pat O'Connor reported that the Long-Range Planning and Bar Governance Committee met last week to discuss its plans to make a presentation at the Midyear Meeting on the trends, challenges and issues facing the legal profession. The committee suggested that breakout sessions follow the presentation so as to solicit feedback from the Board members. ICLE has also offered to present CLE's on Friday addressing these topics and Board members would be encouraged to attend. The committee will submit a written report at the Fall Board meeting and will announce whatever plans are decided upon for the Midyear Meeting. It was the general consensus of the Executive Committee that there will not be enough time on the Midyear Meeting agenda for breakout sessions; however, an oral report to the Board and CLE's on Friday would be fine.

Reciprocity/Bar Admissions

Following a report by President Ruffin on reciprocity, the Executive Committee asked Bob McCormack to talk to the Office of Bar Admissions to find out its policy with respect to why attorneys coming to Georgia from reciprocal states that require Georgia attorneys to take the multi-state exams are not required to take the multi-state exam in Georgia. The Executive Committee received a list of reciprocal states.

Washington State Bar's Limited License Legal Technician

The Executive Committee received a copy of an article on the Washington State Bar's admittance of another level of practitioner, the Limited License Legal Technician (LLLT). LLLT's are non-attorneys with certain levels of education, training and certification to provide technical help on simple legal matter such as selecting and completing court forms, informing clients of procedures and timeliness, explaining pleadings, and identifying additional documents that may be needed in a court proceeding. The new position will help Washington provide another path for accessing justice to many thousands of limited income persons who cannot afford attorneys, as well as help courts staggering under the weight of pro se litigants.

State of Arizona's Law License for the "Fracture of Law"

The Executive Committee received information on a legislative proposal wherein attorneys would not be required to be a member of any organization to become or remain a licensed attorney in Arizona. The proposal failed to pass in the Arizona legislature.

Report and Recommendations of the State Bar of California Governance in the Public Interest Task Force
The Executive Committee received a copy of the Report and Recommendations of the State Bar of California Governance in the Public Interest Task Force regarding the restructuring of the Bar's governance model.

California's Bar Admissions of Illegal Immigrants

The Executive Committee received a copy of an article about the California's Supreme Court's consideration of whether an illegal immigrant is eligible for a license to practice law in the State. The California attorney general is in support of the license, but the U.S. Justice Department argues that federal law prohibits the immigrant from receiving a law license.

North Carolina's Dental Board v. FCC

The Executive Committee received information on the North Carolina Bar's concern in the case cited above wherein the Fourth Circuit declared that State Action Immunity was unavailable to members of the North Carolina Dental Board in regard to the FTC's claim that they had acted anti-competitively in violation of the Sherman Act by seeking to restrain the activities of non-licensed "teeth-whiteners" operating out of kiosks in shopping malls.

2013 Southern Conference and National Conference of bar Presidents Midyear Meetings

President-elect Perkins-Hooker and Secretary Sheffey provided an update on the 2013 Southern Conference and National Conference of Bar Presidents Midyear Meetings. Paula Frederick reported that a summary of resolutions passed by the ABA House of Delegates will be distributed to the Executive Committee.

Board of Governors Minutes

The Executive Committee received a copy of the June 21, 2013, Board of Governors Minutes.

The Center for Public Integrity re Judicial Financial Disclosure

The Executive Committee received information from The Center for Public Integrity, a non-profit news organization in Washington D.C. It has collected and analyzed financial disclosures filed by Supreme Court justices in all 50 states and the District of Columbia in an effort to determine the scope and quality of each state's financial disclosure requirements and developed a grading system per state on its disclosure requirements.

Consumer Assistance Program

The Executive Committee received a report on the activities of the Consumer Assistance Program for the month of August 2013.

BASICS

The Executive Committee received a report on the activities of the BASICS Program for the 2012-13 Bar year.

ABA 2013 Charles Dorsey Award

The Executive Committee received information on Steve Gottlieb receiving the ABA's 2013 Charles H. Dorsey, Jr. Award. The award recognizes exceptional work by a legal aid lawyer and is given as a tribute to the late Mr. Dorsey, whom the ABA refers as a "champion of the poor."

Bill Barwick's History of the Younger Lawyers Section

The Executive Committee received a copy of the 20-year old History of the Young Lawyers Section that was authored by Past President Bill Barwick for the *Georgia Bar Journal*.

Military Legal Assistance Program

The Executive Committee received information on the activities of the Military Legal Assistance Program.

Business Court

The Executive Committee received a copy of the Business Court 2012 Annual Report.

Homes of the State Bar of Georgia

The Executive Committee received a list of current and previous offices of the State Bar of Georgia.

2013 Annual Meeting Survey Results

The Executive Committee received a copy of the 2013 Annual Meeting survey results.

Old Business

There was no old business.

New Business


Ken Hodges inquired whether or not the State Bar has ever considered the issue of mandatory legal malpractice insurance.

Adjournment

There being no further business the Executive Committee meeting was adjourned.


Rita A. Sheffey, Secretary

Approved:


Charles L. Ruffin, President