

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Thursday, February 16, 2012
Country Club of Columbus/Columbus, GA**

Members Present:

Kenneth L. Shigley, President; Robin Frazer Clark, President-elect; Charles L. Ruffin, Treasurer; Patrise Perkins-Hooker, Secretary; Phyllis J. Holmen; Robert J. Kauffman; David S. Lipscomb; Brian D. Rogers; and Rita A. Sheffey, and N. Harvey Weitz (by phone).

Members Absent

S. Lester Tate, III, Immediate Past President; Stephanie J. Kirijan, YLD President; Jonathan B. Pannell, YLD President-elect; and Michael G. Geoffroy, YLD Immediate Past President.

Staff Participating:

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

Welcome and Introductions

President Shigley welcomed the members of the Columbus Bar Association in attendance at the Executive Committee meeting. Prior to the meeting, the Executive Committee joined the Columbus Bar Association and their President the Honorable Julia Lumpkin for their annual awards luncheon for lawyers who have practiced for more than fifty years.

Consent Agenda

President Shigley presented the Consent Agenda.

- 1) Previous Executive Committee Minutes of December 14, 2011
- 2) Future Meetings Schedule (Current Version)
- 3) Approval of Members' Requests:
 - a. Late Fee Waiver Appeal for Approval – Sarah Jones
 - b. Resignation (not in good standing) for Approval – Lela Young
 - c. Resignation in Lieu of Termination for Approval – John W. Borchert
 - d. Resignations (in good standing) – Ernest Smallman, III (653510), James Russell Van Meerten (723800)

The Executive Committee, by unanimous voice vote, approved the above items on the Consent Agenda.

Dues 2012-2013 Recommendation to the Board of Governors

Following a report by Treasurer Buck Ruffin, and in consideration of the recommendations submitted by the Finance Committee, the Executive Committee, by majority voice vote, approved submitting the following recommendations to the Board of Governors for approval:

1. Increasing dues by \$2 from the previous year to \$240 for active members and \$120 for inactive members, and
2. Section dues to be reflected on the dues statement ranging from \$10-\$35; and
3. Continuation of assessments required by Bar Rules regarding the Clients' Security Fund (\$100 @ \$25/year) and Bar Center Facility (\$200 @ \$50/year); and
4. Continuation of a \$100 opt-out contribution for the Legislative and Public Education Fund; and
5. Maintaining the current opt-in provision for Georgia Legal Services Program.

The Executive Committee agreed to devote a future meeting for an in depth discussion on the State Bar's finances, unfunded mandates, reserves, funding for Georgia Legal Services Program, and other budgetary issues that require more dedicated time.

National Conference of Bar Presidents (FY 2011-12)

Following a request by N. Harvey Weitz for a State Bar sponsorship contribution of up to \$2,500 for the National Conference of Bar Examiners that will meet in Savannah in April, the Executive Committee, by unanimous voice vote, approved the request.

Georgia Legal Services Program (FY 2012-13)

Phyllis Holmen presented a request for a \$49 negative (opt-out) contribution on the 2012-13 dues notice for the Georgia Legal Services Program. Phyllis Holmen left the room and abstained from discussions on this topic. Following a discussion on the proposal, the Executive Committee, by majority voice vote, approved that the 2012-13 dues notice reflect a suggested \$250 (opt-in) contribution for the Georgia Legal Service Program, which is no change from the previous year.

Following a discussion on the State Attorneys General Bank Settlement, which is a landmark \$25 billion settlement with the nation's five largest private mortgage lenders over questionable servicing practices, the Executive Committee took the following action:

- 1) By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar, and
- 2) By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until March 31, 2012, and
- 3) By unanimous voice vote, offered State Bar legislative support to explore whether funds could be allocated to the Georgia Legal Services Program and Atlanta Legal Aid for the delivery of civil legal services for people covered by the settlement.

YLD Leadership Academy (FY 2011-12)

This item was tabled to the next Executive Committee meeting due to the fact that the YLD members of the Executive Committee were attending a YLD luncheon in Atlanta and unable to attend the meeting.

Member Request – Late Fee Appeal

The Executive Committee, by majority voice vote, denied a late fee appeal request by Michael Beller.

New Standing Executive Committee Policy – Requests by Members to Inspect Records of the State Bar

Following a report by Bob McCormack, the Executive Committee, by unanimous voice vote, approved making the Policy on Requests to Inspect Records of the State Bar of Georgia a Standing Executive Committee Policy.

Proposed New Child Advocacy Section

This item was tabled to the next Executive Committee meeting.

ABA Resolution Regarding “Admission by Endorsement” for Military Spouse Attorneys

Following an appeal by Ashley Montgomery, a military spouse attorney whose husband is currently stationed at Fort Benning, that Georgia adopt the ABA’s “Admission by Endorsement” for Military Spouse Attorneys, the Executive Committee, by majority voice vote, referred the issue to the Office of Bar Admissions for their review and consideration.

2012 Legislative Weekly Updates

Tom Boller provided an update on legislative activities to date, and the Executive Committee received a written legislative update for the weeks of January 13-February 3, 2012.

Thereafter, the Executive Committee took the following action on a motion made by Treasurer Ruffin:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar, and
2. By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until March 31, 2012, and
3. By unanimous voice vote, the Executive Committee agreed to direct the State Bar’s lobbyists to ask that as part of the Criminal Justice Reform Council’s recommendations, that state funds be included in the Department of Correction’s budget for the BASICS Program in an amount of at least \$140,000, and should that occur, funding for the BASICS Program by the State Bar would be eliminated.

H.B. 594 - Low Profit Limited Liability Companies

The Executive Committee took no action on this item.

H.B. 665 – Clerks of Superior Courts Offices

Linda Pierce provided a report on proposed H.B. 665. Because the Clerks of Superior Courts Offices are still working on concerns expressed by the Council of Superior Court Judges and the Administrative Office of the Courts, the Executive Committee took no action, but unanimously authorized the State Bar President to call an Executive Committee meeting by phone if future action is needed, subject to the consent of those Executive Committee members not present.

H.B. 711 – Spousal Privilege

The Executive Committee took no action on this item.

H.B. 744 – Uniform Partition of Heirs Property Act

The Executive Committee took the following action on proposed H.B. 744:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar, and

2. By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until March 31, 2012, and
3. By unanimous voice vote, approved supporting H.B. 744.

S.B. 365 – Real Estate Coveyancing

The Executive Committee took no action on this item.

S.B. 127 – Juvenile Code

This item was deferred to be included as a topic for the Special Call Executive Committee meeting, if formal action is needed.

S.B. 348 – Service of Process

The Executive Committee took the following action on proposed S.B. 348:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar, and
2. By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until March 31, 2012, and
3. By unanimous voice vote, voted to oppose S.B. 348.

President's Report

President Shigley reported that there will be a conference call tomorrow on the Criminal Justice Reform Council's recommendations. He stated that there may be rollout of a beta E-filing system at the Annual Meeting. At last week's ABA Annual Meeting in New Orleans, he and Treasurer Ruffin spoke to U.S. Supreme Court Associate Justice Antonin Scalia about getting he and U.S. Supreme Court Associate Justice Stephen Breyer to present a program at a future State Bar Midyear Meeting. Justices Scalia and Breyer addressed a sold-out crowd at the South Carolina Bar's Midyear Meeting where they discussed a number of constitutional issues in a debate-style format. Treasurer Ruffin provided a report on the Southern Conference of Bar Presidents' meeting.

CaseMetrix Lawyer Referral Service

Following a report by Paula Frederick on CaseMetrix, the Executive Committee, by unanimous voice vote, referred the issue to the Disciplinary Rules and Procedures Committee.

Treasurer's Report

Treasurer Ruffin provided a report on the State Bar's finances and investments. The Executive Committee received the Income Statement by Department for the six months ended December 31, 2011, and a copy of the Independent Auditor's Report for June 30, 2011 and 2010.

YLD Report

This item was tabled to the next Executive Committee meeting, due to the absence of the YLD officers.

Office of General Counsel

The Executive Committee received a newly revised written Report of the Office of General Counsel that provided information about the work of the OGC in both disciplinary and non-disciplinary matters. The Year to Date Report on Lawyer Regulation for the months of May through January 31, 2012, and Regulatory Action May 1-January 31, 2012, was included therein.

Committee Updates

This item was tabled to the next Executive Committee meeting,

BASICS

The Executive Committee received information on the activities of the BASICS Program for the first half of the Bar year.

Consumer Assistance Program

The Executive Committee received a written report from the Consumer Assistance Program for December 2011.

Member Benefits Committee

The Executive Committee received information on the Member Benefits Committee meeting held January 6, 2012, and the results of BPC Financials Health Insurance Market Study performed over the last several months.

Chief Justice's Commission on Professionalism

The Executive Committee received a copy of the agenda for the Chief Justice's Commission on Professionalism's meeting on February 17, 2012.

ABA Ethics 20/20

The Executive Committee received a copy of the Summary of Actions by the ABA Commission on Ethics 20/20.

Old Business

There was no old business.

New Business

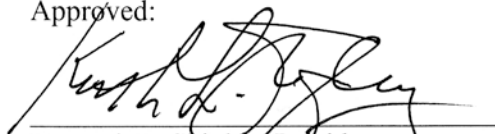
There was no new business.

Adjournment

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


Patrie M. Perkins-Hooker, Secretary

Approved:


Kenneth L. Shigley, President