

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES**

**Friday and Saturday, July 22-23, 2011
Amicalola Falls State Park & Lodge/Dawsonville, GA**

Members Present:

Kenneth L. Shigley, President; Robin Frazer Clark, President-elect; Patrise Perkins-Hooker, Secretary; Charles L. Ruffin, Treasurer (by phone); S. Lester Tate, III, Immediate Past President; Stephanie J. Kirijan, YLD President; Jonathan B. Pannell, YLD President-elect; Michael G. Geoffroy, YLD Immediate Past President; Phyllis J. Holmen; Robert J. Kauffman; David S. Lipscomb; Brian D. Rogers; Rita A. Sheffey; and N. Harvey Weitz (by phone).

Staff Participating:

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

Discussion on the Changing Legal Profession

The Executive Committee discussed the following books: *The Vanishing American Lawyer* by Tom Morgan, *The End of Lawyers: Rethinking the Nature of Legal Services* by Richard Suskind, and *The Happy Lawyer: Making a Good Life in the Law* by Nancy Levit. Topics covered included the impact of disruptive technologies, evolving economic models of the legal profession, how to serve justice in hard times, helping lawyers find personal satisfaction in law, how lawyers and law firms can respond to change, and how professional organizations can respond to change.

Consent Agenda

President Shigley presented the Consent Agenda and there being no objection or request for removal of any item, a motion was made and seconded to approve all of the following items:

- 1) Previous Executive Committee Minutes
The minutes of the Executive Committee meeting held June 30, 2011, were presented.
- 2) Future Meetings Schedule
President Shigley reviewed the Executive Committee future meetings schedule. A revised schedule will be emailed to the Executive Committee members.
- 3) Members' Requests
Pursuant to State Bar Rule 1-208, the Executive Committee reviewed the following resignation requests:

Acey, William D., 001468
Adilman, Roy Alan, 005250
Bauer, Carol Ann, 042449
Bauer, James D., 042512
Berglund, John F., 054597
Bernhardt, Brian Carl, 054914
Bonomo, John Anthony, 067578
Carter, Glenn J., 113950
Cooper, Robert M., 185675
Daley, Jana H., 328850

Dangler, John Benjamin, 203790
Dean, Robert Alvan, 734340
Facktor, Charles E., 253911
Gale, James L., 282550
Gibson, Linda Birrel, 058306
Gilmore Jr., John L., 295320
Golden, Bill D., 299529
Greenhawt, Melissa L., 103909
Henderson, Susan M., 001740
Jenman, Camille C., 118043

Johnston, Emily H., 352850
Jungman, Elizabeth, 405606
Jungman, Joshua C., 405607
Kellogg, Peter J., 412400
Manning, Kimberly M., 345085
McMahon, Kevin M., 497653
McMahon, Patricia D., 497700
McNeill III, William C., 498735
Nagareda, Ruth Henning, 533955
Olmstead, Kathryn Allan, 538167

Reuss, Eric B., 601300
Segall, Michael B., 634384
Shipley, Leanne K., 142316
Taaffe, Damon, 695949
Teel, Albert Alexander, 701490
Vermont, Samson, 727101
Waggoner, Jon G., 730042
Warren, Mary Lee, 738425
Young, Sharon F., 004075

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

Board of Governors Resolution Honoring Professor Paul Milich

President Shigley reported there will be a resolution for the Board of Governors consideration at its August meeting honoring Professor Paul Milich for his outstanding job in drafting, explaining and advocating the evidence code rewrite legislation.

Mercer Law Graduate Laura Teresa Giddings

President Shigley reported that he had received a request for some sort of posthumous bar admission for Mercer law graduate Laura Teresa Giddings whose life was tragically taken in June of this year. In lieu of that, there will be a resolution honoring her life for the Board of Governors consideration at its August meeting.

ABA Resolution on Secured Transactions Reform

President Shigley reported that he will write a letter on behalf of the State Bar of Georgia to the Bar's ABA delegates requesting their consideration of a resolution from the ABA Section of Business Law on secured transactions reform that will be introduced to the ABA House of Delegates in August.

Membership Database Requests - Administrative Office of the Courts (AOC)

President Shigley reported that as authorized by the Executive Committee at its last meeting, he met with Marla Moore, AOC Director, regarding a request by Fulton County for an electronic copy of the membership database to integrate into a new case management system for the Fulton County State and Superior Courts. The AOC is willing to act as a conduit to distribute the membership database information to Fulton County and to other court clerks and administrative personnel for their court management systems and other official court uses.

Criminal Justice Reform

President Shigley provided an update on the activities of the Special Council on Criminal Justice Reform for Georgians. The thirteen member commission is being guided by Pew Charitable Trusts, a non-profit that will analyze the ideas of the Council. The Council has been split into subcommittees to begin work and report its findings and recommendations by November 1 to a group of legislators who will consider legislation for next year's session.

Legislative Aide

President Shigley reported that he has hired Alex Bradford as an independent contractor to provide legislative assistance for the 2011 legislative session. The funding will come from the voluntary Legislative and Public Advocacy fund.

Juvenile Code

President Shigley reported that there will be a substantive presentation on the proposed Juvenile Code at the August Board of Governors meeting, and that it will be an action item at the Fall Board of Governors meeting. YLD President Stephanie Kirijan reported that this is still a project of the YLD that it strongly supports, and it will continue to work with all involved parties to help move it forward.

The Resource Center

President Shigley reported that the \$103,000 in the State Bar's budget for The Resource Center has been released to it, but that The Resource Center is still facing a significant funding shortfall. He asked the Executive Committee members for recommendations of any foundations or other funding resources that may be able to help The Resource Center.

Georgia Legal Services Program

President Shigley reported that he has been in various meetings to discuss Georgia Legal Services Program's funding issues. The impact of LSC cutbacks, combined with reductions in state funding, IOLTA and other funding sources, has put the program under great financial stress. Even though Phyllis Holmen announced that the program has received a \$466,000 cy pres award, one office in Waycross has been closed this year and more may follow. The Executive Committee briefly discussed ideas for dedicated funding, but more information is needed before it can explore possible options. YLD President Stephanie Kirijan reported that the YLD has also been approached to help. It is committing the Signature Fundraiser proceeds to GLSP, as well as those of the Family Law Committee's Supreme Cork Fundraiser, placed two of the seven PIIP interns in GLSP's Savannah office, asked for a personal commitment of \$500 each from its council members or the equivalent in pro bono service, and created a Public Interest Law Committee in furtherance of these goals. President Shigley asked Phyllis Holmen and the Executive Committee to have some policy options to consider at the October Executive Committee meeting.

Committee on Electronic Court Filing

President Shigley reported on the activities of the Committee on Electronic Court Filing and his meeting with representatives from the Clerks Authority and Superior Court Clerks Council. He said he is going to ask the Board of Governors, at its August meeting, to vote on the resolution which outlines features of a proposed e-filing system with a draft of a proposed uniform rule attached an illustrative example of the type of rule that could be adopted. In the meantime he said a funding source needs to be identified for roughly \$200,000 to hire a project director and a plan for the revenue stream to fund building and operating a system. He asked the Executive Committee to review the resolution and respond to him and Judge Diane Bessen with any changes. David Lipscomb requested that the Executive Committee be provided an opportunity to vote on the proposed resolution before the Board of Governors meeting. This will be on the agenda for a telephone conference meeting of the Executive Committee on August 11, 2011.

Indigent Defense Dedicated Funding

Past President Bryan Cavan provided a report on efforts to secure dedicated indigent defense funding. Representative Rich Golick is working on a constitutional amendment creating permanent funding for the indigent defense system through a trust fund and is going to schedule a hearing on his proposed bill when the General Assembly meets in August. He will also make a presentation at the August Board of Governors meeting. The Executive Committee, by unanimous voice vote, authorized Past President Cavan to act on its behalf at the August meeting with the General Assembly.

2011-2012 Legislative Program Representation

Following a report by President Shigley, the Executive Committee, by unanimous voice vote, approved renewing the prior contracts with Capitol Partners and Charlie Tanksley as the Bar's legislative

consultants for the 2011-2012 Bar year, with a 2% cost of living increase. Funding for their services comes from the voluntary Legislative and Public Advocacy fund.

Proposed New Military Legal Assistance Board of Governors Resolution

Following a request by Committee Chair (and Treasurer) Buck Ruffin for resolutions recognizing John Camp and Senator Josh McKoon for their sponsorship of the Military Parents' Rights Act legislation, successfully enacted this year by the Georgia General Assembly, the Executive Committee approved recommending the resolutions to the Board of Governors by unanimous voice vote.

Fee Arbitration Appeals

Pursuant to Fee Arbitration Rule 6-105, the following Petitioners requested a review by the Executive Committee of the decision of the Fee Arbitration Committee to decline jurisdiction in their matters. Following reports from David Lipscomb on each of the following cases, and with David Lipscomb abstaining, the Executive Committee affirmed the decisions of the Fee Arbitration Committee in each of the following cases by unanimous voice votes on each case.

- 1) Debra McGuire, Petitioner v. Dodd & Burnham c/o Roger J. Dodd, Respondent
- 2) Luis Barajas Gutierrez, Petitioner v. Michael Robert Friedman, Respondent
- 3) Debra Lusk, Petitioner v. Candace Ellene Rader, Respondent

Treasurer's Report

Treasurer Ruffin provided a report on the Bar's finances, and the Executive Committee received a copy of the Bar's financial statements for the eleven months ended May 31, 2011.

YLD Report

YLD President Kirijan provided an update on the activities of the YLD including the Committee Chair Orientation held on July 8, 2011 at the State Bar Building, the Officers and Directors Retreat held the weekend of July 15-17, 2011 in Sea Island, the 65th anniversary celebration and YLD Presidents Boardroom fundraising activities, and the Summer Meeting that is being held on August 18, 2011 in conjunction with the Board of Governors meeting. She announced that the *Daily Report* recently featured articles on two YLD Executive Council members, Josh Bosin and Khurram Baig. She also reported that the YLD Family Law Committee is being restructured to make it more inclusive and representative of the YLD.

Committee Updates

President Ken Shigley reported that committee work is just gearing up. Bob Kauffman provided a report on the first meeting of the Continuity in Law Practice Committee (formerly the Committee on Aging Lawyers).

Consumer Assistance Program

The Executive Committee received a written report from the Consumer Assistance Program for the month of June 2011.

Office of General Counsel

The Executive Committee received a copy of Report on Matters Handled Administrative by the Office of the General Counsel for the month of June 2011.

Lawyers Foundation of Georgia Grants

The Executive Committee received a breakdown of the money granted from the Lawyers Foundation of Georgia to the State Bar of Georgia that was being held for the following programs: \$352,959 for the

Marshall LRE fund, \$10,284 for the High School Mock Trial Program, \$1,282 for the Past Presidents Boardroom, \$4,209 for the YLD's Ross Adams Fund, and \$18,353 for BASICS.

Bar Policies and Procedures for Volunteers

The Executive Committee received information on the Bar's policies and procedures for volunteers that includes conflicts of interest, legislation, contacts with the press, contracts, financial matters and web sites. The same information was previously distributed to the Officers, Executive Committee, Committee Chairs and Section Officers.

Non-Lawyer Ownership of Law Firms

The Executive Committee received information on consideration in other jurisdictions of proposals to allow non-lawyer ownership of law firms. The ABA Commission on Ethics 20/20 is seeking comment on whether to change the model ethics rules to allow some kind of joint ownership.

Lawyer Surplus Report

The Executive Committee received information on an economics report quantifying the lawyer surplus by state, due to the economy and law schools turning out more lawyers than the economy needs.

2011 Annual Meeting Evaluations

The Executive Committee received a copy of the 2011 Annual Meeting Evaluation survey results.

Georgia Legal Services Program Funding

The Executive Committee received information on the Georgia Legal Services Program funding.

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.

Patrise M. Perkins-Hooker, Secretary

Approved:

Kenneth L. Shigley, President