

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
August 22, 2014
State Bar Building/Atlanta, GA**

Members Present:

Patrise M. Perkins-Hooker, President; Robert J. Kauffman, President-elect; Rita A. Sheffey, Treasurer; Patrick T. O'Connor, Secretary; Charles L. Ruffin, Immediate Past President; V. Sharon Edenfield, YLD President; John R.B. Long, YLD President-elect; Darrell L. Sutton, YLD Immediate Past President; Elizabeth Louise Fite; Phyllis Holmen; David S. Lipscomb; Brian D. Rogers and Nicki Vaughan.

Members Absent:

Kenneth B. Hodges, III.

Staff Present:

Sharon Bryant, Chief Operating Officer; Jeff Davis, Executive Director; Paula Frederick, General Counsel; Steve Laine, Chief Financial Officer.

Approval of the Meeting Agenda

Following a report by President Patrise M. Perkins-Hooker, the Executive Committee, by unanimous voice vote, adopted the meeting agenda with one modification.

Future Meetings Schedule

The Executive Committee received a copy of the Future Meetings Schedule. President Perkins-Hooker noted the new dates of the Executive Committee Retreat and announced that the optional trip to Brazil is sold out.

Consent Agenda

President Perkins-Hooker presented the Consent Agenda. There being no objection or request for removal of any item, a motion was made and seconded to approve the following items on the Consent Agenda:

- a) Minutes of the June 7, 2014 Executive Committee Meeting
- b) Approval of Members' Request:
 - 1) William Pike (approve extension of time to no later than March 1, 2015 to complete Fitness)
 - 2) Randy Goldenhersh (approve request to resign as dues deficient)
 - 3) Laurie Lassiter (approve waiver of Fitness but require payment of all fees and penalties)
 - 4) Erica C. Smith (approve waiving the late registration fee but not the 2014-15 late fee)
 - 5) David Patton (approve waiver of Fitness but require payment of all other fees, including reinstatement and late fees)
 - 6) Robert Lay Martin (grant military dues waiver)
- c) Members Requesting Resignation (approve): Angela S. Elleman, 243699; Kevin Love, 459185; Walter Thomas Frost III, 190822; Jean Taylor Adams, 003515; James Harold Morgenstern, 523400; Elaine Napier Duggar, 232250; Melvin Ricks, 604677; Charles F. Dolci Jr., 225025; Lisa Morris, 763216; Barbara Jordan Conner, 182323; Steven B. Kite, 424675; Alden W. Snead, 665350; Gilchrist M. Gibson, 292850; Oliver Blake, 061575; Daniel C. Stafford, 170337; Catherine H. Thompson, 358121; Norman D. Bramlett, 075794; Linda ReVeal, 103260; Elaine

Moloney, 364530; Joy C. Frank, 117310; Linzie F. Bogan, 065236; Maureen M. Fries, 525310; Stacia D. Hendrix, 520717; Julian Cooper Drady, 665734; Jean H. Jackson, 343042; Kenneth D. Feldman, 257703; Sharron L. Bartow, 040818; J. Wayne Crosby, 197750; Rachel Ann Miles, 320651; Blanchard L. McLeod Jr., 497476; Kelly Hollis, 363252; David Shallant, 637550; Jane Lohmeyer Winand, 769948; Anthony A. Anderson, 016453; Lionel Sharpless, 101040; Ryan C. Tuck, 108120; Robert H. McKnight Jr., 495850; James M. Beesting, 189987; Susan Elizabeth Watts, 742278; Joyce B. Link, 154654; James V. Parker Jr., 562411; Olga M. Goizueta Rawls, 596067; Melvin C. Magidson Jr., 465568; Michael Allen, 011320; J. Michael Harley, 326820; J. Richard Young, 782250; Julianne Kurdila, 481029; Michael Harris, 332805; Sandra Bowers, 503115; Celia S. Honson, 006950; Anita Louise Royal, 617379; William Floyd Schneider, 629570

- d) Members Requesting Disability (approve): Adina M. Broome (086187); Michelle J. Tarley (558001); Vicki M. Knott (426649); Theodore N. McDowell (489915); Richard P. Klein (425075); Stacia Lynn Guthrie (315920); Diane E. Cleveland (129758); Betty L. Bush (098440); A. Harris Adams (002400)

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

Revisions to Corporate Credit Card Policies

Following a report by President Perkins-Hooker, the Executive Committee, by unanimous voice vote, approved 1) proposed revisions (Exhibit A) to the Employee Credit Card Policy including the addition of a corporate credit card for the State Disciplinary Board Clerk with a \$5,000 limit, and 2) proposed revisions (Exhibit A) to the Officer Credit Card Policy that also included the deletion of "Use of the card for non-Bar related expenses may require reimbursement to the State Bar of Georgia" and the insertion of "To the extent that a charge is determined to not be Bar-related, the Officer making the charge shall be required to reimburse the expense." The Chief Financial Officer and the Treasurer were asked to draft procedures as to who makes a determination that an expense is not Bar-related.

NOW Accounts for Small Law Firms

President Perkins-Hooker presented a proposal on NOW accounts for small law firms. With a NOW account, small law firms who have corporate or governmental clients could submit their invoices to the NOW account for collection, subject to a percentage fee of the invoice amount, and receive payment of their invoices, less the percentage fee, within five days. The percentage fee would be split between the NOW account service provider and an IOLTA account so as to subsidize indigent legal aid funding. The proposal was tabled to obtain more information on the collection process, review by the General Counsel for any potential ethical issues, and to allow time for the proposal to be evaluated by the Member Benefits Committee.

Resolution Honoring the 90th Anniversary of Atlanta Legal Aid Society

Following a report by President Perkins-Hooker, the Executive Committee, by unanimous voice vote, approved a resolution (Exhibit B) honoring the 90th anniversary of the Atlanta Legal Aid Society.

Resolutions Honoring Bar Members

Following a report by President Perkins-Hooker, the Executive Committee, by unanimous voice vote, approved the President presenting resolutions to 1) Randall H. Davis for his heroic act in flying to Liberia for an Ebola patient rescue mission, 2) Rudolph N. Patterson for his many years of service to the Bar, the legal profession, and serving as a Georgia ABA Delegate from 2000-2014, 3) Cubbedge Snow, Jr. for his many years of service to the Bar, the legal profession, and serving as a Georgia ABA Delegate from 1994-2014, 4) Virgil Adams for his many years of service to the profession, and 5) to the family of

Harvey Weitz for his contributions to the Board of Governors, the Executive Committee, the Coastal Georgia Office, and to the legal profession.

Law-Related Education Program

Following a report by President Perkins-Hooker, the Executive Committee, by unanimous voice vote, approved the Law-Related Education Program 1) replacing its Georgia Law Honors Society with the ABA's Civics and Law Honor Roll program that was created by ABA Commission on Civic Education in the Nation's Schools, and 2) collaborating with the Georgia Humanities Council, the Georgia Center for Civic Engagement, and the Georgia Administrative Office of the Courts to create a Georgia Government and Civics Consortium to help make government and civics a more significant part of the social studies curriculum.

Disciplinary Rules and Procedures Committee Recommended Changes to Bar Rules

Following a report by David Lipscomb and Paula Frederick on proposed rules changes recommended by the Disciplinary Rules and Procedures Committee, the Executive Committee, by unanimous voice vote, approved recommending to the Supreme Court of Georgia proposed changes to Rule 4-213, Rule 12-107, Rule 3.5, Rule 5.4, Rule 8.4, and Rule 4-110 (Definitions), and by a hand vote of 8 in favor to 4 opposed, approved recommending to the Supreme Court of Georgia Rule 7.3 (Exhibit C).

Lawyer Assistance Program (LAP)

Lem Ward, Chair of the LAP Committee, and Tameka Ellis from CorpCare, reported on the LAP Committee's efforts to establish a volunteer program to enhance the effectiveness of the LAP. Although CorpCare receives calls and provides the clinical services, it is the volunteers who can provide direct peer assistance and help carry out the mission of the program. Volunteers can provide support to a colleague who may be experiencing a problem the volunteer experienced and was able to manage successfully, share their personal recovery experience and provide support for their peers to get help, and assist with a wide variety of problems including depression, anxiety, stress, addictions and other compulsive behaviors. There are still a lot of issues to work out, and the committee is getting advice from Bar Counsel concerning insurance and other issues.

Legislative and Political Briefing

Thomas Worthy and Rusty Sewell reported that the Advisory Committee on Legislation will meet on September 16 and December 4. Two important political items this year are e-filing and judicial pay raises. The Statewide Judiciary Civil E-Filing Steering Committee, headed by Justice Harold Melton and Judge David T. Emerson, has rolled out some pilot projects and set some standards and rules, but nothing tangible has come out of it regarding a unified statewide e-filing system. Meanwhile, the Clerks' Association is pushing for its own e-filing system and has signed an e-filing third-party provider contract. The Superior Court Judges believe this is the year to ask for judicial pay raises and have asked the Bar for its support in this effort. The Executive Committee members were encouraged to support their candidates during this election year and to be cognitive of digital endorsements.

Past President Buck Ruffin congratulated and recognized Thomas Worthy for being selected in the *Daily Report's* annual pick of Georgia lawyers under 40 who should be on reader's radar.

The Executive Committee received a copy of the "talking points" on the State Bar's legislative program.

President's Report

President Perkins-Hooker reported on her program of activities. The iCivics program has been introduced as a pilot program in five school systems this year – Atlanta Public Schools, Savannah, Columbus, and Muscogee and Wilkinson Counties. Tift County is expected to come on board in early 2015. She has met

with the State Social Studies Coordinator who is a strong supporter of the program, and following the elections, she will meet with the State School Superintendent and ask that the State Board of Education approve iCivics as a statewide program. If the program is adopted statewide, the iCivics program will move under the Bar's Law-Related Education Program. The only cost incurred to date has been for teacher training, which is being paid out of the Cornerstones of Freedom budget.

She reported on the State Bar Committees and Sections Chairs Orientation that was held on July 22, 2014. It was very well attended and received and she encouraged future Bar leaders to continue the orientation.

She reported on efforts to provide lawyers and legal services in all six Georgia counties that have none. Her initial investigation has focused on incentives, location, and how to make certain the lawyer is successful in the community. She has talked to Thomas Worthy and the Governor about revisions needed to the existing statute and the funding needed for debt forgiveness. She has met with the Association of County Commissioners and the Georgia Economic Development Council, and will be working with local economic development officers to try and locate office space. Whether or not Bar funds will be needed for the program has yet to be determined.

She reported that she moved forward with the 5th floor demolition at a cost of \$86,724 and a conceptual layout designed at an anticipated cost of \$7,500. The next part of the process is to make the bathrooms ADA compliant at an estimated cost of \$159,611. A proposed tenant for the 5th floor is the law school incubator program that will need approximately 5,000 square feet. While the Bar has not received a formal proposal for the incubator program, it is anticipated that the Bar would contribute rent-free space for the program. Buildout for the incubator space will cost approximately \$175,000. It was the consensus of the Executive Committee that the Bar Center Committee needs to be involved in that process since it set up the financial plan for the Bar Center. In that plan every tenant in the building is charged the same square footage rental rate. Thereafter, the Executive Committee took the following action:

- 1) By majority voice vote, approved a motion referring to the Bar Center Committee for its evaluation and recommendation to the Executive Committee the 5th floor demolition, rehabilitation, and uses of the space, including any modifications to the existing rent structure, and the potential acquisition of a parking deck; and
- 2) By unanimous voice vote, authorized the replacement of the State Bar Building's chillers at a cost of \$371,325 and the roof at a cost of \$190,260; and
- 3) By unanimous voice vote, approved technology and videoconferencing upgrades at the Bar Center and satellite offices at a cost of \$161,540.

All of the above costs either have been or will be paid from the unrestricted Bar Center reserves.

The Executive Committee received a written President's Report updating her initiatives and major milestones.

Treasurer's Report

Treasurer Rita Sheffey provided a report on the Bar's finances and investments. The Executive Committee received copies of the combined Operations and Bar Center Consolidated Revenue and Expenditures Report as of May 31, 2014, the Summary of Selected Payment Information for the Periods of July 31, 2012-2014, the Operations Only and Bar Center Only Revenues and Expenditures Report as of May 31, 2014, and the Balance Sheet for May 31, 2014.

YLD Report

YLD President Sharri Edenfield reported on the activities of the Young Lawyers Division. The Officers and Directors Long-Range Planning Retreat was held at Lake Oconee on July 11-12 and featured a media and legislative training session and long-range planning. Training for committee chairs and district representatives took place July 25 and featured a panel discussion from alumni leadership council members. A third Wills Clinic took place on August 9 in Marietta where 57 first responders were serviced by young lawyers. All seven Georgia YLD delegate slots were filled at the ABA/YLD meeting in Boston where the YLD won the Best Newsletter Award. On the national level, YLD member Heather Hale Riggs has been named as the YLD/ABA Social Media Coordinator and YLD member Teddy Reese is running for secretary of the ABA/YLD. The Summer Meeting was held August 14-17 at St. Petersburg, Florida, where plans for the upcoming year were discussed. She has three directors working on military support efforts. The Military Legal Assistance Program has standing Memorandums of Understanding with Georgia's VA medical centers wherein Georgia volunteer lawyers provide legal services one day a week. The YLD is going to expand that effort at Ft. McPherson, and in Augusta, Decatur and Carrollton using YLD affiliates and other interested attorneys. Similar efforts are planned for Dublin and Savannah. In addition, the YLD is mentoring law students at Emory's VA clinic, and it will begin outreach to Georgia's JAG's. She reported that Norman Zoller and Mike Monahan have been a tremendous help in these efforts. She has started an Alumni Leadership Council with the goal of transmitting institutional knowledge and training, including a new partner's conference providing information and education about things young lawyers should consider when thinking about or are becoming a partner, and a variety of other information topics. She reported that she is very supportive of the President's initiative to finding employment for unemployed attorneys in underrepresented areas. The Family Law Committee's Supreme Cork that benefits the Atlanta Volunteer Lawyers Foundation will be held on October 15. The annual Signature Fundraiser will tentatively take place on March 7 and the beneficiary will be determined next week.

Office of General Counsel Report

Paula Frederick provided an update on the activities of the Office of General Counsel. She announced that Bill NeSmith has been hired to replace Bob McCormack as Deputy General Counsel, and the new Grievance Counsel who replaced Carmen Rafter is Wolanda Shelton. She requested that any complaints received by the Executive Committee be forwarded to her for dissemination and follow up. She provided a status update on a public disciplinary matter. She announced that the annual State Disciplinary Board reunion will take place September 25 at Bill Smith's cabin on Lake Burton to which all Executive Committee members are invited.

Civil Legal Services Task Force Report

Treasurer Rita Sheffey reported on the activities of the Civil Legal Services Task Force. The proposed IOLTA rule was filed with the Supreme Court of Georgia, and one objection was filed by the Georgia Bar Foundation on the waiver language. The Supreme Court amended its rules to add a fee to its Pro Hac Vice rules and the Court of Appeals of Georgia did the same. The Council of Superior Court Judges approved proposed changes to its rules and those will be going to the Supreme Court for approval. The State and Magistrates Courts will follow suit once the Supreme Court issues the order approving the Superior Court rules. The Task Force, which meets on August 26, will continue to work on a number of items it initiated last year. She announced that the Task Force supported the Committee to Promote Inclusion in the Profession's domestic violence funding request, and that two recent bank settlements with Citibank and Bank of America will generate money for IOLTA.

The Executive Committee received a copy of 1) the Supreme Court Order implementing a pro hac vice fee, 2) a *Daily Report* article about the Appellate Courts adopting the pro hac vice fees, and 3) a proposed

amended version of the Superior Court rule regarding pro hac vice appearances that has passed the Council of Superior Court Judges and should be filed with the Supreme Court soon.

Statewide Judiciary Civil E-Filing Steering Committee Update

Treasurer Rita Sheffey, who serves on the Statewide Judicial Civil E-Filing Steering Committee, provided an update on the activities of the Steering Committee. The best the judiciary could do, while trying to work with the Clerks' Authority, was to develop a resolution on proposed statewide minimum standards for electronic filing, a copy of which was provided to the Executive Committee.

Recognition of Bob McCormack

The Executive Committee recognized Bar Counsel Bob McCormack who is retiring from the State Bar at the end of the month.

Executive Director's Report

Jeff Davis thanked everyone for their confidence in choosing him as the Executive Director. He updated the Executive Committee on the Spring Street viaduct project that is scheduled to begin September 2. He, Steve Laine and Sharon Bryant have met with ICLE and Lanier Parking to discuss how to better manage the flow in and out of the parking deck. Steve Harper is rearranging CLE starting and ending times to help in that effort. Jeff has tried to meet with all department managers to assess their needs, and in that regard, he has made some changes to the Bar's organizational chart that was disseminated to the Executive Committee. The Consumer Assistance, Unauthorized Practice of Law, and Transition into Law Practice Programs have been moved under his supervision. He recently attended a national conference of CLE regulators, and the NABE, NCBP, and SCBP in Boston in conjunction with the ABA Annual Meeting. He reported that the common thread at those meetings was attacks on the mandatory Bars around the country. He has been asked to serve on the Aging and the Law Task Force of the Chief Justice's Commission on Professionalism that has an upcoming program at the Carter Center.

Board of Governors Minutes

The Executive Committee received a copy of the draft minutes of the June 6-7, 2014 Board of Governors meetings.

Consumer Assistance Program

The Executive received a written report from the Consumer Assistance Program for the month of July 2014.

Profile on Patrick T. O'Connor

The Executive Committee received a copy of an article from Savannah CEO profiling Patrick T. O'Connor.

Daily Report Articles

The Executive Committee received copy of the following *Daily Report* articles: 1) *Magna Carta Visits USA in Run-up to 800th Anniversary*, 2) *Georgia Legal Services Recognized by ABA for Work During Recession*, and 3) *Georgia Cracks Down on Ambulance Chasers*.

ABA Journal Article on Legal Zoom

The Executive Committee received a copy of an *ABA Journal* article on *Latest Legal Victory has LegalZoom Poised for Growth*.

New Jersey Law Journal Article

The Executive Committee received a copy of an article from the *New Jersey Law Journal* about a recently filed lawsuit taking aim at New Jersey State Bar Association rules it claims are unfairly prohibitive to out-of-state lawyers seeking admission to the federal bar because they require them to hire local counsel.

Summary List of all Published Articles or Broadcasts Mentioning State Bar

The Executive Committee received a summary list of all published articles or broadcasts mentioning the State Bar of Georgia from June to August 15, 2014 that have reached a total circulation audience of 721,808.

UPL Summary Report

The Executive Committee received a summary report from the Unlicensed Practice of Law Program for the period of January 1-August 18, 2014.

Old Business

There was no old business.

New Business

Pat O'Connor said he personally appreciated everyone who contacted him about the passing of Harvey Weitz and thanked those that were able to attend Harvey's funeral.

Executive Session

Following a motion and second, the Executive Committee met in Executive Session to discuss real estate and litigation matters. Thereafter, by unanimous voice vote, the Executive Committee moved out of Executive Session.

Adjournment

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



Patrick T. O'Connor, Secretary

Approved:



Patrise M. Perkins-Hooker, President