

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
September 6, 2014
South Georgia Office/Tifton, 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; Kenneth B. Hodges, III; David S. Lipscomb; Brian D. Rogers (by phone); and Nicki Vaughan.

Members Absent:

Phyllis Holmen.

Staff Present:

Sharon Bryant, Chief Operating Officer; Jeff Davis, Executive Director; Paula Frederick, General Counsel; Steve Laine, Chief Financial Officer; and Thomas Worthy, Director of Government Affairs.

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.

Future Meetings Schedule

The Executive Committee received a copy of the Future Meetings Schedule.

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 August 22, 2014 Executive Committee Meeting
- b) Approval of Member's Request:
 - 1) Quentin C. Jones (approve waiver of late fee)
 - 2) Lawton Hawkins (approve waiver of late fee)
- c) Members Requesting Resignation (approve): Robin Butner (099952; Jennifer A. Beardsley (044691); Kamcheung T. Ip (384248); William E. Nethery (538867); Lark Bedrick (194805); An Ribstein (602490); Trish Felice Cohen (252018); Kamilah Clark (700218); Elizabeth A. Sautter (627379); Michael David Jones (402515); Angela Baker Clonts (170621)
- d) Members Requesting Disability (approve): Scott Sheridan (642048)

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

Clients' Security Fund

Paula Frederick and Treasurer Rita Sheffey provided a report on the Clients' Security Fund (CSF). While the CSF rules have allowed for a reasonably stable corpus over the years, unusual circumstances in the case of Miles Gammage will adversely affect the corpus of the fund. Currently, 25 claims have been submitted that total approximately \$1.5 million and more claims are expected. The CSF Board of Trustees has asked the Executive Committee to consider raising the aggregate amount that can be distributed each year from \$350,000 to \$500,000, and to implement a one-time assessment per Bar member to make sure the fund does not drop below \$1 million. Bar Rules provide for an automatic assessment of the Bar's membership whenever the fund balance drops below \$1 million. A subcommittee was appointed consisting of Darrell Sutton (Chair), Jack Long, Vince Clanton, Paul Threlkeld, Nicki Vaughan, and Rita Sheffey, with Bill NeSmith, the Bar's new Deputy General Counsel, providing staff support. The subcommittee will also explore how other Bar associations operate their client security funds.

Atlanta Legal Aid Society's 90th Anniversary Luncheon

The Executive Committee, by unanimous voice vote, approved a \$1,000 request to purchase two tables (\$500 each) at the Atlanta Legal Aid Society's 90th Anniversary Luncheon that will be held at the Georgia Aquarium on October 2, 2014. The cost will be paid from the Conference Sponsorship Account. One table will be for the Executive Committee members and the other table is for lawyers working in the civil legal services field.

Keller Presentation and Training

Paula Frederick provided information on *Keller v. State Bar of California*, which is a 1991 case that prohibits the State Bar from using mandatory dues to finance political and ideological activities that are not germane to the purposes of the Bar and with which members disagree. The case was ultimately appealed to the U.S. Supreme Court, which concluded that the California Bar's activities were more like those of a labor union and thus subject to First Amendment considerations, and the Court held that constitutionally funded activities must be limited to activities germane to the goals of regulating the profession and improving the quality of legal services. While there is no additional case law from the U.S. Supreme Court, Paula Frederick provided information on several federal appellate courts cases that have considered the issue. She reported that much of what we do in Georgia does either improve the quality of justice or goes towards regulating the law in Georgia and falls within the purposes of the State Bar of Georgia.

Long-Range Planning Committee (LRPB) Recommendations

Secretary Pat O'Connor, and former chair of the LRPC, reported on the committee's study of the trends, challenge and issues affecting lawyers in Georgia. From the study, the committee deemed the following issues to be the most important for further action by the State Bar. In order of significance, they are:

- 1) Creating pro se centers in each judicial circuit for people with low and modest incomes
- 2) Teaching lawyers about technology, future changes in technology, and how to use it ethically and effectively
- 3) Access to Justice - E-filing statewide system
- 4) Rural lawyers problem
- 5) Public service quality and compensation

Civil Legal Services Task Force Recommendations

Treasurer Rita M. Sheffey, and chair of the Civil Legal Services Task Force, reported that the Task Force will continue to explore the use of excess county law library funds and cy pres awards as funding sources for civil legal services. It will also look at a list of ideas compiled by the State Bar over the years on ways to obtain additional funding for legal services, and members were asked to come back at the next meeting with other suggestions of funding sources. She requested that any strategic planning process include a discussion on what is and should be the role of the State Bar in assisting legal services providers with their funding.

Next Generation Courts Commission Recommendations

President Perkins-Hooker referred the Executive Committee members to the Next Generation Courts Commission's study on improving the courts over the next ten to fifteen years and its recommendations outlined in its Executive Summary. Several recommendations are legislative in manner, some have been explored by the Civil Legal Services Task Force, and others are designed to be cooperative programs with the Bar.

ABA Vision 2016 Commission

President-elect Bob Kauffman reported on the ABA's Vision 2016 Commission. Many of the issues being discussed by the ABA Commission are the same as those that have come out of the Bar's Long-Range Planning Committee. Technology and the legal market are filling the gaps in the delivery of legal services, and the State Bar needs to look at how technology changes are going to affect the Bar over the next 10 years. The ABA Commission's Bar Admissions Areas of Study is looking at, among other things, the licensing of non-lawyers to perform legal tasks and a uniform Bar examination. Fourteen states are using a standard Bar admission exam, and the ABA is considering changing law school accreditation standards.

The Executive Committee received an article from *The Florida Bar News* titled "In 10 years, UPL will be a dead letter."

Strategic Planning for the State Bar of Georgia

The Executive Committee discussed the recommendations made by the various committees. While some overlap and some are already being pursued by other committees, there is not a comprehensive strategic plan that incorporates and prioritizes the various recommendations or provides direction and an action plan for the Bar to follow. Thereafter, the Executive Committee, by unanimous voice vote, approved creating a comprehensive strategic plan utilizing the services of a facilitator to aid in the development of the strategic plan that will be selected through an RFP. The strategic plan will also consider the recommendations of the ABA Vision 2016 Commission and other suggested topics such as law school accountability and accountability courts.

Fee Arbitration Report

David Lipscomb provided an update on the Fee Arbitration Program. The Fee Arbitration Committee is requesting an Amicus Curiae Brief in the case of *Cordell and Cordell, P.C. v. Shaojun Gao*. Cordell (Appellant) refused to be bound by the results of arbitration and appealed the outcome of litigation filed to collect the award, and in the process challenged Bar Rule 6-502. Sutherland is representing Gao (Appellee) in the appeals process. Following that, the Executive Committee took the following action:

- 1) By unanimous voice vote, determined that the requested filing could not reasonably have been submitted for consideration by the Board of Governors since it does not meet until November 1, 2014;

- 2) By unanimous voice vote, found the subject matter to be within the scope and purpose of the State Bar, and
- 3) By unanimous voice vote, with President Perkins-Hooker and David Lipscomb abstaining, approved the filing of an Amicus Curiae Brief upholding the decision of the lower court and denying Appellant's appeal.

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 and June 30, 2014, the Summary of Selected Payment Information for the Periods of May 31 and June 30, 2012-2014, the Operations Only and Bar Center Only Revenues and Expenditures Report as of May 31 and June 30, 2014, and the Balance Sheet for May 31 and June 30, 2014. She reminded the Officers that we do have policies on expense reports and to please submit their reimbursement requests in a timely manner with detailed receipts and documentation.

President Perkins-Hooker and Steve Laine reported on a problem with the Bar's Merrill Lynch/Bank of America brokerage account. Effective September 1, Merrill Lynch no longer provided brokerage service to municipalities and had given that classification to the State Bar of Georgia. While the problem has been resolved in the short-term, the Executive Committee, by unanimous voice vote, ratified the President hiring an attorney to provide an opinion about the Bar's status as a "municipality."

YLD Report

YLD President Sharri Edenfield reported on the activities of the Young Lawyers Division. She recently addressed the Cobb YLD about pro bono military legal services, and the Fall Meeting will feature a 2-hour CLE on how young lawyers can provide those services. The Alumni Leadership Council is developing a program for new partners. The Aspiring Youth Committee is rejuvenating the Great Debaters Project with area Youth Detention Centers. The LRE Committee is creating a Thurgood Marshall Program that will involve a moot court competition. She will be speaking at the Chief Justice's Commission on Professionalism's *Convocation on Aging in the Law* at The Carter Center on November 12, and she serving as the YLD representative on the Judicial Council's Committee on Access, Fairness and Public Trust. She thanked President Perkins-Hooker for involving the YLD in the iCivics initiative.

Military Legal Assistance Program

The Executive Committee received a written Overview of Legal Clinics Providing Legal Assistance to Service Members and Veterans.

Morris Hardwick Schneider Accuses Founder Nathan Hardwick of Embezzling \$30 million

The Executive Committee received a copy of a *Daily Report* article on the Morris Hardwick Schneider law firm that filed a law suit claiming Nathan Hardwick embezzled more than \$30 million from the firm and its affiliated title company, LandCastle Title.

Old Business

President Perkins-Hooker reported on the State Bar's media placement of articles, television, radio and other social media outreach for June through August, and the Executive Committee was provided a copy of same.

President Perkins-Hooker reported on the law school incubator project, and the Executive Committee received a copy of a letter from four of Georgia's law school deans (Emory, Georgia State, Georgia and Mercer), and a copy of a letter from the law school dean at John Marshall, confirming their support for

the development of an incubator program in Atlanta. All five law schools are looking at contributing \$25,000 each for the program's start up and hope the State Bar will consider providing annual funding for three years and locating the incubator in the State Bar Building. The Executive Committee, at its August meeting, referred the incubator program to the Bar Center Committee for it to consider whether or not the Bar should move forward with the 5th floor expansion and an abatement of rent for the incubator program.

New Business

Darrell Sutton reported that Georgia Council of Court Administrators is awarding the Cobb County Family Law Workshop its "Program of the Year" award. He reminded the Executive Committee about the September 25th Justice Jam Band of the Year fundraiser for the Cobb Justice Foundation.

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.

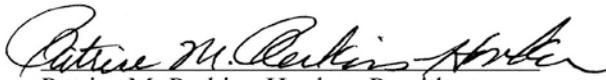
Adjournment

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



Patrick T. O'Connor, Secretary

Approved:



Patrise M. Perkins-Hooker, President