

Disciplinary Rules and Procedures Committee
Meeting of October 22, 2021
Hybrid meeting

MINUTES

Chair Michael Bagley called the meeting to order at 2:02 p.m.

Attendance:

Committee members: Michael Bagley, Mazie Lynn Causey (virtual), Hon. J. Antonio DelCampo, Erin H. Gerstenzang (virtual), John G. Haubenreich, Patrick H. Head, R. Javoyne Hicks, William D. James, Edward B. Krugman (virtual), David N. Lefkowitz (virtual), David S. Lipscomb (virtual), Patrick E. Longan (virtual), Jabu M. Sengova (virtual), William Thomas, Jr., Patrick Wheale (virtual), and Hon. Paige Reese Whitaker (virtual).

Staff: Damon Elmore, Paula Frederick, William D. NeSmith, III, and Kathya S. Jackson.

Guests: Supreme Court Justice Peterson and Supreme Court Justice Colvin.

Approval of Minutes:

The Committee approved the Minutes from the September 1, 2021 meeting.

Action Item:

Formal Advisor Opinion Board request:

After review and discussion of Innovative Images, LLC v. James Darren Summerville, et al., the Committee agreed to draft comments to Rules 1.5 and 1.8 for further discussion at its next meeting. David Lefkowitz volunteered to draft the new language.

Rule 1.8:

The Committee agreed to add ABA 1.8(e)(3) to GRPC 1.8 for further discussion at its next meeting. Further, the Committee will consider adding some of the ABA 1.8 comments to the proposed GRPC 1.8 at its next meeting.

Rule 5.5/John Fleming's request

Paula Frederick reported that John Fleming, pro bono partner at Eversheds Sutherland, contacted her to discuss a rule that would allow in-house counsel who are not licensed in Georgia to provide pro bono legal services through one of the recognized legal services organizations. Paula suggested that such a rule be paired with a rule requiring that in-house counsel register with the State Bar of Georgia. Mr. Fleming does not believe there would be widespread support for a registration rule, and the Committee did not take a position on that question. The Committee

asked Paula Frederick to provide statistics regarding how many states require in-house counsel to register and pay dues, before discussing the matter further.

Part 7 revisions

The Committee would like to hold a seminar (with a CLE professionalism credit) to discuss the proposed changes during the Midyear BOG meeting (January 2022) and invite comments. The Committee would consider all comments and make any necessary changes at the Spring BOG meeting (March 2022). Finally, the Committee would submit the final draft to the BOG at its Annual Meeting (June 2022).

Suggestions:

Patrick Wheale suggested that the Bar hold an annual seminar to discuss the most current rule changes.

Report:

Paula Frederick provided the Committee with a report regarding the status of previously amended rules.

The meeting adjourned at 2:54 p.m.