

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Thursday, December 6, 2018/12:00 p.m.
State Bar Building/Atlanta, GA**

Members Participating:

Kenneth B. Hodges, III, President; Darrell L. Sutton, President-elect; Elizabeth Louise Fite; Secretary; Dawn M. Jones, Treasurer; Rizza O'Connor, YLD President; William T. Davis, YLD President-elect; Nicole C. Leet, YLD Immediate Past President (by phone); Sally B. Akins (by phone); Tony DelCampo; Amy V. Howell; David S. Lipscomb; Frank Strickland; and Nicki Vaughan.

Members Absent:

Buck Rogers, Immediate Past President.

Staff Participating:

Sharon Bryant, Chief Operating Officer; Sarah Coole, Director of Communications; Jeff Davis, Executive Director; Paula Frederick, General Counsel; Christine Butcher Hayes, Director of Governmental Affairs; Bill NeSmith, Deputy General Counsel; and Ron Turner, Chief Financial Officer.

Call to Order

President Ken Hodges called the meeting to order at 12:05 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings

President Ken Hodges reviewed the Future Meetings Schedule.

Executive Committee Minutes

By unanimous voice vote, the Executive Committee approved the November 7, 2018 meeting minutes, as revised, and the November 12, 2018 meeting minutes, as revised.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: Jenny Bounngaseng-142631, Thomas G. Cross-198415, Luis A. Aguilar-005725, Alexandra Cross-190065, Jenny Godwin-298850.

Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee, by unanimous voice vote, approved one request for disabled status.

Session Lobbyist Contracts for 2019 & Legislative Funding

Following a report by Governmental Affairs Director Christine Butcher Hayes, the Executive Committee, by majority voice vote, approved retaining the services of Mark Middleton/Mark M. Middleton, PC at a cost of \$40,000, and Roy B. Robinson, III/R.B. Robinson Company, LLC at a cost of \$48,000, as legislative consultants from January 1, 2019-April 30, 2019. The cost will be paid from the voluntary Legislative and Public Education Fund.

General Counsel Paula Frederick reported that the Supreme Court granted certiorari in *Fleck v. Ketch*, the North Dakota case involving use of dues by the mandatory bar. The Court remanded the case to the 8th U.S. Circuit Court of Appeals in light of the high court's ruling in *Janus v. AFSCME* (585 U.S. ____, 2018), a case involving use of mandatory union fees. After discussion the Executive Committee voted to

change the Legislative and Public Education Fund contribution to an opt-in on the dues notice. The Executive Committee will discuss the issue again at the March Executive Committee meeting.

CCLC Recommendation to Eliminate the Over Age 70 CLE Exemption

Deputy General Counsel Bill NeSmith reported that at the October meeting of the Commission on Continuing Lawyer Competency (CCLC), the Commission unanimously voted to eliminate the age 70 CLE exemption. David Lipscomb reported that he contacted CCLC Chair Damon Elmore to discuss the issue and prefers to table it until the Executive Committee receives more detailed information concerning the discussion by, and information presented to, the CCLC. Amy Howell reported that she also talked to Damon and agrees that more information is needed before a decision can be made by the Executive Committee. By majority voice vote, the Executive Committee tabled the issue so as to obtain more information on the matter.

ICLE Transfer of Assets from State Bar Foundation to LLC

Following a report by Deputy General Counsel Bill NeSmith on the transfer of ICLE assets from the State Bar of Georgia Foundation to an LLC, the Executive Committee, by unanimous voice vote, approved the Asset Transfer Agreement (Exhibit A) documents.

Member Benefits Committee Recommendations

President Ken Hodges reported that the Member Benefits Committee has recommended to the Executive Committee that it allow Members Benefits, Inc. to create a member-sponsored association health plan, and to allow Member Benefits, Inc. to be referred to as “the State Bar of Georgia Private Insurance Exchange.” Executive Director Jeff Davis stated that his concern is the Bar needs to be clear that Member Benefits, Inc. is a Bar-endorsed insurance provider and is not a State Bar program. He further reported that we need to better co-brand the offerings of Member Benefits, Inc. No motion was taken on either request. Instead, the Executive Committee, by unanimous voice vote, asked that the Member Benefits Committee look at how Members Benefits, Inc. is co-branding its products on its website and recommend changes that would make it more clear to Bar members that this is not a State Bar program, but a Bar-recommended insurance broker.

Report on the Status of Indigent Defense Representation in the Misdemeanor Court of Georgia

Nicki Vaughan reported on the Indigent Defense Committee’s Report of the Status of Indigent Defense Representation in the Misdemeanor Courts of Georgia that studied the status of legal representation for indigent persons in the misdemeanor courts. The committee found that many defendants are unrepresented in misdemeanor cases where the right to counsel is clear. The report outlines actions that can be taken to increase awareness of the value of and need for lawyers in misdemeanor cases. Some local jurisdictions already have the authority to put many of the recommendations in place, and some have already done so. The Executive Committee took no action on the recommendations, but supports the Indigent Defense Committee continuing its work in this area.

Executive Session

Following a motion, second, and a hand vote of 7 in favor to 6 opposed, the Executive Committee went into Executive Session to discuss the proposed State Bar of Georgia Officer Reimbursement Policy. Thereafter, the Executive Committee, by unanimous voice vote, moved out of Executive Session.

By unanimous voice vote, with President-elect Darrell Sutton and Treasurer Dawn Jones abstaining, the Executive Committee approved the proposed State Bar of Georgia Officer Reimbursement Policy, as revised (Exhibit B). The Executive Committee also discussed that any remaining Officer account funds designated as roll-overs would end on December 31, and Officers will have up to 45 days in which to submit their receipts for 2018 expenses subject to reimbursement.

ACL/Legislative & Elections Report

Director of Governmental Affairs Christine Butcher Hayes reported on the recent meeting of the Advisory Committee on Legislation.

2018-2019 State Bar Budget Timetable

The Executive Committee received a copy of the 2018-2019 Budget Timetable outlining the process for the preparation of the 2019-2020 State Bar budget.

Board of Governors Minutes

The Executive Committee received a copy of the minutes of the Board of Governors meeting on November 2, 2018 and made one revision.

July 2018 Georgia Bar Examination Results

The Executive Committee received a copy of the July 2018 Georgia Bar Examination General Statistics Overall Summary.

Old Business

Deputy General Counsel Bill NeSmith reported that the Lawyer Assistance Program (LAP) Committee made two minor changes to the proposed LAP rules that did not change the substance of the revisions made previously by the Executive Committee. By unanimous voice vote, the Executive Committee approved the changes.

Treasurer Dawn Jones reported that in follow up with the need to look at Annual Meeting locations early on, she has a site visit planned to view Wild Dunes Resort on the Isle of Palms in South Carolina.

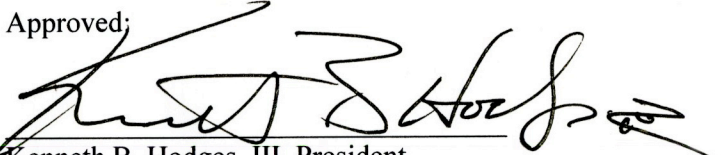
New Business

There was no old business.

Adjournment

There being no further business the meeting was adjourned at 3:30 p.m.


Elizabeth D. Fite, Secretary

Approved;

Kenneth B. Hodges, III, President