

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Thursday, September 8, 2011  
State Bar Building/Atlanta, GA**

Members Present on Teleconference:

Kenneth L. Shigley, President; Robin Frazer Clark, President-elect; Patrise Perkins-Hooker, Secretary; Charles L. Ruffin, Treasurer; S. Lester Tate, III, Immediate Past President (by phone); Stephanie J. Kirijan, YLD President; Jonathan B. Pannell (by phone), 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.

Consent Agenda

President Shigley presented the Consent Agenda. After a request that four items be removed from it, and there being no objections to any of the other items remaining on it, a motion was made and seconded to approve the remaining items:

- 1) Previous Executive Committee Minutes of August 11, 2011
- 2) Future Meetings Schedule (Current Version)
- 3) Approval of Members' Requests:
  - a. Fitness Appeals - Lisa Green-Clopton, Rasheed Cromwell, and Karen O'Hara
  - b. Dues Appeals - Anglo Baldi, Damon Breitenback, and Jonathan Woods
  - c. Late Fee Waiver Appeals - Michael Berson, Deborah Borges, Donna K. Clayton, Greg Evans, Rahn L. Gatewood, Sam Hensley, H. Bruce Jackson, Gregory Malstead, David Malstead, David McClernan, Nicole O'Connor, Douglas Okorochoa, Mary C. St. Louis, and Philip L. Young
  - d. Resignation Requests under State Bar Rule 1-208:

Beazley, Benjamin W., 045775  
Benedict, Jeffrey H., 049118  
Blackmun, Sally A., 060750  
Brodsky, Paige, 043826  
Broome, Dennis L., 086192  
Bush, Virginia A., 098813  
Center, Charles N., 118182  
Choi, Min, 141706  
Conroy, Barbara, 182432  
Cook, Reuben W., 184825  
Cromheecke, Jennifer B., 063720

Davis, George T., 208950  
Demas, George N., 217555  
Eagle, Arthur K., 248745  
Edwards, Evans G., 240120  
Edwards Jr., John M., 241400  
Fawley, Ruth Greenberg, 307732  
George, Anthony J., 289950  
Griffin, Taylor M., 140956  
Griffith II, Michael Alan, 940677  
Hudgins, Edward H., 374112  
Kissam, Luther C., 424294

Kramer, Elaine Frances, 428968  
Logan, B. Jacalyn, 058950  
Menefee, Mark D., 502030  
Morris, Jeffrey W., 524275  
Mosteller, Terry, 375301  
O'Reilly, Kelly P., 553864  
Paustian, Janet Riffe, 568035

Ricciardiello, Christian, 602622  
Scholes, Richard, 629735  
Siegel, Mark R., 645809  
Spivey, Russell P., 672672  
Suoizzo, James C., 692555  
Worsham, D. Richard, 776750  
Zuckerman, Emily J., 223438

The Executive Committee, by unanimous voice vote, approved the Consent Agenda, with the exception of the following matters that were removed from it for separate discussion:

1) Members' Requests

a. Fitness Appeal - Karen O'Hara

This item was discussed in Executive Session. The Executive Committee unanimously denied the waiver.

b. Dues Appeal – Angelo Baldi

The Executive Committee unanimously denied the current dues waiver request, granted the late fee waiver request, and denied the refund request of the 2008-09 late fees.

c. Dues Appeal – Jonathan Woods

The Executive Committee unanimously denied the dues waiver request.

d. Late Fee Waiver Appeal – Michael Berson

The Executive Committee unanimously denied the late fee waiver request.

Legislation

Tom Boller and Rusty Sewell provided an update on the State Bar's legislative efforts. They reported on the General Assembly's recently completed session on redistricting where the House could pick up as many as 6 Republican seats and the Senate 2 Republican seats. Redistricting also created a new Congressional seat in North Georgia. The Advisory Committee on Legislation (ACL) will meet on September 21, 2011. Agenda items at that meeting include funding for indigent defense, ICJE, domestic violence, and The Resource Center, and legislation regarding international arbitration and the creation of a pilot tax court.

Following a report by Cliff Brashier on the U.S. Department of Labor's proposed reinterpretation of the "advice" exemption under Section 203(c) of the Labor-Management Reporting and Disclosure Act, the Executive Committee took the following action:

1. By unanimous voice vote, found the subject matter to be within the legitimate purposes of the Bar; and
2. By unanimous voice vote, determined that immediate Executive Committee action was necessary since the Board of Governors will not be meeting until October 29, 2011;
3. By a hand vote of 5 in favor to 7 opposed, failed to pass a motion taking no action on the proposal, as was recommended by the Labor and Employment Law Section; and

4. By a hand vote of 9 in favor to 5 opposed, opposed the proposal, as was recommended to all bar associations by the ABA.

#### Statute of Limitations, Legal Malpractice

Joe Kigma presented a report from the Professional Liability Section on the statute of limitations for malpractice actions against lawyers in Georgia. While there is no specific Code section that sets forth a limitations period for legal malpractice actions, Georgia's appellate courts consistently applied the four-year statute of limitations for actions based upon breach of oral contracts or contracts that are partly in writing and partly in parol. A recent case, *Newell Recycling of Atlanta, Inc. v. Jordan, Jones & Goulding, Inc.*, 288 Ga. 236 (2010), seems to open the door for broader application of a six-year statute of limitations. The Executive Committee, by unanimous voice vote, sent the issue back to the Professional Liability Section and requested that it, working with organizations representing other affected professions, draft propose legislative changes in this area for consideration by the Executive Committee and the ACL at its November meeting.

#### Central Atlanta Progress Attorney List

Cliff Brashier presented a request from Central Atlanta Progress (CAP) for a list of Atlanta-based law firms, free of charge, with attorney names and addresses in order to engage more of the downtown law community in the work that CAP is doing. The Executive Committee, by unanimous voice vote, with Buck Ruffin recusing himself, denied the request.

#### 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 twelve months ended June 30, 2011.

#### YLD Report

YLD President Kirijan provided an update on the activities of the YLD. She thanked YLD Immediate Past President Michael Geoffroy for his leadership last year and recognized some of last year's programs that received ABA/YLD Awards of Achievements. She reported that the internships through the Public Interest Internship Program have been completed, the Judicial Law Clerks Committee is conducting a CLE seminar for new law clerks on October 7, 2011, and 70 books were collected for the Coastal Outreach Soccer Program through the summer community service project. She reminded everyone about the Family Law Committee's Supreme Cork fundraiser on October 13, 2011, that will benefit the Georgia Legal Services Program. She announced that the YLD Fall Meeting will take place in Athens, Georgia, the weekend of November 11-13, 2011, which will include a CLE on the new evidence code and an affiliate's conference, and that information on the Midyear Signature Fundraiser will soon be going out.

#### Staff for School Reading Program

Past President Bill Barwick provided a report on a reading literacy program called Everybody Wins for at-risk students in the Atlanta schools. Through the program, volunteers go to schools at lunchtime to read and work with students on their literacy skills throughout the school year (20-22 sessions). He asked that a representative from Everybody Wins be allowed an opportunity to solicit volunteers from the State Bar staff to participate in the program at Dunbar Elementary School. It was the consensus of the Executive Committee that the request was a management decision to be made by the State Bar's Executive Director. YLD President Kirijan offered to send out information on this program to the YLD Community Services Project Committee.

#### Other State Bars

Cliff Brashier provided a report on an accountability poll being conducted by some members of the State Bar of Texas, and the South Carolina Supreme Court taking over control of the lawyer database of the South Carolina Bar.

#### President's Report

President Shigley provided an update on the activities of the E-Filing, Criminal Justice Reform, Technology Advisory, and the Judicial Procedure and Administration Committees.

#### Committee Updates

The Executive Committee Liaisons provided various committee reports.

#### Government (PD) Conflict Rules/Comment Amendment

President Shigley provided a report on Formal Advisory Opinion (FAO 10-1) on conflicts in representation of multiple defendants in public defender officers. The Executive Committee received copies of Amicus Briefs filed by the Southern Center for Human Rights and The Georgia Association of Criminal Defense Lawyers.

#### BASICS

The Executive Committee received a written report from the BASICS Program outlining how its 2010-11 Bar Funds (\$140,000) were used to complete thirteen classes, and help 438 participants graduate.

#### Consumer Assistance Program

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

#### Legal Services Corporation

The Executive Committee received a summary of Georgia Legal Services contributions to date, Bar Dues and Attorney Registration Fee Opt-Outs and Add-Ons by state bar associations from the ABA, state bar options for increasing GLSP funding, a New York Times article on *Addressing the Justice Gap*, and information from the Legal Services Corporation Board of Directors naming a Pro Bono Task Force to help develop additional resources to assist low-income Americans facing foreclosure, domestic violence and other civil legal problems.

#### IT 2011-2012 Projects

The Executive Committee received information on the State Bar's major IT projects that are scheduled to be implemented this Bar year.

#### Communications Department

The Executive Committee received information on the Communication Department's efforts to communicate with Bar members and the public.

#### Military Legal Assistance Program

The Executive Committee received a copy of the minutes of the August 18, 2011, meeting of the Military Legal Assistance Program Committee.

#### Member Benefits Committee

The Executive Committee received information on the activities of the Member Benefits Committee.

LegalZoom

The Executive Committee received information on LegalZoom.

Journey Through Justice

The Executive Committee received the *Journey Through Justice* updated calendar for the Bar year, indicating 209 tours scheduled to date.

Old Business

There was no old business.

New Business

There was no new business.

Executive Session

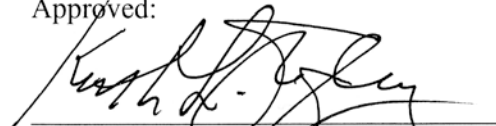
The Executive Committee met in Executive Session.

Adjournment

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

  
Patrie M. Perkins-Hooker, Secretary

Approved:

  
Kenneth L. Shigley, President