

**STATE BAR OF GEORGIA
EXECUTIVE COMMITTEE
MINUTES
Thursday, October 6, 2011
Mercer University School of Law/Macon, GA**

Members Present:

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

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 three 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 September 8, 2011
- 2) Future Meetings Schedule (Current Version)
- 3) Approval of Members' Requests:
 - a. Fitness Appeal – David Bass
 - b. Late Fee Waiver Appeals – Sherie Gurner, Gary Horlacher, Hilton R. Miller, Marieclair Partee, Sarah Phelps, John Tobey
 - c. Resignation Requests under State Bar Rule 1-208:

Bradford, Anne Marie-074312
DeRouselle, Shannon J.-138707
Hahn, Mary L.-317015

Haldar, Ankur-598763
Kushner, Lynne H.-484365
Shaklan, Allen Y.-140879

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 – David Bass
The Executive Committee, by majority voice vote, approved the waiver of fitness, but denied waiver of the reinstatement fees.
 - b. Late Fees Waiver Appeal – Marieclair Partee
The Executive Committee unanimously denied the late fees waiver requests.

c. Late Fees Waiver Appeal – Sarah Phelps

By a hand vote of 5 in favor to 6 opposed, the Executive Committee failed to approve a motion to apply her legislative contribution towards her late fees, and instead, by majority voice vote, approved the late fees waiver request.

Legislation

Tom Boller and Rusty Sewell provided an update on the State Bar's legislative efforts and recap of the meeting of the Advisory Committee on Legislation (ACL) on September 21, 2011. At that meeting, the ACL approved the following legislative proposals: 1) dedicated funding for the Georgia Public Defenders Standards Council and PD's, 2) funding for ICJE, The Resource Center, and victims of domestic violence, and 3) a Georgia International Commercial Arbitration Code. The ACL tabled action on H.B. 100 regarding a pilot tax court. The Executive Committee ratified the actions of the ACL as follows:

1. By unanimous voice vote, found the subject matters to be within the legitimate purposes of the Bar; and
2. By majority voice vote, approved recommending to the Board of Governors the actions taken by the ACL.

The Executive Committee received a copy of the minutes of the Advisory Committee on Legislation meetings on December 8, 2010 and September 21, 2011.

UPL Advisory Opinion 2010-1 Garnishment Answers

Following a discussion on UPL Advisory Opinion No. 2010-1 concerning the execution and filing of an answer in a garnishment action, and a recent Supreme Court Order on September 12, 2011, upholding the opinion, the Executive Committee, by unanimous voice vote, referred the issue to the Judicial Procedure and Administration/Uniform Rules Committee, and the Access to Justice Committee for review and recommendation. President Shigley stated that he would appoint a special committee to include representatives of the Corporate Counsel, Business Law, Consumer Law and Elder Law Sections, Judicial Procedure and Administration/Uniform Rules Committee and the Access to Justice Committee. The Executive Committee, by unanimous voice vote, approved a specially called meeting by telephone before the Fall Board of Governors meeting, if it is needed to further discuss the issue.

IOLTA Interest Rate Comparability

Following a report by Kitty Cohen on proposed rules changes regarding IOLTA interest rate comparability in Georgia, the Executive Committee, by unanimous voice vote, referred the rule changes to the Disciplinary Rules and Procedures Committee for review and comment.

Government (PD) Conflict Rule/Comment Amendment

Paula Frederick provided a report on proposed amendments to Bar Rule 1.10. The Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the proposed rule change as follows:

Rule 1.10 Imputed Disqualifications: General Rule

(d) A lawyer representing a client of a public defender office shall not be disqualified under this rule because of the representation by the office of another client in the same or a substantially related matter unless there is a conflict as defined by Rules 1.7., 1.8(f), or 1.9.

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 two months ended August 31, 2011.

YLD Report

YLD President Stephanie Kirijan provided an update on the activities of the YLD. In keeping with its 65th anniversary theme of diversity and inclusion, she announced that Josh Bosin has been appointed the diversity director to further this effort. Continuing its service efforts on behalf of the GLPS, she reported that proceeds from both the Signature Fundraiser in January and the Family Law Committee's Supreme Cork event later this month will benefit the GLSP. She also reported that \$14,200 has been raised to date for the YLD Presidents Boardroom. Other committee activities include the Appellate Admissions mass swearing-in ceremony on November 2, 2011, and the William Daniel Mock Trial Competition on November 18-20, 2011, where eighteen teams throughout the southeast will compete. The YLD Fall meeting will take place in Athens the weekend of November 11-13, 2011, and will feature a CLE on changes in the evidence code and a meeting of the YLD Affiliates.

Committee Updates

President Shigley and the Executive Committee Liaisons provided various committee reports.

Legal Services Funding

Phyllis Holmen provided a report on the GLSP, including an overview of state pro bono reporting policies, and areas of poverty in Georgia that have no or fewer than 6-10 lawyers. The Executive Committee received a list of potential options designed to improve funding for the GLSP that included the current voluntary opt-in, a voluntary opt-out, a dues increase dedicated to the GLSP, a new assessment, a CLE \$2 fee increase dedicated to the GLSP, mandatory handling of pro bono cases or the equivalent monetary contribution, allocation from the State Bar's operating fund, increased funding from the State of Georgia, a rule amendment requiring IOLTA trust accounts only in banks offering interest rates comparable to similar accounts, and a new rule requiring members to annually certify their compliance with the IOLTA rule and to list by bank their IOLTA funds.

BASICS

The Executive Committee received information on the BASICS Program. BASICS trains between 400-500 men and women each year in Georgia's transitional centers utilizing 32 part-time instructors. Last year 438 people graduated from the program. The program has been partnering with the Department of Corrections (DOC) on a number of projects, including tracking the experience and success rates of graduates as well as a preliminary analysis of recidivism of prisoners who completed BASICS between 2008-2010. It is still too early to draw meaningful conclusions about the efficacy of the BASICS program as a greater number of graduates need to be followed over a three-year period before there are any statistically significant numbers. BASICS has partnered with the DOC, the Urban League, Families First and the Fulton County Community Action Authority on a \$300,000 federal grant application for Second Chance monies to put 50 prisoners through the BASICS program and then provide post-release monitoring, including counseling, housing and employment services to those people over a three-year period.

Consumer Assistance Program

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

Bar Center Use

The Executive Committee received a copy of the meetings and other activities that took place on September 15, 2011, to show the ever increasing use of the Bar Center.

BPC Financial Health Insurance

The Executive Committee received a copy of the Georgia Lawyers HealthPlan Advantage Participation Report through September 12, 2011, from BPC.

Atlanta Bar Association

The Executive Committee received information the Atlanta Bar Association's search for new Executive Director to take over when Diane Osteen retires in May 2012.

Old Business

Cliff Brashier provided information on recent events impacting the status of the South Carolina Bar.

New Business

President Shigley thanked Nancy Terrell, CLE Coordinator, Mercer University School of Law, and Sandra Matson, President, Macon Bar Association, for hosting the Executive Committee in Macon for a lunch and reception with the Macon Bar Association at the Woodruff House, and meeting at Mercer Law School.

Paula Frederick reported that the Formal Advisory Opinion Board is meeting with representatives from the Real Property Law Section, Real Estate Commission & Appraisers Board (GRECA), and other groups (both pro and con) as to whether it should accept a proposed advisory opinion from the Section and GRECA outlining the closing process and the need for an attorney. She also reported that she was contacted by the Federal Trade Commission about the proposed opinion.

Executive Session

The Executive Committee voted to move into Executive Session.

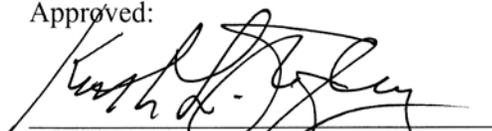
Moving out of Executive Session, the Executive Committee, by majority voice, authorized the President to appoint a subcommittee consisting of himself, President-elect Robin Clark or her designee, Treasurer Ruffin, YLD President-elect Jon Pannell, Chuck Clay (ACL Chair), and an additional member selected by President-elect Robin Clark to look at supplementing the State Bar's lobbying team with an additional Republican lobbyist, and directed the President to notify Capitol Partners and Charles Tanksley about this effort and seek their recommendations.

Adjournment

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


Patrise M. Perkins-Hooker, Secretary

Approved:


Kenneth L. Shigley, President