

The background of the entire page is a photograph of the exterior of the State Bar of Georgia building. The building is constructed from light-colored, possibly marble, stone blocks. It features a curved facade with the words "STATE BAR OF GEORGIA" inscribed in large, dark, serif capital letters. The building has several rectangular windows and doorways. In the foreground, there are steps leading up to the entrance, a metal handrail, and some trees with green leaves. The sky is overcast.

2023-24 REPORT OF THE

OFFICE  
OF THE  
GENERAL  
COUNSEL



State Bar  
of Georgia





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# CLIENT ASSISTANCE PROGRAM OF THE OFFICE OF THE GENERAL COUNSEL

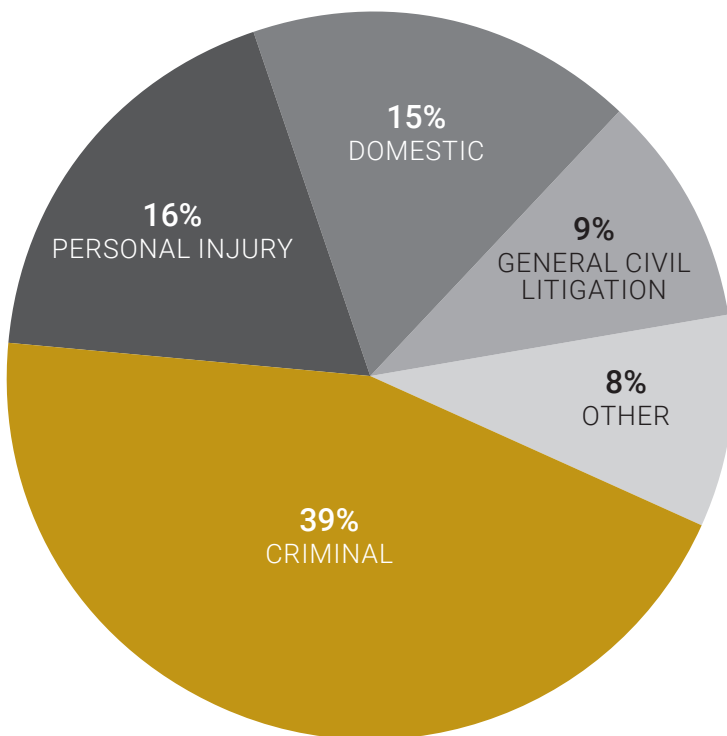
BY MERCEDES BALL, DIRECTOR

The Client Assistance Program of the Office of the General Counsel (CAP) is the first point of contact for a member of the public who has a problem with their lawyer. CAP seeks to resolve communication issues between attorneys and their clients outside of the formal grievance process. Each year, CAP receives thousands of complaints via telephone calls, letters and emails. By facilitating direct communication between attorneys and their clients, CAP is able to resolve approximately 80% of the complaints it receives without members of the public having to utilize the formal grievance process. ●

## CAP CONTACTS



### TOP FIVE TYPES OF MATTERS HANDLED BY CAP



Additionally, 6% of the complaints received were about issues in wills/estates, 4% involved issues in real estate, 2% involved issues in workers' compensation, 1% involved bankruptcy, 0.75% immigration, 0.4% involved collections and 0.2% involved Social Security.

### TOTAL # OF NEW COMPLAINTS

8,125

### # OF TELEPHONE CALLS

11,089

### # OF LETTERS AND EMAILS

2,402

### # OF ENGLISH-SPANISH AND SPANISH-ENGLISH TRANSLATIONS

199

# STATE DISCIPLINARY BOARD

BY JENNIFER ELIZABETH DUNLAP, CHAIR

The State Disciplinary Board is charged with investigating grievances for potential violations of the Georgia Rules of Professional Conduct, issuing confidential discipline and determining whether there is probable cause to bring formal charges against an attorney. The work of the Board is an essential part of the State Bar of Georgia's regulatory function. As the chair of the State Disciplinary Board, I would like to thank each Board member for their service.

The 2023-24 State Disciplinary Board consisted of two ex-officio members—the president-elect of the State Bar of Georgia and the president-elect of the Young Lawyers Division; 12 investigating members—four lawyers from each of the three federal judicial districts of Georgia; and four non-lawyer, public members. During the 2023-24 Bar year, the Board held 10 meetings and managed eight in-person gatherings (Americus, Atlanta, Augusta, Jekyll Island, Macon, Savannah and Amelia Island, Florida). The remaining meetings were virtual.

The Bar received fewer grievance forms this year (2,361) than last year (2,501). After review and screening by the Office of General Counsel, 2,093 grievances were closed or dismissed for their failure to state facts sufficient to invoke the jurisdiction of the State Bar (the number includes some grievances that were pending when the fiscal year began). A total of 185 grievances contained allegations which, if true, would amount to violations of one or more of the Georgia Rules of Professional Conduct (10 more than last year). Each of those grievances was referred to one of the district Board members for further investigation.

Investigating members of the Board handled an average of 15 cases during the Bar year. Members worked diligently and efficiently to report each case within 180 days. Each case required investigation and time away from the Board member's law practice, without compensation other than reimbursement of travel expenses. At the conclusion of each investigation, the Board member made a report and recommendation to the full Board. The Board dismissed 58 grievances, 24 of those with a letter of instruction to educate and inform the lawyer about the Rules of Professional Conduct. One hundred and fifty-three cases met the "probable cause" standard and were returned to the Office of the General Counsel for prosecution.

In matters that met the standard for probable cause, 30 respondents received confidential discipline in the form of Formal Letters of Admonition or State Disciplinary Board Reprimands. In more serious cases, the Board issued a Notice

of Discipline for some level of public discipline, or made a referral to the Supreme Court of Georgia for a hearing before a special master.

The State Disciplinary Board took the following action during the 2023-24 Bar year:

ACTION TAKEN	# OF CASES
Confidential Reprimands	13
Formal Letters of Admonition	17
Cases Dismissed with Letters of Instruction	24

Public discipline imposed by the Supreme Court of Georgia is further described in the Annual Report of the State Disciplinary Review Board of the State Bar of Georgia.

It has been a privilege to work with such an outstanding group of volunteers to accomplish this important work on behalf of the State Bar of Georgia. I would like to recognize those members of the State Disciplinary Board who have unselfishly devoted so much of their personal and professional time to this necessary task. They are as follows:

## Lawyer Members

Patricia Fortune Ammari  
C. Sutton Connelly  
John Herbert Cranford  
Jeffrey W. DeLoach  
Jennifer Elizabeth Dunlap  
Robert Giannini  
Taylor H. Haley  
Jeffrey R. Harris  
William H. Noland  
Brandon Peak  
Margaret S. Puccini  
Christian J. Steinmetz III

Finally, I want to recognize and thank the four non-lawyer members appointed by either the Supreme Court or the president of the State Bar of Georgia, and the ex-officio members:

Jill Cardenas  
Noemi de Miguel Mota  
Jennifer D. Ward  
Elizabeth Peyton Williams  
Ivy N. Cadle (ex-officio)  
Kenneth Mitchell Jr. (ex-officio) ●

# STATE DISCIPLINARY REVIEW BOARD

BY JOHN R. B. LONG, CHAIR

The State Disciplinary Review Board plays an important role in our disciplinary system and serves several functions. Under the Bar Rules, the Review Board offers an additional level of appellate review after a disciplinary case has been heard by a special master. The parties may elect to file exceptions and request review by the Review Board before the case is filed with the Supreme Court. In these cases, the Review Board considers the complete record, reviews the findings of fact and conclusions of law, and determines whether a recommendation of disciplinary action will be made to the Supreme Court of Georgia. The Board has the discretion to grant oral argument if requested by either party. The Supreme Court may follow the Review Board's recommendation, but may also render an opinion that modifies the recommendation in some way.

In addition, the Review Board reviews all cases involving reciprocal discipline. If a Georgia lawyer has been disciplined in another jurisdiction resulting in a suspension or disbarment, the lawyer is subject to reciprocal discipline in Georgia. The Review Board is charged with reviewing the record from the foreign jurisdiction and recommending the appropriate reciprocal disciplinary result in Georgia. These cases present many interesting issues for the Board and can be challenging when the lawyer objects to reciprocal discipline. In all cases, the Board must consider whether the case is in the correct procedural posture to be reviewed, whether the lawyer was afforded due process in the underlying disciplinary proceeding, whether the misconduct would result in similar discipline under our rules, and recommend discipline which would be substantially similar to the discipline imposed in the foreign jurisdiction. The Review Board also issues Review Board Reprimands when directed by the Supreme Court, and makes recommendations in reinstatement cases which involve suspensions with conditions for reinstatement as directed by the Supreme Court. The Board also provides input on amendments to the Bar Rules involving the disciplinary process.

The Supreme Court approved amendments to the disciplinary rules which became effective July 1, 2018. Under these rules, the former Review Panel was renamed the State Disciplinary Review Board, and the size of the Board was reduced from 15 to 11 members. In particular, the number of lawyer members who serve on the Board from around the state was reduced from nine to seven. The Review Board is currently composed of two lawyers from each of the three federal judicial districts in Georgia, one at-large lawyer member and two non-lawyer members. These members are appointed in alternate years by the Supreme Court of Georgia and the president of the State Bar. Two ex-officio members also serve on the Board in their capacity as officers of the State Bar.

The following is a brief summary of public disciplinary action taken by the Supreme Court of Georgia during the period from July 1, 2023, to June 30, 2024:

FORM OF DISCIPLINE	CASES	LAWYERS
Disbarment/Voluntary Surrender	20	14
Suspension	31	27
Public Reprimand	3	3
Review Board Reprimand	0	0

The foregoing summary does not begin to reflect the important issues that were carefully considered by the Review Board over the past year. In addition to attending regular meetings, each Board member must review material for each case prior to the meeting in order to make a fair and well-reasoned decision. This represents a major commitment of time and energy on the part of each Board member, all of whom acted with the highest degree of professionalism and competency during their terms.

I would like to recognize the members of the Board who have unselfishly devoted so much of their time to the implementation of the disciplinary system of the State Bar of Georgia. ●

## Non-Lawyer Members

Susan Leger-Boike, Cordele	2024
LaShekia Hughes, Macon	2025

## Lawyer Members

### Northern District

Norbert D. Hummel IV, Kennesaw	2025
William H. Thomas Jr., Atlanta	2026

### Middle District

Caroline W. Herrington, Macon	2025
Alfreda L. Sheppard, Albany	2023

### Southern District

Paul Threlkeld, Savannah	2025
John R. B. Long, Augusta	2023

## At-Large Member

D. Pearson Beardsley, Atlanta	2024
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## Ex-Officio Members

Sarah B. "Sally" Akins, Savannah	2024
Ronald Edward Daniels, Eastman	2024

# CLIENTS' SECURITY FUND

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BY WILLIAM D. NESMITH III, DEPUTY GENERAL COUNSEL AND STAFF LIAISON TO THE CLIENTS' SECURITY FUND

The legal profession is one of the few professions in which members create and maintain a means for clients to recover losses in rare instances of trust monies being misappropriated. Every U.S. state, including Georgia and Canadian provinces, has a fund for client protection.

The State Bar of Georgia Clients' Security Fund is a public service of the legal profession in Georgia. Its purpose is to repay clients who have lost because of a lawyer's dishonest conduct. Every lawyer admitted to practice in Georgia, including those admitted as a foreign law consultant or those who join the State Bar of Georgia without taking the Georgia Bar examination, contributes to this Fund.

It is a pleasure to present the 2023-24 Clients' Security Fund Annual Report on behalf of the Trustees of the Fund. The Trustees are proud of the efforts made to maintain the integrity of the legal profession.

## Creation of the Fund

The Board of Governors of the State Bar of Georgia created the Clients' Security Fund by resolution on March 29, 1968. The Fund was formed "for the purpose of promoting public confidence in the administration of justice and maintaining the integrity and protecting the good name of the legal profession by reimbursing, to the extent deemed proper and feasible by the Trustees of the Fund, losses caused by the dishonest conduct of members of the State Bar of Georgia." In 1991, the Supreme Court of Georgia adopted the Clients' Security Fund rules (Part X), making it an official part of the rules of the State Bar of Georgia. That same year, pursuant to the rules, the Board of Governors assessed each State Bar member to fund and stabilize the Fund fully. The Clients' Security Fund rules have subsequently been amended to better fulfill the purpose of the Fund.

## Administration of the Fund

The Clients' Security Fund Board of Trustees perform all acts necessary and proper to fulfill the purposes of and effectively administer the Fund. The rules, issued by order of the Supreme Court of Georgia, establish a Board of Trustees consisting of six-lawyer members and one non-lawyer member appointed to staggered terms by the President of the State Bar of Georgia. Trustees of the Fund receive no compensation or reimbursement for their service. The Trustees select the Chair and Vice-chair to serve as officers for the Fund. Pursuant to Bar Rule 10-104, the Trustees serve a term of three years.

The Deputy General Counsel and Senior Paralegal for the Bar Counsel unit of the Office of the General Counsel of the State Bar of Georgia assist the Board of Trustees in the administration of the Clients' Security Fund. The Deputy General Counsel serves as the staff liaison to the Clients' Security Fund and provides guidance and advice regarding all aspects of the Fund. The Senior Paralegal assists the Board of Trustees in a wide range of duties, including but not limited to receiving Clients' Security Fund applications, processing and investigating claims, communicating with claimants and lawyers, preparing meeting materials, facilitating and attending meetings, taking meeting minutes, processing the payment of claims and the disbursement of funds to claimants, maintaining records and preparing annual reports.

## Trustees for the 2023-24 Bar Year

- Tyronia Monique Smith, Atlanta
- Robert J. Kauffman, Douglasville
- Michael G. Geoffroy, Covington
- R. Javoyne Hicks, Decatur
- Karl David Cooke Jr., Macon
- LaToya Simone Williams, Atlanta
- Sammy Strode, Savannah (*non-lawyer member*)

The Trustees strive to meet at least quarterly during the year. If circumstances warrant, special meetings may be called to ensure that claims are processed promptly. These Trustees have served tirelessly, and their dedication to this program is greatly appreciated.

## Funding

Members of the State Bar of Georgia provide the primary funding for the Clients' Security Fund. On Jan. 28, 2022, the Supreme Court of Georgia amended Bar Rules 1-506 and 10-103, providing an annual assessment of \$15 to all license fee-paying Bar members. The amendment also changed the maximum payout of \$500,000 per year to an amount not to exceed the total amount received through the annual assessment in a Bar year.

The Trustees of the Clients' Security Fund maintain all monies held in the name of the Fund and exclusively control the disbursement of the funds.

## Loss Prevention Efforts

A crucial role of the Trustees of the Fund is to promote and endorse rules and educational programs designed to prevent losses. Two significant programs exist to avoid lawyer theft of clients' funds.





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### Overdraft Notification

In November 1992, the Board of Trustees joined the Investigative Panel of the State Disciplinary Board in urging the Board of Governors to approve amendments to Disciplinary Standard 65 to create a trust account overdraft notification program. On Aug. 22, 1995, the Supreme Court of Georgia approved the amendment to Standard 65, which became effective Jan. 1, 1996. The primary purpose of the overdraft notification rule is to prevent the misappropriation of clients' funds by providing a mechanism for the early detection of improprieties in the handling of attorney trust accounts. Standard 65 was subsequently replaced with Rule 1.15(III) with the Supreme Court's adoption of the Georgia Rules of Professional Conduct on Jan. 2, 2001 ([www.gabar.org/handbook](http://www.gabar.org/handbook)).

### Payee Notification

During the 1993 legislative session, with the urging of the Board of Trustees, the Board of Governors endorsed legislation specifically designed to prevent lawyer theft of personal injury settlement funds. As a result of these efforts, the "payee notification rule" was approved as an amendment to the Insurance Code. This statute requires insurers to send notice to the payee of an insurance settlement when the check is mailed to the payee's attorney. This places the client on notice that the attorney has received settlement funds. Adopting this procedure has substantially reduced claims involving the theft of insurance funds.

### Claims Process

Before the Clients' Security Fund pays a claim, the Trustees must determine that the loss arose out of the client-lawyer or fiduciary relationship and was caused by the lawyer's dishonest conduct. The rules define "dishonest conduct" as acts "committed by a lawyer like theft or embezzlement of money, or the wrongful taking or conversion of money, property, or other things of value." The lawyer's "dishonest" conduct must result in their disbarment, indefinite suspension or voluntary surrender of their license. The final disposition does not need to result from a filed memorandum of grievance but can be attained when credible information is presented from any source without a memorandum of grievance being filed. Claimants are responsible for providing sufficient documentation to support their claims.

Claims filed by corporations or partnerships, government entities, and certain members of the attorney's family are typically denied.

The Fund also does not reimburse losses covered by insurance or resulting from malpractice or financial investments.

Below is the Statement of Fund Balance, Income and Expenses for the period ending June 30, 2024.

ANNUAL FINANCIAL STATISTICS	2022-23	2023-24
<b>Balance on July 1, 2022</b>	\$1,634,260	\$2,212,202
<b>Income to Fund</b>		
Assessments	\$751,680	\$760,050
Restitution	\$18,445	\$821
Interest	\$33,117	\$32,090
Gain/Loss Investment Assessment	\$19,577	\$85,102
<b>Distributions from Fund</b>		
Claims Paid	\$159,879	\$239,968
Restricted Expenses	\$73,000	\$73,000
Bond Premium Amortization	\$4,288	\$4,703
Investment Service Fee	\$7,710	\$5,903

### Summary of Claims Activity

The following summarizes claims activity beginning July 1, 2023, and ending June 30, 2024. ●

ACTIVITY	2022-23	2023-24
Recorded Application Requests	40	52
Claims Filed	32	53
Claims Considered	43	38
Claims Approved	20	18
Claims Denied	18	3
Claims Tabled	5	6
Claims Reconsidered	10	3
Claims Administratively Closed	0	11
Claims Withdrawn	0	0
Claims Pending	48	54
Inactive Claims	3	5
Number of Attorneys Involved in Paid Claims	11	16

# FORMAL ADVISORY OPINION BOARD

BY JOHN J. SHIPTENKO, SENIOR ASSISTANT GENERAL COUNSEL

The Bar Counsel Department's Senior Assistant General Counsel and Senior Paralegal (Bar Counsel) serve as support staff for the Formal Advisory Opinion Board (Board) and administer formal advisory opinion requests and opinions.

## Formal Advisory Opinion Request Process

Requests for formal advisory opinions are submitted to Bar Counsel, who assesses the requests to determine the best way to handle the requestor's ethical issue. If the request is submitted to the Board, Bar Counsel prepares the request for the Board's consideration by creating a file, assigning a Formal Advisory Opinion (FAO) request number, and creating the heading and question presented. Bar Counsel then researches the ethical issue to determine how the Georgia Rules of Professional Conduct (GRPC) apply to the issue, whether a current FAO addresses the issue and whether other jurisdictions have addressed the issue. OGC staff attorneys are also provided with a copy of the request and asked to share their thoughts about the underlying ethical issue. If necessary, Bar Counsel will contact the requestor to gain a better understanding of the underlying ethical issue.

Bar Counsel informs the requestor of the status of the request from its receipt to the conclusion of the matter.

## Board Meetings

The Board works throughout the year considering and researching the ethical issues presented in FAO requests and drafting proposed opinions. The Board generally meets quarterly to discuss FAO requests and proposed opinions and analyze how amendments to the GRPC impact current FAOs. During the 2023-24 Bar year, the Board conducted three meetings.

If the Board accepts a request for the drafting of an FAO, the Board assigns one or more Board members to draft a proposed opinion. Bar Counsel supports the Board throughout the drafting process. If a request is rejected, the Board specifies the reason for rejecting the request and Bar Counsel informs the requestor in writing of the Board's decision.

During the 2023-24 Bar year, the Board received the following requests for a formal advisory opinion:

## Formal Advisory Opinion Request No. 23-R1

Received on or about July 1, 2023

- 1. If the insurer through its vendor requires the attorney to provide only the name of the medical provider or other non-party from whom records are needed along with a description of the records to be obtained, is it ethically proper for the vendor to then prepare, process, serve and follow up on the Request for Production of Documents without a review or any oversight from the attorney whose name is placed on the Request for Production of Documents by the vendor?*
- 2. If the insurer requires the use of a vendor to obtain documents using a Request for Production of Documents, is it ethically proper to use the vendor if the attorney provides the vendor with the form language to be used and then reviews the Request for Production of Documents drafted by the vendor and then signs (or causes an electronic signature to be applied by the attorney's office) to the Request for Production of Documents and then allows the vendor to serve and follow up administratively with the non-party from whom the records are being requested?*
- 3. Is it ethically appropriate for a lawyer to engage a third-party vendor to obtain records using the vendor to serve and administratively follow up on a non-party Request for Production of Documents which has been prepared and signed by the attorney so long as any dispute or enforcement is handled by the attorney or employees of the law firm supervised by the attorney?*

At its Sept. 26, 2023, Board meeting, the Board accepted the request for the drafting of a formal advisory opinion and appointed a drafting subcommittee to prepare a proposed opinion for the Board's consideration. On May 24, 2024, the drafting subcommittee presented a draft proposed opinion for the Board's consideration. The subcommittee amended the question presented to read as follows:

*May a lawyer use a third-party vendor to request the production of documents from a non-party pursuant to O.C.G.A. § 9-11-34(c) and to follow up on and effectuate such a request to a non-party, and if so, what degree of autonomy may the lawyer allow the third-party vendor?*



Upon review of the draft proposed opinion and extensive discussion, the Board asked the drafting subcommittee to modify the proposed opinion to address questions and comments raised during the meeting discussion. The drafting of a proposed opinion is ongoing.

#### **Formal Advisory Opinion Request No. 24-R1**

Received on or about June 6, 2024

*Is it ethically permissible for a lawyer to threaten a former (or current) client with felony criminal prosecution for Theft of Services for the nonpayment of claimed fees due by the attorney when the client disputes the attorney's claimed fees and refuses to pay?*

This request is pending the Board's review to determine whether to accept or decline the request for the drafting of a formal advisory opinion.

#### **Consideration of Proposed Opinions**

Once a proposed opinion is drafted, the Board considers the draft to determine whether to approve the proposed opinion as drafted for first publication or modify it. Bar Counsel assists the Board as needed.

#### **Approval of a Proposed Opinion**

Once the Board approves a proposed opinion for first publication, it determines whether to post the publication on the State Bar of Georgia website or in the *Georgia Bar Journal* in accordance with Bar Rule 4-403.

#### **First Publication of the Proposed Opinion**

The first publication process offers State Bar members an opportunity to review the proposed opinion and submit comments to the Board through the Office of the General Counsel. When the first publication of a proposed FAO occurs, Bar Counsel drafts the publication notice and submits the publication to the State Bar's Communications Department and State Bar president. Bar Counsel reviews all comments regarding the proposed opinion and if necessary, conducts additional research related to information in the comments. The comments, any research materials and feedback from the OGC staff attorneys are provided to the Board. The Board reviews the proposed opinion in light of the comments and other information received and decides whether to modify the proposed opinion. If the proposed opinion is modified and the Board determines the modifications are substantive, the first publication process is repeated.

#### **Final Approval and Second Publication of the Proposed Opinion; Filing of Proposed Opinion with the Supreme Court of Georgia**

Once the Board makes a final determination to approve and issue the opinion, it is published for a second publication and filed with the Supreme Court of Georgia. The Board decides whether to post the publication on the State Bar's website or in the *Georgia Bar Jour-*

*nal* in accordance with Bar Rule 4-403. When the second publication of an FAO occurs, Bar Counsel facilitates the publication with the State Bar Communications Department and president, and files the opinion with the Supreme Court of Georgia.

#### **Formal Advisory Opinion No. 22-1**

*Under Georgia Rule of Professional Conduct 5.5, may a Domestic Lawyer or Foreign Lawyer provide legal services by remote means from Georgia while residing in Georgia, when the services have no relationship with Georgia other than the lawyer's physical location?*

The Board approved this opinion for second publication at its Sept. 26, 2023, meeting. The OGC published FAO No. 22-1 on the State Bar's website and filed it with the Supreme Court of Georgia on Jan. 16, 2024.

On Feb. 2, 2024, the OGC filed a petition for discretionary review in accordance with Bar Rule 4-403 (d). On April 11, 2024, the Supreme Court of Georgia issued an order granting review and directing the State Bar and all interested parties to submit briefs addressing whether FAO No. 22-1 should be approved. Following the briefing schedule set forth in Supreme Court Rule 10, the OGC filed its brief on April 26, 2024.

On June 11, 2024, the Supreme Court of Georgia issued an order approving FAO No. 22-1. According to Bar Rule 4-403 (e), FAO No. 22-1 is binding on all members of the State Bar of Georgia, and the Supreme Court shall accord it the same precedential authority given to regularly published judicial opinions of the Court.

#### **Proposed Formal Advisory Opinion No. 23-1**

*Can a lawyer fulfill his or her duties of "presence" at a real estate closing as required by Formal Advisory Opinion No. 00-3 and of overseeing and participating in the execution of instruments conveying title and being in control of the closing process from beginning to end as required by Formal Advisory Opinion No. 13-1 when using video conference?*

During the 2022-23 Bar year, the Board issued Proposed FAO No. 23-1 and approved it for first publication on the State Bar of Georgia's website. Proposed FAO No. 23-1 was published for first publication on the State Bar of Georgia's website pursuant to Bar Rule 4-403 (c). The Board learned that the state legislature planned to consider proposed legislation during its 2024 legislative session that could impact this opinion. Accordingly, the Board tabled further action on Proposed FAO No. 23-1. The proposed legislation failed to pass before the end of the 2024 legislative session. The Board discussed this issue at its May 24, 2024, meeting, and decided to postpone further consideration of the proposed opinion until the Board's next meeting.

## Discretionary Review

Following the final approval and filing of the opinion, the Board decides whether to recommend that the OGC seek discretionary review of the opinion with the Supreme Court of Georgia. If the Board opts for discretionary review, Bar Counsel assists in this process by drafting the petition and filing it with the Supreme Court of Georgia, ensuring that all comments are provided to the Court.

### Formal Advisory Opinion No. 22-1

*Under Georgia Rule of Professional Conduct 5.5, may a Domestic Lawyer or Foreign Lawyer provide legal services by remote means from Georgia while residing in Georgia, when the services have no relationship with Georgia other than the lawyer's physical location?*

During the 2023-24 Bar year, the State Bar of Georgia petitioned the Supreme Court of Georgia for discretionary review of this opinion. This opinion is discussed above.

## Issuance of Formal Advisory Opinion

FAOs are either issued by the Board (if no petition for discretionary review is sought or the Supreme Court declines to review the opinion) or the Supreme Court of Georgia (if the Court grants discretionary review and approves the opinion). When an FAO is issued, Bar Counsel drafts a notice of the issuance of an FAO, which is published in an official publication of the State Bar along with the opinion. Bar Counsel also facilitates the placement of the opinion in the Handbook on the State Bar's website and updates the FAO indexes.

### Formal Advisory Opinion No. 22-1

*Under Georgia Rule of Professional Conduct 5.5, may a Domestic Lawyer or Foreign Lawyer provide legal services by remote means from Georgia while residing in Georgia, when the services have no relationship with Georgia other than the lawyer's physical location?*

During the 2023-24 Bar year, the Supreme Court of Georgia issued FAO No. 22-1. This opinion is discussed above.

## Other Pending Formal Advisory Opinion Board Matters

### Proposed Amendments to Bar Rule 4-402

The behind the proposed amendments to Bar Rule 4-402 are to more clearly address when a Board member's term expires and remove the language that restructured the Board since such language is merely historical and no longer relevant or applicable, and its goal was accomplished. The current structure, including staggering appointments, remains.

The proposed amendment to Bar Rule 4-402 was filed with the Supreme Court of Georgia on Jan. 16, 2024, (Motion 2023-2) and remains pending with the Court.

## Formal Advisory Opinion Board

The Board consists of active members of the State Bar who are appointed by the president of the State Bar, with the approval of the Board of Governors. For the 2023-24 Bar year, the Board was comprised of the following lawyers:

<i>Members-at-Large</i>	<i>Term</i>
Mary A. Prebula, Chair, Duluth	2022 – 2024
Martin A. Levinson, Atlanta	2023 – 2025
Jeffrey Hobart Schneider, Atlanta	2022 – 2024
Letitia A. McDonald, Atlanta	2022 – 2024
Edward B. Krugman, Atlanta	2023 – 2025
<i>Georgia Trial Lawyers Association</i>	
C. Andrew Childers, Atlanta	2023 – 2025
<i>Georgia Defense Lawyers Association</i>	
Jacob Edward Daly, Atlanta	2023 – 2025
<i>Georgia Association of Criminal Defense Lawyers</i>	
Amanda Rourke Clark Palmer, Vice Chair, Atlanta	2022 – 2024
<i>Georgia District Attorney's Association</i>	
Sherry Boston, Decatur	2022 – 2024
<i>Young Lawyers Division</i>	
Franklin Thomas Gaddy, Macon	2023 – 2025
<i>Emory University</i>	
Professor Jennifer Murphy Romig, Atlanta	2022 – 2024
<i>University of Georgia</i>	
Professor David N. Lefkowitz, Athens	2023 – 2025
<i>Mercer University</i>	
Professor Patrick E. Longan, Macon	2023 – 2025
<i>Georgia State University</i>	
Professor Cassady V. Brewer, Atlanta	2022 – 2024
<i>Atlanta's John Marshall Law School</i>	
Professor Jeffrey Alan Van Detta, Atlanta	2023 – 2025
<i>State Disciplinary Board</i>	
Christian J. Steinmetz III, Savannah	2023 – 2024
<i>State Disciplinary Review Board</i>	
John R. B. Long, Augusta	2023 – 2024
<i>Executive Committee</i>	
R. Gary Spencer, Atlanta	2023 – 2024

## Bar Rules

The Formal Advisory Opinion Board is governed by Bar Rules 4-223, 4-401, 4-402, 4-403 and 4-404, and its own internal rules. Bar Counsel periodically reviews these rules, advises the Board regarding whether it should consider amending the rules and suggests proposed amendments.

Formal advisory opinions, opinion indexes and rules governing the Board are located on the State Bar's website at [www.gabar.org/advisory-opinions](http://www.gabar.org/advisory-opinions). ●

# PRO HAC VICE PROGRAM

BY NARIAH DANCY, *PRO HAC VICE* ADMINISTRATOR

Attorneys seeking to appear *pro hac vice* in State and Superior Courts and before the State Board of Workers' Compensation and the Georgia State-wide Business Court must comply with Uniform Superior Court Rule 4.4. Attorneys seeking to appear *pro hac vice* in Magistrate Court must comply with Uniform Magistrate Court Rule 7.5. Attorneys seeking to appear before the Supreme Court of Georgia must comply with Supreme Court of Georgia Rule 4 (8) (b) (iii). Pursuant to both rules, attorneys applying for *pro hac vice* admission in Georgia must serve a copy of their application for admission on the State Bar of Georgia's Office of the General Counsel (OGC). Senior Assistant General Counsel John J. Shiptenko and *Pro Hac Vice* Administrator Nariah Dancy manage the application process and duties for the OGC.

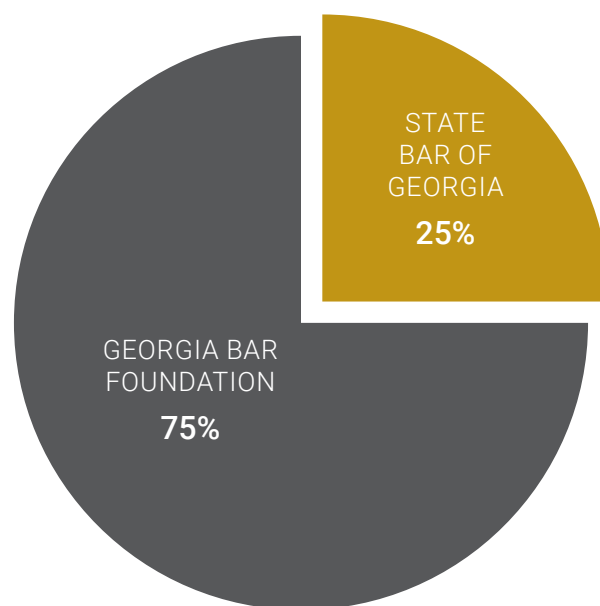
Applicants can submit their application and fees (check, money order or credit card) via mail or the online portal on the State Bar's website. The *pro hac vice* administrator reviews the applications and determines whether the attorney submitted the annual and application fees. After the contents of the application are entered into the *pro hac vice* database, information verified and the fees are received, the *pro hac vice* paralegal drafts a letter to the Court, which the Senior Assistant General Counsel reviews, regarding the status of the application. Occasionally, the Senior Assistant General Counsel may find the attorney is not eligible for *pro hac vice* admission pursuant to the rule and file a Response stating the same. Additionally, the *pro hac vice* administrator reconciles fee payments with the State Bar's Finance Department and provides them with a monthly report showing the number of applications processed, fees collected and the division of the fees.

On average, the *pro hac vice* administrator mails approximately 93 letters monthly to the courts, regarding compliance with the rule, and to the attorney, requesting additional information or fees. The *pro hac vice* administrator responds to a significant number of emails, voicemail messages and calls from attorneys, their staff and court staff regarding general *pro hac vice* questions, troubleshooting issues with the State Bar's online application form, and the status of specific applications. Below is a chart reflecting the number of calls and emails received regarding pending *pro hac vice* applications.

AVERAGE MONTHLY CALLS AND EMAILS	
Average Monthly Incoming Calls	65
Average Monthly Incoming Emails	100
Average Monthly Voicemails	30
Average Monthly Outgoing Calls	40
Average Monthly Outgoing Emails	100

The rules state that any domestic or foreign lawyer granted admission *pro hac vice* must pay an annual fee of \$200 on or before Jan. 15 for each subsequent calendar year of admission. If the annual fee is not received by Jan. 15, Georgia Rule of Professional Conduct 5.5(l) requires applicants to submit a late fee of \$100, along with the annual fee, by March 1. In December 2023, the *pro hac vice* administrator sent 2,498 annual fee notice emails and 379 annual fee notice letters to applicants (and a copy to their sponsor), which included a payment link and information regarding how to notify the OGC if the applicant is no longer admitted *pro hac vice*. In response to the notices, the *pro hac vice* administrator responded to approximately 800 emails and approximately 200 phone calls regarding annual fees.

From July 1, 2023, through June 30, 2024, the OGC reviewed 1,118 *pro hac vice* applications. The fees are divided between the State Bar of Georgia and the Georgia Bar Foundation. The State Bar of Georgia received \$106,425 from the total collected. The Georgia Bar Foundation received \$311,600 from the total collected. ●



## TOTAL PRO HAC VICE FEES RECEIVED

The State Bar of Georgia (SBG) collected a total of \$418,025 for *pro hac vice* fees. The fees were divided between the SBG and the Georgia Bar Foundation (GBF). The SBG received \$106,425 from the total collected. The GBF received \$311,600 from the total collected.



# OVERDRAFT NOTIFICATION PROGRAM

BY REGINA PUTMAN, TRUST ACCOUNT OVERDRAFT NOTIFICATION COORDINATOR

Rule 1.15 of the Georgia Rules of Professional Conduct mandates and the lawyer disciplinary system enforces the standard of safe-keeping of client property as a fundamental fiduciary obligation of lawyers. The dishonor of drafts for insufficient funds drawn from client trust accounts is an early warning that a lawyer is engaging in conduct likely to injure clients. The Overdraft Notification Program acts to significantly reduce the level of lawyer misappropriations. Financial institutions that maintain lawyer trust accounts are required to notify the State Bar of Georgia's Office of the General Counsel of overdrafts, which enables the Bar to intervene before major losses occur and a significant number of clients and third parties are harmed. Participation by financial institutions is a prerequisite to their continued eligibility to hold lawyer trust accounts. Rule 1.15 also enables the Office of the General Counsel to counsel errant lawyers to take corrective action before the lawyer's misconduct becomes so egregious as to mandate serious sanction, including disbarment.

The Overdraft Notification Program received 190 overdraft notices from financial institutions approved as depositories for Georgia attorney trust accounts. Of the total number of notices received, five notices were received on the trust accounts of two deceased lawyers, three notices were received on the trust accounts of two disbarred lawyers, one notice was received in error on a non-IOLTA bank account and one notice was received in error on a trust account maintained by a lawyer licensed in another state. A total of 150 files were dismissed based on the receipt of satisfactory responses following the initial State Bar inquiry, eight files were referred to the Law Practice Management Program, two files were referred to the Unlicensed Practice of Law Department and 15 files were forwarded to the State Disciplinary Board for possible disciplinary action. (Several attorney overdraft files

contained more than one overdraft notice regarding the same IOLTA account number. Some overdraft files opened during the latter part of FY 2023-24 remain open, pending final review and disposition.)

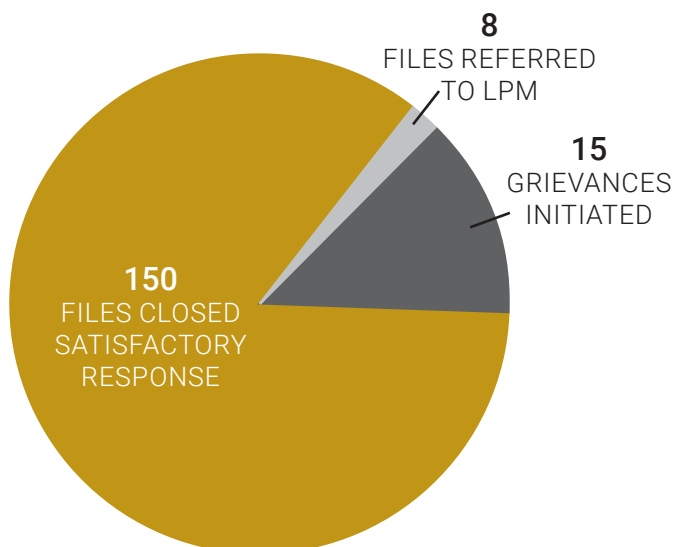
## Financial Institutions Approved as Depositories for Attorney Trust Accounts

The number of financial institutions approved as depositories for attorney trust accounts is affected by bank failures, bank mergers and a bank's willingness to execute the Office of the General Counsel's overdraft reporting agreement and the Georgia Bar Foundation's interest rate comparability agreement. Currently, 193 banks and credit unions are reflected on the State Bar of Georgia's List of Approved Financial Institutions, which can be found on the State Bar's website at [www.gabar.org/banks](http://www.gabar.org/banks).

## The Supreme Court of Georgia's Amendment to Rule 1.15 (III) of the Georgia Rules of Professional Conduct

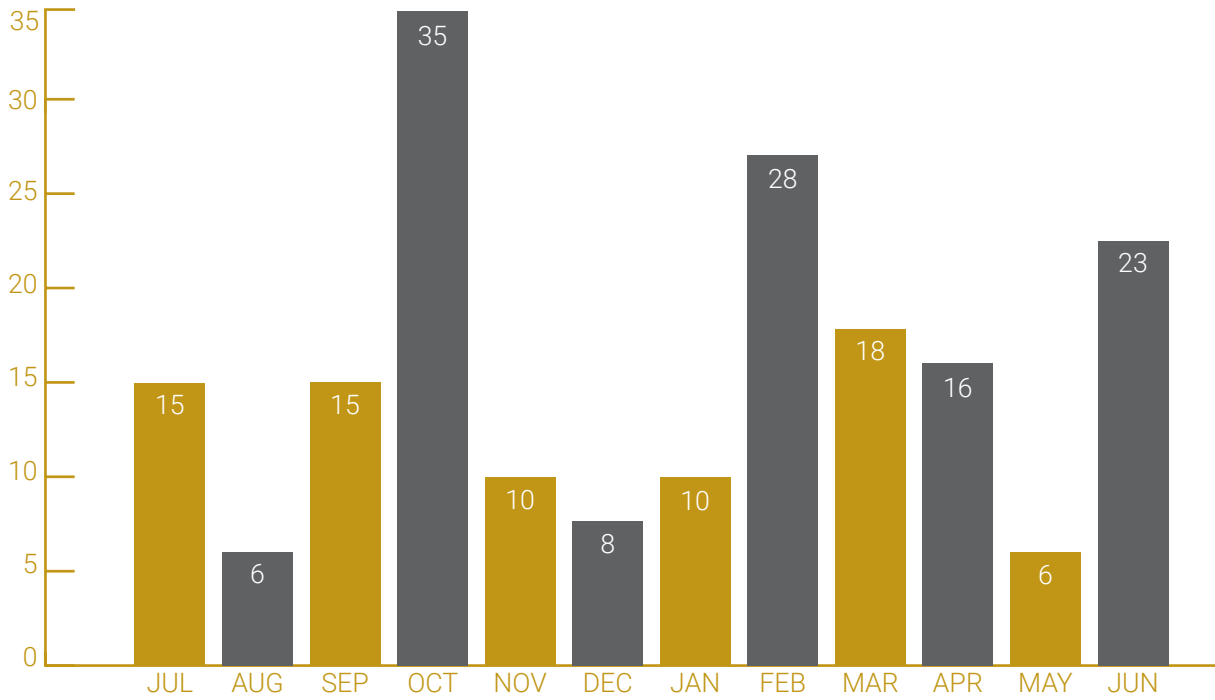
On May 14, 2021, the Supreme Court of Georgia issued an order amending Rule 1.15 (III) of the Georgia Rules of Professional Conduct, which eliminates the three-day grace period it previously granted banks to report overdrafts to the State Bar of Georgia. Accordingly, the Office of the General Counsel has obtained new trust account reporting agreements from banks currently listed as depositories approved for Georgia attorney trust accounts. The elimination of the three-day grace period will create a more effective loss prevention tool to identify trust accounting problems that could otherwise be masked in a lawyer's IOLTA account because of a steady stream of trust account deposits and disbursements. Moreover, the Office of the General Counsel will now be alerted sooner regarding trust account issues in order to provide discipline and/or corrective measures. ●

## TRUST ACCOUNT OVERDRAFT FILE DISPOSITION | FY 2023-24



A total of 150 files were dismissed based on the receipt of satisfactory responses following the initial State Bar inquiry, eight files were referred to the Law Practice Management Program and 15 files were forwarded to the State Disciplinary Board for possible disciplinary action.

### ACTUAL NUMBER OF BANK OVERDRAFT NOTICES RECEIVED | FY 2023-24



MONTH 2023-24	ACTUAL # NOTICES RECEIVED	FILES CLOSED/ ADEQUATE RESPONSE	FILES CLOSED/ LPMP	GRIEVANCES INITIATED	TOTAL CLOSED
July	15	3	1	1	5
August	6	19	0	2	21
September	15	9	2	1	12
October	35	6	0	2	8
November	10	16	1	0	17
December	8	16	0	2	18
January	10	10	0	0	10
February	28	8	2	1	11
March	18	21	0	3	24
April	16	24	1	2	26
May	6	6	1	0	7
June	23	12	0	1	13
TOTAL	190	150	8	15	172
PERCENTAGE		91%	0.63%	8.59%	

# RECEIVERSHIPS

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BY WILLIAM D. NESMITH III, DEPUTY GENERAL COUNSEL

Every year, the Office of the General Counsel handles calls concerning “absent lawyers.” According to Rule 4-228 of the Georgia Rules of Professional Conduct, an absent lawyer is “[a] member of the State Bar of Georgia (or a domestic or foreign lawyer authorized to practice law in Georgia) who has disappeared, died, been disbarred, disciplined or incarcerated, become so impaired as to be unable to represent clients properly or who poses a substantial threat of harm to clients or the public that it is necessary for the Supreme Court of Georgia to appoint a receiver.” While most receiverships involve disbarred lawyers, many involve lawyers who have died without a successor or anyone to manage their firm’s affairs or clients. Often, these receiverships involve hundreds to thousands of files.

Whenever the State Bar of Georgia receives a call indicating a receiver is necessary to protect an absent lawyer’s clients, the Bar Counsel unit for the Office of the General Counsel attempts to locate a local lawyer to accept an appointment as receiver. A local lawyer generally better understands the community and courts affected by the receivership. However, this is often not an option due to the nature or condition of the absent lawyer’s practice. When no lawyer agrees to help, a petition is filed to appoint a lawyer from the Office of the General Counsel as receiver. Typically, this lawyer is the Deputy General Counsel for the Bar Counsel unit.

Whenever a lawyer from the Office of the General Counsel is appointed receiver by the Supreme Court of Georgia, the first order of business is to gain access to the client files. Once access has been obtained, a moving company is typically employed to move the files under the supervision of Bar Counsel staff. All files are inventoried once they arrive at the State Bar of Georgia headquarters. Bar staff catalogs the files by type, client name and if the file is pending in court. The staff also identifies to whom the files belong. A copy of the receivership order is sent to any affected court

in pending matters. After handling pending matters, Bar Counsel staff begins carefully reviewing each file to determine completeness and if any original documents or other client property should be returned to a client. On numerous occasions, original wills and real estate deeds that were never filed are discovered. State Bar rules allow the receiver to file wills with the appropriate probate court; however, real estate deeds and mortgage cancellations must be returned to the client for filing. Every effort is made to contact the absent lawyer’s clients to return client files to the client and protect the client’s and the public’s interests. Client files are returned after the client completes an affidavit of ownership or to a lawyer who presents a letter of representation of the client.

During the 2023-24 Bar year, the State Bar of Georgia filed seven petitions for the appointment of a receiver with the Supreme Court of Georgia. Deputy General Counsel William D. NeSmith III was appointed receiver in six of the seven petitions. The Office of the General Counsel handled 28 receiverships, with Deputy General Counsel William D. NeSmith III serving as the receiver. Approximately 1,806 file boxes containing approximately 12,456 files are stored at State Bar headquarters. In the next Bar year, Bar Counsel anticipates shredding files to reduce these numbers. As files are evaluated, letters are sent out by the receiver to the client about their file. Additionally, Bar Counsel and staff handle hundreds of phone calls from clients, courts and others inquiring about receiverships and absent lawyers. Bar Counsel received 11 inquiries about a possible need for receivership.

In addition, State Bar members have been appointed receivers and are currently handling 25 active receiverships. Bar Counsel monitors appointed receivers and checks their progress to protect the client’s interests. Once the outside receivers have fulfilled their duties, Bar Counsel arranges the removal of the remaining files and their storage at State Bar headquarters.





Whether outside receivers or Bar Counsel handled them, all files are cataloged and monitored by age. Files that are unclaimed and are more than six years old are scheduled for shredding. Once enough files are ready for destruction, Bar Counsel arranges for a shredding company to come onsite and remove the files for proper destruction. ●



# OF BOXES STORED AT THE STATE BAR

1,806



# OF FILES CONTAINED

12,456



# OF ACTIVE RECEIVERSHIPS HANDLED  
BY BAR MEMBERS

25



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# AMENDMENTS TO BAR RULES & BYLAWS

BY WILLIAM D. NESMITH III, DEPUTY GENERAL COUNSEL

Requests for amendments to the Rules and Regulations for the Organization of the State Bar of Georgia may come from State Bar officers, committees, sections or any Bar member. If a member of the State Bar requests an amendment, the request is typically submitted to the General Counsel, the Executive Director, a State Bar officer, the governing committee associated with the particular rule(s), or the Deputy General Counsel (Bar Counsel) who will prepare a draft of the proposed rule amendment; however, Bar members may also provide their draft of a proposed opinion. Rule amendments are facilitated and processed by the Deputy General Counsel and the Senior Paralegal for the Bar Counsel section of the Office of the General Counsel.

Bar Counsel typically circulates the draft of a proposed rule amendment amongst interested parties until it meets with general approval; it is then forwarded to the Executive Committee for their review. Pursuant to Article IV, Section 2 of the State Bar of Georgia Bylaws, the Executive Committee has the power to exercise all the powers of the Board of Governors between meetings of the Board and shall report to each meeting of the Board. Accordingly, the Executive Committee reviews the proposed amendment before it is presented to the Board of Governors. If approved, the proposed amendment is submitted to the Board of Governors for review and approval. If the Executive Committee does not approve a proposed amendment, it is typically not submitted to the Board of Governors. However, no specific rule states that a proposed amendment needs to be presented to or approved by the Executive Committee. Proposed amendments can be submitted directly to the Board of Governors by a member of the Board of Governors as a new agenda item.

After the Board of Governors approves the proposed amendment, the Office of the General Counsel (Bar Counsel) prepares a Notice

of Motion to Amend the Rules of the State Bar of Georgia. Bar Counsel publishes the Notice in the *Georgia Bar Journal* or on the State Bar of Georgia website pursuant to Bar Rule 5-101. At the same time the Notice of Motion to Amend is published, a copy of the notice is filed with the Supreme Court of Georgia. At least 30 days after the publication date of the Notice, a Motion to Amend the Rules of the State Bar of Georgia and a Brief in Support of the Motion to Amend the Rules of the State Bar of Georgia may be filed with the Supreme Court of Georgia and published in accordance with Rule 5-101.

Pursuant to Bar Rule 5-102, Bar members are allowed to file comments or written objections to any motion to amend the Rules of the State Bar of Georgia. All objections shall be filed with the Clerk of the Supreme Court of Georgia by a designated date, with a copy served upon the General Counsel of the State Bar of Georgia. Each objection shall contain the grounds on which the objection is based. If desired, a request for oral argument on the proposed amendment may be requested. According to Bar Rule 1-503, the Supreme Court of Georgia, at its sole discretion, may grant or deny a request for oral argument. The Clerk of the Supreme Court of Georgia shall notify the General Counsel of the State Bar of Georgia and the person seeking oral argument of the date of any oral argument granted under the provisions of Rule 23 (b) of the Rules of the Supreme Court of Georgia.

If the Supreme Court approves or modifies and approves the amendment to the rules, Bar Counsel notifies the entity requesting the amendment of the Supreme Court's decision and publishes a notice of the amended rule on the State Bar's website. The State Bar's Handbook is also updated accordingly. The State Bar Handbook is only available in electronic form and is found on the State Bar of Georgia website.

Following is a summary of actions taken during the 2023-24 Bar year regarding proposed amendments to the Rules and Regulations for the Governance of the State Bar of Georgia:

### **Proposed Rule Amendments Pending with the Supreme Court of Georgia**

#### **MOTION 2023-1**

During the 2022-23 Bar year, proposed amendments to Part 7 – Information About Legal Services were filed with the Supreme Court of Georgia. The proposed amendments constitute a complete reorganization of the current advertising rules, encompassing Rules 7.1 through 7.5.

During the 2023-24 Bar year, the Supreme Court ordered oral arguments regarding the proposed amendments to Part 7 and placed the matter on their February 2024 oral argument calendar. Oral arguments were held on Feb. 6, 2024. Motion 2023-1, as it relates to the proposed amendments to Part 7, remains pending with the Supreme Court.

#### **MOTION 2023-2**

During the 2023-24 Bar year, the following proposed rule amendments were filed with the Supreme Court of Georgia under Motion 2023-2 on Jan. 18, 2024. Motion 2023-2, as it relates to the following proposed rule amendments, remains pending with the Supreme Court.

#### **Bar Rule 1-207. Official Address and Change of Address**

The proposed amendments to Bar Rule 1-207 modernize the rule by adding a requirement that a Bar member provide an email address as part of their official address with the State Bar of Georgia. The proposed rule change also reminds members of the potential adverse consequences they may face if they do not keep their official addresses up-to-date.

#### **Bar Rule 4-214. Report of the Special Master**

The proposed amendment to this rule permits the Coordinating Special Master to grant either a Respondent or the State Bar of Georgia an extension of up to 15 days to file or respond to exceptions to the Report of Special Master in a disciplinary case.

#### **Bar Rule 4-402. The Formal Advisory Opinion Board**

The proposed amendments to this rule intend to eliminate outdated language regarding the organization of the Formal Advisory Opinion Board and provide a clearer explanation of the staggered terms of office for Board members and the process for their appointment.

#### **Rule 4.2. Communication with Person Represented by Counsel**

The proposed amendments to this rule clarify that a lawyer acting pro se is prohibited from engaging in communications regarding that specific matter with an individual known to be represented by another lawyer in the same matter unless the lawyer obtains consent from the other lawyer or is legally authorized to do so by law or court order.

#### **Bar Rule 4-201. State Disciplinary Board**

The proposed amendment to this rule adds two additional members to the State Disciplinary Board to facilitate the expeditious handling of disciplinary matters. The request is for two new investigating members, chosen at-large, with one member appointed by this Court and the other by the president of the State Bar of Georgia.

#### **Bar Rule 4-203.1. Uniform Service Rule**

The proposed amendment to this rule incorporates the proposed changes to Bar Rule 1-207 by including email to ensure that respondent lawyers receive actual notice of disciplinary proceedings against them.



Also, references to the service of a summons by a sheriff, the Georgia Civil Practice Act, and the prerequisite of Non-Est Inventus as proof of service are eliminated. Instead, the chair of the State Disciplinary Board or a duly appointed representative may authorize individuals to effectuate service upon Georgia lawyers.

Additionally, explicit guidelines delineate the circumstances under which service by publication is deemed appropriate and the methodology through which it is executed.

Finally, a new subsection is added to this rule creating procedures for serving disciplinary documents upon a Georgia lawyer whose official address is outside the territorial boundaries of the United States.

#### **Bar Rule 4-409.1. Coordinating Special Master**

The proposed amendment to this rule seeks to remove the aspirational language suggesting that a Special Master's term should not exceed five years in an effort to retain trained and experienced Special Masters.

#### **Bar Rule 4-221.1. Confidentiality of Investigations and Proceedings**

The proposed amendments to this rule define the categories of courts and agencies to whom the Office of the General Counsel may release confidential information pertaining to disciplinary investigations and proceedings.

### **Proposed Rule Amendments Approved by the Supreme Court of Georgia**

#### **MOTION 2023-1**

In an order dated Sept. 25, 2023, the Supreme Court of Georgia approved amendments to the following Georgia Rules of Professional Conduct:

##### **Rule 1.0. Terminology and Definitions**

The amendment to this rule adds a definition for "Willful Blindness." The term is later found in a rule amendment to Rule 1.2 (see below).

##### **Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer**

The amendments to this rule are designed to help eliminate illicit money laundering activities, including adding a recommendation requiring lawyers in the Financial Action Task Force (FATF)

member countries to report clients' suspicious activities to law enforcement authorities.

##### **Rule 1.5. Fees**

The amendments to this rule mandate that a lawyer who enters into agreements to arbitrate fee disputes or disputes over payment of expenses must obtain written informed consent from the client in advance. Additionally, fee contracts must disclose the existence of an arbitration agreement.

##### **Rule 1.8. Conflict of Interest: Prohibited Transactions**

The amendments to this rule incorporate language from the amendment to Rule 1.5 (see above) and provide that clients give informed consent in writing before agreeing to an arbitration provision in a fee contract or agreement.

#### **MOTION 2023-2**

In an order dated June 6, 2024, the Supreme Court of Georgia approved the following rule, effective June 20, 2024:

##### **Bar Rule 1-706. Center for Lawyer Well-Being**

This new rule establishes the Center for Lawyer Well-Being, which serves as an umbrella organization for members' wellness and health programs and initiatives.

### **Proposed Rule Amendments Pending Filing with the Supreme Court of Georgia**

#### **MOTION 2024-1**

The Board of Governors of the State Bar of Georgia approved the proposed amendments to the following rules. Notice of the proposed amendments is pending publication and filing with the Supreme Court of Georgia:

##### **Bar Rule 4-102. Disciplinary Action; Levels of Discipline; Georgia Rules of Professional Conduct**

This proposed amendment removes the word "Terminology" from the title, which will now read "Preamble and Scope." The word "Terminology" is being removed from the title because Terminology and Definitions are contained in Rule 1.0. This amendment is not substantive.

##### **Rule 9.4. Jurisdiction and Reciprocal Discipline**

The proposed amendment to this rule creates better continuity and organization of the filings in a reciprocal discipline matter.

**Rule 1.8.**

The proposed amendment to this rule would adopt a recent American Bar Association Model Rules amendment that will allow lawyers to provide modest gifts to certain pro bono and indigent clients. However, lawyers are still not allowed to financially support a lawsuit or administrative proceeding on behalf of their client.

**MOTION 2024-2**

The Board of Governors of the State Bar of Georgia approved the proposed amendments to the following rules. Notice of the proposed amendments was published on the State Bar of Georgia's website on July 17, 2024, and is pending filing with the Supreme Court of Georgia:

**Part 8. Continuing Legal Education**

Comprehensive changes to Part 8. Continuing Legal Education is proposed to enhance and update the rules, including expanding the compliance period, emphasizing updates to Georgia's law, emphasizing legal ethics, placing an emphasis on the member's particular practice area, and easing the burden on lawyers overall. Other changes are proposed to clean up and make other parts of the rules concise.

**Approved Amendment to the Bylaws of the State Bar of Georgia****Article III, Section 11. Meetings**

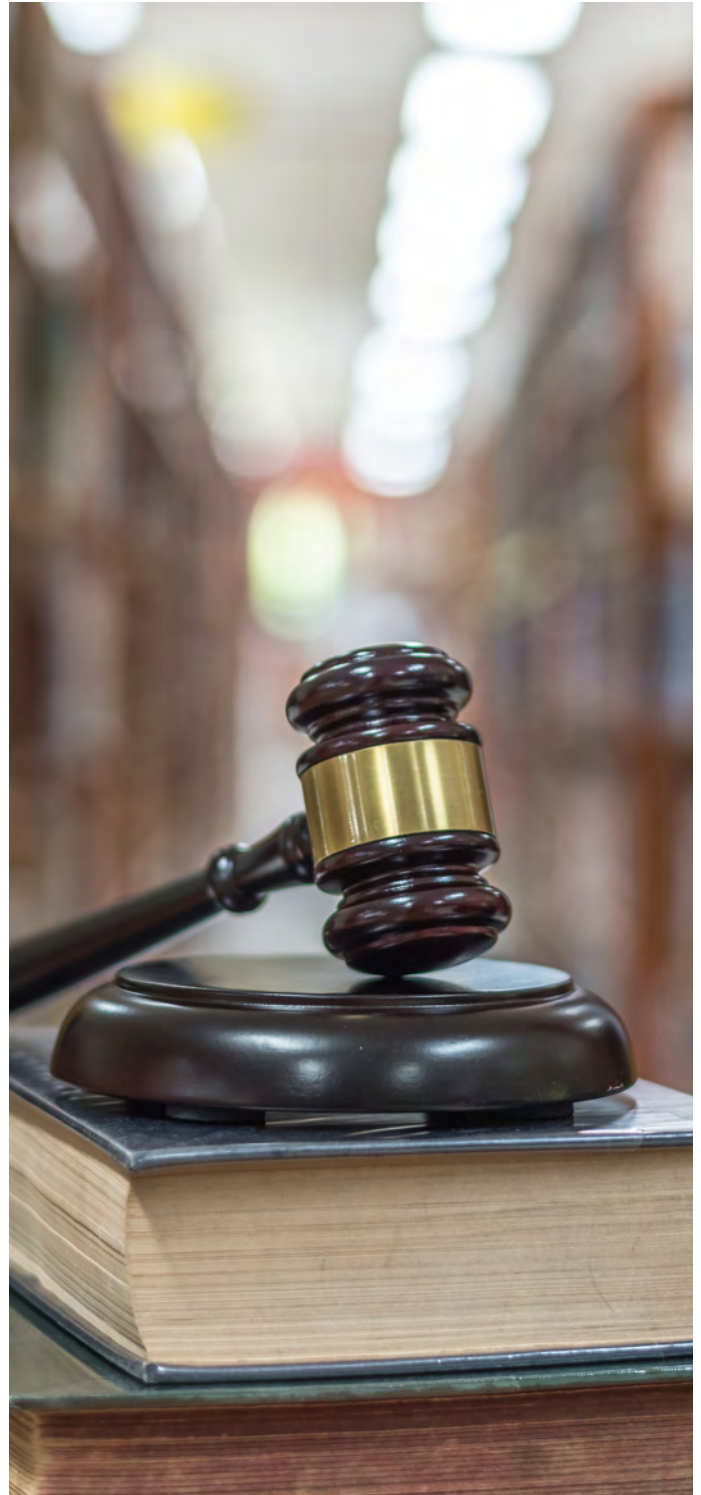
The amendment to this bylaw requires the Board of Governors to conduct a Spring meeting each year to align with the proposed revision to Article III, Section 12 (see below).

**Article III, Section 12. Budget**

The amendment to this bylaw changes the timing of the approval of the annual budget from the annual meeting to the Spring meeting. This change allows for the approval of the dues and the budget at the same meeting and reduces committee meetings. It also assists with the timing related to the new evaluation process and creates efficiencies within the State Bar's Accounting Department.

**Article VIII, Sections 1 and 2**

The amendment to these bylaws clarifies voting and quorum requirements for committees. The amendment specifically allows ex officio members to vote, and their presence counts towards a quorum. Further, the amendment makes clear that liaisons and advisory members are not granted voting rights, and their presence does not count towards a quorum. ●



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# DISCIPLINARY ORDERS OF THE SUPREME COURT OF GEORGIA

BY KATHYA S. JACKSON, CLERK, STATE DISCIPLINARY BOARDS

## Public Reprimands

<i>Date of Order</i>	<i>Respondent</i>
Nov. 7, 2023	Tamorra A. Boyd
Feb. 6, 2024	Coulter Clauzell Henry Jr.
May 29, 2024	Ephraim L. Michael

## Suspensions

<i>Date of Order</i>	<i>Respondent</i>
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### Indefinite Suspensions

Aug. 16, 2023	Andrew Matteson
Nov. 7, 2023	Walter Douglas Adams
Nov. 7, 2023	W. McCall Calhoun Jr.
Nov. 7, 2023	Carl Lawrence Collins
Feb. 20, 2024	Cheryl Joyce Braziel
March 5, 2024	Shaquandra A. Woods
June 11, 2024	William Avriett Green
June 11, 2024	Emily C. Williams

### Emergency Suspensions

April 16, 2024	Bryan Matthew Pritchett
June 11, 2024	Mandi Deyerle McDonough

### Definite Suspension

Sept. 19, 2023	Robert Mallory Crawford
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### Interim Suspensions

Aug. 24, 2023	Andrew Thurston Murphy
Aug. 24, 2023	Kathleen Strang
Oct. 30, 2023	Nathaniel Watson Cochran
Oct. 30, 2023	Tessie Deleana Edwards
Nov. 22, 2023	Charles V. Loncon
Nov. 22, 2023	Mandi Deyerle McDonough
Jan. 9, 2024	Charles Bruce Singleton Jr.
Jan. 12, 2024	Isaiah Gregory
Jan. 17, 2024	Sean Raymond Campbell-Champion
Jan. 17, 2024	Christopher Casey Taylor
Jan. 17, 2024	Brittany Renee Turner

March 12, 2024	Kerry Eston Hand
March 12, 2024	Amanda Nichole Moyer
April 23, 2024	Michael Frederick Greene
April 23, 2024	Mandi Deyerle McDonough
June 6, 2024	Craig S. Bonnell

### Interim Suspensions Lifted

Nov. 1, 2023	Nathaniel Watson Cochran
Nov. 7, 2023	Tessie Deleana Edwards
Nov. 27, 2023	Charles V. Loncon
Nov. 29, 2023	Mandi Deyerle McDonough
Jan. 22, 2024	Sean Raymond Campbell-Champion
Jan. 22, 2024	Isaiah Gregory
Jan. 22, 2024	Christopher Casey Taylor
Feb. 5, 2024	Charles Bruce Singleton Jr.
Feb. 29, 2024	Brittany Renee Turner
March 15, 2024	Amanda Nichole Moyer

## Disbarments/Voluntary Surrenders

<i>Date of Order</i>	<i>Respondent</i>
July 5, 2023	Richard H. Middleton Jr.
July 13, 2023	Keith Chance Hardy
Aug. 16, 2023	Susan Janette Lopez
Oct. 11, 2023	Ryan Curtis Cleveland
Nov. 7, 2023	Cory Howerton Fleming
Dec. 19, 2023	Ashutosh S. Joshi
Dec. 19, 2023	Steven Ryan Webster
Jan. 17, 2024	Derric Crowther
Jan. 17, 2024	R. Dale Perry
Feb. 6, 2024	Timothy Orman McCalep
Feb. 20, 2024	Deirdre Maria Stephens
March 5, 2024	Andrea Jo Anne David-Vega
May 14, 2024	James W. Davis III
June 11, 2024	Diana Y. McDonald



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