

MINUTES OF MEETING

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

May 31, 1996

Main Conference Room, State Bar Headquarters, The Hurt Building

WELCOME

The Chief Justice called the meeting to order at 12:25 p.m. Present were:

Commissioners

Judge Girardeau	Nolie Motes
Ron Ellington	Dave Oedel
Jim Elliott	Roy Sobelson
Judge Fitzpatrick	Comer Yates
Woody Hunter	

Advisors

Justice Clarke	Judge Etheridge
Gus Cleveland	Justice Marshall

Liaisons

Joseph Carter	Allan Tanenbaum
---------------	-----------------

Staff members

Bucky Askew	Sally Lockwood	Terie Latala
-------------	----------------	--------------

Guests

Angela Couch	Bob Beynart	Michelle Whitelaw
--------------	-------------	-------------------

INTRODUCTIONS

Sally Lockwood introduced Angela Couch, Summer Law Clerk to Chief Judge Dorothy Beasley of the Court of Appeals. Angela represented the Court of Appeals at the meeting in the absence of Judge Birdsong. Bob Beynart, partner at Smith, Gambrell & Russell, was a leader at the Professionalism Program for Third Year Students conducted at the Walter F. George School of Law at Mercer in May. Michelle Whitelaw, Summer Law Intern for the Commission, just completed her first year of law school at Georgia State College of Law.

MINUTES

The minutes of the January 24, 1996 meeting were approved as drafted. The minutes of the June 2, 1995 meeting were also approved as drafted. The approval of these minutes was overlooked at the January 24 meeting.

PROPOSED RULE CHANGE

Sally presented a proposed amendment to the Commission rule to clarify the fact that each

law school dean may serve on the Commission or designate a faculty member to represent the school on the Commission. The Commission unanimously approved the proposed amendment attached to these minutes. The proposed amendment will be sent to the Supreme Court.

MISSION STATEMENT COMMITTEE REPORT

Comer Yates, chair of the Mission Statement Committee, presented the most recent version of the Mission Statement drafted by the Committee composed of Comer, John Cromartie, Judge Girardeau, and Nolie Motes. The committee also proposed a Development Summary and Calling to Tasks in the words of former Chief Justice Harold Clarke. The Mission Statement and proposed related materials were approved unanimously by the Commission and are attached to these minutes. The Chief Justice announced that this Mission Statement could serve to encourage state courts to adopt mission statements so that court employees could be reminded of the purposes served by the courts.

COMMUNITY SERVICE TASK FORCE

Chief Justice Benham explained that the professionalism movement in Georgia involves more than competence and civility; it also includes community service and public service. To explore how we as lawyers can encourage lawyers to work actively to improve their communities, the Chief Justice has created a Community Service Task Force under the auspices of the Commission. This task force is composed of bench and bar leaders from around the state and a representative of the public, Bill Liss, Legal and Financial Editor of WXIA-TV. The Task Force is developing a strategic plan for promoting community service, including creating State Bar community service awards, providing models for projects for local bar associations, working with the State Bar to include a Web page where information can be found about volunteer opportunities in various communities, and enlisting the support of state court judges and senior members of the larger firms from throughout the state in the community service effort.

Professor Oedel expressed concern that the need for the community service effort could be seen by some as casting a negative light upon lawyers. He suggested that providing traditional legal counsel to those who cannot afford legal representation is the best way for lawyers to serve their communities. Nolie Motes expressed the opinion that only if lawyers are inclined to want to serve their communities will they want to perform pro bono legal services. The Chief Justice explained that there needs to be balance between providing pro bono legal services to the community and serving the community in ways other than legal representation: "You can't take your son or daughter with you to draft resolutions, but you can to drive nails."

PLANS FOR 1996 CONVOCATION

Sally presented "Professionalism and Community Service" as the theme for the 1996 Convocation, to be held from 9:00 a.m. to 1:00 p.m. on Thursday, October 24 at the Sheraton Colony Square Hotel as an ICLE event co-sponsored by the Commission. Sally suggested that the springboard for discussions of the community service aspect of professionalism be provided by the presentation of *Clarence Darrow: Crimes, Causes, and the Courtroom*, a one-man play which explores Darrow's moral convictions, personal philosophies, and summations in four of his most famous cases. Following the presentation, there would be small group facilitated breakout discussion of issues raised in the play and appropriate lawyer responses to community needs. Barney

Brannen of ICLE and Sally have agreed that if the Commission approves this program, ICLE and the Commission would defray the costs of the first presentation of the play at the convocation so that it could be performed on a more cost-effective basis at each of the law schools. ICLE has also engaged the producers of the play to present an oral advocacy CLE program on October 25. The Commission approved the proposal for the 1996 Convocation and commended the staff for developing an innovative program.

THE FLORIDA BAR/NEW JERSEY BAR

Sally reported that she will be traveling to Florida on June 20 to make a presentation about the history and work of the Georgia Commission at the Annual Meeting of the Florida Bar to assist the Florida Bar and Supreme Court in the creation of the Florida Supreme Court Commission on Professionalism, modeled on the Georgia Commission. Also on June 20, Roy Sobelson will be making a similar presentation at the Annual Meeting of the New Jersey Bar. The New Jersey Supreme Court recently established a Commission on Professionalism, also modeled on the Georgia program. He is going to spend some time with the New Jersey Bar to help them look into the prospects of having a professionalism requirement. The staff is finding that many states are looking to the Georgia model when developing professionalism efforts.

COMMITTEE ON PROFESSIONALISM

Joseph Carter, chair, reported that plans are under way for Orientations on Professionalism at the five law schools. This will be the fourth year of these programs which were the idea of former Bar President Paul Kilpatrick. A group leader volunteer sign-up form was included with the meeting materials. The Committee also conducted Professionalism Programs for second and third year students in conjunction with Law Day at Emory and the University of Georgia, based on *The Case of the Silent Alarm*. A similar program was conducted at Georgia State. At Mercer, a different program was used to explore professionalism in practice issues with third year students. Mercer invited practitioners from four different practice contexts to give their views: solo/small firm, criminal practice, family law practice, and large firm practice. Mercer would like to expand this program in the future. Joseph announced that the next committee meeting will be held in Savannah on June 7, during the Annual Meeting of the State Bar.

Bob Beynart was then introduced as the “star of the show” at the third year Professionalism Program at Mercer. In his presentation to the students about large firm practice, Bob emphasized that there is more to the practice of law than making money, and he commended Mercer and the Commission for encouraging law students to think about the profession in terms other than making money.

BUDGET

Jim Elliott, chair of the Budget Committee, proposed a tuition reimbursement policy for employees and explained that the issue was raised by an applicant for the Administrative Assistant position. The Commission approved the policy as proposed, a copy of which is attached to these minutes. Jim also presented the proposed budget for the July 1, 1996 - June 30, 1997 fiscal year which was furnished to members of the Commission. The Commission approved the proposed budget with the proviso that cost of living salary increase for staff would go into effect on October 1 to be consistent with the cost of living increases for state employees. A copy of the 1996-97

Budget is attached to these minutes.

OLD BUSINESS

Bucky announced the University of Georgia School of Law will dedicate the new Dean Rusk Hall on September 20; therefore, the Commission meeting previously set for that date needs to be changed. The Commission agreed to hold the next meeting on **September 27**, not on September 20.

NEW BUSINESS

Dean Woody Hunter announced that the fall Thrower Symposium at Emory would focus on the Role of General Counsel, building on the video based CLE program produced by the Commission, *The Challenges of In-House Counsel at Homewares Corporation, USA*.

Chief Justice Benham recognized Bucky Askew, Nolie Motes, Patrice Perkins-Hooker, and Terence Walsh as recipients of *Amicus Curiae* (“friend of the court”) Awards for having contributed countless hours of community service extending way beyond the call of duty. The awards were presented at a special ceremony of the Court on April 9 during the Court’s 150th Anniversary Week.

There being no other business, the meeting was adjourned at approximately 1:30 p.m.

Robert Benham
Chair

Sally Evans Lockwood
Director

Attachments: Proposed Rule Change, Development Summary, Mission Statement, and Calling to Tasks, Tuition Reimbursement Policy, 1996-1997 Budget

PROPOSED RULE CHANGE

It is ordered that the Rules and Regulations for the Organization and Government of the State Bar of Georgia are hereby amended as follows:

Part IX (Professionalism), Rule 9-102 (Chief Justice's Commission on Professionalism), Subparagraph (A) (Membership, Appointment and Terms) is hereby amended by deleting the language stricken through below and adding the underlined language as follows:

(A) Membership, Appointment and Terms

There is established a permanent commission of the State Bar of Georgia known as the Chief Justice's Commission on Professionalism. The commission shall consist of sixteen (16) members as follows: (1) the Chief Justice of the Supreme Court of Georgia or his designee who shall serve as Chair of the Commission; (2) the Chief Judge of the Court of Appeals or his designee; (3) one superior court judge designated by the Council of Superior Court Judges; (4) four law school faculty members ~~from designated by the deans of the~~ accredited law schools in the State of Georgia, one of whom must be a member of the State Bar Law School Subcommittee on Professionalism; provided, however, such faculty members shall not be from the same law school; (5) one non-lawyer former member of the State Disciplinary Board; (6) one non-lawyer citizen from the public at large; (7) the President of the State Bar of Georgia; (8) the President of the Younger Lawyers Section of the State Bar of Georgia; (9) one Federal District Judge; and (10) four members of the State Bar of Georgia actively engaged in the practice of law.

Three of the practicing lawyers and the non-lawyer former Disciplinary Board member shall be appointed by the Board of Governors of the State Bar of Georgia. The remaining members of the Commission, with the exception of the President of the State Bar of Georgia, the President of the Younger Lawyers Section of the State Bar of Georgia and the superior court judge, shall be appointed by the Supreme Court. The terms of the members of the Commission shall be staggered and that shall be accomplished by the initial appointments being as follows: two of the practicing lawyer members appointed by the Board of Governors shall serve until the conclusion of the State Bar Annual Meeting in 1990, the non-lawyer general public member shall serve until the conclusion of the State Bar Annual Meeting in 1990; the superior court judge member, one practicing lawyer member appointed by the Board of Governors and one law faculty member shall serve until the conclusion of the State Bar Annual Meeting in 1991. The remaining members of the Commission shall serve until the conclusion of the Annual Meeting of the State Bar in 1992. Thereafter, the superior court judge member shall serve for a two year term as designated by the Council of Superior Court Judges, and all other members of the Commission shall serve for three (3) year terms and no member (except the Chief Justice, ~~and that member appointed by the Court of Appeals, and the law school representative~~) may serve more than two (2) terms on the Commission.

So that as amended, Rule 9-102(A) shall read in its entirety as follows:

(A) Membership, Appointment and Terms

There is established a permanent commission of the State Bar of Georgia known as the Chief Justice's Commission on Professionalism. The commission shall consist of sixteen (16) members

as follows: (1) the Chief Justice of the Supreme Court of Georgia or his designee who shall serve as Chair of the Commission; (2) the Chief Judge of the Court of Appeals or his designee; (3) one superior court judge designated by the Council of Superior Court Judges; (4) four law school faculty members designated by the deans of the accredited law schools in the State of Georgia, one of whom must be a member of the State Bar Law School Subcommittee on Professionalism; provided, however, such faculty members shall not be from the same law school; (5) one non-lawyer former member of the State Disciplinary Board; (6) one non-lawyer citizen from the public at large; (7) the President of the State Bar of Georgia; (8) the President of the Younger Lawyers Section of the State Bar of Georgia; (9) one Federal District Judge; and (10) four members of the State Bar of Georgia actively engaged in the practice of law.

Three of the practicing lawyers and the non-lawyer former Disciplinary Board member shall be appointed by the Board of Governors of the State Bar of Georgia. The remaining members of the Commission, with the exception of the President of the State Bar of Georgia, the President of the Younger Lawyers Section of the State Bar of Georgia and the superior court judge, shall be appointed by the Supreme Court. The terms of the members of the Commission shall be staggered and that shall be accomplished by the initial appointments being as follows: two of the practicing lawyer members appointed by the Board of Governors shall serve until the conclusion of the State Bar Annual Meeting in 1990, the non-lawyer general public member shall serve until the conclusion of the State Bar Annual Meeting in 1990; the superior court judge member, one practicing lawyer member appointed by the Board of Governors and one law faculty member shall serve until the conclusion of the State Bar Annual Meeting in 1991. The remaining members of the Commission shall serve until the conclusion of the Annual Meeting of the State Bar in 1992. Thereafter, the superior court judge member shall serve for a two year term as designated by the Council of Superior Court Judges, and all other members of the Commission shall serve for three (3) year terms and no member (except the Chief Justice, that member appointed by the Court of Appeals, and the law school representative) may serve more than two (2) terms on the Commission.

DEVELOPMENT OF MISSION STATEMENT

From your suggestions we have developed a Mission Statement. We have tried to keep in mind that a mission defines an organization's "reason for being" now and into the future. We have been guided by the desire to keep the Mission Statement clear and understandable, brief enough for most people to keep in mind, having a primary focus on a single strategic thrust (that is attainable), but broad enough to allow for flexibility in implementation.

Comer Yates
John Cromartie
Nolie Motes
John Girardeau

MISSION STATEMENT

The mission of the Chief Justice's Commission on Professionalism is to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public and to fulfill their obligations to improve the law and the legal system and to ensure access to that system.

CALLING TO TASKS

The Commission seeks to foster among lawyers an active awareness of its mission by calling lawyers to the following tasks, in the words of former Chief Justice Harold Clarke:

1. To recognize that the reason for the existence of lawyers is to act as problem solvers performing their service on behalf of the client while adhering at all times to the public interest;
2. To utilize their special training and natural talents in positions of leadership for societal betterment;
3. To adhere to the proposition that a social conscience and devotion to the public interest stand as essential elements of lawyer professionalism.

A LAWYER'S CREED

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust.

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one.

To the courts, and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. I will strive to do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship.

To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service.

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.