

## **ADVISORY COMMITTEE ON LEGISLATION**

2004-2005

MINUTES OF MEETING NO. 2

December 9, 2004

State Bar Headquarters

Atlanta, Georgia

The second meeting of the 2004-2005 State Bar of Georgia Advisory Committee on Legislation ("ACL") was held on September 29, 2004, at the State Bar of Georgia Headquarters in Atlanta, Georgia.

### **ATTENDANCE**

The following members were present: Greg Fullerton (Chair), Jim Smith, Phyllis Holmen, Eric John, Wyc Orr, Foy Devine, Bob Keller, David Lipscomb, Jeff Bramlett, Honorable Adele Grubbs, Don Huskins, Honorable Philip Smith, Honorable J.D. Smith, Wilson DuBose, Melanie McNeil, Bettina Yip, Bill Prather, Tom Stubbs, Mary Margaret Oliver, Karlise Grier, Scott Greene, Matt Patton, Jim Pannell, Donald Huskins, Jeff Ward, Lamar Sizemore.

Others present included: Honorable Rucker Smith, Honorable Henry Newkirk, Donna Barwick, Molly Perry, Honorable Henry Newkirk, Ted Baggett, Bill Smith, Chris McFadden, Bill Clark, Tonya Griesbach, Rob Reinhardt, Debra Nesbit, Bob McCormack, Cindy Wang, Wanda Segars, Tom Boller, Rusty Sewell, and Mark Middleton.

### **CALL TO ORDER**

Vice Chair Adele Grubbs called the meeting to order. Upon arrival, Chair Greg Fullerton presided over the meeting.

### **APPROVAL OF MINUTES**

The minutes of the previous meeting were approved.

### **LEGISLATIVE MATTERS**

The following proposals were determined to be within the scope and purpose of the State Bar, and were approved for recommendation to the BOG to be considered at its November meeting:

#### **1. Real Property Law Section: Conversion of Mobile Home to Real Property**

The purpose of the proposal is to provide for the immediate conversion of a mobile home that is permanently attached to the ground from a personal property interest to a real property interest. Currently, the conversion takes place at the end of the three-step process. Under the proposal, the conversion would take place upon the filing for the Certificate of Permanent Location with the Clerk of Court. This bill amends O.C.G.A. 8-2-181.

## **2. Real Property Section: Vesting of Title in Certain Trusts**

This proposal would allow certain out of state trusts to hold title to property in Georgia. Currently only trustees can hold title if real property.

## **3. Georgia Public Defender Standards Council: Loan Forgiveness Funding**

Three years ago, the General Assembly passed a program that would pay off student loans for public interest attorneys. However, because of the severe budgets situation, the program has not been funded. This proposal seeks State Bar support for the loan forgiveness program

**The ACL tabled the following items on the agenda:**

- 1. Real Property Section: Prejudgment interest in Condemnation Cases:** Ted Baggett of the municipal Law Section objected to the proposal, and the matter was tabled by a 13-9 vote.

### **Other Legislative Business**

- 1. Court Futures Committee:** Judge Ben Studdard led a discussion regarding political parties contributing to non-partisan judicial races. The ACL passed a motion to direct General Counsel to investigate whether the proposal as presented violates *Keller* and if so provide alternatives for future consideration at the BOG's mid-year meeting.
- 2. Appellate Practice Section:** A proposal regarding clarification of mandamus was withdrawn by the Section.
- 3. Judicial Section:** After it was found to be within the scope and purpose, the proposal to add superior court and state court law assistants to the loan forgiveness statute failed.

### **OTHER BUSINESS**

Tom Boller provided an election report and tort reform update.

### **ADMINISTRATIVE ISSUES**

Tom Boller reported that this year's ACL contribution income through 11/30/04 is \$274,450. The balance in the ACL account on November 30, 2004 is \$430,307.

### **JUDICIAL UPDATES**

Court of Appeals Judge J.D. Smith congratulated Judge Debra Bernes on her election.

### **CLOSING**

There being no further business, the meeting was adjourned.