



GEORGIA DEFENSE LAWYERS ASSOCIATION 2013 FALL MEETING

**Barnsley Gardens Resort
Adairsville, Georgia
October 26, 2013**

MINUTES

The President, Ted Freeman, called the meeting to order at 8:55 a.m.. Those present were: **Executive Committee:** President Theodore Freeman of Freeman Mathis & Gary, Atlanta; Executive Vice President Kirby G. Mason of HunterMaclean, Savannah; Immediate Past President Lynn M. Roberson of Swift Currie McGhee & Hiers, Atlanta; Past President Edward M. Hughes of Callaway Braun Riddle & Hughes, Savannah. **Vice Presidents:** Craig Avery of Cowsert & Avery, Athens; Hall F. McKinley III of Drew Eckl & Farnham, Atlanta; and Peter D. Muller, Goodman McGuffey Lindsey & Johnson, Savannah. **Board of Directors:** David N. Nelson of Chambless Higdon Richardson Katz & Griggs, Macon; George R. Hall of Hull Barrett, Augusta; Jo A. Jagor of Hall Booth Smith, Atlanta; Pamela N. Lee of Swift Currie McGhee & Hiers, Atlanta; Jason C. Logan of Constangy Brooks & Smith, Macon; James D. (Dart) Meadows, Balch & Bingham, Atlanta; Wayne S. Melnick of Freeman Mathis & Gary, Atlanta; Brian T. Moore, Drew Eckl & Farnham, Atlanta; James W. Purcell, Fulcher Hagler, Augusta; and James S.V. Weston of Trotter Jones, Augusta. **Past Presidents:** N. Staten Bitting, Jr. of Fulcher Hagler, Augusta; Morton G. (Salty) Forbes of Forbes Foster & Pool, Savannah; Steven J. Kyle, Bovis Kyle & Burch, Atlanta. **Also present** was Executive Director Jennifer M. Davis.

With a change to the Minutes from the 2013 Annual Meeting to reflect that the proposal to amend the bylaws was defeated, the amended minutes were approved

Jennifer, on behalf of Warner Fox, reported that the GDLA now has 711 members. Information was provided on delinquent members and Board members are encouraged to follow up with those they know. Thirty seven new members below were considered and approved

	Member Name	Firm
1	Avery, Charles B.	Cowsert & Avery
2	Begnaud, Mark	Freeman, Mathis & Gary, LLP
3	Bell, J. Scott	Vernis & Bowling of Atlanta, LLC
4	Bentley, Elizabeth	Hicks, Casey & Foster
5	Bevill, Christina	Savell & Williams, L.L.P.
6	Blair, Lervette J.	Gray, Rust, St. Amand, Moffett & Brieske, LLP
7	Bolton, Brittany H.	Drew Eckl & Farnham
8	Colette, Joseph	Owen, Gleaton, Egan, Jones & Sweeney, LLP
9	Cope, Joel R.	Vernis & Bowling of Atlanta, LLC
10	Davidson, Meghan Robson	Nall & Miller
11	Davis, William J.	Martin Snow, LLP
12	Dean, John David	Young Thagard Hoffman Smith Lawrence & Shenton
13	Ezzell, William D.	Freeman, Mathis & Gary, LLP
14	Fox, Leah C.	Moore, Ingram, Johnson & Steele, LLP

15	Googe, M. Elizabeth	Leitner, Williams, Dooley & Napolitan, PLLC
16	Gram, Brooke W.	Balch & Bingham LLP
17	Hurst, Lyndsey	Drew Eckl & Farnham
18	Jones, Christina S.	Hall Booth Smith, PC
19	Kennerly, Leslie	Young Thagard Hoffman Smith Lawrence & Shenton
20	Lawson, Kate C.	Hunter Maclean Exley & Dunn, P.C.
21	Lay, Whitney B.	Drew Eckl & Farnham
22	Lehman, Thomas J.	Dennis, Corry, Porter & Smith L.L.P.
23	Lowery, John	Mozley, Finlayson & Loggins LLP
24	Mann, William S.	Hall Booth Smith, P.C.
25	McElroy, Gailya L.	Hawkins Parnell Thackston & Young LLP
26	McMickle, Scott	McMickle Kurey & Branch
27	Munk, Peter	Freeman Mathis & Gary, LLP
28	Owings, Caroline C.	Crim & Bassler, L.L.P.
29	Prout, Daniel, C. (Jr.)	Waldon Adelman Castilla Hiestand & Prout
30	Shoemaker, Robert M. (Matt)	Swift, Currie, McGhee and Hiers, LLP
31	Silverman, Katherine M.	Magill Atkinson Dermer LLP
32	Simcoe, Kathleen W.	Commander Pound Butler, LLP
33	St. Amand, Michael D.	Gray, Rust, St. Amand, Moffett & Brieske, LLP
34	Stewart, Anthony E.	Hall Booth Smith, P.C.
35	Trivett, Eric	Speed, Seta, Martin & Trivett LLC
36	Willis, Janine	Mozley, Finlayson & Loggins LLP
36	Willis, Kathryn S.	James Bates Brannan Groover LLP

Ted presented a proposed change to the Bylaws to open full membership to attorneys who practice with a governmental entity. He expressed the belief that opposition to the last proposal appeared to be as a result of proposed admission to captive attorneys rather than those in governmental positions. Some of our members have accepted roles in governmental positions and were disappointed that they no longer qualified for membership. Others who are attorneys representing governmental entities have expressed an interest in joining the GDLA. Ted announced that he would make the proposal at the Annual Meeting if there was full Board support for it. The Bylaws require that the proposal be presented to the Secretary and that it be presented to the Board before the Annual Meeting. With Board approval at the Spring Meeting, this proposal will be presented for a vote during the plenary session of the Annual Meeting. Proposed new language is double-underlined:

ARTICLE III Membership

Section 3. Eligibility for Membership. A. To be eligible (1) for election as an Active Member in this Association herein, a lawyer (a) must be a member in good standing of the State Bar of Georgia; (b) must be in private practice or employed by and representing a federal, state or local governmental entity or an agency thereof and engaged in the trial practice of litigation, primarily for the defense; and (c) must have manifested a genuine interest in or sympathy with, the purposes of this Association as expressed in Article II hereof. B. To be eligible (1) for election as an Associate Member of this

Association, and (2) to continue to hold membership as such, a lawyer (a) must be employed by an actively engaged on a full time basis in the claims work of a company doing business in the State of Georgia; and (b) must have manifested a genuine interest in, or sympathy with, the purposes of this Association as expressed in Article II hereof.

Chair Dart Meadows presented the Membership Committee report, again providing a list of Georgia members of DRI who are not members of the GDLA; giving an update about the RecruitOne II drive; and identified new Membership Committee members: [insert]

- Douglas Burrell, Drew Eckl & Farnham, Atlanta
- George Hall, Hull Barrett, Augusta
- Curtis Martin, Miller & Martin, Atlanta
- Edward McAfee, Lewis Brisbois, Atlanta
- Lynn Roberson, Swift Currie, Atlanta
- Jamie Weston, Trotter Jones, Augusta

Education Committee Chair Wayne Melnick provided a recap of the year's educational opportunities. The Mediation 360 seminar at Miles Mediation was standing room only. The Hot Issues in Medical and Psych Claims was fantastic and is considered to have been one of our top CLEs this year. Nelson Architectural provided a CLE on construction defects. The attendance was rather small, but it is recognized that it is a niche provider. A Spoliation Seminar was held in Savannah and Pamela Lee was chair for this event. She reported good attendance and that it was appreciated by our out-of-Atlanta members. Skits & Suds was presented in Macon earlier this year. This reflects an effort to take some of these events on the road and reach different areas in the state.

Coming up on January 29, 2014 is an Appellate Advocacy Seminar focusing on written and oral presentations. This will be presented in Atlanta at the State Bar and broadcast in Savannah and Tifton Bar offices. Skits & Suds Atlanta edition is set for February 20th and the Education Committee is working on a women's issues program in March.

Wayne asked for feedback and whether there were benefits to continuing with these efforts, expressing some concern over the low turnout at events. The Board congratulated him on the efforts of the Committee and noted the seminars increase the GDLA's visibility. Advertising the seminars was discussed and board members were encouraged to provide the contacts for local bar association newsletters where these events could be circulated.

Meetings Chair Staten Bitting presented a list of the past meeting locations and discussed future meetings. Discussion was had on the issue of returning to Bermuda. Given the desire to attract new members with young families, it was decided that Bermuda may be more appropriate for a Board meeting which would be extended to members with some CLE offered. Locations being given consideration for future meetings include: Nashville, One Ocean, Homestead, Wild Dunes, Royal Sonesta, Hammock Beach.

The 2014 Meetings are:

Winter: State Bar—Feb 7 (11th judicial reception the night before)

Spring: Royal Sonesta, Hilton Head—April 25-27

Annual: Ponte Vedre—June 12-15

Fall: Jennifer is working on securing a location.

Proposals for 2015:

Winter: State Bar—February
Spring: Bermuda?—April/May.
Annual: Disney—June
Fall:

Proposals for 2016:
Winter: State Bar
Spring:
Annual: Breakers
Fall:

Staten provided the costs associated with the GDLA Annual Meeting. The Board recognizes that registration does not cover the costs of the meeting. The Board discussed the fee structure for the Annual Meeting. A Motion was made, and approved, to increase the cost of registration to \$695.00, with an Early Bird Special of \$595.00 for those who register early. The cost for Younger Lawyers would be \$595.00, with an early registration discount to \$495.00.

Staten gave the report for Judicial Relations Committee Chair Andy Holliday. The report reflected two openings. An e-mail will be sent when the nominations for these positions have closed. It was noted that GDLA member Mark Wortham from Hall Booth is being considered for the one in Columbus.

Chair Brian Moore reported that the Substantive Committees are working well and providing articles to the newsletter and *Law Journal*. There is still an open for chair and vice-chair of the Auto Liability SLC. The Board discussed reminding the SLCs that they have funding for lunch meetings, seminars, etc. for networking.

Chair Pamela Lee reported on the YLS Committee. Young lawyers attended a Braves game, which was largely underwritten by sponsorship funds from GDLA Platinum Sponsor S-E-A and Gold Sponsor RGL Fornesixs. She is considering a picnic and lunch or happy hour in Macon and/or Atlanta in the future.

Editor Hall McKinley reported that he had lined up a number of commitments for the *Law Journal*, and provided a draft outline of the table of contents.

Ted reported that Sally Akins has established a newsletter Editorial Board to edit articles for her final review as Editor-in-Chief. The Board members include:

- Chris Foreman, Moore Clarke DuVall & Rodgers, Macon
- Nicole Leet, Gray Rust St. Amand Moffett & Brieske, Atlanta
- Megan Usher Manly, Ellis Painter Ratterree & Adams, Savannah
- Jimmy Scarbrough, Mabry & McClelland, Atlanta

Sponsorships Chair Craig Avery discussed our revenue, which is up substantially from the past. The recommendation was that the fees remain the same for 2014. The Board decided that Gold Sponsors should only get to send one representative to the Annual Meeting as part of their sponsorship; previously they could send two. Platinum Sponsors will continue to get two

company reps in attendance. The Sponsors may invite other company reps, but they will be charged an additional fee to be determined by our actual costs.

. Pre-Trial Discovery & Deposition Boot Camp had a small number of attendees and the Board revisited the idea of alternating it with Trial & Mediation Academy. The Board will see the turnout at the latter in January and revisit the discussion at the Winter Meeting.

Website chair David Nelson discussed the idea of a deposition database for the website, which has been requested by several members. Discussion was had about cost for developing a searchable database. David will investigate the ethical and legal implications and report at the Winter Meeting about the feasibility of contributing depositions to such a database.

DRI State Rep Bubba Hughes reported that there was good GDLA attendance at the recent DRI Annual Meeting with Jennifer, Ted, Lynn, Bubba and Kirby there. Bubba noted that the Southeastern Regional Meeting appears more beneficial than the DRI Annual Meeting. The State Representative attends this which is paid by DRI. The GDLA sends the President to this. In January 2014, there is a Leadership Meeting held by DRI in Chicago and DRI is sending the President and President-elect to attend. It was decided that Kirby Mason would attend in addition to Ted Freeman.

Discussion about our level of participation in filing amicus briefs was addressed, and the Board agreed with the Committee that it was working as it should.

Chair Lynn Roberson provided information relating to the members of the Diversity Committee:

- Jo Jagor, Hall Booth Smith, Atlanta, Vice Chair
- Lervette Blair, Gray Rust St. Amand Moffett & Brieske, Atlanta
- Douglas Burrell, Drew Eckl & Farnham, Atlanta

Lynn added that the GDLA had been accepted in the Multi-Bar Leadership Council (MBLC). Several members will be attending the Gate City/GABWA Diversity Reception, which the GDLA is sponsoring, and the MBLC Award Reception.

Jennifer provided the Treasurer's report for Matt Moffett, noting that the organization is in a sound financial position. The Balance Sheet, along with the Profit and Loss Statement and Budget were provided.

Ted Freeman provided the President's report, noting that it had been a robust year. There being no old business, he discussed new business. He appointed an Ad Hoc Committee (Sally Akins, Craig Avery and Wayne Melnick) to identify possible new logos to be considered, in addition to the current logo, to replace the one that has served us for almost 25 years. He also discussed the possibility of changing the position of Executive Vice President to President-elect to conform with the current practice of other similar organizations. It is commonly understood that a President-elect would rise to the position of President automatically, barring some serious change which would make them ineligible for the position—a change of practice, a move out of state, etc. This proposal will be reduced to writing and circulated at the Board's Winter Meeting.

Kirby Mason discussed our CPA's recommendation that the organization to adopt a written conflicts of interest policy and she provided a draft policy for consideration. It was agreed that a revised version of the Policy (as shown below) will be circulated to all Board Members for signature, which includes all Past Presidents:

We, the Officers and Members of the Board of Directors of the Georgia Defense Lawyers Association, resolve that no Member of the Board of Directors shall participate in any discussion or vote on any matter in which he or she or a member of his or her immediate family has potential conflict of interest due to having material economic involvement regarding the matter being discussed. When such a situation presents itself, the individual must announce his or her potential conflict, disqualify himself or herself, and be excused from the meeting until discussion is over on the matter involved. The President of the meeting is expected to make inquiry if such conflict appears to exist and the board member has not made it known.

Discussion was had about past contributions to the NFJE and the fact that this opportunity was not being utilized by our judges. The Motion was made, seconded and approved to discontinue this contribution.

Ted discussed the Speaker Series Luncheon and asked about reimbursement of airfare for a speaker. Discussion was had about the past events, both of which had some legal connection, and a future scheduled event which does not. The Board declined to pay travel expenses.

Jennifer reminded the Board of the ESI Charity Golf Tournament occurring the upcoming Monday. GDLA does not financially contribute to the event, but receives publicity.

The meeting was adjourned at 12:45 p.m.