



GEORGIA DEFENSE LAWYERS ASSOCIATION

2014 FALL MEETING

**October 18, 2014
Barnsley Gardens
Adairsville, GA**

CALL TO ORDER

GDLA President Kirby Mason called the 2014 GDLA Fall Board Meeting to order at 9 a.m. Present at the meeting were:

Executive Committee: President Kirby G. Mason, HunterMaclean, Savannah;
President-Elect Matthew G. Moffett, Gray, Rust, St. Amand, Moffett & Brieske, Atlanta;
Secretary-Treasurer Peter D. Muller, Goodman McGuffey Lindsey & Johnson, Savannah;
and

Immediate Past President Theodore Freeman, Freeman, Mathis & Gary, Atlanta.

Vice President: Sarah (Sally) B. Akins, Ellis Painter Ratterree & Adams, Savannah;
Craig C. Avery, Cowsert & Avery, Athens; and
David N. Nelson, Chambless, Higdon, Richardson, Katz & Griggs, Macon.

Directors: Christopher E. Parker, Miller & Martin, Atlanta;
Brian T. Moore, Drew Eckl & Farnham, Atlanta;
James D. (Dart) Meadows, Meadows, Balch & Bingham, Atlanta;
Jason C. Logan, Constangy, Brooks & Smith, Macon;
Jason D. Lewis, Chambless, Higdon, Richardson, Katz & Griggs, Macon;
Jeffrey S. Ward, Drew Eckl & Farnham, Brunswick;
James S.V. Weston, Trotter Jones, Augusta;
James W. Purcell, Fulcher Hagler, Augusta;
George R. Hall, Hull Barrett, Augusta;

Wayne S. Melnick, Freeman, Mathis & Gary, Atlanta; and

Ashley Rice, Waldon Adelman Castilla Hiestand & Prout, Atlanta.

Past Presidents: Warner S. Fox, Hawkins Parnell Thackston Young, Atlanta;

N. Staten Bitting, Jr., Fulcher Hagler, Augusta; and

Edward M. (Bubba) Hughes, Callaway, Braun, Riddle, Hughes, Savannah.

Guests: Judicial Committee Chairman Edward McAfee, Lewis Brisbois Bisgaard & Smith; and

Neil Wilcove, Freeman Mathis & Gary.

Executive Director Jennifer M. Davis

APPROVAL OF MINUTES

A motion to approve the 2014 Annual Meeting minutes was made and seconded, and the motion passed unanimously.

MEMBERSHIP REPORT

Admissions Chair Warner Fox reported that the Association has 764 members currently. He then presented 34 new applicants, several of whom had not yet passed the bar, so they are being considered for membership provisionally. A motion was made to approve all applicants, and that motion was seconded and approved.

MEMBERSHIP COMMITTEE

Chair Dart Meadows discussed the fact that it takes a long time to go through the application process, because the Bylaws require the Board to vote on prospective members at a regular meeting. Jennifer Davis explained that defense associations from some other states allow their executive committees to vote on applicants via email, especially if the applicants work for a firm with other members in the association, so that there are no issues of eligibility. Currently, dues are prorated as the year progresses; our sister states do not prorate when someone joins midyear. It was discussed that not prorating might discourage joining. Any amendment to the bylaws to streamline our process must be approved during the members' business meeting at the Annual Meeting in June. Since the Strategic Planning Committee has been tasked with rewriting our Bylaws, as needed, this streamlining the membership process and dues proration will be part of that effort.

EDUCATION COMMITTEE

Wayne Melnick reported that he had resigned as the chairman in June to give others the opportunity to serve. President Mason appointed Erica Morton as the new chair and Andy Treese as vice chair. Wayne reported on six CLE seminars that had taken place since the last Board meeting, and outlined future seminars the committee is considering and/or actively planning.

NEW BUSINESS-BOARD CONFLICTS OF INTEREST

Annually, the Board must acknowledge the conflict of interest policy, which was passed during the 2013 Fall Meeting, and note in the minutes that all present – including new Board members – will abide by it, including the need to disclose any conflict and to excuse oneself from discussions on such a topic. The policy was contained in the meeting packet e-mailed to each Board member – including those who were not present at this session.

OLD BUSINESS - *Health Insurance Exchange*

President Mason disclosed a conflict of interest because her law firm drafted the Lighthouse Benefit Resources (LBR) proposed contract with GDLA regarding a health insurance exchange, and she excused herself from the room. Ted Freeman explained that the proposed contract was for a revenue-sharing arrangement. His partner, Neil Wilcove, reviewed the proposed contract, and reported it was essentially a joint venture, which is very different from the other sponsorship agreements. After discussion, the consensus of the Board was that creating a special deal for LBR would be too problematic. A motion was made and seconded to offer LBR a standard sponsorship within the current guidelines; the motion passed. President Kirby Mason then returned to the meeting.

PRE-TRIAL DISCOVERY & DEPOSITION BOOT CAMP

Wayne Melnick reported that Pre-Trial Discovery & Deposition Boot Camp occurred in October, with 18 attendees (14 attended in 2013), all of whom were younger attorneys. The seminar requires a lot of support, so he suggested that it be placed within the responsibilities of the Education Committee. The matter will be considered when incoming President Matt Moffett makes committee appointments in the summer.

MEETINGS

Chair Staten Bitting reported that we needed to select locations for the 2016 Spring and 2016 Annual Meetings. A GDLA Platinum sponsor who attended another state defense

organization's meeting at Disney reported that no one showed up for the official functions/exhibit hall, because they were spending all of their time in the park. Therefore, the Executive Committee at its July 2014 meeting voted to recommend to the Board that our Annual Meeting not be held in Orlando. Staten and Jennifer presented proposals from Ponte Vedra Inn & Club, Omni Amelia Island and Disney Grand Floridian. A motion was made and seconded that the 2016 Annual Meeting be held at Amelia Omni. The motion passed, with the meeting to be scheduled for June 9-12, 2016.

Jennifer Davis presented a proposal to have the 2016 Spring Meeting in Highlands, North Carolina at 200 Main, an Old Edwards property, April 15-17, 2016. A motion was made, seconded and passed.

JUDICIAL RELATIONS

Vice-chair Edward McAfee reported that there is a Paulding County judgeship opening, for which he and Chair David Marshall are vetting candidates to discuss with the Judicial Nominating Committee.

STRATEGIC PLANNING COMMITTEE

Chair Peter Muller reported that he was drafting a survey to be sent to members. A planning retreat has been scheduled with John Trimble as the leader; he's a free speaker offered annually by DRI. Matt Moffett recommended forming a subcommittee to handle the reformation of bylaws. The Board discussed a number of items it believes should be addressed by the Strategic Planning Committee: attracting members from larger firms; dispelling the notion that we are only insurance defense lawyers; involving younger lawyers, etc.

SUBSTANTIVE LAW COMMITTEES

Chair Brian Moore stated that the chairs have been notified of their duties, and a vice chairman of the workers' compensation committee has been selected. Brian will be obtaining articles for the Journal. The SLC is currently reviewing the scope of the government liability committee. Jennifer Davis explained the background that Rich Glaze had approached GDLA about establishing an SLC regarding the government. However, Rich was envisioning a committee to defend against claims brought by the government, rather than a committee of attorneys representing the government. Rich therefore recommended that 2 separate SLC committees be formed. A motion was made to create 2 committees, one for defending on behalf of a government and one defending against actions brought by a government. The motion was tabled, and Rich Glaze will explore the issues and present them to the Executives Committee for a decision.

LAW JOURNAL

Editor Craig Avery reported that he is actively recruiting articles for the 2015 *Law Journal*.

NEWSLETTER

Sally Akins stated that Winter (final 2014) issue is in production now.

SPONSORSHIPS

Chair Wayne Melnick reported that the committee has had another “robust year.” Jennifer Davis is sending out renewal notices to the sponsors with the levels and rates remaining the same. She is currently speaking with Veritext and MLQ. Members were reminded to inform sponsors that the attorneys are using the sponsors because of their support for GDLA. When members are cold-called by a vendor, they’re encouraged to refer them to Jennifer Davis to discuss becoming a sponsor.

WEBSITE

Chair Dave Nelson reported that we have launched the online registration for events, including the ability to pay by credit card (or print the registration form and mail with a check). Dave stated that GDLA had received a number of requests for information on a healthcare lien vendor, and we have created an area for relevant pdfs in the Brief Bank. Jennifer noted that the Brief Bank receives very few submissions, and the largest area is Qualify Protective Orders.

AMICUS COMMITTEE

Chair Jeff Ward reported that the committee had received two requests for briefs: *Oliver v. McDade* concerning apportionment to a plaintiff’s employer for negligent entrustment for a vehicle to the plaintiff; and *Prickett v. Zaldivar*, addressing the impact rule as applied to an injured plaintiff who also experienced emotional distress for witnessing his friend’s injury. Both were approved by the Amicus Committee and are in process with Marty Levinson drafting the former, and Laurie Daniel and Lee Kynes drafting the latter.

DIVERSITY

On behalf of Chair Lynn Roberson, Jennifer Davis reminded everyone that GDLA is a member organization of the Multi-Bar Leadership Council. A lot of groups in the MBLC are

allowing members of the MBLC who meet their eligibility requirements to join their organizations for free, similar to DRI's giving a year of free membership to local defense bar members. The matter will be reviewed and discussed at the Board's Winter Meeting in February.

DRI

Bubba Hughes reported that this is his last year as the Georgia State Representative to DRI, and he will be attending the DRI Annual Meeting next week. Jennifer Davis reported that Bubba will receive the DRI Outstanding State Rep Award during that meeting; the GDLA nominated him for this national honor that is bestowed on one state rep annually.

YOUNGER LAWYERS COMMITTEE

YL Vice-chair Jason Logan stated that Chair Pamela Lee had assembled a YL Committee for its first-ever planning luncheon. A bowling event was held last week and they are planning other networking events in Atlanta and Macon. They are also hoping to schedule a joint seminar with GTLA's YLC.

TRIAL AND MEDIATION ACADEMY

Jennifer Davis reported that the seminar will be held January 22-24, 2014, again at Callaway Gardens Lodge & Spa with Douglas Burrell serving as chair. The faculty will be using a new problem licensed through NITA, which was also used at the DRI Trial School. We pay a per-person fee for use, which was approved by the Executive Committee at its July meeting. It was noted this program would benefit all attorneys, not just younger ones.

TREASURER'S REPORT

Peter Muller and Jennifer Davis reported that very little money was lost this year at the Annual Meeting, because the registration fees were increased, there was no shuttle transportation required for events, plus we sold additional event sponsorships.

Jennifer presented the list of those who have not yet paid their dues; she asked Board members to reach out to those whom they know and encourage renewals. A discussion ensued whether we should charge a late fee in order to encourage timely payment, or whether that fee might cause people not to renew. This, too, may be considered during the Bylaws overhaul.

INVESTMENT POLICY

Matt Moffett reported that Ted Freeman had asked Matt and Lynn Roberson to explore investing some of GDLA's money. In so doing, they reviewed the DRI investment policy. Matt presented an Investment Policy Statement; a motion was made seconded to adopt the policy. It was approved without opposition. A motion to authorize the investment committee to select a brokerage and deposit up to \$25,000 in the investment account was seconded and passed unanimously.

FORMAL ADVISORY OPINION BOARD

Ted Freeman reminded everyone that the GDLA has a representative on the State Bar of Georgia's Formal Advisory Opinion Board (FAOB), and Jake Daly is serving in that role. Ted has served as our rep before and reported the process can be very lengthy. He noted that often the opinions have nothing to do with civil defense law but, to the extent they do, he suggested we have a practice in place for sharing our collective and formal GDLA position. It was decided that Jake would circulate any advisory opinions relevant to the defense bar. If the timing is such that they Board can weigh in at a meeting, then it will be on their agenda. Otherwise, the Executive Committee will be empowered to develop and approve the GDLA's position on an opinion.

GDLA AWARDS

President Kirby Mason proposed that the Association formulate awards for members. Jennifer has collected a list of awards given by other groups, such as defense lawyer of the year or distinguished service. Kirby noted that the awards would not necessarily be given each year, but she would like to be able to recognize members for certain areas of distinction. It was suggested she establish a committee to analyze whether to establish awards. The Board agreed, and a report will be issued at the next Board meeting.

TRIAL NOTEBOOK

Dart Meadows recommend that the GDLA publish a defense trial notebook based on one handed down to him by his mentor. This will be a major undertaking and we will try to identify people willing to assist.

STATE BAR YLD SPONSORSHIP

GDLA paid \$1,000 to sponsor the State Bar of Georgia's Young Lawyers Division (YLD) 50th Anniversary several years ago, and the YLD again is asking for a \$1,000 sponsorship. A

discussion ensued about marketing to that group. A motion was made to sponsor the YLD for \$1,000. It was seconded and unanimously approved.

ATLANTA BUSINESS CHRONICLE (ABC)

Jennifer Davis reported that the ABC had approached her regarding the creation of a GDLA section, in which the section is purchased and articles are written on various legal issues. This would allow GDLA to get its name out to the various businesses which subscribe to the *Chronicle*. GDLA would commit to buying one ad at \$8,500, and then GDLA would attempt to raise money from our sponsors to buy congratulatory ads to reimburse the Association. It was decided to table this proposal until our 50th Anniversary, because that would assist in generating more interest.

50TH ANNIVERSARY

Jennifer Davis pointed out that we need to appoint a committee to address the planning of the 50th Anniversary. Other state and local defense organizations have had 50th celebrations recently, and she will gather ideas.

GDLA MEMBER FIRMS

President Kirby Mason asked Jennifer to provide the Board with a list of member firms. Board members were asked to review the list and formulate some ideas for increasing membership – i.e., by identifying missing defense firms.

SPEAKER SERIES LUNCHEON

Jennifer reported that the next Speaker Lunch Series, “The Future of the Profession,” will be held on November 13 at Nelson Mullins, featuring Mike Trotter.

The meeting was adjourned at 12:10 p.m.

Peter D. Muller
Secretary