



**Georgia Defense
Lawyers Association**
Advancing the Civil Defense Bar[®]

Georgia Defense Lawyers Association

Board of Directors Winter Meeting

February 6, 2015

State Bar of Georgia Headquarters

Atlanta, Georgia

CALL TO ORDER

GDLA President-elect Matthew G. Moffett called the 2015 GDLA Winter Board Meeting to order at 8:42 a.m. Present at the meeting were:

Executive Committee: (via telephone) 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;

Immediate Past President Theodore Freeman, Freeman, Mathis & Gary, Atlanta; and

Past President Lynn Roberson, Swift Currie McGhee & Hiers, Atlanta.

Vice Presidents: Sarah (Sally) B. Akins, Ellis Painter Ratterree & Adams, Savannah;

Hall F. McKinley III, Drew Eckl & Farnham, Atlanta;

David N. Nelson, Chambless, Higdon, Richardson, Katz & Griggs, Macon.

Directors: Christopher E. Parker, Miller & Martin, 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;

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

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

Past Presidents: Steven J. Kyle, Bovis Kyle Burch & Medlin, LLC, Atlanta;

Walter B. McClelland, Mabry & McClelland, Atlanta;

Warner S. Fox, Hawkins Parnell Thackston Young, Atlanta;

Robert M. Travis, Bryan Cave LLP, Atlanta; and

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

Young Lawyers Chair: Pamela Lee, Swift Currie McGhee & Hiers, Atlanta

Guests: Judicial Relations Committee Chair David C. Marshall, Hawkins Parnell Thackston & Young LLP, Atlanta; Education Committee Chair Erica L. Morton, Hicks, Casey & Morton, Marietta; and Trial & Mediation Academy Chair Douglas K. Burrell, Drew Eckl & Farnham, Atlanta.

Executive Director Jennifer M. Davis

APPROVAL OF MINUTES

A motion to approve the 2014 Board of Directors Fall Meeting minutes was made, seconded, and passed.

MEMBERSHIP REPORT

Admissions Chair Warner Fox reported that the Association has 32 prospective members (next page), which would bring the Association to more than 800 members. A motion was made to approve the 31 new applicants, and that motion was seconded and approved. Jennifer Davis reported that several memberships had been deactivated because of non-payment of dues; the Board was provided a list.

| | NAME | FIRM | CITY |
|----|-----------------------------|--|------------|
| 1 | Barre III, Kenneth Marc | Downey & Cleveland | Marietta |
| 2 | Benjamin, Vonetta | Womble Carlyle Sandridge & Rice | Atlanta |
| 3 | Boyer, Matthew | Nall & Miller | Atlanta |
| 4 | Bramlett, Payton | Vernis & Bowling of Atlanta LLC | Atlanta |
| 5 | Britt, Samuel | Crim & Bassler | Atlanta |
| 6 | Carter, Kirk Andrew | Waldon Adelman Castilla Hiestand & Prout | Atlanta |
| 7 | Childs, Wesley Ennis | Chambless Higdon Richardson Katz & Griggs | Macon |
| 8 | Curtright, Andrew | Downey & Cleveland | Marietta |
| 9 | Gifford, Christopher Kelley | Drew Eckl & Farnham | Atlanta |
| 10 | Green, William Avriett | Ken David & Associates | Atlanta |
| 11 | Hand, Adam | Murphy & Sibley | Macon |
| 12 | Henderson, Philip | Insley & Race | Atlanta |
| 13 | Hudgins, Rachel Erin | Goodman McGuffey Lindsey & Johnson | Atlanta |
| 14 | Idelevich, Anna | Weinberg Wheeler Hudgins Gunn & Dial | Atlanta |
| 15 | Ismail, Anam | Waldon Adelman Castilla Hiestand & Prout | Atlanta |
| 16 | Johnson, Christopher | Gray Rust St. Amand Moffett & Brieske | Atlanta |
| 17 | Johnson, Robert | Crim & Bassler | Atlanta |
| 18 | Jones, Candis | Gray Rust St. Amand Moffett & Brieske | Atlanta |
| 19 | Kiella, Melody | Drew Eckl & Farnham | Atlanta |
| 20 | Lang, Crystal S. | Young Thagard Hoffman Smith Lawrence & Shenton | Valdosta |
| 21 | Larkin, Gwendolyn | RLI Transportation | Atlanta |
| 22 | Le Jeune, Danielle C. | Rutherford & Christie | Atlanta |
| 23 | Nelson, Zachary J. | Goodman McGuffey Lindsey & Johnson | Atlanta |
| 24 | O'Daniel, Clay | O'Daniel McDonald | Atlanta |
| 25 | Patton, Melissa C. | Webb Zschunke Neary & Dikeman | Atlanta |
| 26 | Pearson, Kevin | Georgia Power Company | Atlanta |
| 27 | Pound, Theodore E.G. | Owen Gleaton Egan Jones & Sweeney | Atlanta |
| 28 | Pratt, Bradley | King & Spalding | Atlanta |
| 29 | Pruiett, Tracey | Mabry & McClelland | Atlanta |
| 30 | Reed, Rachel | Waldon Adelman Castilla Hiestand & Prout | Atlanta |
| 31 | Thaw, Jr., Darrell Jay | Weathington Smith | Atlanta |
| 32 | Tisinger, Jr., Richard G. | Tisinger Vance | Carrollton |

MEMBERSHIP COMMITTEE

A proposed Bylaw amendment was submitted to allow voting by email to consider applicants for membership, in order to prevent prospective members from waiting sometimes months for admission at a Board meeting. After discussion and revision, the Board unanimously agreed to a proposed Bylaw revision (Exhibit A) for submission to the membership during the business meeting at the Annual Meeting.

YOUNG LAWYERS COMMITTEE

YL Chair Pamela Lee reported on YL events, including a possible happy hour to be held jointly with GTLA YL members. Efforts were discussed to convince younger lawyers to attend the Annual Meeting, including getting them involved in the program. Last year, there were 11 first-time attendees who were largely younger lawyers. President-elect Moffett will assign an experienced younger lawyer and an older member to mentor new attendees at the Annual Meeting, so that they will feel connected. The GDLA has helped to sponsor the State Bar YLD, allowing us to send a representative to YLD meetings to recruit members, which we have done.

MEETINGS

Reporting for Chair Staten Bitting, Jennifer Davis discussed the upcoming meetings: Spring 2015, Wild Dunes Resort; Fall 2015, Reynolds Plantation; 2015 Annual, Hammock Beach Resort; 2016 Spring Meeting, 200 Main in Highlands, North Carolina (tentative); 2016 Annual, Amelia Island; and 2017 Annual, The Breakers.

STRATEGIC PLANNING COMMITTEE

Chair Peter Muller reported that surveys had been sent to all GDLA members, and replies had been received. A committee planning retreat has been scheduled with John Trimble of DRI as the leader. Ted Freeman discussed the purpose of his having formed the committee, which had been sparked by a discussion at DRI regarding its challenges, which are similar to those of GDLA, and DRI's efforts to address those issues.

SUBSTANTIVE LAW COMMITTEES

Reporting for Chair Brian Moore, Jennifer Davis said that the case law updates are arriving from the various SLCs for the newsletter.

LAW JOURNAL

Jennifer Davis stated that she will check with Editor Craig Avery regarding the status of articles for the 2015 *Law Journal*; but several reminders have been sent to the SLCs from both Jennifer and Brian Moore.

NEWSLETTER

Sally Akins reported that next issue is on schedule, with the submission deadline next week.

SPONSORSHIPS

Chair Wayne Melnick reported that there had been a slight decline in revenue, due to the loss of DecisionQuest, Global Legal, and Southern Medical Legal for various reasons. He reminded people to inform our sponsors that we are using them because they are sponsors, and that we consider not hiring companies that are not sponsors. He suggested that we obtain vendor information from other

meetings, such as DRI and CLM, for leads on potential sponsors. Miles Mediation has expressed an interest in an exclusive mediation sponsorship of GDLA; the Board will consider the issue of exclusive sponsorships.

TRIAL & MEDIATION ACADEMY

Matt Moffett thanked Chair Douglas Burrell for his hard work and stated that our program is the best in the country. Matt noted that Douglas is also on the DRI Board, and Douglas said that GDLA has been one of DRI's best SLDOs. Douglas reported that the Trial & Mediation Academy was held on January 22-24, 2015, at Callaway Gardens Lodge & Spa using a NITA problem and was a success. A number of experienced lawyers who had not recently tried any cases attended. Bill Casey will be the new committee chair. Matt Moffett suggested that GDLA should hold its various academies for lawyers of all levels.

WEBSITE

Chair Dave Nelson reported that we have launched online registration for events, including the ability to pay by credit card and to see who is scheduled to attend.

AMICUS COMMITTEE

Vice-chair Chris Parker reported that the committee has been getting more requests for briefs in recent years. The committee had received two requests, on apportionment to a plaintiff's employer for negligent entrustment of a vehicle to the plaintiff and on the impact rule as applied to an injured plaintiff who experienced emotional distress for witnessing his friend's injury. The amicus briefs from both sides will be placed on the website. He reported that the proposed pattern charge on pain and suffering apparently was approved by the Council of Superior Court Judges.

JUDICIAL RELATIONS

Chair David Marshall, the GDLA representative to the Judicial Nominating Commission (JNC), discussed the process in which the JNC seeks information from the GDLA on judicial candidates and the committee collects information from members.

DIVERSITY

Chair Lynn Roberson has attended the meetings of the Multi-Bar Leadership Council (MBLC) and made it clear that the GDLA is interested in diversity among our members and leaders. The GDLA will be participating in this year's MBLC Diversity Celebration and Cook-off (last year, we won second prize!). She inquired whether the GDLA should offer a 1-year membership at no charge for MBLC members who meet our qualifications, because the cost to the Association would be minimal, and it would help with diversity and likely would lead to paid membership renewals. Other MBLC members like GTLA have done so. Lynn is looking for a committed person to follow her as chair.

EDUCATION COMMITTEE

Chair Erica Morton reported that a Skits & Suds is being planned for Atlanta and Savannah; we last took it on the road to Macon. Other CLEs are also in the works. Approximately 40 people attended the Ethics & Professionalism Breakfast, many coming from the same firm. She noted that we need to encourage attendance from across the membership, and it was discussed whether the Association is sponsoring too many CLEs, as shown by the fact that we have to work hard to encourage people to attend. The committee has tried unsuccessfully to increase attendance by holding CLEs in different parts of town. The issues will be discussed at the Strategic Planning retreat.

DRI

DRI State Rep Ted Freeman reported that the DRI Leadership Conference was held in January and was attended by several GDLA leaders. The DRI has been doing a good job of reaching out to its SLDOs, and Ted suggested we should invite a DRI representative to a GDLA Board meeting on an annual basis, perhaps the February meeting and judicial reception. It was decided that Jennifer Davis, who is on DRI's Annual Meeting Steering Committee, will invite a representative.

FORMAL ADVISORY OPINION BOARD

Jennifer Davis stated that the State Bar of Georgia's Formal Advisory Opinion Board (FAOB) will be on our agenda for every meeting at which there is any in-process advisory opinion which needs to be discussed. There currently is no pending advisory opinion. Jake Daly is the GDLA representative to the FAOB.

SPEAKER LUNCH SERIES

Michael Trotter presented "The Future of the Profession" at the most recent Speaker Lunch Series. There were approximately 20 people present. The Board will give further consideration as to whether to continue holding the luncheons, as attendance has been consistently low.

TREASURER'S REPORT

Peter Muller reported that, as of December 31, 2014, the Association continues to perform better in comparison to the year prior. The Board was presented a copy of the balance sheet and profit and loss statement. Additionally, we have opened an investment account pursuant to the Board's direction at its last meeting. It was noted that the Board will need to decide how to spend some of its money to advance the civil defense. It was suggested that the Strategic Planning Committee consider these issues.

INVESTMENT COMMITTEE

Matt Moffett reported that the Association had made its first deposit into the new Merrill Lynch investment account, with half going into equity and half into bonds. The Association is attempting to build an endowment, perhaps for some types of scholarships, such as for the Annual Meeting, CLEs, and

other events, while recognizing some will be a reserve for emergencies. In order to offset the fees and best leverage the account, we eventually will need to increase the balance to \$100,000. He made a motion to approve the committee placing up to \$25,000 per quarter into the account for a total contribution of \$100,000 since inception. The motion was seconded and approved by voice vote.

D&O INSURANCE

Jennifer Davis reported that it was time to renew our Directors & Officers policy. The premium can be locked in for three years. She noted that it is very time-consuming to have to reapply each year, and our broker recommended locking in the rate. The motion to lock in the rates for three years was made, seconded, and approved by voice vote. President Mason explained that the Association has worker's compensation coverage because, in her experience, even volunteers who are working on a project can be eligible for worker's compensation benefits. The policy as written also covers independent contractor Jennifer Davis for worker's compensation.

PRESIDENT'S REPORT

President Mason noted that various issues arise between Board meetings, and the Executive Committee should have authority to act on many of the routine, day-to-day issues. She proposed a resolution giving the Executive Committee the authority to exercise certain powers between meetings with a monetary cap of an amount to be determined by the Board. Discussions were held, and edits were made to arrive at a final proposal (Exhibit B). A motion to approve the resolution was made, seconded, and approved by voice vote.

NEW BUSINESS: RESOLUTIONS

President Mason noted that the Association had been asked to take positions on various matters, including social issues. In other cases, the GDLA is asked for financial contributions or sponsorship dollars. There is an interest among some Board members for the Association to take positions on certain matters, but it was noted that often the issues are not completely clear, making it controversial for the Association to take a position. Discussions occurred as to whether the positions should be decided only as a Board decision, rather than by the Executive Committee. It was suggested that any such issue should be germane to the defense bar in order for the Association to take an official position. The Executive Committee was directed to assess the proper approach to such resolutions and issues and to report its recommendations to the Board with a proposed resolution.

Adjournment

The Board adjourned for subsequent executive session. A separate addendum summarizes that session, which addressed executive director compensation for 2015.

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

Peter D. Muller
Secretary

Exhibit A

ARTICLE III

Membership

Section 4. Applicant for Membership. Any lawyer eligible for membership may submit his or her name and qualifications in writing to the Admission Committee Chair ~~person~~man, who shall promptly refer such nomination to the ~~Membership-Admissions~~Admissions Committee for investigation and report. The ~~Admissions~~s Committee shall inquire into the character and the professional standing and qualifications of the applicant and shall report its findings and recommendations as soon as practicable to the Board of Directors for comment by e-mail. ~~Following the filing of the Admission~~After one week, the Executive Committee's ~~report and recommendations with the Board of Directors at a regularly scheduled Board Meeting, the~~ ~~Board of Directors~~ shall vote ~~by ballot upon such nomination~~on the nominated members at its next meeting or by e-mail. Two (2) unfavorable ballots shall be sufficient to reject the applicant. If the ballot be favorable, the President or Executive Director shall extend promptly to the applicant an invitation to membership in this Association. In special cases where the Admissions Committee and/or Executive Committee are unable to confirm a prospective member's practice as being "primarily for the defense," the prospective member's application may be reviewed by the full Board for a vote at its next regularly scheduled meeting or by e-mail.

EXHIBIT B

STANDING BOARD POLICY 100:

EXECUTIVE COMMITTEE ACTION

WHEREAS, pursuant to Article VII, Section 6, of the Association Bylaws, There shall be an Executive Committee, which shall consist of the President, President-elect, the three most immediate Past Presidents, and the Secretary-Treasurer; and

WHEREAS, the above-referenced Bylaw states that the Executive Committee shall have and exercise such of the powers and authority of the Board of Directors in the intervals between meetings of the Board of Directors as may be delegated to it by resolution of the Board;

THEREFORE, BE IT RESOLVED, that the Board of GDLA Directors does hereby grant the Executive Committee the duty and right to exercise the business operations of the Board of Directors when it is not in session, within reason, in good faith, and in the best interests of the organization.

BE IT ALSO RESOLVED that in the event the Executive Committee action involves payment from the GDLA, the limit of the Executive Committee's authority shall not exceed Ten Thousand Dollars (\$10,000.00) between Board meetings.

RESOLVED this 6th day of February, 2015, by the Board of Directors at its Winter Meeting.