

**MINUTES OF THE OCTOBER 19, 2008  
GEORGIA DEFENSE LAWYERS ASSOCIATION  
BOARD OF DIRECTORS QUARTERLY MEETING**

The GDLA Board of Directors met at the Reynolds Plantation at Lake Oconee on October 18, 2008.

In attendance were: President, Jimmy Singer; Executive Vice President, Staten Bitting; Executive Director, Steve Milano; Secretary/Treasurer, Edward M. Hughes; Directors and Past Presidents: Matt Moffett, Ted Freeman, Hall McKinley, Joe Chambless, Jason Willcox, Grant Smith, Walter McClelland, Steve Kyle, Craig Avery, Mal Haas, Johnny Foster, Crhis Parkor, Rusty Gunn, Warner Fox, Jo A. Jagor, Lynn M. Roberson, David Whitworth, Peter Muller, Bob Travis, Evelyn Fletcher, Sally Akins. Brian Moore, as an invitee Chair of the Insurance Coverage Substantive Law Committee was also present.

President Jimmy Singer called the meeting to order at approximately 8:30 a.m. and confirmed that all present had an agenda. He elected to deal with some of the topics out of order on the agenda due to some late arrivals and anticipated questions.

The minutes of the annual meeting held at Ponte Vedra on June 15, 2008 were reviewed and approved.

Warner Fox, as Membership Chairman, presented the report regarding the current demographics of the organization and how membership has evolved over the years. There are currently 19 applicants since the last meeting who had been approved by the Committee and a list of those names were distributed. On motion of Lynn Roberson and duly seconded they were unanimously approved for membership. A list of the new members is attached.

Steve Milano advised that there were 68 members with delinquent dues, whose names were identified on a list which was circulated to determine who would make follow-ups. There are 660 members, but 68 have not paid, although the status becomes inactive a year following non-payment.

Ted Freeman gave the report of the Membership Recruitment and Retention Committee. He indicated that the Committee had met three times and prepared a brochure which was displayed and the suggestion was made that the brochure be sent to DRI members that are not in the GDLA. This was unanimously approved and the brochure was favorably received. Ted mentioned that our emphasis on larger firms had not panned out as successfully as we had hoped and that our time might better be spent on a different approach to attract new members from different areas of the state. We need to concentrate more on members from smaller cities, such as, Brunswick, Athens, Rome, Gainesville, etc., and target prospective members by providing a service beyond blast e-mail which, although good, is only one benefit and there are other things we can do. For example, Mr. Freeman suggested brown bag lunches with judges to make it

meaningful and so as to emphasis recruitment from smaller firms more geographically spread rather than focusing on large Atlanta firms.

In the past we have concentrated on recruiting new members through current members and had a “member-get-a-member” campaign. Lynn Roberson commented that the trial academy draws from outside of Atlanta and is a good recruitment tool. Steve Milano mentioned that a mailing was done to DRI of non-members consisting of approximately 400+ attorneys and we only acquired 11 members from that mailing and that actually the “member-get-a-member” worked better.

With respect to the larger firms, Bob Travis and Warner Fox had met with litigation representatives of two of the larger firms and the representatives seemed receptive, but overall it was not very effective, primarily likely due to the demands on associates’ time, tight budgets at large firms, and the firm therefore not being willing to bear the cost in addition to costs already paid.

There was also discussion concerning our having more to offer to medium-sized to small firm outside of Atlanta, including the trial academy, CLE, blast e-mail, deposition boot camp, etc. The discussion evolved into a review of updating the website which would be important to younger lawyers in particular. Steve Milano indicated that Kirby Mason is to make a presentation concerning the Web site to assist in making decisions on content, as apparently most feedback concern complaints about photographs and very little substantive complaint content.

The cocktail reception with judges was also said to be a good membership retention tool.

Ted Freeman mentioned a survey of the membership and Steve Milano pointed out that there had not been one in four years. Ted believes that an easy to use survey asking them to identify the most important thing about the organization, with a potential award for participating in the survey, might be helpful. The survey could be potentially split between younger lawyers and the rest of the membership to get responses. In 2004, there were only 75 responses to the survey received at that time.

Evelyn Fletcher and Will Ellis went to a swearing-in ceremony of new lawyers and gave out the flyer that had been developed. Adding to or changing the flyer was discussed as an option. It was agreed that bids would be secured on printing the brochure and a determination made as to whether it was appropriate to spend the money.

President Singer restated the Committee’s recommendation to focus on a statewide effort to recruit smaller firms and that the brochure being out after a decision on funding for printing is made by the Executive Committee.

A discussion regarding non-members attending the programs and the necessity of their being allowed to do so for CLE purposes was conducted. It was mentioned that the main benefits of membership are the blast e-mail which is now searchable by name and/or category, the *Law Journal*, a professional association affiliation, CLE, and overall networking.

Jo Jagor reported for the Younger Lawyers Section that the deposition boot camp is in the works and that the Alabama material had been secured. The boot camp is to be conducted on March 6, 2009 at Georgia State University when the school is closed. Jo is being assisted by Will Ellis and Evelyn Fletcher in connection with the work in preparing for the boot camp and there is a possibility of a cocktail reception immediately following the boot camp. The Alabama program is designed for two days, although ours will be consolidated into one day. There was overall discussion on whether we should focus on membership firms and have all of the spaces occupied by member firms or whether we should open it up as a possible tool for recruitment. The consensus was that we need to offer it as a benefit to membership, so we could do an early offering to member firms, or an early notice to potential attendees from member firms.

Jo Jagor commented that the boot camp is a benefit for beginning attorneys and is not really directed to members. The location will hold up to 80 participants and we should put it on the Web site to a link and print out the materials for this and "Skits and Suds" ahead of time. Chris Parker suggested to just put early registration and possibly different prices, as early registration creates an appearance of a priority or benefit. The consensus was that Ted needs to discuss with the committee in detail to look at the overall fee structure for charges for the registrations for events, seminars, and presentations.

A discussion ensued guided primarily by Jo Jagor and Steve Milano relating to possibly allowing participation of law students for the boot camp and other events, including up to the trial academy, although primarily the deposition boot camp and similar programs. Basically the students can watch but not participate.

Jimmy Singer pointed out that the Executive Committee met this summer and Matt Moffett is designated as head of the Education Committee and the Committee wants something every quarter for younger lawyers, including the Worker's Compensation Academy in the fall directed toward lawyers who have been practicing one year or less with the deposition boot camp being in March. The effort is for new lawyers to have exposure at least quarterly and for them to interact with instructors and well as each other, which is good for retaining young lawyers as members.

Steve Milano commented that the working lunch with a program has a lot of appeal. Jimmy Singer pointed out that Alabama's deposition boot camp has been very successful and they are protective of their materials, which took them years to develop, but they have agreed to allow us to obtain them for \$1,000 plus \$25 for each person that registers.

Jo Jager brought up the possibility of the Younger Lawyers Chair having a seat at the Board or coming to Board meetings as a guest. It was agreed that it could prove helpful so we would have input from the Younger Lawyers Section. President Singer pointed out that every member of the Board has significant responsibility and that attending was Brian Moore, as the Chair of the Insurance Coverage Substantive Law Committee, who was invited, and we generally do that for substantive law committee chair at least twice a year.

Staten Bitting reported for the Worker's Compensation Academy and indicated that Rick Thompson is chair for the Academy and that the faculty has been selected and the event is

to occur on December 5, 2008 at Georgia State Law School and it needs to be publicized with contacts at firms likely to employ interested attorneys.

Johnny Foster gave the report on the Substantive Law Committees Program and described how the program had been operating for four years and there are 12 committees with 473 members and each committee has a chair and all but three have vice-chairs. One committee is doing a CLE program on construction law and stormwater issues and there will possibly be an automobile CLE in Savannah in November. Ted Freeman mentioned possibly updating our profiles through the website for targeting on the committees and Johnny Foster pointed out that the dues notice asks for a list of committees a member would be interested in serving on and that the responses were screened and committee assignments placed as a result. There was a discussion about changing the terminology so that it would not appear that one were volunteering to do any work to be on a committee as opposed to getting the benefit of committee involvement.

Of the Substantive Law Committees, professional liability is the largest in membership with 73; worker's comp has 52; insurance coverage has 50; premises 47; products liability 47; automobile has 40; and the others of similar size. Jimmy Singer stated that some committees do more and better jobs than others and Johnny Foster claimed that he asked each chair to contact each member of the committee in order to establish communication for successful planning. Peter Muller indicated that applicants should first designate an area of practice. Brian Moore mentioned that as head of the Insurance Coverage Committee, he gets a list of members and writes to them, welcomes them to the committee, and asks them to volunteer information on significant events on new cases so as to try to update the members on recent cases.

A discussion ensued as to whether the membership is aware of the committees and aware of the ability to e-mail significant information. John Fosters wants feedback on how to improve the committees and whether e-mail should go to all members or just those who do that type of work and that, although the chair appointments are annual to the committees, by default, they are continuing in their areas of practice and maybe the appointment should be for longer than one year.

With respect to the Web site specifically, Steve Milano indicated that Kirby Mason had thought that the Web site does look acceptable, but that the Board needs to look at it at a meeting and get feedback on what tools are useful. Steve pointed out that there are Board members who have never logged on.

The basic issue was what we want the Web site to do. The proposed items that are "donated" to the Web site are vetted by the chairs of the committee. An issue arose as to control of the Web site and Steve Milano indicated that he manages the Web site and he saves money on what a Web site contractor or Web designer would charge. President Singer indicated that Kirby Mason is to look at a presentation at the winter meeting on what the Web site Committee needs to report on its recommendations and on what the necessary budget would be.

Walter McClland, chair of the Judicial Relations Committee discussed how the committee is notified of vacancies and candidates for possible judgeships. The Judicial

Qualifications Commission invites the organization to participate and on occasion a member of the Committee has appeared before the Commission.

President Singer commented that at the spring board meeting it was agreed to have the judicial reception outside of Atlanta. Sally Akins indicated that the Savannah Judicial Reception is going to be November 20<sup>th</sup> at the Chatham Club with a one-half day CLE seminar earlier that day with the topic of accident reconstruction and biomechanics provided by a sponsor. Judge Ginsberg is also going to speak relating to technology use in trials. The seminar is from 9:00 a.m. to 12:00 noon at the Coastal Georgia Center with the reception at 5:30 p.m. There was discussion about possibly moving the seminar back to the afternoon so that people would be more likely to remain available for the reception. This is a straight reception for all judges, not honoring any particular judge. Judges within the Eastern Judicial Circuit, and judges in the adjoining judicial circuits have apparently been invited.

A discussion occurred regarding the contribution to the National Foundation of Judicial Excellence. It was confirmed that we would make the contribution we had committed to but whether there would be future contributions is up for discussion. Walter McClelland suggested the board table the matter until and if the association is asked for another donation.

President Singer indicated that we do need to do the Atlanta judicial reception and doing so the night before the board meeting seemed to be well-attended last year, but everyone needs as much advance notice on the meeting dates as possible. The consensus was to make the reception on a Thursday night in February and have the board meeting the next day with the reception to be at the Capital City Club as being the best possible location with another possibility of a restaurant, Fab, in the immediate area being available for use if need be, from a cost standpoint.

It was agreed that February 26, 2009 would be the preferred the date for the Atlanta judicial reception with the Board meeting on the 27<sup>th</sup>, with the possibility that if the 26<sup>th</sup> would not work, February 19<sup>th</sup> would be considered.

The Treasurer's report was presented by Edward M. Hughes with the assistance of Steve Milano. It was reported that the Association is losing money but that it is not as much as in some years past.

There was discussion about whether there should be a change in the fiscal year as dictated by the by-laws to convert to a calendar year from a July 1 to June 30. The accountant has expressed reluctance on doing so and has estimated the cost at approximately \$3,000. However, given that the by-laws have already been changed, the consensus was that we need to go forward with changing the year which will require an additional tax return within an earlier period. One tax return should be due in November and then another in the spring.

Ted Freeman questioned why we are losing money and it appears that all of the money being lost is attributable to the annual meeting, as well as additional expenditures on the newsletter and educational programs. President Singer commented that we are working with sponsors to hopefully increase the sponsorship but it is true that the more that attend the more

that it costs. Steve Milano indicated that we need to have a budget and that he had been working on one and that he would provide everyone with a proposal and that it will be formally presented at the winter meeting.

A handout was presented regarding our expenses and revenues and the events that are held are not revenue producing. President Singer mentioned that the sponsors are getting a deal on advertising in the newsletter in light of the improvements that have been made in the newsletter as well as its frequency of distribution. Other than Forcom, the sponsors are reluctant, and we are losing on the annual meeting in spite of sponsorship contributions. Steve Kyle pointed out that we need to determine what sponsors are willing to pay and that we need to pin down a budget where the revenues are identified so that we can increase revenues or decrease expense.

One of the main costs at the annual meeting is the dinner and some consideration could be given to eliminating the dinner or possibly having attendees pay for the dinner. This will all be reported on with a line item budget proposal at the winter meeting.

Staten Bitting commented that there should be accessible information electronically available concerning the bank accounts and budgets in light of automated systems that are currently available. All board members are entitled to the financial information on an as-desired basis.

Steve Kyle reported on upcoming meetings and commented the expenses would be about the same for the summer 2009. He stated that there is a cruise setup for Saturday night "with a boat" and that eliminates dinner. The problem with the Caymans is air travel, as the room rate \$229 plus 20% taxes and resort fees is overall not that bad. The flights on the low end are \$696 and, although it was possible to reserve seats for a total of 64, Steve did not feel authorized to do that without conferring with the Board. There is a substantial amount of frequent flyer points necessary to get there and based on leaving on Thursday and coming back on Sunday, the air fare was \$800/ticket. There are no seats on Wednesday. The cost of chartering a plane would be excessive, probably in excess of \$600 per person, if available. In light of the cost of getting there, there will not be a cost increase in the registration fees.

President Singer pointed out that we have already made an announcement and advertised the annual meeting on our Web site and would probably have to just bear it, following a discussion about possibly canceling. However, Steve Kyle will investigate the penalty clause for a cancellation and report back. Unfortunately, some members are already committed and it was eventually agreed that subsidizing the meeting was a consideration. Steve Kyle and Evelyn Fletcher will review possible options and report back.

Bob Travis mentioned there was no way to give the executive committee authority to cancel an annual meeting.

The spring board meeting in 2009 is going to be in Charleston, South Carolina, at the Charleston Place. As a result of Evelyn Fletcher's efforts and contacts, we have a deal to stay there for \$299/night from April 23 until April 26. Evelyn also reported on the upcoming DRI

meeting and that the regional cocktail meeting would be on Friday and welcomed all who could attend.

Staten Bitting reported on the annual meeting program that he wanted to use a more economical resource such as members within the organization. To qualify for CLE credits we could have a panel discussion. We need to obtain six hours total and have two hours provided by sponsors at their cost, and one hour with a DRI provided speaker, and get someone from the Cayman Island legal field to speak to us. Mel Haas has volunteered to speak on what is likely to be major changes in the employment area should the anticipated change in administration occur.

Peter Muller reported on the newsletter and indicated that it is about to come out and consists of 32 pages including the President's letter, advertisements, Al Parnell column on marketing and other substantive articles. He asked if that is the way we want to keep the newsletter going. Ted Freeman asked if there was anything in the newsletter specifically directed to younger lawyers. Peter commented that primarily Parnell's article on marketing is directed toward younger lawyers, but Ted thinks it would be good to have younger lawyer input, to have something dedicated to them. Evelyn Fletcher thought it would be helpful to have a map identifying members with locations. Jo Jagor indicated that she would talk with Will Ellis about young lawyer involvement for the next newsletter which has a deadline of 12/01/08 for articles as the newsletter will go out in January.

Lynn Roberson spoke on the *Law Journal* and indicated that she had heard nothing from the chairs of the Substantive Law Committees for the journal input. Johnny Foster indicated that you really have to contact the chairs and impress upon them the tight schedule. The journals need to be mailed out either the last week in May or first of June to go with or near the dues notice and billing and it is a great marketing tool. Brian Moore volunteered that the Insurance Coverage Committee will contribute at least one article.

Lynn Roberson next spoke on the Trial Academy and indicated that the faculty has been lined up, including Michael Sullivan speaking on ethics and Al Parnell doing a lunch/marketing program. There is a diverse excellent faculty with 29 attendees presently signed up and we would break even with 30 to 32, but could take up to 40 and if we got more signed up, we could actually get more faculty. The booze is a big cost for the Academy and there has traditionally been an open bar after the dinner and it was agreed to discontinue that and a motion was made and duly seconded to discontinue having the open bar after dinner and it passed unanimously.

Sally Akins presented on the status of sponsorships. She remarked that Steve Milano has improved the relationship with the sponsors and what we receive from them and they do have significant economic impact. Communications have been made with Kimley-Horn & Associates, an engineering firm, helping with the Savannah seminar and the importance of our notifying the sponsor when a member uses their services was discussed. We need to expand the lack of exclusivity of the sponsors such that we could enlist more court reporters. Steve Milano reported that sponsors are generally producing about \$33,000 in revenue each year. We are to let Sally Akins know if we use a sponsor so that she can follow-up and let the sponsor know.

Also, there was a discussion whether South Carolina actually charges its sponsors to speak at seminars as a matter for consideration.

On the Education Committee, Matt Moffett indicated that Steve Milano was working to have some CLE events quarterly, including the upcoming construction presentation and storm water at Maggiano's with sponsorship funding and Ken Sisco is speaking on stormwater and there are approximately 15 signed up. SEA is picking up a significant amount of the expense. The sponsor is to make up any shortfall in any cost involved and there is no profit in it. The sponsors want to do these seminars.

There was a discussion about trying to get Georgia Lawyers Insurance to sponsor a seminar, given that professional liability is our largest committee. Jimmy Singer complimented Matt on the great job he is doing. Lynn Roberson mentioned that we should persuade the sponsors to go statewide on seminars to expand our appearance and to get them to give the same seminar all over the state.

Evelyn Fletcher reported on the DRI meeting and attendees at the annual meeting next week, the Southeast Regional Meeting has a scheduled dinner and we are trying to learn from Alabama on what they are doing right insofar as diversity and increasing membership. We need to let Evelyn know how the DRI Regional Committee can help. There was discussion of having a ski regional CLE on MLK weekend in Colorado or Utah and a number of people appeared interested.

There was no report from the AMICUS Committee, although there may be one issue coming before the Committee according to Jamie Weston, who was not present for the meeting.

Bob Travis commented on the bombing of the Dalton law firm and that we should all e-mail our thoughts to anyone we know in a firm struck by tragedies of that nature as it is a perilous world.

Jimmy Singer acknowledged the presence of several Ex-Presidents, including Joe Chambless, Johnny Foster, Walter McClelland, Grant Smith, Steve Kyle, Warner Fox, David Whitworth and Bob Travis, all of whom continue to work hard on behalf of the organization.

There being no further business, the meeting was adjourned on motion and second.