

**MINUTES OF THE APRIL 25, 2009
GEORGIA DEFENSE LAWYERS ASSOCIATION
BOARD OF DIRECTORS QUARTERLY MEETING**

The GDLA Board of Directors met at the Charleston Place Hotel in Charleston, SC on April 25, 2009. The meeting commenced at approximately 8:30 a.m. upon it being called to order by President Jimmy Singer.

In attendance were: Jimmy Singer; Jennifer Davis, Steve Kyle, Kirby Mason, Evelyn Davis, Lynn Roberson, Mel Haas, Rusty Gunn, Johnny Foster, Bob Travis, Salty Forbes, Peter Muller, Jamie Weston, Ted Freeman, Warner Fox, Sally Akins, Will Ellis, Staten Bitting and Bubba Hughes.

All of the past presidents were thanked for their efforts in recent months regarding the transition of the Association in light of the separation of the former executive director. President Singer also presented to former president, Bob Travis, an honorary mint julep cup honoring his services as president on behalf of the organization and pointed out that the former executive director had unilaterally determined that the Association would discontinue the tradition of honoring former presidents with the silver cup. President Singer indicated that the unilateral determination was wrong and that former presidents would be receiving the honorary mint julep cups.

The minutes of the Winter Board meeting were approved on motion, second and unanimous vote. Bubba Hughes expressed his appreciation to Lynn Roberson for her assistance in ensuring the accuracy of the minutes.

Warner Fox gave the report for the membership committee. Warner reported that work was ongoing on getting applications in timely and that six applications with checks were in process. The issue of lawyers not in private practice was discussed and the fact that lawyers engaged in practice as an inhouse counsel for an insurance company are not eligible for membership. A motion was made for the Executive Director, Jennifer Davis, to revise the application and the website so that all the applications would go to Warner as chair of the membership committee for vetting through the committee. Jimmy Singer pointed out that some of the recently admitted members had not been notified of their admissions but had received the DRI materials but nothing yet from GDLA. The dues for in-year admissions is for one-half if admitted in February and one-third if admitted in the spring as membership is still on the July 1 to June 30 basis. Salty Forbes pointed out that we had asked the former executive director to track free memberships and the retention rate, but that was not done, and Evelyn Davis indicated that the DRI spreadsheet should be useful to accomplish tracking. The inadequacy in the existing records as to membership was brought to the attention of the group by Jennifer Davis with the explanation that existing records are unclear as to members, dues payments and delinquencies. Dues are due on or before July 1, 2009. Salty Forbes pointed out on page 6 of the minutes of the meeting of February 27, 2009, should be corrected to reflect that instead of the “membership committee,” it should be “admissions committee.”

Ted Freeman reported on membership recruitment and retention, and suggested that we get our affairs in order initially and that the web page was in need of overhauling. He pointed out that these matters should be accomplished prior to initiating a game plan to recruit. Jimmy Singer discussed the meeting that was held with the former executive director to try to have a

transition worked out, but the effort to do so was unsuccessful, so we acquired a hard drive only to learn that we have no records of anywhere of who had paid dues or when, but there were records of “active” versus “inactive” and, as best we could determine, there were 584 active and paid up members, 58 inactive, and we have to assume that would also indicate the non-payment of dues. A new notice for dues is to be sent out in May with the law journal and the dues would be due by July 1. Hopefully, the QuikBooks program we have implemented will allow us to track new membership and payments. Salty Forbes mentioned that we needed a certificate from the former director that he has purged his computer and that is to be followed up on. He also pointed out that the bylaws provide that past presidents over 65 years of age do not have to pay dues and this would include Salty, Steve Kyle, Joe Chambless and Bruce Welch.

Jimmy Singer stated that we had agreed in February to discuss a dues increase at the meeting. He stated that Alabama had implemented a \$25.00 increase with no complaints. After discussion of the current rates and the status of younger lawyers, a motion was made to increase the dues effective with the current dues notice for \$200.00 for regular members and \$125.00 for younger members (less than 5 years). The motion was seconded and unanimously approved

Ted also pointed out that we are losing out on some locations in smaller venues like Albany, Gainesville and Columbus. He stated that we need to have a service available there for those markets as opposed to just Atlanta, Augusta, Macon and Savannah. Salty pointed out that we have long term members and past presidents from the geographical areas and we need to encourage more involvement so that new members can be recruited in that manner, that is, through existing members. Jimmy Singer pointed out that we had discussed that rather than to focus on law firms to go to the smaller markets and the fact of the downturn in the economy has restricted the willingness of law firms to pay to participate on behalf of their associates. A

discussion was held concerning having CLE at mid-year rather than at just the annual meeting. Ted mentioned that we need to have enough activities so that someone who wants to get involved would have an opportunity to do so. In order to get people, we need to give them a chance to meet and engage with existing members, and demonstrate a way for someone who wants to get involved to do it. Judicial receptions have been good and we need to talk to lawyers in the smaller geographical areas about what might work on recruiting those members. Steve Kyle reported that we have 30 members going to the Cayman Islands and we had approximately 70 members go to Ponte Vedre. The annual meeting is simply not a big draw and may be we could use charitable events, such as a golf tournament with donating proceeds, to encourage membership. Kirby suggested getting input from the substantive law committees. There was a general discussion about needing to focus on state wide spread of membership and Mel remarked that having judges present was a draw and an outreach opportunity; however, Salty pointed out that it is hard to do a persuasive job about why lawyers should be members in the presence of judges. The comment was made that sponsors would also like a geographic spread of new membership.

Matt Moffett was not present to discuss the education committee; however, Lynn commented that he was doing a great job and there had been significant success. Jimmy Singer pointed out that we were trying to do something every month. The deposition boot camp is scheduled for August and the September seminar with Exponent is to be at no cost to the Association.

Will Ellis reported on the younger lawyers section and that he had been working with Jo Jagor on the deposition boot camp and wants to focus on opportunities to socialize. What younger lawyers are looking for is the ability to socialize with older members and for mentoring.

He suggested tying into the substantive law committees. Lynn Roberson commented about a Massachusetts organization and it having divided programs into panels with an older panel describing to practitioners what seasoned members do and making substantive points while the second panel of older associates without the older members present, would encourage full discussion. The deposition boot camp was discussed and we agreed in February to do the full program, that is the two day program, and to coordinate it with Georgia State. Dates need to be secured and the plan needs to happen backwards from the dates with notices, advertisements, etc.

Apparently some board members did not receive the annual meeting notice and brochure and the reason is being looked into.

Staten Bitting reported on the workers' compensation academy. A good program had been scheduled, but the most recent effort had not been fruitful. The program will not be successful without someone taking charge and really promoting it. Some firms were somewhat hostile to the concept while others were very enthusiastic. Getting the faculty is easy and the administrative law judges are willing to help. It is also helpful that the programs are already prepared. There seemed to be an issue of whether the legal community actually wants the academy and Jimmy Singer stated that the question was whether we actually want to keep the committee going or to abandon the effort. Staten pointed out that we would have to ask firms that do workers' compensation work when they would want it to be in light of the scheduling of the workers' comp bar meeting at St. Simons. It was noted that there were 52 people in the workers' compensation substantive law committee. The consensus, as suggested by Jimmy Singer, was to tentatively plan to have the academy in the spring of 2010 and, between now and October, to determine if there is a need and, if so, to do it right and to create a committee from the substantive law committee to market that.

Lynn Roberson reported on the trial academy. 2008 was profitable; however, some students did not like having all of their meals planned and she is looking into ways to change that arrangement and to visit alternative dates, possibly in January, to get better rates and a better facility. Better rates would be available in January because of no conflict with the holiday lights program. A motion was made and seconded to have the trial academy moved to January. The motion was approved; however, there was a discussion about avoiding other scheduling conflicts. Peter Muller requested Jennifer Davis to make sure the dates did not conflict with the mid-year meeting of the State Bar.

Johnny Foster reported on the substantive law committees. He explained that we were entering the third year of the current program and we need to work on the structure of succession within the committees. The remark was made that we did get some level of participation in the law journal from the committees and that should be encouraged. There was a discussion about using substantive law committees to get geographically spread into the under-involved areas and Johnny Foster is to get with Ted Freeman to come up with a strategy to accomplish that.

Kirby Mason reported on the website and activities of the committee. Due to our not having made small changes over the years, we now need to redo the entire site and update it to include correct information. She is getting bids on a designer and basically the website will be shut down and a new one constructed. Salty Forbes mentioned the importance to change everything to be sure to shut down the back door of the former director who set it up. Jimmy Singer pointed out that every interviewee for the executive director position remarked that the existing website was poor and substantial work was needed. The board agreed it was a priority for marketing, membership and recruitment and is the next priority.

Jimmy Singer explained that Jennifer Davis is a marketing specialist and will no doubt help with our conveying of the mission of being a civil defense organization so that we can avoid contacts by newspapers and prisoners with respect to criminal cases. Jimmy Singer also explained the blast email systems and the role of the executive director in sanitizing replies to blast emails pertaining to experts. He also stated that the data base needed to be searchable. There was concern about whether the data base could be subpoenaed as an incident had occurred where opposing counsel had all of the GDLA emails about a particular expert and therefore Jimmy discontinued the search feature when the former executive director left. Peter Muller commented that some tracing is important and Bob Travis commented that he thought a third copy of the email was sent to DRI but that apparently never happened. The plan is to possibly dump all comments so they are not stored but attempt to retain who made the inquiry so follow-up would be available. Warner Fox commented that on legal questions, it would be helpful to search those for assistance and further that the system needed to be automated so that the executive director did not need to alter or spend time changing emails.

On the judicial relations committee, there was essentially nothing to report in Walter McClelland's absence. Jimmy Singer stated the Association had previously sponsored the National Council on Judicial Excellence by giving \$10,000.00 over three years and we have been solicited once again. Jimmy stated the issue was whether or not we wanted to continue to support the organization. We did contribute \$750.00 for the Women Judges Association meeting. The motion was made, seconded and passed unanimously to give \$2,500.00 and to review annually whether to continue contributions.

Steven Kyle reported on the upcoming meetings and reviewed a list of people who had registered with the hotel and inquired as to whether the identities of certain individuals were

known to some of the membership. It appears that in excess 27 members currently registered are coming to Cayman and we have had adequate turnout so as to avoid any attrition penalty. It also appears that when all who have registered for the seminar have registered with the hotel, we will have a total of approximately 33 members attend. Air fare has come down to make it affordable and that information needs to get out. Arrangements are being made for golf and ground transportation. A general discussion was held regarding the annual meetings and whether it made sense to return to the same venue every year such as Alabama does. This overlapped with the discussion regarding the involvement and contribution of sponsors, as well as the charges associated with sponsors attending. The 2010 annual meeting will be held at Ponte Vedre and Steve reviewed the attrition policies and contractual arrangements required by the various resorts. Brass Town Valley is reserved for October 23 through 25. We are losing money on the annual meetings and the registration cost is low as compared to similar meetings. If it is to be self-sustaining, the registration fees would have to be raised considerably. This results from a lot of resort charges and taxes, as well as gratuities being built in, and we have done some event modifications to try to save costs, such as eliminating the speakers dinner. Steve Kyle will give a breakdown at the October meeting in Brasstown Valley.

The former executive director had marketed sponsors and provided sponsors with passes to events based upon the sponsor's level of participation. The need to consider increasing the sponsorship levels or to charge sponsors or their guests was discussed. Salty Forbes mentioned that if we contract for annual long-term resort arrangements, we might get a better deal; however, several members commented that not everyone was agreeable to the same locations year after year and that it may hurt in the long run. It was also pointed out that it is hard for exhibitors to justify making presentations to the same people every year. We do a good job of

promoting the sponsors and that is important. Evelyn Davis pointed out that a seminar is scheduled for Big Sky, Montana, January 13 through January 18, 2010, in coordination with other states, including Florida. Very good room rates have been secured and there is to be no fee for the program. The meeting sounds like a great event, particularly for those who like to ski.

Lynn Roberson reported on the law journal and mentioned several articles that would be included. A discussion was held on non-member articles as she had received some very good articles from non-members. After discussion, the consensus was that the journal should be limited to articles from members and those who had submitted articles would be solicited to join. The dues notices go with the journal and we are sending compact disks this year with a personal letter to judges.

Peter Muller reported on the newsletter. The former executive director had done a lot of the layout of sponsorship ads and the printing arrangements. Peter has discussed this with Jimmy Singer and others and it was determined that another newsletter would not come out prior to July. Ted Freeman remarked that we have to have something geared specifically toward younger lawyers contained in the newsletter and that it would be good to have a section on "names in the news" which would contain information regarding articles published, speaking engagements and other accomplishments. We need to solicit information news from younger lawyers by blast emails and Joe and Will Ellis will work on how best to accomplish that. There was discussion regarding the cost of the newsletter and Staten Bitting pointed out that in February, we put \$24,000.00 in the budget for that purpose.

Sally Akins reported on sponsorships and coordinating that with the website information. She provided a handout of the sponsors we are currently using and their level of participation. She pointed out that reminding sponsors of their being used as a result of their sponsorship is

critical. We need to solicit other court reporters and suppliers. Sally is sending a letter to our old sponsors and introducing them to Jennifer. She is also pointing out a reduced rate for the remainder of the year. She and Jennifer are working together to make this more effective.

Evelyn Fletcher Davis gave the DRI report. Primarily, the annual meeting scheduled for Chicago will be the 50th anniversary celebration.

The treasurers report was provided by Bubba Hughes who described recent changes in the federal tax form 990 applicable to non-profits including 501(c)(6)'s, such as GDLA. We are following up on the need for having a conflict of interest policy and a whistle blowers policy. We are working with the Association's accountant to resolve related issues.

He also reported on the Dick Richardson scholarship fund and whether or not we would be making a contribution. The balance of the fund as of November was \$22,287.48. Warner Fox remarked that it was receiving a very low return and there was a question whether or not the principle was invaded in order to make the scholarship payment just made. The scholarship is \$500.00 which is awarded to the student who is the most outstanding in Georgia Practice and Procedure. Some individual contributions to the fund have been made over the years and, for a few years, the contribution was \$5.00 per member. The treasurer is to get further details on the investment of the proceeds, how they are used and to report further at an upcoming meeting.

Jimmy Singer presented the president's report. He confirmed the recent hiring of Jennifer Davis as the executive director and he felt we had made an excellent choice in Jennifer. He suggested that we buy an Association's laptop computer for her use on Association business and doing so was unanimously approved. The executive committee was thanked for doing a lot of work going through the transition with executive directors and it was remarked that President

Singer had not been able to practice much law for an extended period of time while taking care of Association business.

The only old business to be discussed was Steven Kyle is going to secure a lavalier microphone so that we do not repeatedly get charged large amounts for the use of one at a resort. Also, Mel Haas brought up the possibility using webinars as a recruitment and education method.

There being no further business, the meeting was adjourned.