

**MINUTES OF THE FEBRUARY 27, 2009
GEORGIA DEFENSE LAWYERS ASSOCIATION
BOARD OF DIRECTORS QUARTERLY MEETING**

The GDLA Board of Directors met at the offices of Hawkins & Parnell in Atlanta, Georgia on February 27, 2009. The meeting commenced at approximately 9:00 a.m. upon it being called to order by President Jimmy Singer.

In attendance were: Jimmy Singer; Lynn M. Roberson, Walter McClelland, Edward M. Hughes, Evelyn Fletcher, Morton Forbes, Joe Chambless, Sally Akins, Jamie Weston, Ted Freeman, Christopher Parker and David Nelson. Steve Kyle and Jo Jagor participated by telephone. Will Ellis as representative of the Younger Lawyer's also attended.

It was noted that everyone should extend their thoughts and prayers to Hall and Becky McKinley in light of Becky's unfortunate health circumstances. They are presently at Duke University for medical care. Also, our thoughts and prayers are with Bob Travis who lost a close cousin in the past week, and for Pat Rice's grandson, Brennan, who suffers from leukemia, but whose progress is encouraging.

The minutes of the Fall Board meeting were reviewed and Lynn Roberson pointed out corrections that were needed and, upon the corrections being made, the minutes were approved on motion.

The Treasurer's report was provided by Bubba Hughes with assistance from Steve Milano. There was discussion of the fact that, although the Association is in good shape financially, it is incurring additional expenses without increasing revenue. Some of this results

from the printer and distribution costs associated with an improved, more frequent newsletter. Several members commented on the quality and appearance of the newsletter just received. Steve Milano pointed out that the mailing cost for the newsletter is a bulk rate and the suggestion was made, and there was a consensus to the effect that a breakdown on the newsletter cost was needed and consideration should be given to competitive bidding on printing and distribution work. President Singer mentioned that sponsors need to pay more in light of the improved quality of the newsletter. Sally Akins described her progress on working with the sponsors to increase their contributions and Jimmy Singer pointed out that we are spending \$24,000.00 per year on the newsletter and getting approximately \$26,000.00 per year from the sponsors. Steve Milano described the work he does with the sponsors on placement of the ads in the newsletter and how the layout is established.

The timing of financial information due to the change from the fiscal year of July 1 to July 30 to a calendar year was discussed. The requisite tax returns are being and have been filed. The timing of the receipt of dues during this transition makes comparisons difficult, but Steve Milano had prepared a chart showing year by year comparisons for March 1 of each year for 2005, 2006, 2007, 2008 and 2009. A copy of the chart is attached. Steve also provided a proposed budget, which is also attached. Steve Milano pointed out that we have 60 fewer dues-paying members at the present time and this results from a number of free memberships given to Trial Academy and seminar attendees. Ted Freeman pointed out that we could either increase our revenues or decrease our expenses if we are going to be viable and requested a breakdown on membership including members who are enjoying free membership; the source and the remainder in dues paid and dues owed.

Steve Milano pointed out that we have made our final \$3,000.00 committed contribution to the National Foundation of Judicial Excellence. The funding for the Dick Richardson annual scholarship has not been made this year. It was discussed that the corpus of the scholarship fund is to be maintained so as to build up the corpus in the absence of annual payments. At one time, there was a \$5.00 extraction from each dues paying member to fund the scholarship. It was eventually agreed that the funding of the Dick Richardson Scholarship would be addressed on the April agenda.

There was some confusion in the entry in 2009 of \$1,865.61 on the financial comparison for member recruitment as to whether or not that was a cocktail party in the last fiscal year but, as the discussion evolved, it was established that the charge related to a reimbursement of expenses at a DRI function. A discussion ensued regarding Staten Biting saving expense for the annual meeting program by use of the membership and sponsors for presentations.

Matt Moffett inquired as to whether we had considered doing the newsletter on line so as to save costs. Discussion revealed it had previously been decided that attempting to go online would not be an appropriate solution and that we should maintain the newsletter in its current form. Jimmy Singer remarked that the future for the Association is younger lawyers and previously we had not had a budget with a line item for recruiting membership from younger lawyers but that the budget (conservative version) does include \$2,500.00 for that purpose. Also, the budget includes \$5,000.00 for membership recruitment and retention.

Lynn Roberson mentioned that the judicial reception was attended by more younger lawyers and a more diverse group than had been the case in the past. Jo Jagor remarked that younger lawyers are looking for mentoring opportunities and that the venue was excellent and added to an overall enjoyable experience by younger lawyers and the judges as well. In general, the consensus was that we did not want to cut the newsletter nor the cocktail parties/judicial receptions.

Ted Freeman asked whether the sponsorship figure of \$35,000.00 on the proposed budget as income included all payments related to the sponsor. Sally Akins indicated that it would not include all of the sponsors in each case because of different arrangements with each sponsor. We are to get a breakdown on expenditures and income of this nature. There was a debate over whether the annual meeting should break even financially and it was established that, traditionally, the organization subsidized the annual meeting so as to hold the registration costs down. We have eliminated, to a large degree, the speaker expense, the president's dinner, and are taking steps to control the other associated expenses, such as hotel rooms for speakers, breakfast and cocktail costs. We are to secure a breakdown on the annual meeting costs and report further.

Steve Milano mentioned that we need to standardize our financial policies in connection with all of our procedures, including credit cards, authorized expenditures, budgeting charges for supplies and costs, etc. Salty Forbes indicated that the annual meeting cost to attendees needs to be raised to actual cost and suggested that some organizations require attendance at an annual meeting within three years of admission or else the membership is terminated. There was a

discussion on whether that was a possible option for the Association to consider and Steve Kyle mentioned that he was very close to recommending that out of the country trips be abandoned as an option in the future. Will Ellis remarked that it would be difficult for a younger lawyer to attend an annual meeting as budgets are tight in the larger law firms and there are competing opportunities, such as the Georgia Bar, Atlanta Bar, etc. Will felt that more opportunities for mixers in the substantive law committee sections might be helpful. Younger lawyers will ask what the Association has to offer. Jo Jagor agreed with Will and remarked that there is a big difference between going to the trial academy with a social function, and agreeing to spend a vacation with people. A debate ensued as to the philosophy behind the organization as to whether it was primarily social or educational. It was commented that one of President Singer's legacies was to be providing service to the community and a suggestion was made that consideration be given to possibly jointly conducting a fundraiser with plaintiff's lawyers, such as a golf tournament, or other activity. Ted Freeman remarked that we need a list of new members and those that we are retaining and those who are leaving after the trial academy or seminar and for follow-up. Jimmy Singer suggested that Will, Jo and Ted need to get together and we need to track what happens.

The committee members should get together between now and April to see what can be accomplished under the proposed budget. Hopefully, there will be a recommendation. Chris and Walt commented that the substantive law committees should hopefully be available to help involve younger lawyers. Evelyn pointed out that the economy is a factor and firms are imposing spending restrictions.

Lynn Roberson made a motion to approve the conservative budget for 2009 which was seconded and adopted. President Singer commented that those in charge of items on the budget should strive to come in under budget.

The Membership Committee report was given by Salty Forbes in Warner's absence. Salty remarked that he had just gotten the applications and that at least two weeks is needed before a meeting. Rather than hold the applications for distribution, they should be distributed as they come in. Steve Milano suggested putting them on the website under the password protected portion, but Salty firmly insisted that not be done as only the Membership Committee should know who has been proposed for membership until such time as the Board acts. Salty presented those that were up for membership and the list is attached. It was pointed out that from the list, 19 were free memberships and 18 were paid. There was a question regarding the information secured at the time an application is submitted since at least one of those who had applied at a seminar had obviously not qualified. It was stated that anyone can complete an application and those who do not qualify are simply ineligible. The list of eligible applicants is attached and, upon motion to approve the presented list, duly seconded based on the committee's recommendations, the new names were approved. There was discussion regarding an out-of-state attorney and whether he was eligible. Salty Forbes indicated that, according to the By-Laws, if one practices law in Georgia, they would be eligible even if based out of state.

A short break was taken and, upon reconvening, Jimmy Singer described the events leading up to the cancellation of the Deposition Boot Camp and the effort to condense the program secured from the Alabama Defense Lawyers into one day. The consensus was that we

should do a two day program based on the Alabama materials. The goal is to get a classroom at Georgia State and use its facility in August to conduct the boot camp. The boot camp is for lawyers who generally have been practicing less than three years. It was motioned, seconded and approved that Jimmy Singer be authorized to sign a contract with the Alabama Defense Lawyers for a five year term. Jamie Weston offered his partner, who had recently done a presentation regarding expert testimony and qualification, to make a presentation. It was agreed that it would be preferable if attendees are able to attend a cocktail reception to interact with each other and with the faculty. Court reporters would be solicited as sponsors because it is a good opportunity to meet younger lawyers who will be making arrangements for depositions and taking depositions for years to come. Jimmy Singer commented that the information on the boot camp should initially go to member firms with discounted price for signing up early and, depending on how many sign up, the market for other potential attendees could be open. There was discussion about whether or not to charge extra if CLE credit is given or whether to put it on the notice that credit will have to be paid the State Bar which would still require that the program be approved and that we report attendance.

The Workers' Compensation Academy was reported on by Steve Milano. He explained why the last intended academy had to be cancelled due to low registration. It was agreed that Rick Thompson did a good job in a short amount of time but that the sign-ups were low. Jimmy Singer mentioned that the goal was to have one event for younger lawyers each quarter and he thinks Rick Thompson can accomplish the Academy.

The Substantive Law Committees were discussed and Jimmy Singer described the status of the Substantive Law Committees in addition to work needed in connection therewith. Lynn Roberson commented on articles for the Journal being due March 16th and, if a committee has not committed to providing an article, they cannot be counted on at this point.

David Nelson gave the report on the Website Committee. He and Kirby Mason had previously met to review the website page by page. They had gotten with Steve Milano regarding moving some items to the Members Only site. They have talked to a designer and believe they can do an update to the site but suggest the discovery tools be removed as underused and non-effective. The site does have a good deal of information on tort reform. The Committee recommended that we remove the discovery tools and that the By-Laws be left in the password area. It was noted that the plaintiff's lawyers association has Federal Express and UPS as sponsors and, perhaps, there could be limited advertisements of that nature on the website. This would have to be explored. A motion passed approving the removal of the discovery tools and it was commented that the Committee has the authority to do things that just need to be done and accomplish them. It was noted that the proposed budget contains \$5,000.00 for the website for 2009.

Walter McClelland reported on the Judicial Relations Committee and explained the functioning of the Committee in terms of reviewing the lengthy applications candidates submit. Walt solicits information from the membership and goes to the meeting of Judicial Nominating Commission with input from the membership. He also discussed the Association having been offered a seat on the Advisory Committee for the Georgia House Study Committee on Judicial

Election Reform chaired by Ed Lindsey. Walt requested input from members and got responses on several topics including the manner in which sitting judges solicit campaign contributions; criteria for judges disclosing campaign contributions; the fact that the Bar needs a routine process for evaluation and communication to the public; whether judges should be elected or appointed; and the listing on the ballot and whether that should be alphabetical. There was also discussion about a suggestion on the length of terms of Superior Court judges, and similar issues. Ed Lindsey introduced a bill dealing with recusal based on amount of contributions by opposing counsel to a judge's campaign, whether direct or through a committee. Jimmy Singer thanked Walt McClelland for all of the work the Committee had done; Lynn Roberson inquired as to whether we were getting input on the upcoming federal appointments, it was agreed that we should solicit an opportunity to give input. Sally Akins reported on the Savannah Judicial Reception and that it was a nice, fairly well attended event. Jimmy Singer commented that the Atlanta Judicial Reception the night before had been excellent at a cost of approximately \$5,300.00.

Steve Kyle reported on issues concerning the upcoming annual meeting in the Cayman Islands, as well as the schedule for the Board meeting in the Spring, April 24-26, 2009, at Charleston Place, reservation number 8437224900, with a rate of \$299.00 plus tax, as a result of the efforts of Evelyn Fletcher. Evelyn commented that the DRI Regional Meeting is that Friday and the cocktail party will be open. The possibility of tours and golf were being worked on.

Again, the annual meeting is scheduled for June 11 through June 14, 2009 in the Cayman Islands and the number there to call is 345-945-3800 and the email address is on the

Association's website. The Fall meeting in October will be from October 24 to October 26 at Brasstown Valley which Staten selected. The number there is 800-201-3205 and the rate there is \$209.00 plus tax or a total of \$239.00. There is a nice area for Friday night's buffet. Golf will be available. Next winter, we meet at FAB at a date to be determined. The annual meeting in 2010 will be June 10 through June 13 at Ponte Vedre.

Steve commented on the overseas trips being difficult because we are subject to the rules of the resorts and it is his belief that we should abandon trips overseas, given problems with air fare and associated difficulties. He has been working with Laurie Ann Taylor to explore less expensive ways to reach the Cayman Islands. At the Caymans, we will save on the room rate, but the air fare is expensive and we have gotten very close to meeting our quota so as to not have an attrition clause. We should have a boat for cocktails and dinner, and Staten has done a good job with the program with the sponsors presenting on Friday and members on Saturday for the CLE sessions. Steve Kyle is working with Steve Milano on the brochures and it was concluded that there are too many issues in attempting to cancel at this time as some had suggested.

Lynn Roberson reported on the status of the Law Journal and she had received two articles on workers' comp. Brian Moore from the Insurance Section had agreed for the committee to produce two articles, but they have not yet done so. Mel Haas is supplying an article on employment law; Matt Stone on auto insurance; and Ken Cisco on construction law. Deadlines were discussed, as well as the mailing of the printed copy to judges and whether that should continue. Sally Akins commented that she is working with sponsors to help with the

printing costs and, essentially, the consensus was that the printing should continue for the current time.

Peter Muller for the newsletter was not present; however, several Board members remarked on the quality of the most recent newsletter.

Lynn Roberson reported on the Trial Academy and the fact that it went well with a diverse faculty in all regards. The students seemed to enjoy it. Stopping the open bar resulted in a fairly significant savings. Chris commented that the facility was awful and had heard some comments about the faculty not being as prepared as one would hope although, again, the event went well. There was discussion about possibly changing the dates of the Academy so as to get better accommodations and potentially looking at other locations.

Sponsorships and Exhibitors was presented by Sally Akins who addressed sponsorships and the hope to be 20% over the revenue of last year and emphasized the importance of everyone letting her know when a member uses a sponsor, particularly if one is using the sponsor because they are a sponsor. The consensus was that it was not appropriate for the executive director to point out the membership use of the sponsor but rather the lawyers actually using the sponsor should make sure the sponsor is aware. Sally is going to send out a sponsor list and the new level of cost associated with the levels of sponsorship.

The Education Committee. Matt Moffett reported that the Association has been conducting seminars at no expense through the sponsors and that we need to expand the topic list

and to get ideas for topics and, perhaps, a blast email would be good for that purpose. Jimmy Singer commented that the goal was to have something every month where there is some benefit for the Association and membership whether it is educational or social and we have been very consistent in working toward that goal.

The DRI report was given by Evelyn Fletcher and she commented again on the southeast regional meeting in Charleston coinciding with the timing of the next Board meeting. The DRI annual meeting is set for October 7 through October 11 in Chicago and apparently at DRI meetings, attendance is off by approximately 10%. But people are still working very hard and things being considered include a ski CLE to be discussed in the Fall. Lynn and Steve will not be attending the regional meeting in New Orleans, but Evelyn is going to go.

The Amicus Committee. Jamie Weston reported on three or four contacts and, in particular, a pending decision about a school teacher who has been sued and immunity issues. Ted Freeman volunteered his firm to do the amicus brief in light of the topic being critical to the nature of a lot of his firm's work.

There was no old business. Under new business Jimmy Singer suggested that we needed to have an Executive Session and asked Steve Milano to allow the Board to meet in private. Mr. Milano provided Jimmy Singer with a letter of resignation indicating that he was resigning effective at 5:00 p.m. on February 27, 2009. The Board met in private and the motion to accept the resignation and for the Executive Committee to have authority to hire a new Executive Director passed unanimously. It was agreed that we needed a different skill set and that we

would locate potential applicants for consideration. It was also discussed that Jimmy Singer, Walter McClelland and Bubba Hughes would meet with Mr. Milano to attempt to arrange for an orderly transition for the benefit of both parties.

The meeting adjourned on motion duly seconded.