

## **GDLA Fall 2005 Board Meeting Highlights Grove Park Inn, Asheville, NC October 8, 2005**

Attendees: Johnny Foster, president; Warner Fox, executive vice president; Bob Travis, secretary/treasurer; Steve Milano, executive director; Directors: Craig Avery, Staten Bitting, Salty Forbes, Ted Freeman, Mel Haas, Bubba Hughes, Jo Jagor, Style Kyle, Walter McClelland, Hall McKinley, David Nelson, Clay Ratterree, Lynn Roberson, Jimmy Singer, Bruce Welch, Jamie Weston, David Whitworth

On Friday, October 7, 2005, members of the Board Directors of the GDLA and spouses and guests gathered in the President's Suite at the Grove Park Inn, in Asheville, NC, for cocktails preceding dinner in the Blue Ridge Dining Room.

President Foster called the meeting to order at 9:00 am on Saturday, October 8, and recognized new Board members, all of whom were present except Kirby Mason, who was prevented from joining us by a family emergency.

Recognition of new Board members: James S.V. Weston, Hull, Towill, Norman, Barrett & Salley, Augusta, GA; Kirby G. Mason, Hunter, Maclean, Exley & Dunn, Savannah, GA; Craig C. Avery, Cowser & Avery, Athens, GA; Hall F. McKinley, Drew, Eckl & Farnham, Atlanta, GA

The Board held a moment of silence in memory of James A. "Bubba" Dunlap who was GDLA President from 1976-77. Forbes will prepare a memorial and give it to Hughes for inclusion in the Law Journal. The Spring and Summer Board meeting minutes were presented by Travis and approved unanimously by the Board.

Secretary/Treasurer Travis gave the Treasurer's report.

Forbes gave a membership report and recapped that to be a member of the association, you must be an active member of the Georgia Bar and your primary practice must be more than 50 percent in civil defense. You may be an associate member of GDLA if you do claims work such as a vice president of an insurance company. The third class of membership is honorary for those esteemed members recognized. He emphasized that attendance at Board meetings is expected of Board members.

Milano circulated a list of delinquent members requesting that each Board member contact three in a final attempt to get them to pay dues. The Executive Director will follow up with an e-mail after they are 90 days delinquent notifying them that their Web site password has been de-activated. If we still get no response after six months, delinquent members will be automatically suspended via Article IV of our By-Laws. During the period of suspension, you may not hold an office or attend any function of the GDLA. If you do not pay within 12 months, you are dropped automatically and must reapply.

Board members reviewed the delinquent list and during the meeting each member initialed a specific delinquent member to contact. We are going to keep records of why people leave in order to respond to these reasons and do a better job of keeping our members.

According to our procedure, once you are approved you must send the dues in order to have access to the members' area of the GDLA Web site. Forbes moved that at the time of the application, each prospective member pay not only the application fee of \$100 but also the first-year dues. If the applicant applies at mid-year, then it would be pro-rated. The motion was approved unanimously.

Forbes moved the admission of 16 new applicants which were seconded and passed.

Foster reported on the GDLA Executive Retreat, commenting upon highlights reflected in the minutes from the retreat. Foster touched upon the Amicus Committee and Trial Academy saying that everybody thought there was no real room for improvement. We need to increase our membership and identify what we provide most of value to our members.

We also discussed diversity in our leadership and representation of minorities and younger lawyers. The diversity would be included in our substantive practice areas and law committees. Foster commented

that our member survey taken last year found that our most valuable member benefit was blast e-mails and second place was Law Journal.

There was discussion about diversifying our leadership and doing so through the Substantive Law Committees to give a one-year term to the chair and vice chair and encourage women, minorities and younger lawyers to participate. The committees could also provide recent developments and articles for the Law Journal and speakers for CLE.

Kyle thought that we needed a survey of where our members spend most of their time. Haas thought that he could get 50 members involved with the Employment Law Committee. Singer commented that the committees should meet semi-annually; it was also suggested that committees consider a lunch every quarter to get to know each committee member. Roberson commented we need to do a very specific job description for each position.

It was suggested the committees provide case law updates for each quarterly newsletter. It was suggested that each committee have two people attend the annual meeting.

Younger lawyers would want to be on the committees, according to Jagor. It was suggested that we put pictures of directors and committee members on the GDLA Web site, and possibly, resumes or short bios

In addition to the list of committees recommended in the Board's agenda packet, it was suggested that we add an Automotive Committee.

It was discussed and urged that we get the committees in place now. Perhaps send a survey of willingness to assume role on these committees, include the job description and invite committee chairs to a Board meeting.

There was discussion that we go outside the Board for the committee chairs and not appoint Board members.

Milano provided a suggested job description of the Substantive Law Committees. These will be used as the basis for the final job description.

It was requested that Board members send suggestions for chair and vice chair of each committee to Foster. Roberson thought we should get the committees in place by the next Board meeting and the chairs should be invited to the Winter Board meeting. She thought we should increase diversity and that the Substantive Law Committees were the best way to get women and minorities involved. Roberson and Jagor have been having lunches with women and these potential members really want to get involved, more than just join.

Board members need to send photos for our Web site. The Substantive Law Committee chairs will also need to send pictures for the Web site and a brochure to be produced about the new committees.

There was discussion of free memberships given in 2002, 2003 and 2004, which came with registration in the Trial Academy, Skits and Suds and Workers' Compensation Academy. It appears there is a 50 percent renewal rate during the past three years, but renewals are still coming in for the previous year, so we do not have an accurate gauge as of this meeting.

Forbes thinks we should revisit free memberships at the Fall 2006 Board meeting. He said that in three years of free membership, we need at least 50 percent to pay for itself and in the exit survey we need to find out why they did not renew. Others argued that even if only a small amount of free new members renew, they may become active members for decades we would not otherwise reach.

When we solicit people for the Workers' Compensation and Trial academies, we should emphasize many reasons to join, such as no application fee, no first-year dues to GDLA and free DRI membership, a value of nearly \$500.

There was a discussion of how the GDLA could get the large law firms in Atlanta interested in the association and increase our membership. Travis suggested contacting the litigation chairs of each of

these firms to commence a dialogue.

There was further discussion that we need to change our perception in these large firms that the GDLA represents lawyers engaged solely in work for insurance companies. We need to increase our credibility by showing that our work is much more varied and includes across-the-board civil defense. For example, we currently have members from Georgia Power and Home Depot. Even though captive law firms cannot be members, in-house counsel can be members if they send out claims work.

There was a discussion of this year's younger lawyer seminar, a two-hour seminar followed by optional attendance at the GDLA's Judicial Reception. Perhaps the seminar at Manuel's and then the Judicial Reception at the Capital City Club. The next day would be a winter Board meeting. We hope to have 35-40 younger lawyers.

There was comment that the association has to be relevant to members, that we have to be more than just an annual meeting.

There was a further discussion that we have the younger lawyers seminar at the Capital City Club, but it was decided that we would keep the younger lawyers seminar at Manuel's or another similar venue and that three or four judges would participate with a tentative date of February 2.

A motion made by Kyle and seconded by Forbes that we waive the application fee and give six months free membership to those younger lawyers attending the winter seminar and paying the \$35 fee.

A motion was also made and passed that the people who help Jagor put the seminar together would have their application fee waived, receive free membership and attend the seminar at no cost. Fox pointed out that we need to charge higher for a non-member for CLE seminars since we have to admit all people to CLE whether or not a member of the association.

After the break, Bitting reported on the Workers' Compensation Academy. We are going to set the date for February 2 and do it in connection with the Winter Board meeting and the Judges' Reception. We want the Board meeting held after the academy and YL CLE in order to act upon the free memberships. It was decided that the Judges Reception would be held February 2 at the Capital City Club and that the Board meeting would be held on Friday the 3rd at Hawkins & Parnell starting at 10:00 a.m.

Last year we invited 101 judges and 20 attended. We need to call, invite and send a "save-the-date" letter from President Foster and a follow-up with a call asking if they received the letter.

It was also suggested that we invite administrative law judges of the Workers' Compensation Board to the Judges' Reception in addition to all judges in Metro Atlanta, members of the Supreme Court and Court of Appeals. Each Board member should invite five judges.

There was also a report from Forbes on the Judicial Reception that we are planning to hold judges receptions in other cities. We will try it in Savannah first and then rotate between Columbus and Macon. We will also invite Brunswick-area attorneys and judges. David Whitworth will help with the Brunswick members and judges. It will be open to the entire membership and Board members across the state will be urged to attend. We are hoping to do these in March or May 2006, or perhaps even do it around the spring Board meeting.

There was discussion of the 2006 annual meeting. It is June 8-11. Milano will get out a "save-the-date" postcard and a brochure to the membership and develop an information area on the Web site.

Kyle is looking into lower-cost flights but there is only one non-stop flight from Atlanta to Hamilton via Delta and other carriers are actually more expensive, even with multiple stops.

There was a discussion about the rotation of annual meetings. The Board had previously discussed holding the annual meeting for two years at Ponte Vedra and the third year would be a couples event at an "exotic" location. Our membership survey showed that there were two reasons that people did not attend the annual meeting: too far and too expensive.

Kyle thought that we should do Ponte Vedra every third year, then an couples location and then another family location.

The Board set a goal of 120 to 125 members attending the annual meeting each year. Achieving this centers on choosing a good location and a good time of the year for. Kyle then announced that Ratterree has agreed to serve as his understudy on the Meetings Committee in the event Kyle ever decides to step down.

A motion was made, seconded and approved that during the first two years of their membership in the GDLA, new members will receive one-half off the annual meeting registration fee for one, but not both, meetings.

There was further discussion that we do not cover our costs with registration fees and that more attendance would not solve our problems as we price and run the annual meeting at a below-registrant cost. Despite this, several Board members including Kyle, Forbes and Roberson felt that we should not raise our registration fee. Forbes and Kyle argue that if there is a deficit in running the annual meeting, we should raise our membership dues to cover it. Forbes pointed out that we have not had a dues increase since 1991 when we went from \$55 to \$150. The Board agreed to leave the registration fee for the 2006 annual meeting at \$375.

A committee of Travis, Foster and Kyle will look at our history to determine if we need to raise dues. Milano will poll other executive directors about increasing dues.

Roberson gave a report on the GDLA's Judicial Nominations Committee and its interaction with the Judicial Qualifications Commission. Roberson reported that she had been invited three times to appear before the Commission and appeared twice. For these meetings, she and committee members Luanne Clark and McClelland reviewed applications and submitted a chart which listed the GDLA's evaluation of potential judges as either qualified, very qualified, not qualified or no knowledge.

The last time there were some 50 candidates from four circuits. Roberson said the GDLA's efforts received a positive reception from the Panel. She thought it was worth continuing to do. The Committee had solicited input from the Board on judicial candidates but not the total membership and suggested we solicit more members to join the Committee from Tifton, Valdosta, Macon and Columbus. She suggested that we put a notice in the newsletter to do this. She also suggested that the general membership be allowed to offer their confidential evaluations of potential candidates.

Roberson mentioned that we should continue to get knowledge of the GDLA in front of the superior court judges and state appellate judges to build up the reputation and status of the association as GTLA does. We need to have a presence at the state judges' meetings.

Milano will attempt to get the handbooks that other states give to new judges or which the plaintiffs' bar gives to judges for Board review.

Forbes recommended we list the past presidents, officers, Substantive Law Committee chairs and vice chairs on the Law Journal's title page. Editor Hughes should also solicit recent case updates from committees (three to four cases for each area).

There was also a discussion about the Law Journal's CD format for the members and the printed book that goes to the judges and the dues invoice going out with the Law Journal. There is a strong feeling that the dues invoice should be sent separately around the time the Law Journal is sent, even if at additional cost. We should include in the next dues notice a comment that we have not raised dues since 1991. The invoice which currently allows members to check an area of interest in GDLA activities should include the Substantive Law Committees.

The new Chair of the Web Site Committee is Kirby Mason. She will help with the tort reform brief bank and review, update and direct Milano in keeping the Web site up to date and attorney friendly.

It was suggested that we send blast e-mails every six months asking if any members have done a brief they would consider donating to our brief bank, and to submit it to the Executive Director.

Travis reported that a case is pending in the Supreme Court from the State Court of DeKalb County and would be orally argued on October 11. He gave the amicus brief in that case to Ted Freeman, Chairman of the GDLA Amicus Committee. Freeman reported that we had a request from State Farm's attorney which he, after appropriate review, had turned down. It was decided that the Amicus Committee would screen cases. It would be the sole decision of the Committee to accept or reject requests for amicus briefs from the GDLA. There will be a conference call of the Executive Committee and Chairman of the Amicus Committee if the Committee feels we should file a brief. The Amicus Committee will be the gatekeeper. If the committee decides not to file a brief then it does not go to the Executive Committee.

Board members are urged to give the Tort Reform Committee and the Executive Director briefs, motions, orders, etc.

Milano gave a report on the Trial Academy. We are getting brochures out now and confirming the faculty. There will not be a change in curriculum.

Ratterree gave a report on sponsors. Board members were asked to e-mail Ratterree with potential sponsor candidates. The initial contact for sponsors should be made by Board members and then followed up by Milano. We have four engineering consultants as sponsors, which is probably at or near the maximum number we should have in order to avoid diluting the benefit they receive in working with the GDLA. We should expand into other areas. Board members were urged to look at their own individual firm's vendors and send Ratterree and Milano an e-mail of proposed sponsors. Foster gave a report on General Assembly and legislature on behalf of Legislative Liaison Barry Fleming. Apparently the report back from the legislature is that most changes in legislation will be made in the criminal area but if the Supreme Court holds any part of SB3 unconstitutional, then there will be action there. Some legislators feel that the Federal Rules of Evidence are an attempt to water down tort reform and criminal reform, so it is highly unlikely that there will be any action in this area.

Foster announced that our new DRI liaison is Bruce Welch.

He also announced that our history project is being chaired by Forbes who is reviewing old material and will request material from the GDLA archives from the Executive Director, who currently keeps most past GDLA records in his office. Forbes is missing about one year's worth of Board meeting minutes.

There was a discussion of the charge book that we had in the past. The most recent book was in the 1991-93 timeframe. A member of Ratterree's firm had offered to do it in the past. It was determined that we would solicit requests to charge and post on the Web site, basically submitting those requests not covered in pattern instructions. Many in the old charge book were deemed by the judges as argumentative.

Kyle and Forbes felt that we should do this as a project but we needed someone to head the committee, perhaps roll it into the Substantive Law Committees but appoint a chair. Ratterree is going to ask the person who previously did this for the GDLA if she will do the charge book again.

Foster reported on D&O coverage including a quote from Hartford and he requested Travis to get a competing quote. The quotes will be given to the Executive Committee. The Executive Committee has the power to approve it and do it without Board approval.

Forbes reminded us that the Executive Committee acts for the Board at all times except when the Board is in session.

Next there was a discussion of an apparent discrepancy between the minutes from October 2000 Board meeting, when at the time it was determined that the DRI state representative, the GDLA Meetings Chair and officers would be reimbursed for airfare, meals and hotels. In reviewing the minutes from the Fall 2004 Board meeting, the Board discovered that a motion clarifying and approving reimbursement

of DRI annual meeting expenses for the officers eligible to attend on behalf of the GDLA apparently left out the Meetings Chair. A motion was made and passed that we reaffirm the policy of 2000 regarding who is eligible to attend on behalf of the GDLA and what is paid for. It would in fact include the Meetings Chair, and the meeting registration fee would be reimbursed by GDLA. If at the annual meeting, as part of the registration fee, DRI provides meals, then there will be no reimbursement for meals purchased during those times. The GALA is an extra expense and will be the individual's responsibility.

If the Executive Director attends, the DRI waives his registration fee. Milano felt that he would be an unnecessary attendee this year, based on the fact that five GDLA representatives were already attending and that generally, DRI-sponsored events for SLDO executive directors had not been a good use of his time and the GDLA's expense. It was agreed that because their primary function of attending the DRI annual meeting on behalf of the GDLA was to gather information relevant to the activities of the GDLA, the five GDLA representatives going this year should attend the SLDO portions of the DRI annual meeting.

There were two items of new business. If one member of a law firm is a GDLA member and there are other members of that firm who are not, can the one member send our blast e-mails on behalf of the others and give access to our tort reform database and other materials from the members area of the Web site? It was decided that we need to send a periodic reminder that you may not share the member resources of GDLA with non-members. Most thought we could not police this and terminate memberships based on this, but we could send a message that sending e-mails on behalf of others is forbidden. If we wanted to gauge password sharing, we could probably track password use emanating from multiple IP addresses (see who is sharing their password) in the future.

The Board can in fact vote a member out for this infraction, but it was decided to send out reminders periodically that members need to use member resources solely for their own behalf and not abuse membership privileges.

Milano suggested that the new GDLA slogan "Advancing the Civil Defense Bar" go on the GDLA web site, brochures, and any other relevant GDLA documents, with © after its use. It was approved and passed unanimously.

The meeting was adjourned at 12:22 p.m.