

GDLA Fall 2006 Board Meeting Highlights Barnsley Gardens, Adairsville, GA October 21, 2006

The meeting began at 9:00 a.m.

In attendance: Bubba Hughes, Rusty Gunn, Lynn Roberson, Grant Smith, Peter Miller, Ted Freeman, Jamie Watson, Ken Sisco, Johnny Foster, Joe Chambliss, Sally Akins, Kirby Mason, Bruce Welch, Walter McClellan, Staten Bitting, Al Parnell, Steve Kyle, Clay Ratterree, Warner Fox, Bob Travis, Jimmy Singer, and Steve Milano.

The meeting was called to order and the prior minutes were reviewed and unanimously accepted.

The treasurer's report was given and the Association is healthy financially. The current financial status was reviewed. Discussion was held at the Executive Committee meeting on whether some of the funds should be placed in a different type interest bearing account, CD or other account with limited access. The Association is earning 4.55% in a sweep account on all funds, and it would only earn slightly more than 5% on funds through a time limited CD, and therefore the decision was made to leave the funds in checking to maintain their liquidity, and because of the favorable rate currently being earned.

Johnny Foster gave a membership report. Twenty-two applicants were approved by the Membership Committee and were voted in by the board.

Steve Milano gave the status of the delinquent members. A list of members who have not paid their dues, and are now 90 days tardy, was circulated among the Board. Board members agreed to contact the individuals they know, and to inquire whether the lack of payment is an oversight or an intentional decision to withdraw from the Association. It was agreed that though one notice has already gone by letter and email to those individuals, after the calls one additional letter will go, at which time, under decision of the Board and the Bylaws, their access to Association benefits such as blast e-mail, and the members portion of the web page, will be suspended.

Bob Travis reviewed membership recruitment and retention, and the status of appeals to large firms. We have approximately 600 members in the Association, and there was an average attendance at the annual meeting of less than 10 percent. Discussion was held whether the GDLA is relevant to larger firms. Discussion was also held that the association should have a conscious and intentional diversity objective, and the importance of involving members of large firms to help achieve that goal. There was discussion whether free membership, no registration fee, and/or free attendance at the annual meeting should be offered to a partner and/or associate at large firms in an effort to obtain their involvement. Though no decision was reached, it was agreed that a luncheon would be held for the managing partner and/or litigation partner at approximately 10 to 20 large firms in Atlanta who do not have members, and a conscious effort will be made to describe for them the benefits to their firm and their associates for membership, as well as to the GDLA.

Steve Milano reported on the status of the young lawyers section the young lawyer's CLE. There will be a Skits & Suds project with George Duncan and Jo Jagor, neither of whom were present, but no date has yet been determined.

Staten Bitting reported on the Workers Compensation Academy. Lisa Wade and Tray O'Connell are in charge, and are endeavoring to coordinate this with the winter Board meeting and judicial reception.

Lynn Roberson reported on the Substantive Law Committees. 132 members are participating in one or more of the substantive law committees. 25 members have indicated interest in Professional Malpractice, 20 Insurance Coverage, 14 Premises, 12 Trucking, 10 Products, 9 Construction, 9 Employment, 8 Appellate Practice, 8 Workers Comp, 6 Auto, 6 Business/Commercial, and 5 Mass Torts. Discussion was held as to whether time should be set aside on the program for substantive law committees to meet at the annual meeting, since individuals live in various parts of the state. No final decision was reached, but Bob Travis will consider offering the opportunity on the schedule.

The GDLA has agreed to invite six Chairs to the fall board meeting, and six Chairs to the spring board meeting, so the Board of Directors can have a report from all Substantive Law Committees prior to the annual meeting, and there is an opportunity for the Chairs to interact with the Board members. Ken Sisco, the Chair of the Construction Law substantive law Committee, was in attendance and reported that, due to geographical constraints, his Committee will meet by conference call. Ken reported that the goals of his Committee were discussed and additional persons identified who may also participate. Provision is being made for case summaries for the newsletter from that Committee, and an individual will update the status of current cases. Everyone on this committee has been requested to submit a brief to the brief bank. They are also discussing whether each Substantive Law Committee should prepare their own expert database on the web page. There was also some discussion of the Substantive Law Committees being responsible for coordinating blast emails about experts, just within their substantive law group.

Steve Milano reported on the Web site Committee. November 15 is the deadline for updates on the Web site. Johnny and Steve Milano will investigate the possibility of a master list being kept of the blast e-mails that will be discussed at the annual meeting. A motion was made, seconded, and passed unanimously, authorizing up to \$1,000 for a Web site company to update, as necessary, the GDLA Web site.

A pitch was also made for content. The GDLA has been queried, and has not really provided any response. An IPOD was offered for briefs, and there were only three submissions, all from members of the Board. It appears that the way to obtain excellent briefs is to make individual contact and specifically request when someone in a member's firm files a brief, or when a brief is filed in a case with which a member is involved.

The Judicial Relations Committee did not have a chair present. The status of the Macon reception honoring the retirement of Judge Thomas D. Wilcox was reviewed. All the Superior Court, State and local judges of all courts in and around the Macon area, as well as Federal Middle District judges, and their spouses, were invited. A judicial reception will again be planned for the Atlanta area in association with the winter Board Meeting. In addition, Augusta attorneys are considering a judicial reception in Augusta, and are looking for an appropriate time, and will report back to the Board at the winter meeting.

Steve Kyle and Bob Travis reported on the upcoming annual meeting for 2007, at Amelia Island. There is a change in plans from the typical schedule of the prior meetings. Steve Kyle and Steve Milano will review the last three years' actual per person cost, and will report at the winter Board Meeting on what it takes to actually break even. Based upon information from the annual meeting of DRI, it appears that the GDLA's rates are below other states, and we need to raise rates to get closer to breaking even.

2008 dates have been set as June 12-15 in Ponte Vedra. A survey of members was taken as to whether the first or the second part of June was best, and everyone felt the second week of June appeared best for most individuals. A survey will be taken of the membership on the 2009 venue. On the typical three-year rotation, this would be deemed more of an "exotic" location, which would probably require airfare, and various venues were discussed in the Caribbean, Las Vegas and Canada. Europe was also mentioned, but the consensus was it was too far away and would take too much time in traveling to and from the destination. Al Parnell reported that in DRI's experience individuals do not want to change planes more than once, and most importantly, do not want to drive a long distance when they arrive.

The spring Board Meeting will be in Charleston. Clay Ratterree accepted responsibility for selecting a location and the specific dates of the meeting. The Southeastern Regional meeting of DRI will also be held in conjunction with the GDLA spring Board Meeting, in Charleston, and so the date needs to be set and the location determined as soon as possible.

The outline for the annual meeting in 2007 at Amelia Island Plantation will have one day focused on jury, including jury selection, and another on marketing and networking. The Chief Justice of the Georgia Supreme Court will be contacted concerning delivering the keynote address at dinner on Saturday evening.

Rusty Gunn reported on the Trial Academy. Jerry Buchanan had agreed to take over as Chair in Tom McGill's absence. It is believed that 42 students, with a ratio of one faculty to six students, was the optimal number, but there was a possibility of 60 registrants. The Board agreed to increase the faculty if necessary to keep the ratio at 1 to 6.

Staten Bitting reported on the Newsletter. The newsletter is in a glossy format and will be disseminated quarterly. There were very favorable comments about both the content and the appearance of the newsletter.

Clay Ratterree reported on sponsorships and exhibitors. A motion was made and unanimously approved to allow the Executive Committee to raise rates for the sponsors and exhibitors. Discussion was held whether the GDLA will allow exclusive sponsorships, such as from only one court reporter, or only one engineering firm, and it was agreed that this would not be in the best interests of the association. Discussion was held that the GDLA needs to increase the revenue from sponsors to bring these in line with other states. Sponsors truly benefit by having access to members of the GDLA.

Ted Freeman reported there was only one submission or request for an amicus brief since the last meeting, and this was only in the Court of Appeals, not the Supreme Court, so it was declined. There was a motion to amend the policy of the Association, and if necessary the Bylaws, to allow an amicus brief in the Court of Appeals, or some other court at the discretion of the Chair of the Amicus Committee and the Executive Committee, if deemed appropriate. After some discussion, it was thought that there may not be a specific limit in the Bylaws to filing briefs in just the highest court of a state or nation. Accordingly, the motion carried either way, and the Amicus Committee and Executive Committee are authorized to file amicus briefs in the lower appellate courts if deemed necessary.

Bruce Welch gave the DRI report, both generally and on the annual convention in San Francisco. All Executive Committee members present reported that the individual breakout sessions, the state defense organization meetings, and the workshops were all very helpful and should assist the Association in moving forward. Our Executive Director, Steve Milano, did not attend the DRI annual meeting in San Francisco. He was concerned that it may not be of benefit to the GDLA. It was agreed that since DRI does pay Steve's airfare, that he will go for at least one day to the 2007 annual meeting in Washington, D.C.

Under new business, one of the sponsors, Delve Information Resources, has agreed to sponsor a paralegal CLE and pay for it, including lunch. It was agreed that someone from the Board would be present at the paralegal CLE and that applications for admission be provided to the paralegals to return to individuals in their firms who may not be members of the GDLA.

An update was given on the *County Jurisdiction Tendencies*. It was reported that there are various Web sites, including the Department of Community Affairs, where demographic information can be obtained for each county. A motion was made and passed to allow Kirby Mason and David Nelson the authority to spend up to \$1,000 to obtain information and provide \$1,000 per year to update *County Jurisdiction Tendencies*.

Lynn Roberson reported on the National Foundation for Judicial Excellence. This is DRI's effort to counter ATLA's National Judiciary conferences. The first meeting was in July 2005, and 136 appellate judges attended. The DRI received excellent feedback from the judges. DRI is trying to raise enough funds to allow the judges to be offered the ability to attend without expense to themselves, the state, or the county they serve. A motion had previously been made, and was again unanimously passed, that the GDLA will commit \$10,000 over three years to DRI for the National Foundation for Judicial Excellence.

Finally, the Board agreed that the President should establish a Long-Range Planning Committee. This will be considered by President Fox, a committee will be appointed, and reported on at the winter Board Meeting.

The meeting then adjourned at 11:47 a.m.