

GEORGIA DEFENSE LAWYERS ASSOCIATION NEWSLETTER

Number 4

July 1993



OFFICERS

PRESIDENT

Hendley V. Napier
P.O. Box 1606
Macon, Georgia 31202-1606

EXECUTIVE VICE PRESIDENT

David T. Whitworth
P. O. Box 1996
Brunswick, Georgia 31521

SECRETARY-TREASURER

R. Clay Porter
3300 One Atlanta Plaza
950 East Paces Ferry Road
Atlanta, Georgia 30326

VICE PRESIDENTS

Charles M. Goetz, Jr.
George Duncan
David H. Hanks
Steven J. Kyle

BOARD OF DIRECTORS

NORTHERN DISTRICT

Walter B. McClelland (1994)
Robert Travis (1995)
Gregory F. Melton (1996)

MIDDLE DISTRICT

Andrew J. Hill, III (1994)
Jerry Buchanan (1995)
Joseph H. Chambliss (1996)

SOUTHERN DISTRICT

Kenneth R. Carswell (1994)
William H. Pinson, Jr. (1995)
Wilson R. Smith (1996)

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J. Kenneth Moorman
Wiley W. Wasden III
Henry E. Scudder

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Willis J. Richardson, Jr.
Ferdinand Buckley
Oscar M. Smith
William G. Scramont, Jr.
Glenn Frick
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Gould B. Hagler
James A. Durlap
Hubert Howard
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Eugene G. Partain
George C. Grant
Melburne D. McLendon
Douglas Dennis
Paul W. Painter, Jr.
E. Davison Burch
Richard A. Marchetti
Patrick J. Rice
Wilbur C. Brooks
Morton G. Forbes
J. Bruce Welch

The President's Column

J. Bruce Welch

As anticipated, the twenty-sixth annual meeting of the Georgia Defense Lawyers Association at the Hamilton Princess in Bermuda was a smashing success. Hendley Napier assembled a timely and educational program, and the wit and knowledge of our Bermudian colleague, Jeffrey Elkinson, was enjoyed and appreciated. The weather really cooperated and our members were treated to some grand scenery around the island and around the pool. From all the comments I received, the fine facilities and wonderful food at Friday night's banquet contributed greatly to our outstanding meeting. Again, many thanks to Dick Richardson for all his efforts in putting together this fine event. Remember to make plans for next year's meeting in Ponte Vedra, April 28 - May 1.

The officers for next year elected in Bermuda are Hendley Napier as President, David Whitworth as Executive Vice President, and Clay Porter as Secretary-Treasurer. A full slate of officers and directors are included elsewhere in this newsletter in the minutes of the annual meeting. I would particularly like to thank Hank Scudder, a newly elected director, for his superb work in putting together the Journal. Please be sure to retain your copy of the Journal since it contains the first and only publication of the by-laws as amended at the annual meeting at the Homestead.

The organization has had a notable year, gaining recognition from DRI for its efforts, participating in the National Conference of State and Local Defense Organizations, contributing to the National High School Mock Trial Championships and the State ICLE Trial Advocacy Program. Under the leadership of Ken Moorman, the GDLA Trial Academy was the most successful ever, and our fall CLE luncheon meeting was well received and will be continued this year. Watch for the date to be announced in the Fall Newsletter or a special mailing.

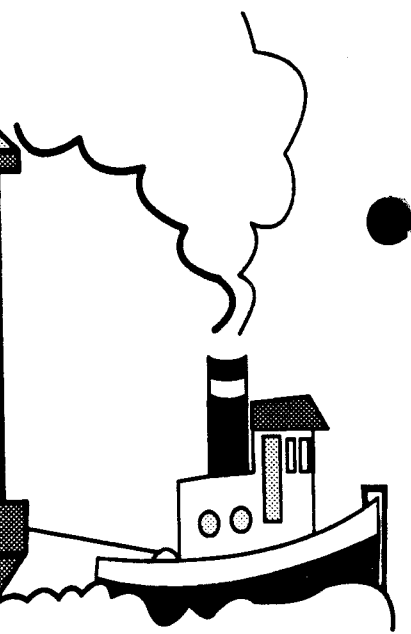
Our first year under the new by-laws went quite well with Greg Spicer, our first Executive Secretary, doing an excellent job. Despite the increase in dues, membership is at an all time high. I am pleased to announce that dues will remain the same for the coming year.

You have honored me by allowing me to serve as your President this past year. It has been a great privilege for me, and I will have many memories of this year when the gavel passes at an informal executive committee meeting in Savannah last month.

GDLA Phone & Address Info!

The Georgia Defense Lawyers Association has a new phone number and address (and we now have a fax machine). Please direct all future correspondence to:

Greg Spicer
Executive Secretary
P. O. Box 1863
Macon, GA 31202-1863
(912) 742-2201
Fax (912) 742-4989



December 1-4 at Callaway Gardens

GDLA Annual Trial Academy Update

Plans are well underway for the 1993 Georgia Defense Lawyers Association Trial Academy. The Academy will be held at Callaway Gardens December 1 through 4, 1993.

The format of the seminar includes faculty demonstrations of opening statements, direct and cross examinations of the plaintiff and her expert witness, and closing arguments. The faculty demonstrations are followed by student breakout sessions, in which the students perform the same tasks. They then receive individual critiques, suggestions, and the like.

The case materials for the seminar are the handiwork of George Duncan, of Duncan & Mangiafico. The plaintiff, Margaret Morton, claims to have been run down in an intersection by the speeding Clifford Clark at 5:30 a.m. Mr. Clark, she alleges, was late for a sales meeting, had a piece of toast in one hand and a cup of coffee in the other hand, claims that Ms. Morton was crossing the five way intersection against a red light, out of any cross walk, wearing dark clothing. Needless to say, there is ample room for impeachment, rehabilitation, and all of the other ingredients that make the practice of law so much fun.

The faculty for the Trial Academy are all outstanding trial lawyers who are members of the Georgia Defense Lawyers Association. In order to reflect changes in the make-up of the bar, and to bring a needed new perspective to the Academy, this year's faculty includes two excellent women litigators, Kay Deming of Troutman Sanders, and Mary Mendel Katz of Chambliss, Higdon & Carson. In addition, "old timers" who have committed to return include Sandy Owens of Nall, Miller, Owens, Hocutt & Howard, George Duncan of Duncan & Mangiafico, Wilson Smith of Newton, Smith, Durden, Kaufold & McIntyre, and Charlie

Goetz of Federal & Goetz, among others.

This program is designed to provide an intermediate level of training for lawyers. It is too basic for the experienced trial lawyer, and too advanced for those who have never taken a deposition, argued a motion, or assisted with a trial. The participants should be those young lawyers who are ready to begin trying cases or who need to improve their courtroom skills.

As time for the Academy draws nearer, additional details will follow.

The Newsletter is a regular publication of the Georgia Defense Lawyers Association. Please direct any inquiries, articles, or black and white photos for the Newsletter to

**Greg Spicer
Ga. Defense Lawyers Ass'n
P.O. Box 1863
Macon, GA 31202-1863
(912) 742-2201
Fax: (912) 742-4989**

Board Meeting Minutes

The Annual Meeting of the Georgia Defense Lawyers Association for 1993 was called to order by President J. Bruce Welch at 9:00 a.m. The minutes of the 25th Annual Meeting held at Homestead, Virginia were approved without the necessity of reading, having been previously submitted to the Association.

President Welch reported on some of the activities of the Association during the year, including activities in the legislative field, the Trial Academy, and the involvement of the Association in activities and committees of the Defense Research Institute.

SECRETARY/ TREASURER'S REPORT

Secretary/ Treasurer David Whitworth reported that as of April 22, 1993, total Association funds equalled \$20,951.80 exclusive of registration fees for the annual meeting. Approximately sixty-five members attended the meeting.

RECOGNITION

Salty Forbes, who is Georgia State Chairman for Defense Research Institute, announced that the Association had received an award recognizing the exceptional performance and outstanding achievement of its President, J. Bruce Welch, and presented our President with a plaque reflecting his achievement. President Welch was further recognized by the Association for his outstanding year as President and was presented with a plaque expressing appreciation from the Association with the traditional engraved mint julep cup.

It was announced that the 1994 Annual Meeting of the Georgia Defense Lawyers Association will be held at Ponte Verda.

There being no further business, the meeting was adjourned. Respectfully submitted,

David Whitworth
Secretary/ Treasurer

NOMINATING COMMITTEE

The President then called upon Salty Forbes, as Chairman of the Nominating Committee, for its report. Consistent with the committee's recommendations the following were unanimously elected:

President:	Hendley Napier
Executive Vice President:	David T. Whitworth
Secretary/Treasurer:	R. Clay Porter
Vice-presidents:	George Duncan
	Steven J. Kyle
	Charles M. Goetz, Jr.
	David H. Hanks

Board of Directors (for 3 year term):

Northern District:	Gregory F. Melton
Middle District:	Joseph H. Chambless
Southern District:	Wilson R. Smith

At- Large Board Members (for one year term):

J. Kenneth Moorman
Henry E. Scudder
Wiley A. Wasden, Jr.

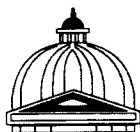
Georgia Defense Lawyers returning to serve another year on the board include:

Northern District:	Walter McClelland
	Robert Travis
Middle District:	Andrew J. Hill, III
	Jerry Buchanan
Southern District:	Kenneth R. Carswell
	Wm. H. Pinson, Jr.

1993-94 GDLA Committee Assignments

Legislative

Henry E. Scudder, Jr.: Chair
 John E. Hall, Jr.
 Dan B. Wingate
 N. Staten Bitting, Jr.
 Robert C. Martin, Jr.
 Warner S. Fox
 Gregg McDougal
 Steven E. Scheer
 Art Glaser
 Steve Miller
 David Russell Smith
 Mark E. Colm
 Catherine M. Bowman
 Grant B. Smith



Long Range Planning

Kenneth Moorman: Chair
 Richard Rominger
 Steve Goldner
 John T. Woodall
 R. Clay Ratterree
 Bob M. Brinson
 Warner S. Fox
 Gregg McDougal
 Stanley Karsman
 John Dickerson
 Mark E. Colm
 Albert H. Pamell
 William D. Harvard



Steve Cotter
 R. Clay Ratterree
 Harry W. Bassler
 Robert C. Martin, Jr.
 Warner S. Fox
 Joe Chambless
 Richard W. Fields
 William B. Hardegee
 Stanley Karsman
 Art Glaser
 Christopher N. Shuman
 John Dickerson
 Wiley A. Wasden
 Lane Young
 Catherine Bowman
 Grant B. Smith
 James Owens, Jr.
 Ben Brewton
 K. B. Hodges, Jr.
 Robert R. Gunn, II
 William Harvard
 Michael J. Rust

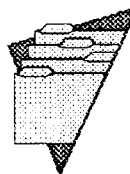
Membership

George E. Duncan, Jr.: Chair
 Richard Rominger
 Ron Coleman
 Susan Sommers
 Luanne Clarke
 Catherine M. Bowman
 Joseph Mulherin
 K.B. Hodges, Jr.



Amicus Curiae

William B. Hardegee: Chair
 Wilson Smith
 Saunders Aldridge
 Steve Cotter
 Karl Kothe
 J. Arthur Mozley
 John A. Foster
 David Russell Smith
 Henry E. Scudder, Jr.



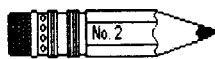
Winter CLE Program

Charles M. Goetz, Jr.: Chair
 John E. Hall, Jr.
 Joseph W. Watkins
 John T. Woodall
 R. Clay Ratterree
 J. Arthur Mozley
 Christopher N. Shuman
 Albert H. Pamell
 Grant B. Smith
 Thomas E. Magill



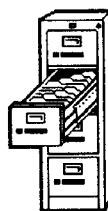
Law Journal

Joseph H. Chambless: Chair
 Wilson Smith
 Richard Rominger
 Ron Coleman
 N. Staten Bitting, Jr.
 Gregg McDougal
 Richard W. Fields
 J. Arthur Mozley
 Steve Miller
 John Dickerson
 David Russell Smith
 Henry E. Scudder, Jr.
 Ben Brewton
 Michael J. Rust
 LeeAnn Jones



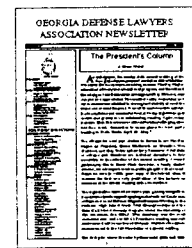
Brief Bank & Expert Witness Bank

Steven J. Kyle: Chair
 Joseph W. Watkins
 Dan B. Wingate
 Caroline C. Kesky
 Karl M. Kothe
 Joe Chambless
 William B. Hardegee
 Luanne Clarke
 Steven E. Scheer
 Mark E. Colm
 Alfred B. Adams, III
 Kenneth L. Shigley
 Joseph A. Mulherin
 LeeAnn Jones



Newsletter

David B. Hanks: Chair
 Gregory J. Spicer
 Saunders Aldridge
 Ron Coleman
 Susan Sommers
 N. Staten Bitting, Jr.
 Richard W. Fields
 Ken Moorman
 Luanne Clarke
 Stanley Karsman
 Art Glaser
 Steve Miller
 Joseph A. Mulherin
 Ben Brewton
 Michael J. Rust



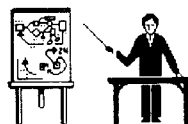
Budget

Kenneth Moorman: Chair
 Robert M. Travis
 K. B. Hodges



Trial Academy

Charles M. Goetz: Co-Chair
 Jerry Buchanan: Co-Chair
 Wilson Smith
 Joseph W. Watkins
 Susan Sommers
 Steve Goldner
 John T. Woodall



GDLA Members Travel to San Francisco

At the request of the Board, the President, Executive Vice-president, and Secretary/ Treasurer attended the 1993 National Conference of Defense Bar Leaders sponsored by DRI. Salty Forbes, Georgia State Chairman for DRI also attended. Bruce asked me to report to the Association on this meeting.

While the environment was lovely, I can't say that this was an enjoyable educational experience. The schedule was too rigorous, and the subject matter too intense, to characterize this as a light-hearted meeting. It was, however, enlightening, and provided a forum in which there were surprisingly candid, even blunt exchanges between defense industry representatives and defense attorneys.

While there was some confrontation among the approximately 185 attendees, overall the atmosphere was positive and there appeared to be genuine interest on the part of the insurance company representatives in attendance, and the attorneys and others, to communicate their perspectives and concerns.

Officers of numerous state bar organizations attended. Speakers included, among others, Leo Jordan, Vice-president/ Counsel of State Farm; Michael Mack, Vice-president, Claim Legal, Aetna Life & Casualty Company; Edward Morris, Vice-president, Claims Litigation, Farmers Insurance Group; John Holmes, a prominent Portland, Oregon defense attorney; Edward Panelli, Justice of the California

Supreme Court; and David Sullivan Senior Vice-president, Chief Trial Counsel, Kemper. Some six groups of attendees rotated through seven breakout sessions in addition to meetings of the whole group. Discussion topics included such timely matters as "Why the Insurance Industry is Doing What it is Doing", "Long Range Role of the



Al Parnell, Hendley Napier, and Del Ward Napier in San Francisco

Defense Bar", "The Future of Litigation", and others.

Regardless of whether one agrees or disagrees with views expressed by insurer representatives, it was painful to hear some of their criticism and their horror stories of abusive billing. (We defense trial lawyers tried to get in a few stories of our own!)

I think that Bruce, Hendley, Salty and I all agreed that we did not enjoy hearing about insurer cost-cutting measures, bill audits, counsel list purges, etc. but recognize the necessity of attempting to understand their perspective in the interest of our economic survival.

Industry representative

observations included such things as these:

"Defense attorneys, although they don't like to admit it, are subjects to being treated as a fungible commodity...."

"Somewhere along the line, defense counsel became accustomed to the idea that there would be occasions on which bills would be questioned, and that they could make everyone happy by just offering to compromise the bill by a certain percentage Carriers have come to realize that any attorney who can afford to cut a percentage off a legal bill is either willing to work for free or has generally padded his charges enough to make the reduction worthwhile. Either way, it's absurd for a carrier to continue to work with such a firm."

"Litigation Management - What the Carriers Really Want in the 1990s" - Stuart B. Shapiro (Corporate Counsel Merchants Insurance Group)

Surely, comments such as these are thought-provoking, regardless of how you may react to them.

I am considering possible means of transmitting to GDLA members more of the substance of this conference, perhaps through our own annual meeting in 1994, than can be accomplished in this brief report.

Respectfully submitted,
David Whitworth
Secretary/ Treasurer

GEORGIA DEFENSE LAWYERS ASSOCIATION

1993-94 MEMBERSHIP APPLICATION

NAME: _____ STATE BAR NO.: _____

AGE AND BIRTH DATE: _____ SPOUSE'S FIRST NAME: _____

DATE ADMITTED TO BAR: _____ DATE BEGAN PRACTICE: _____

FIRM NAME: _____

OFFICE ADDRESS: _____

Street and P.O. Box Number

City, State, and Zip Code

PHONE NUMBER: _____ FAX NUMBER: _____

NUMBER OF YEARS WITH PRESENT AFFILIATION: _____

NUMBER OF INDIVIDUALS IN FIRM PRESENTLY MEMBERS OF THE GEORGIA DEFENSE LAWYERS ASSOCIATION: _____

I certify that I am substantially engaged in trial litigation primarily for the defense in the State of Georgia, am a member in good standing of the State Bar of Georgia, and have been a member of the State Bar or a State Bar Association for a period of at least three (3) years.

(Date)

(Signature of Applicant)

(Type or Print Name of Nominator)

(Type or Print Name of Sponsor)

(Signature of Nominator)

(Signature of Sponsor)

Upon completion of the form by applicant, **applicant must mail same along with letter of recommendation from the nominator and sponsor** above (who must be members in good standing of the GDLA) to the Executive Secretary of the Association, Gregory J. Spicer, c/o Georgia Defense Lawyers Association, at the following address: P.O. Box 1863, Macon, GA 31202-1863. If you need further information, contact Greg Spicer at (912) 742-2201.

If you are approved for membership, you will be notified and billed \$100 covering the initiation fee plus the amount of annual dues in effect at the time of your admission to membership.

Address Changes

GDLA member Richard A. Marchetti has a new address:

Richard A. Marchetti
Self, Mullins, Robinson & Marchetti
P. O. Box 751
Columbus, GA 31902
(706) 649-3080
Fax (706) 649-3094

If you change addresses and would like the change included in the next GDLA Newsletter, please send us a short letter letting us know.

Executive Committee Announcement

The Executive Committee urges you to write or call your senators and congressmen about the proposed revision to Rule 26 of the Federal Rules of Civil Procedure. This amendment would impose mandatory "disclosure" in addition to existing discovery procedures. On April 22, over the objections of the Defense Research Institute and numerous other organizations, the Rule 26 proposal was submitted to Congress by the Supreme Court.

The Defense Research Institute is now beginning its effort to lobby Congress for deletion of the disclosure amendment from the new Federal Rules. The key to victory will be contacts made from the "grass-roots" -- meaning defense lawyers and their state and local defense bar organizations.

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Georgia Defense Lawyer Association
P. O. Box 1863
Macon, GA 31201-1863

