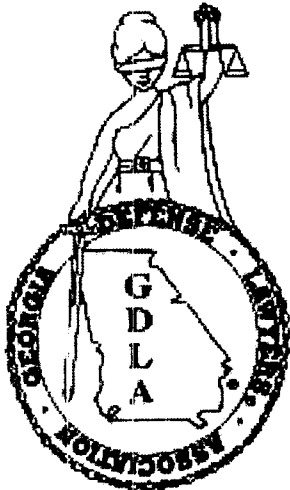


GDLA NEWSLETTER

Volume 14

Editor: John A. Foster

October 2001



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THE PRESIDENT'S MESSAGE:

By

Walter B. McClelland

WHAT CAN THE GDLA DO FOR YOU?

As I start my year as President of the GDLA, I have as one of my goals, increased participation in our Association by it's members. We have available a wide array of valuable programs and services, but I am afraid that we have done a poor job of letting our membership know what is available. The following list, while not all inclusive, identifies the key advantages to becoming active in the GDLA.

First, the GDLA is strong. We currently have over 450 members. A membership drive is underway, and it is my goal to increase our membership by 150 by next summer. I believe that that goal will be easily achieved. Opportunities for interaction on a social and professional level are abundant.

On November 8th, the GDLA will sponsor a professionalism seminar at Manuel's Tavern in Atlanta, targeted toward younger lawyers. The seminar will provide CLE credits, and an opportunity to

socialize and network will be provided.

From November 29 to December 1st, 2001, the GDLA will be putting on its Annual Trial Academy at Calloway Gardens. This is an excellent opportunity for firms to send their attorneys with two to three years experience, to an intensive 2-1/2 day trial advocacy program taught by some of the finest litigators in the Senate.

In January 2002, the GDLA will present a winter CLE program. While the final agenda has not yet been set, the emphasis will be on topics of particular interest to defense practitioners, and I believe that several of the topics will be related to workers' compensation issues.

The Annual Law Journal is a composite of 7 to 10 scholarly legal articles on a variety of topics. Again, the Journal focuses on matters of particular interest to the defense bar. The authors are experts in their field, and a copy of the Journal is provided to each member of the Association, as well as to all



State and Federal judges, and the state law school libraries. The Journal, like the winter CLE and the annual meeting program, provides excellent speaking and publishing opportunities for members and non-members alike.

Our website and e-mail network instantly connect all of our members and allows us to share information and new developments with each other. We can obtain information concerning the availability of experts on virtually any subject, and quiz our members as to their experiences regarding opposing experts, as well as identifying and obtaining available depositions or other materials previously provided by opposing experts. We also have a brief bank available for use by our members.

Continued on next page . . .

Continued from page 1

From July 18 through July 21, 2002, our Annual Convention will be held in Ponte Vedra, Florida, one of the best resort complexes in the southeast. We will provide six hours of CLE credits, and plans are underway to focus on topics concerning law office economics. There will be two cocktail parties, a banquet (hopefully with a live band), a golf tournament and opportunities to socialize with our fellow defense lawyers.

In the past, the GDLA has published two revisions of a civil jury charge book, and this is in the process of being updated and revised. Copies will be available to all of our members. Our newsletter is published two to four times a year, and provides announcements concerning the organization as well as articles on current topics.

We have in place several substantive law committees, including motor vehicle, promises liability, professional malpractice, toxic torts, employment law and workers' compensation. We have an Amicus Curiae Committee, which solicits requests from members regarding appropriate issues on which the GDLA should take a position. In certain situations, the GDLA will file with the appellate court an Amicus brief on matters that are uniformly beneficial to the defense bar.

I am sure that I have left some things out, and the above is not intended to be a comprehensive list. However, I think it should give our membership a consolidated view of the many opportunities and benefits of being a member in the Georgia Defense Lawyers Association. I would urge each of you to become more active in the Association. I look forward to serving as your president.

Walter B. McClelland



Mark your Calendars!

2001

- ◆ November 8 "Skits, Suds, and C.L.E."
Manual's Tavern
602 Highland Ave.
Atlanta, GA
Beginning at 4:00 P.M.

2002

- ◆ July 18-21 GDLA Annual Meeting,
Ponte Vedra



GLDA TRIAL ACADEMY

By Rusty Gunn

As a member of the GDLA, you will soon receive in the mail a brochure for our 2001 Trial Academy which will be held Nov. 29 through Dec. 1, 2001 at Callaway Gardens. For those unfamiliar with the Academy, it is a two and a half day seminar conducted by members of GDLA* on the nuts and bolts of trying a civil lawsuit. It is designed for lawyers with average of two years experience who have at least participated or observed a trial but maybe not had the full responsibility for preparing and trying the case. The format is a mock trial setting. The attendees are given the course materials in advance of the seminar and are expected to do a fair amount of preparation so that they can be in a position to conduct the various portions of the trial after seeing a demonstration from members of the faculty.

The cost of the seminar is a modest \$365.00. Attendees will be eligible for 20.8 hours of CLE with 1.5 ethics hours, 20.8 trial hours and 2.0 professionalism hours.

This seminar receives overwhelming reviews from attendees each year and firms who have sent their associates

have reported that it was the

best way to learn how to handle a trial, short of actually going to the courthouse. Besides the substantive benefits, this is a great way for newer lawyers to meet and work with others from around the state. I know I still use the contacts I made when I was a student 100 years ago to find out about strange and distant lands, unknown to rubes like me, such as Harris County.

I would ask that you give serious thought to sending your associates to this seminar and that you at least pass this brochure on to lawyers in your firm who might benefit from this type of program. If you need more copies just let me know.



If you or someone you know is not already a member of Georgia Defense Lawyers Association we invite you to apply for membership. If interested, please contact Morton G. Forbes at the following:

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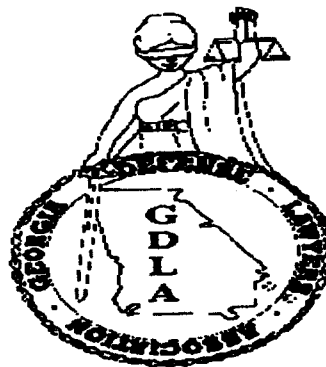
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THE GEORGIA DEFENSE LAWYERS
ASSOCIATION SPRING BOARD MEETING,
APRIL 28, 2001
Kiawah Island, SC

Present: Rick Rominger, John Edwards, Jimmy Singer, Greg Melton, Steve Kyle, Clay Ratterree, Walter McClelland, Staten Bitting, Joe Chambless, Jerry A. Buchanan, Salty Forbes, John Foster, David Whitworth, and LuAnne Clark

The meeting was called to order by President Greg Melton. The reading of the minutes was waived, and the minutes of the winter board meeting were approved as distributed to the board. The treasurer's report was made by Jerry Buchanan. The report was approved by unanimous vote of the Board.

Greg Melton reported on the PFAO status. No action has yet been taken by the Supreme Court.

Mr. Melton asked Mr. Buchanan to inquire of Al Shurley about late dues: we need to determine who has not paid and send out reminders. Salty Forbes suggested that the dues notices should go out prior to the annual meeting, and Mr. Melton said they would go out prior to annual meeting in July.

Mr. Melton discussed the Winter CLE meeting, and said we should give the meeting another year or two to see if it will be a financially viable meeting.

Dick Richardson Memorial Scholarship fund: Grant Smith has sent to Greg Melton documents from UGA, including "perpetual fund agreement between GDLA and the

UGA Foundation." Mr. Melton reminded the board of the commitment made at the winter board meeting to fund this memorial scholarship. Mr. Melton asked that Mr. Buchanan set up a separate account for the fund. Grant Smith, LuAnne Clarke, Salty Forbes and Bruce Welch will head the fundraising effort. Mr. Melton asked for authority of the board to sign the contract with the Foundation. David Whitworth moved that executive committee review any proposed contract, and if in order, Mr. Melton has authority to sign the contract. The motion was seconded and unanimously approved.

Mr. Melton then called on Walter McClelland for the Annual Meeting update. Mr. McClelland reported that all speakers are lined up. Dr. Joe Burton will speak on forensic medicine and scientific principles, Paul Painter will talk on trial motions, Ed Henning on ADR, Gilbert Deitch and Mike Gorby on Premises liability, Dr. Paul Eason on how to manage expert intensive cases, and Johnny Foster will give the legislative update. Everything is in place, program materials in process. Brochure and registration materials will be out in a few weeks. Mr. Kyle reported dinner Saturday night, golf Friday afternoon. Mr. Melton reported that Mr. Kyle had sent out email giving details on accommodations for the meeting, etc. Mr. Melton urged all board members to solicit people to attend meeting, and to talk up the meeting. Mr. Forbes suggested that an annual meeting committee be

formed to encourage attendance. Mr. Melton suggested that Walter pick several lawyers from around the state to call and solicit attendance. Mr. Kyle discussed the fee for the meeting. He discussed having a golf tourney on Friday, 40 slots, and inquired about a tennis tournament. Mr. Melton suggested that he get a member to coordinate, see if there is interest.

Future meetings: Mr. Kyle stated that, after Sandestin, fall board meeting: President gets to choose where it will be: Oct 19-20, 2001, Brasstown Valley. Mr. Kyle said he has arranged for Brasstown Valley for 2 more years, and if we do what we have done in past, Brasstown Valley, then the winter Board Meeting in Atlanta. Mr. Kyle again offered his office for that board meeting. John Edwards asked to do the winter board meeting in Macon, to be held at an office, not a resort. The Board approved having the winter board meeting 2002 in Macon. Mr. Melton suggested the need for a master calendar, with the fall board meeting in October, and the winter board meeting in January. Mr. Kyle discussed the accommodations in Sandestin, which were said to be very nice. Next year's annual meeting is in Ponte Vedra, 2002. 2003 Annual meeting is still open.

DRI Report: Salty Forbes: Next meeting Oct. 3 at Chicago Hilton, state rep meeting in March, attended by Salty Forbes and David Whitworth. He stated that everyone is anxiously awaiting the

Continued from page 5

Georgia Supreme Court's decision on the PFAO. He stated that Alabama already turned down DRI litigation guidelines, no Alabama lawyer can follow them. Mr. Whitworth reported on the small law firm symposium being put on in Charlotte. This was by far the best seminar relating to economics of small defense practice he had been to. Bill McAlister, Ph.D., an economist from Florida puts it on. Mr. McAllister understands intimate inner workings of small law firms, and we may be able next year to incorporate the symposium into our GDLA annual meeting.

Committee Reports: Law Journal: we should have law journal published by early June, or July at the latest.

Mr. Melton stated that vice presidents must be involved in the oversight of committees, including Substantive law committees. He stated that committee signup was good. several people are apparently very happy to contribute.

Mr. Melton appointed a committee to solicit members to the annual meeting: Middle district, Emmitt Griggs; Northern, Warner Fox; Southern, Staten Bitting, Wade Monk at large to solicit participation.

Long Range Planning: Mr. Buchanan reported that the LRPC had taken no further action since the winter meeting in Atlanta.

Legislative: John Edwards reported on a bill amending magistrate court. If you appeal to superior court you lose \$15,000 cap. Now you face unlimited award. You still have no discovery and case is heard within first month after being appealed. No jury trial. Mr. Edwards also reported that the bad faith damage award, now 25-50% for bad faith failure to settle, or \$5,000, which ever is greater. If insurer does not make

good faith effort to settle case, third party plaintiff can have cause of action: insurer can also be liable for 50% penalty for property damage.

Amicus committee: Jimmy Singer reported that things are quiet at the moment, with no briefs pending now.

Newsletter: Johnny Foster reported that he is getting good help from substantive law committees, Staten, others have provided papers. He has 6 papers ready for next newsletter. We are behind schedule, but we can get out 4 newsletters for the year.

Mr. Foster reported that the Recent Developments Committee is not off the ground yet, but will become more active in the future. John Edwards will give email report on legislative report to members. Jimmy Singer mentioned a case constituting a major reversal in how you object to an improper charge.

Membership: Salty Forbes: Two new members from Savannah. New member applications: Willis H. Blacknall, III of Waycross, Georgia, sponsored by Salty Forbes and Scot Pool; Charles R. Carson, of Nall Miller, Michael Hostetter and Sandy Owens recommended him; and Fred Wright, Vaughan Wright and Sterns. All of those eligible are approved. David Whitworth suggested a need for modification to membership process. It was decided that Mr. Whitworth and Mr. Forbes would come up with a new membership application form and the Board would review bylaw change by email, and vote by email at special called meeting of board. Mr. Whitworth also discussed associate membership. He will submit interpretive language to all board members. It was also decided that the Board would approve a new application, deleting the requirement

for nomination by 2 members, and permitting a new prospective member to merely make application to the GDLA. It was moved and seconded and unanimously passed to change the application procedure as stated above.

Alternative Revenue: Mr. Rominger reported that a committee is needed to coordinate this effort.

Technology Committee: Mr. Buchanan reported that William Claxton is the new technology chairman and he is anxious to put his ideas to work.

Old Business: The annual meeting cancellation policy was discussed. Mr. Kyle reported on the difficulty with hotel cancellation charges. **Elections at next meeting:** Mr. Forbes requested that everyone give to past presidents a certificate of candidacy, if you are willing to serve on the board.

There being no further business, the meeting was adjourned

Respectfully submitted,

Jerry A. Buchanan, Secretary-Treasurer
Georgia Defense Lawyers Association, Inc.



Reward!

At its fall 2000 meeting, the GDLA Board of Directors approved a recruitment incentive. Here's how it works: Henceforth, any member who recruits a new lawyer for membership in our organization will receive a certificate redeemable for a fifty dollar discount on the registration cost of any GDLA event - annual meeting, Winter CLE, and trial academy. Please take advantage of this incentive and help GDLA increase its membership.

Special Announcement from DRI President Neil Goldberg

I am pleased to announce an exciting new member benefit, the only one of its kind in the U.S. DRI has reached an agreement with McCallister Consultants to provide our members with a unique service, DRIHelp.com, designed to assist the defense practitioner in answering many of the practice management questions facing today's professional.

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I invite you to visit DRIHelp.com today at <http://www.drihelp.com>. There is no cost to visit and you will get a great overview of this new DRI service.



NEWS WORTHY ITEMS WANTED

Are you aware of a recent important legislative enactment or a major defense victory in the Courtroom? Have you attended any events our readers would be interested in? We would like to report it in the GDLA Newsletter. Send your items to: John Foster, Post Office Box 13929, Savannah, Georgia 31416, or call him at (912) 352-1190 or e-mail him at jfoster@forbesandbowman.com

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- WHERE:** Manuel's Tavern, 602 Highland Ave., Atlanta (Highland & North Ave.)
- WHEN:** Thurs., **Nov. 8, 2001:** 4:00-6:00 p.m. CLE; 6-7:30 p.m. reception
- WHAT:** Interactive CLE of seven ethical & professional dilemmas acted out by attorneys at Atlanta's top law firms. 2 CLE credits.
- COST:** \$35.00 with food & drink to follow

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- ⌘ *What to do when the plaintiff asks for documents that will kill your case*
- ⌘ *Should you temper zealous representation against pro-se plaintiffs*
- ⌘ *How to handle the appearance of impropriety especially with family or friends*

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George Duncan, (404) 256-4882. Space is limited. Pre-registration encouraged, but not required!

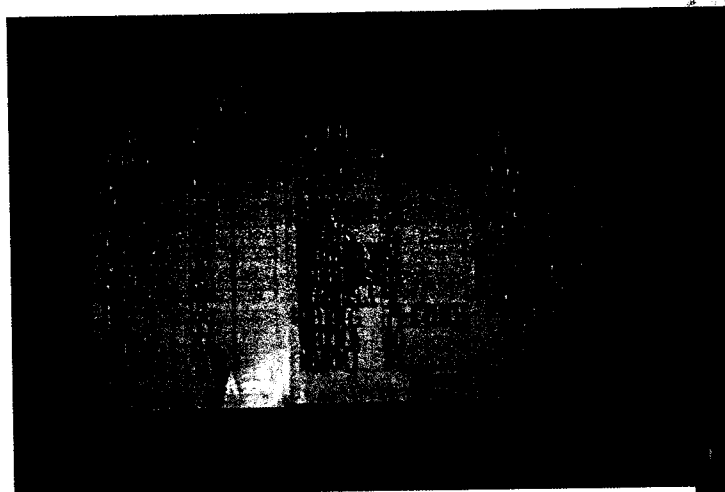
Scenes from GDLA 2001 Annual Meeting at Sandestin



Jimmy Singer and ADLA Immediate Past President Jack Janecky



Congratulations Allison, Diana and Katie Harper



Golf Tournament Scores—Congratulations Greg and Jason!



Brown and Wimberly Dennis, Tracy O'Connell, Sally Akins,
Ed and Robin Stabell



Speer Mabry, Becky Hogan, Larry Hogan and Helen Henning

Scenes from 2001 Annual Meeting



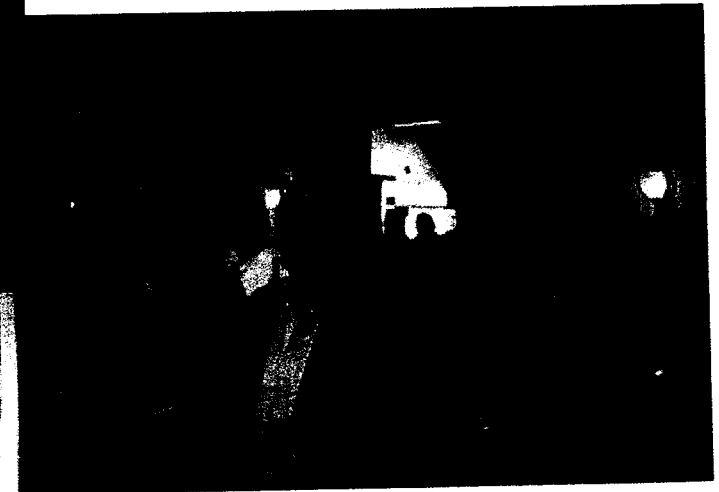
George Duncan, Millie Bennett, Kimberly Houston, Jo Jagor,
Waynelia and Art Glaser



Jason Willcox and Michael Hostetter



Grant Smith and his oldest daughter Caroline



Pat Fox, Ed Henning and Warner Fox

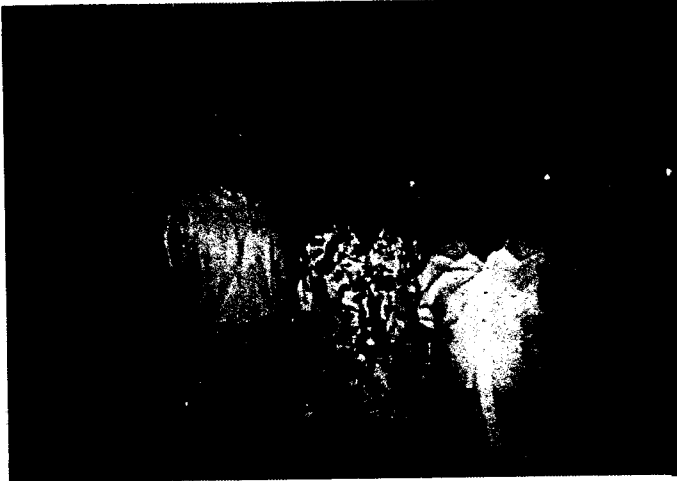


Congratulations Andrew Fox and Ian Jagor

GDLA at Sandestin



David Whitworth and ADLA Executive Director Ed Livingston



**Beth and Henry Morrissette, Salty Forbes, Rick and Paula Marchetti.
Henry is ADLA's new President.**



Kathy McClelland, Greg Melton, Walter McClelland and Bill Wood



**Staten Bitting, Barry Fleming, Cindy Bitting, Dee Dee Willcox and
Paige Fleming**



**Barbara Janecky, Andrew Foster
and Lee Forbes**

Scenes from GDLA 2001 Annual Meeting at Sandestin



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Saturday Night Banquet



Congratulations Sally Akins



Marsha Welch, Jack Foster and Bobbie Foster



Steve Kyle, Jimmy Singer and
Walter McClelland



HUMOR

Laymen have difficulty grasping the significance of class action suits even when proper notice of class certification has been sent and received by potential class members. According to Miller, Problems of Giving Notice in Class Actions, 58 F.R.D. 313 (1972), the following are actual answers received by the Attorney General of North Carolina after class certification notices concerning an antibiotics class action case were sent out by the State:

Dear Sir: I received your pamphlet on drugs, which I think will be of great value to me in the future. I am unable to attend your class, however.

Dear Sir: I received this paper from you. I guess I really don't understand it, but if I have been given one of those drugs, nobody told me why. If it means what I think it does, I have not been with a man in nine years.

Dear Mr. Attorney General: I am sorry to say this, but you have the wrong John Doe, because in 1954, I wasn't but three years old and didn't even have a name. My mother named me when I got my driver's license. Up to then, they just called me Baby Doe.

Dear Mr. Clerk: I have your notice that I owe you \$300.00 for selling drugs. I have never sold any drugs, especially those you have listed; but I have sold a little whiskey once in awhile.



INTRODUCING THE GDLA OFFICERS & BOARD OF DIRECTORS

The 2001-2002 GDLA Officers and Board of Directors are made up as follows:

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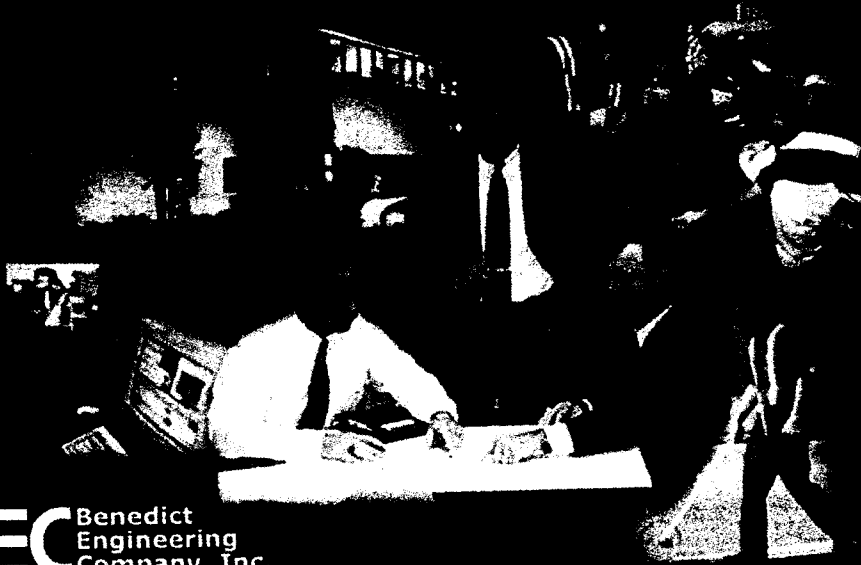
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Atlanta, GA. 30309
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Toll Free: 800-637-0293
Fax: 800-849-0455

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1609 Martha Berry Blvd.
Rome, GA. 30165
Tel: 706-235-8300
Fax: 706-235-1151

Augusta

513 Ellis Street
Augusta, GA. 30901
Tel: 706-724-2778
Fax: 706-724-5513

Savannah

402 E. Bay Street
Savannah, GA. 31401
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