

TENNESSEE BAR ASSOCIATION
HOUSE OF DELEGATES MEETING
FRIDAY, SEPTEMBER 28, 2018 AT 10:00 A.M. CDT
TENNESSEE BAR CENTER, NASHVILLE

I. Call to Order:

The House of Delegates (HOD) of the Tennessee Bar Association (TBA) convened its regular meeting on Friday, September 28, 2018 at The Tennessee Bar Center, in Nashville. Speaker Jim Cartiglia opened the meeting at 10:00 A.M. CDT, and Secretary Charlotte Knight Griffin called the roll. The following members were present in person or on the telephone via conference call:

Shauna Billingsley	Melanie Lane - Telephone
Rebecca Blair	Neil McBride
Robert Bratcher	Weber McCraw - Telephone
Jim Cartiglia	Harrison McIver
Aaron Chapman – Telephone	Bryce McKenzie - Telephone
Eve Charlesworth	Marcia McMurray
Doug Collins – Telephone	Timothy Mickel - Telephone
Steve Conley – Telephone	Norman Newton
Lisa Cothron	Jennifer Noe
Michael Cox – Telephone	Edward North - Telephone
Kasey Culbreath – Telephone	Alicia Oliver - Telephone
Jason Davis – Telephone	Jane Powers - Telephone
Keith Dennen	Mark Raines - Telephone
Jamie Durrett – Telephone	Walt Schuler - Telephone
Jerry Flippin – Telephone	Ewing Sellers
Nicole Grida – Telephone	Jonathan Steen
Charlie High	Arnold Stulce - Telephone
John Holt – Telephone	Graham Swafford
Tim Housholder – Telephone	Ed Townsend - Telephone
Meredith Humbert	Charlie Trotter
Elizabeth Hutton – Telephone	Pat Vital - Telephone
Justin Hutton – Telephone	Derreck Whitson - Telephone
Charlotte Knight Griffin	Bridget Willhite – Telephone
Nina Kumar – Telephone	Matthew Willis - Telephone
John LaBar	Randy Womack

TOTAL: 50 members, constituting a quorum.

Also present were: President Jason Pannu, Public Policy & Governmental Affairs Director Berkley Schwarz, Legislative Counsel Brad Lampley, Adoption Law Section Representative Bob Tuke, Tennessee Supreme Court Access to Justice Commission Chair Gail Ashworth, TBA Access to Justice Committee Representatives Jackie Dixon and David Esquivel and Executive Assistant Karen Belcher.

II. Minutes of the June 13, 2018 HOD Meeting:

The minutes of the June 13, 2018 HOD meeting were presented and approved upon motion without reading.

III. TBA President's Report:

President Jason Pannu reported that the TBA's Governmental Affairs Committee had their kick-off meeting yesterday. The expanded committee is an effort toward greater collaboration with other bar associations. The TBA is hosting a Legislative Stakeholders meeting in Nashville on November 1, 2018 to further that effort with opportunity for discussion of common goals and greater communication.

IV. Speaker's Report:

Speaker Jim Cartiglia suggested that the body consider posting the minutes of the House on the TBA web site upon approval. Upon motion and second that suggestion was approved unanimously.

V. Governmental Affairs Report

Director of Public Policy & Governmental Affairs Director Berkley Schwarz provided a list and contact information for the Governmental Affairs Committee and discussed Lawpac donations set out in Tab 2 of the materials.

Marcia McMurray reviewed legislative changes proposed in the Probate Study Group Omnibus Bill set out in Tab 3 of the materials. Following discussion, she moved to approve the recommendation giving the TBA authority to tweak the language as deemed necessary. The motion was properly seconded and passed unanimously.

Director of Public Policy & Governmental Affairs Director Berkley Schwarz reported on recommendation of the Creditors Practice Section set out in Tab 4 of the materials which would

permit inclusion of the address of private process servers, but would not invalidate service if omitted. Marcia McMurray moved to approve the recommendation of the Section which was seconded and passed unanimously.

Brad Lampley reviewed TBA's success during the 2018 legislative session regarding indigent representation, while acknowledging those achievements are short of TBA's ultimate goals. He indicated the TBA will be pursuing additional changes in the upcoming session. He also provided an update on proposed legislation dealing with invalid or frivolous liens. No action was requested from the House at this time.

Adoption Law Section Representative Bob Tuke reviewed the legislation being proposed by the Section set out in Tab 5 of the materials to correct several issues in the bill passed during the last legislative session. Following discussion, Charlie High moved to approve the proposal. The motion was properly seconded and passed unanimously.

Adoption Law Section Representative Bob Tuke also reviewed proposed legislation regarding contracts for post adoption contact. Following discussion, Harrison McIver moved to approve the proposal, the motion was seconded and passed with one vote in opposition.

VI. Rule/Procedure Change

Speaker Jim Cartiglia Tennessee Supreme Court Access to Justice Commission Chair Gail Ashworth and Access to Justice Committee Representatives Jackie Dixon and David Esquivel as in attendance.

Charlie Trotter moved to limit the privilege of the floor to House of Delegates Members unless the House, by majority vote, extends the privilege of the floor to non-members. Rule 1, Section 4 of the Rules of Procedure of the House of Delegates was cited as authority. A point of order was raised by Keith Dennen, because the motion was improper since it essentially was a motion to enforce the rules.

A motion was made and seconded to waive the rules of the House and extend the privilege of the floor. The motion passed 33 to 10 following a roll call vote.

A resolution calling for the elimination of Tennessee Supreme Court Sanctioned Pro Se Divorce Forms set out in Tab 6 of the materials was proposed by Lisa Cothron, Charlie Trotter and Graham Swafford. Lisa Cothron reviewed issues related to the forms and moved to adopt the resolution which was seconded by Graham Swafford. The House discussed the use and understanding of these forms, their complexity, their impact on judicial dockets and court clerks,

and the impact of their use on lawyers, particularly in rural areas of Tennessee, but also recognizing the need for a solution for people who cannot afford to pay an attorney.

The motion passed 27 to 13 with one abstention following a roll call vote.

VII. Announcements

Speaker Jim Cartiglia announced that the next meeting of the House will be Friday, January 18, 2019 at the Tennessee Bar Center in conjunction with the TBA Leadership Conference.

VIII. Adjournment

After the work of the HOD was completed for this meeting, upon motion made with no opposition, the HOD was adjourned.

Respectfully Submitted,

Charlotte Knight Griffin
Secretary