

TENNESSEE BAR ASSOCIATION
HOUSE OF DELEGATES MEETING
FRIDAY, SEPTEMBER 6, 2019 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 6, 2019 at The Tennessee Bar Center, in Nashville. Speaker Jim Cartiglia opened the meeting at 10:00 A.M. CDT, and introduced new members of the HOD Spencer Fair, David Goudie, Bryce Kirksey, Ann Coria, Thomas Hutto, Ross Smith, Theresa-Vay Smith, Peggy Pulley, and Will Gibbons.

Secretary Charlotte Knight Griffin called the roll. The following members were present in person or on the telephone via conference call:

Shauna Billingsley - Telephone	Jerry Martin - Telephone
Rebecca Blair - Telephone	Harrison McIver
Robert Bratcher	Bryce McKenzie - Telephone
Karen Burns - Telephone	Marcia McMurray
Jim Cartiglia	Norman Newton
Eve Charlesworth - Telephone	Steve Ogle - Telephone
Ann Coria	Peggy Pulley - Telephone
Lisa Cothron	Walt Schuler
Kasey Culbreath - Telephone	Ewing Sellers
Spencer Fair	Ross Smith
Will Gibbons	Theresa-Vay Smith
David Goudie	Jonathan Steen
Charlotte Knight Griffin	Graham Swafford
John Holt	Tim Takacs - Telephone
Meredith Humbert - Telephone	Ed Townsend - Telephone
Paul Hutcherson - Telephone	Pat Vital - Telephone
Thomas Hutto	Bridget Willhite - Telephone
Bryce Kirksey	Matt Willis
Melanie Lane - Telephone	

TOTAL: 37 members, constituting a quorum.

Also present were: President Sarah Sheppard, Executive Director Joycelyn Stevenson, Director of Public Policy & Government Affairs Berkley Schwarz, Legislative Counsel Brad Lampley, and Executive Assistant Karen Belcher.

II. Minutes of the June 12, 2019 HOD Meeting:

The minutes of the June 12, 2019 HOD meeting were presented and approved upon motion without reading with one correction.

III. TBA President's Report

President Sarah Sheppard reported on the new TBA Group Health Insurance Plan. She reminded the HOD that the TBA had to amend its bylaws to create a new category of membership for law firm members in order to meet ERISA requirements to offer this new benefit. Members of the TBA will be receiving an email providing details regarding the new group plan. Open enrollment will start October 1, 2019 and run through December 1, 2019 and the plan will go into effect January 1, 2020. Information will be available on the TBA website and the group plan will be the focus of the October TBA Journal.

She provided an update on the activities of the Long-Term Strategic Planning Committee. Consultant Elizabeth Derrico is coordinating this effort.

She also discussed the future of the TBA Center. The TBA has been approached about purchasing the building, and although it is not necessarily for sale, she noted that the building is older and there are traffic and access issues. Options might include a reconfiguration of the space and the TBA will be conducting a space planning review, but this will not be a "quick fix" project.

President Sheppard noted that the focus of the TBA this year will be on member benefits.

Finally, she reminded the HOD about the study on the composition of judicial districts being conducted by the AOC. The report must be prepared by December 1, 2019 but is not out yet. Brad Lampley provided legislative background and indicated the study is driven primarily toward balancing work loads. President Sheppard will share the report with the HOD when she receives it.

IV. Speaker's Report

Speaker Jim Cartiglia reminded members that the HOD had sent nothing to the Board from the last meeting but noted that the minutes of the last Board meeting were included as part of the packet for this meeting.

He reminded members that the deadline for sections to comment on proposed amendments to the TRCP is October 13, 2019 and HOD members should send their comments to Berkley Schwarz.

V. Executive Director's Report

Executive Director Joycelyn Stevenson welcomed the new HOD members.

She reported that staff have been working on a new member database. They will be moving to a new member program called Member Central which is currently being tested. It will include various e-communities and there will be one for the HOD. Each member will need to create a new member profile and instructions will be sent regarding that.

She also updated the HOD regarding recent staffing moves and reported that the TBA has been working on a new anti-harassment policy and reporting mechanism.

VI. Report and Recommendations from Business Law Section

Joan Heminway, Chair of the Business Law Section, provided materials (Tab 3) and reports on two legislative proposals from the Section.

The first dealt with the Tennessee Securities Act and incorporates federal regulatory changes made in 2016. The Section is requesting HOD approval. Berkley Schwarz indicated the TBA Governmental Affairs Committee had reviewed and had no issues with the proposal. Marcia McMurray made a motion to approve the proposal which was seconded by Harrison McIver and passed unanimously.

The second proposal deals with a language change (as noted in Tab 3) to the Tennessee Revised LLC Act and the Section is requesting HOD approval. Matt Willis made a motion to approve which was seconded by Jonathan Steen and passed unanimously.

VII. Report and Recommendations from Young Lawyers Division

Bryce McKenzie, YLD East Tennessee YLD Representative, explained the legislative proposal from the YLD (Tab 4) for professional privilege tax credits for pro bono work.

Berkley Schwarz noted that the TBA Governmental Affairs Committee thought this was a good proposal but was hesitant about moving it forward now because the TBA's top legislative priority is to eliminate this tax altogether, at least as to lawyers. Brad Lampley believes there will be a real effort by members of the General Assembly to eliminate the tax but there are challenges. The HOD discussed options to approve this as an alternative.

Jonathan Steen made a motion to support the TBA position to eliminate the tax altogether with the YLD proposal as a backup plan, which was seconded by Marcia McMurray and passed.

VIII. Report and Recommendation from Adoption Law Section

Berkley Schwarz reviewed the legislative "clean up" modifications proposed by the Adoption Law Section (Tab 5). Ewing Sellers made a motion to approve all of the language changes proposed which was seconded by Thomas Hutto and passed.

IX. Governmental Affairs Report

Brad Lampley reported on all of the changes taking place in the General Assembly prior to the start of the next session including committees and committee chairs and the installation of a new speaker in the House.

X. Report from Ad Hoc Committee on Pro Se Divorce Forms

Jonathan Steen, Chair of the Ad Hoc Committee on Pro Se Divorce Forms reported that the committee met on August 12, 2019. They discussed the difficulties in collecting helpful data. Judge Martin suggested creating a survey for the trial judges and proposed that it be distributed at their judicial conference this fall.

He welcomed suggestions from HOD members and urged them to encourage judges to participate in the survey. He plans to complete a draft of the survey by September 20, so he will need comments from HOD members by September 16. The Committee will meet after the judicial conference to discuss the information obtained from survey responses.

XI. Announcements

Speaker Cartiglia reviewed the list of upcoming meetings of the HOD included in the Agenda.

President Sheppard noted that the effective date of changes to the Rules is October 1, rather than July 1 and reminded members of the change to the discovery rules regarding broad objections.

Secretary Charlotte Knight Griffin noted the recent passing of long-time HOD member Jerry Flippin.

XII. 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