

TENNESSEE BAR ASSOCIATION
HOUSE OF DELEGATES MEETING
FRIDAY, JANUARY 18, 2019 AT 2:00 P.M. CST
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, January 18, 2019 at the Tennessee Bar Center, in Nashville. Speaker Jim Cartiglia opened the meeting at 2:00 P.M. CST, and Secretary Charlotte Knight Griffin called the roll. The following members were present in person or on the telephone via conference call:

Rick Bearfield – Telephone	Tom Marshall
Shauna Billingsley	Weber McCraw
Rebecca Blair – Telephone	Harrison McIver
Robert Bratcher	Bryce McKenzie – Telephone
Jim Cartiglia	Marcia McMurray
Steve Conley	Timothy Mickel – Telephone
Lisa Cothron	Norman Newton
Kasey Culbreath	Jennifer Noe
Jamie Durrett	Steve Ogle
Hank Fincher	Jane Powers
Max Fleischer	Mark Raines – Telephone
Kelly Frere – Telephone	Andy Roskind
Theodore Goodman	Walt Schuler
Nicole Grida	Ewing Sellers
Charlie High	Jonathan Steen
Tim Housholder – Telephone	Arnold Stulce
Meredith Humbert – Telephone	Graham Swafford
Paul Hutcherson	Tim Takacs – Telephone
Elizabeth Hutton – Telephone	Charlie Trotter
Justin Hutton – Telephone	Pat Vital
Charlotte Knight Griffin	Bridget Willhite – Telephone
Nina Kumar – Telephone	Matthew Willis – Telephone
Melanie Lane	Shelly Wilson
	Chad Wood

TOTAL: 47 members, constituting a quorum.

Also present were: President Jason Pannu, Public Policy & Government Affairs Director Berkley Schwarz, Chair and Legislative Liaison for the Construction Law Section Jerry Martin, Legislative Counsel Clayton Byrd, and Executive Assistant Karen Belcher.

II. Minutes of the September 28, 2018 HOD Meeting:

The minutes of the September 28, 2018 HOD meeting were presented and approved upon motion without reading.

III. TBA President's Report

President Jason Pannu reported that the TBA had great attendance at its inaugural public service academy and provided updates on Leadership Law and TBA rebranding efforts. The Board of Governors has established a committee to work with the AOC on their project to evaluate the use of divorce forms. Data collection began in January, 2019 seeking input from courts, clerks, lawyers and litigants. The new Governor's administration is looking at criminal justice reform and the TBA will actively seek opportunities for input. The Evolving Legal Markets Committee met last week and will be looking at opportunities for the use of technology to support the practices of small firms and rural practitioners.

IV. Speaker's Report

Speaker Jim Cartiglia reported that he had attended two Board of Governors meetings. At the first meeting, the Board adopted the HOD proposal to support the draft probate omnibus bill, the recommendation of the Creditors Practice Section regarding service of process, and two Adoption Law Section proposals regarding correction of issues in legislation passed during the last legislative session and contracts for post adoption contact.

The Board engaged in spirited discussion of the access to justice forms issues considered by the HOD, ultimately voting 22 to 2 to deny the HOD resolution. However, the Board voted to create a committee to work with the AOC on their project to evaluate the forms.

At the second meeting, the Board passed changes to the TBA bylaws. He recognized Ewing Sellers for catching an issue regarding the HOD, which was corrected.

At the conclusion of the Speaker's report, Ewing Sellers questioned why the Board does not post minutes of their meetings. The Speaker will inquire about providing those to the HOD.

V. Governmental Affairs Report

Director of Public Policy & Governmental Affairs Director Berkley Schwarz reported on the opening of the legislative session. Tennessee has a new governor, six new senators, and 29 new members of the House of Representatives, representing a level of turnover not seen since reconstruction following the Civil War. The committee and sub-committee structure has changed substantially and leadership positions have been filled. The bill filing deadline is February 2, 2019. She noted that while the AOC has committed to requesting additional funding for indigent representation, this still needs to be included in the Governor's budget.

Jerry Martin, Chair and Legislative Liaison for the Construction Law Section reported on proposed revisions to T.C.A § 66-21-108 and provided talking points regarding the proposed correction. Max Fleischer made a motion to endorse the Section proposal which was seconded and passed unanimously. Theodore Goodman moved to reconsider for the purpose of adding a subsection to except liens lis pendens. His motion was seconded but failed.

Berkley Schwarz provided a report for the Juvenile & Children's Law Section raising concerns about who has authority to hear post-divorce petitions to modify custody and recommending legislation. She reported that legislation has been filed and the TBA has been talking to the sponsors regarding possible amendment. Lisa Cothron made a motion to adopt the Section proposal which was seconded by Marcia McMurray. Shelly Wilson moved to amend to support legislation that will provide courts jurisdiction to hear domestic relations claims under Title 36 regardless of the nature of the allegation, unless filed directly in juvenile court. Her motion was seconded by Max Fleischer. The motion to amend passed by a vote of 18 to 15. The amended motion was adopted unanimously.

Clayton Byrd, an attorney with Adams and Reese and previously counsel to the Tennessee General Assembly, was introduced as Legislative Counsel.

VI. Announcements

Ewing Sellers reminded everyone that this is an election year for the TBA and every House District has positions up for election. The deadline for submission of declarations of candidacy or petitions, as applicable, is February 15, 2019. Board positions are also open and he encouraged HOD members to run. A list of open positions was included in the December 2018 Tennessee Bar Journal.

Lisa Cothron suggested the HOD prepare a resolution to honor Claudia Jack and also suggested the body consider resolving how the HOD would honor members who pass away.

Speaker Jim Cartiglia announced that the next meeting of the House will be Friday, March 29, 2019 at the Tennessee Bar Center. The following meeting will be held in conjunction with the TBA Convention on June 12, 2019 at the Renaissance Nashville Hotel.

VII. 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