

**TENNESSEE BAR ASSOCIATION
HOUSE OF DELEGATES MEETING
FRIDAY, SEPTEMBER 18, 2020 AT 10:00 A.M. CDT
VIA ZOOM MEETING**

I. Call to Order:

The House of Delegates (HOD) of the Tennessee Bar Association (TBA) convened its regular meeting on Friday, September 18, 2020 electronically via Zoom due to the COVID-19 pandemic restrictions. Speaker Meredith Humbert opened the meeting at 10:00 A.M. CDT.

Secretary Shauna Billingsley called the roll. The following members were present via Zoom conference call:

Shauna Billingsley	Jerry Martin
Rebecca Blair	Weber McCraw
Robert Bratcher	Harrison McIver
Aaron Chapman	Marcia McMurray
Doug Collins	Timothy Mickel
Steve Conley	Jennifer Noe
Lisa Cothron	Andy Roskind
Kasey Culbreath	Walt Schuler
Jamie Durrett	Ewing Sellers
Spencer Fair	Ross Smith
Will Gibbons	Theresa-Vay Smith
David Goudie	Jonathan Steen
Charlotte Knight Griffin	Graham Swafford
Charlie High	Tim Takacs
John Holt	Ed Townsend
Debra House	Charlie Trotter
Meredith Humbert	Pat Vital
Thomas Hutto	Matt Willis
Elizabeth Hutton	Randy Womack
Darlene Marsh	

TOTAL: 38 members, constituting a quorum.

Also present were: President Michelle Greenway Sellers, Executive Director Joycelyn Stevenson, Director of Public Policy & Government Affairs Berkley Schwarz, Legislative Counsel Brad Lampley, Disability Law Section Vice Chair Emma Webb, Adoption Law Section Chair Kevin Weaver, and Executive Assistant Karen Belcher.

II. Minutes of the June 17, 2020 HOD Meeting

The minutes of the June 17, 2020, HOD meeting were presented as Tab 1 of the Agenda packet and were approved without opposition upon motion without reading.

III. Speaker's Report

Meredith Humbert addressed the House. She stated that it was her honor to serve as Speaker of the House. Speaker Humbert shared that she grew up the child of an attorney and going to TBA and ABA conventions. Speaker Humbert focuses her practice on medical malpractice. Speaker Humbert stated that the issues that impact law are not one size fits all and that the House of Delegates benefits from all types of diversity. This diversity helps the House reach better informed decisions. Speaker Humbert stated that she was grateful for the TBA staff and their tireless efforts leading us through these unprecedented times relating to the pandemic. Speaker Humbert stated that she is looking forward to working with TBA President Michelle Greenway Sellers.

Speaker Humbert reported that a copy of the April 3, 2020, Board of Governors meeting minutes were included in Tab 2 of the Agenda packet. She provided a summary of the April meeting of the Board. She did not attend the meeting but has read the report.

Speaker Humbert asked that anyone reach out to her with questions or comments.

IV. TBA President's Report

President Michelle Greenway Sellers reported on the status of the TBA. President Sellers introduced Mary Beard. President Sellers discussed the task force for diversity and inclusion, which is bringing members from all over the state based on a strategic plan. President Sellers stated that the members of the Task Force were announced in a press release. The Task Force will have its first meeting in October.

President Sellers announced that the TBA is celebrating its members through podcasts and newsletters. President Sellers asked that if House members know someone who should be highlighted to let TBA staff know.

President Sellers is working with the courts on efficiencies during the COVID pandemic. President Sellers also talked about Governor Lee's orders relating COVID. President Sellers stated that a survey was sent by TBA regarding these executive orders.

President Sellers announced that this is the second year of the health insurance plan and the TBA is looking for new networks. Vanderbilt will be added and is an asset to small firms and they had significant savings.

President Sellers also announced that virtual town hall meetings will be occurring throughout the year.

V. Report and Recommendation from Disability Law Section (Tab 3)

Emma Webb, Chair-Elect of the Disability Law Section, reported to the House regarding the legislative proposal provided in Tab 3. The Disability Law Section has asked that the House support amending TCA §68-11-304 and §63-2-102. It is the position of the Disability Law Section that some are penalized for using a lawyer because those that use a lawyer pay more for reports. Ms. Webb stated that everyone should pay the same amount at \$20/ provider. Ms. Webb provided examples of how this practice has been unfair. After a lengthy discussion including consideration of suggestions that TBA contact Tort and Insurance Section, Health Law Section and hospital associations, Ms. Webb asked the House to amend TCA §68-11-3-4 and §63-2-102.

Jerry Martin moved to defer this matter in order to talk with other sections and stakeholders and create a comprehensive bill. Ms. Schwarz stated it would be best to have the House give the TBA staff authority to meet with other sections and then move forward with a bill. Mr. Martin then moved to enable the TBA staff to work with interested sections to create a comprehensive bill. Jonathan Steen seconded. The motion passed without opposition.

VI. Report and Recommendation from Adoption Law Section (Tab 4)

Kevin Weaver, Chair of the Adoption Law Section, addressed the House. Mr. Weaver asked the House to amend TCA §1-1-113(i) regarding the termination of parental rights. The Adoption Law Section proposed to rework the TCA §1-11-113(i) to take into consideration trends over past 20 years. Specifically, there are nine inclusive factors courts must consider and include in the Finding of Fact and Conclusions of Law. The bill would expand the factors and would not require court to apply all factors just those that apply to the specific case. The Adoption Law Section believes this bill would better assist the courts in best interest analysis because it focuses on the specific factors. Mr. Weaver is asking the House to authorize the Adoption Law Section to draft a final bill to take to Board of Governors next meeting. Ms. Schwarz agrees that a motion to move forward is required.

Kasey Culbreath moved to authorize the Adoption Law Section to draft a final bill amending TCA §1-11-113(i) and to present the bill to the Board of Governors. Tim Mickel seconded the motion. The motion passed without opposition.

VII. Governmental Affairs Report (Tab 5)

Director of Public Policy & Government Affairs Berkley Schwarz and Brad Lampley provided an overview of the materials attached as Tab 5. They reported that the Rule 13 Petition filed with Supreme Court was rejected by the Supreme Court. While it was disappointing, the Supreme Court acknowledged the issue but also stated the Court has issues with funding but would look at ways to help. Ms. Schwarz confirmed that the TBA also continues to try to help. Ms. Schwarz addressed the 2021 Rules Package and TBA initiatives. Mr. Lampley discussed that there would be no major changes in the makeup of the Legislature. Mr. Lampley discussed the state budget and the impact of the Governor's Executive Orders. He also encouraged House members to provide feedback related to their practices that he could share with the Administration.

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

Committee Chair Jonathan Steen provided an update on the activities of the Ad Hoc Committee on Pro Se Divorce Forms. Mr. Steen reported that the gathering of the surveys is still in process due to COVID. Mr. Steen stated that they are expecting an updated report from the AOC soon. Mr. Steen also reported that there is a plan to survey Tennessee bar and not just TBA members. Matt Willis is working with Barry Kolar on the questions and if members would like to see questions added, email Matt Willis. Speaker Humber thinks this could also help with bar membership.

Lisa Cothron initiated a discussion related to the percentage of criminal, divorce/custody, family and D&N cases. Graham Swafford reiterated that the TBA has been absent in the past when it comes to worker's compensation reform and he questioned TBA's commitment to the private practice. He also referenced a letter to editor that he wrote in the Tennessee Bar Journal on this issue and raised concerns about lack of involvement of some lawyers across the state in TBA. Speaker Humbert challenged Mr. Swafford to reach out to local bars and get them involved with the TBA because they can be helpful.

IX. Executive Director's Report

Executive Director Joycelyn Stevenson reported to the House. She thanked the House for its leadership. She reported that TBA staff worked hard to keep members engaged during the pandemic, including free CLE on Fridays during the shutdown. She also reported that the TBA is building on momentum. Ms. Stevenson reported that a pandemic survey was sent out to the members to see what the members are dealing with and what they need. The TBA is sorting through the survey results. She reminded members that the dues renewal period started, and they are on par with dues compared to last year. Ms. Stevenson reported that 900 people attended the virtual convention. She reported that the TBA is making sure members get value for their

membership. Ms. Stevenson reported that the TBA is continuing to do what it can virtually. She reported that the physical office is closed to the public and that some staff come in to handle a few matters, but everyone is working remotely. They are looking at reopening the offices when the guidelines allow.

Executive Director Stevenson reported that the TBA is working with a committee to look at moving from the current location, but no new movement has happened since the pandemic started and they are still looking at next steps.

Executive Director Stevenson reported that in-person revenue for CLE is down however TBA is gaining income with the virtual platform. The TBA will use this information for future CLEs.

Executive Director Stevenson reminded the House that a TBA member survey is sent to members every few years, and the survey will be going out this November. This survey will include well-being and diversity questions. The purpose of the survey is to learn how to better serve TBA members. She also reminded the House members that it is election time for certain seats on the HOD. She reported that emails will go out.

Executive Director Stevenson discussed Pam Reeves and the TBA's memorial. Discussion commenced about the important legacy left by Ms. Reeves.

Lisa Cothron commented on the virtual CLE that was well-ran.

X. Announcements

Speaker Humbert stated that the upcoming meetings are on the agenda. Discussion was had that the President of TBA or the Chair of the House write a letter to Charles Swanson and the spouses of the attorneys who pass to let them know we are thinking about them.

XI. Adjournment

After the work of the HOD was completed for this meeting, upon motion made with no opposition, the HOD was adjourned 11:22 am.

Respectfully Submitted,

Shauna R. Billingsley
Secretary