

**Minutes of the Meeting of the Trial Lawyers' Executive Council**  
Inn and Spa at Loretto, Santa Fe, NM  
Saturday, April 24, 2010

The Florida Bar Trial Lawyers' Section Executive Council met on Saturday, April 24, 2010 at the Inn and Spa at Loretto in Santa Fe, New Mexico. Chairman Bob Mansbach called the meeting to order at approximately 8:35 a.m. The minutes were taken by Secretary Craig Gibbs.

1. **Roll Call:** The following members of the Council were present: Hector More, Sandy Sanborn, Kim Cook, John Williams, Norm Vaughan-Birch, Bob Palmer, Robert Mansbach, Cliff Higby, Wayne Helsby, Courtney Grimm, Frank Bedell, Ted Eastmoore, Charles Bartlett, Chris Knight, Bill Partridge and Craig Gibbs. Also present was the Bar's liaison, Paige Graham.  
Absent were members: Stuart Ratzan, Tom Edwards, Kim Ashby, Cal Warriner, Brad Johnson, Phil King, Pat Lowry, Chris Knopik and Tim Sullivan. Also absent was the Section's lobbyist, Bob Harris.
2. **Minutes:** The minutes of the January 22, 2010 meeting which was held at the Orlando Hilton hotel were unanimously approved, the reading of same having been waived.
3. **Financial Report:** Secretary Gibbs reported that the Section is in favorable financial condition, including a current fund balance of \$648,137.00. A review of the March, 2010 expenses was made, and any expenditures were considered routine.
4. **Committee Reports:**
  - A. **Board of Governors:** Sandy Sanborn reported that there is a move afoot in the legislature to restore the court clerks' budget to what existed prior to the 2009 legislative changes, that is, to return to a system where court fees are paid to the clerks, rather than into the State's trust fund. The move is seen as an effort to keep the State in compliance with the maintenance requirements for federal educational stimulus funding. However, the Senate is resisting the move, seeing it merely as an opportunity for some to try to circumvent the transparency and the accountability measures established by the 2009 legislature with regard to the collecting, and the spending of court revenues. He will continue to monitor this effort by the House and others, and report to the Council any significant inroads obtained by the court clerks.
  - B. **By-Laws:** no report.
  - C. **Certification:** Bob Palmer reported that the Certification Review course was so successful that potential registrants had to be turned away. As an additional money-maker for the Section, a CD of the course is available for purchase, which will avail the purchaser of seventeen (17) hours of CLE credit.
  - D. **Civil Procedure Rules:** Chair Mansbach advised that the committee continues its efforts to study, support and help effectuate email service statewide. Viewed by the committee as an efficient, cost-effective and contemporary method of exchanging

documents between attorneys, he echoed the committee's sentiment that e-service is a procedure whose inevitability is near.

**E. CLE Report:** In Kim Ashby's absence, Bob Palmer reported that the Trial Advocacy Program will again be held in Gainesville at the University of Florida's Law School on May 11-15, 2010. The program is again a sell-out, and while not generally a revenue enhancer for the Section, consideration may be given to increasing the registration fee for registrants for next year in order to help offset the Section's loss. He further reported that the Section's liaison, Paige Graham had negotiated a more favorable hotel rate at the Hampton Inn, rather than the traditional Gainesville Hilton, and that he had secured an abundance of faculty and judges that wish to again participate in this outstanding program. Finally, it was properly moved and unanimously agreed to by the Council, that an annual \$2,500.00 scholarship to attend the program would be named for the late, immediate past Chair, Glenn Burton; the selection of the scholarship's recipient to be made by the Hillsborough County Bar Association.

**F. Council of Sections:** no report.

**G. Discovery Handbook:** John Williams was pleased to report that the handbook is completed and that two (2) additional chapters were added. His final task, prior to its publication, is that of vetting the handbook, which will be graciously performed by Judge Ralph Artigliere. It will again be disseminated to all jurists throughout Florida, once it is published.

**H. Rules of Judicial Administration:** Secretary Gibbs reported that a subcommittee of the RJA has been given the task of preparing a final e-service rule. It is the RJA's hope that this final e-service rule will be further deliberated, and voted upon at the next meeting of the RJA committee, which will be held in conjunction with the Florida Bar's Annual meeting in June 23-26, 2010 in Boca Raton.

**I. Legislative:** no report.

**J. Mock Trial:** Wayne Helsby reported on a spirited competition which was won by the University of Florida law school, was held in Orlando during the Bar's mid-year meeting in January of this year. He, along with Kim Cook, will again serve as co-chairs for this successful event, which will be held in conjunction with the Burton Summit sometime during the week of January 10, 2011.

**K. Membership:** Courtney Grimm reported that the Section's membership was up by 440 members and now totals 6,490. This total nevertheless reflects about 200 fewer members than last year; however we remain the second largest section of the Bar. Finally, she reported that the Council's facebook, a useful tool to identify Council members and their families, will be published and disseminated in June, 2010 in paper and electronic form for all Council members.

L. **Website:** Ted Eastmoore reported that he will work with our Section's liaison to place the identities of all Council members onto the Section's website. Presently, it was observed that only the officer's are listed.

M. **Nominating:** no report.

N. **Judicial Relations:** no report.

O. **Med Mal Publication:** no report. However, Bill Partridge offered that caps on damages were recently overturned by the Supreme Courts of Georgia and Illinois. The Courts' decisions were based upon a determination that the caps constitute a denial of an individual's right to trial by jury. Neither he, nor other Council members were aware of any similar case(s) in the pipeline here in Florida.

P. **1<sup>st</sup> Annual TLS Burton Summit:** Chair-elect Higby reported that the Burton Summit would convene the week of January 10, 2011 at the Omni Orlando Resort at Champions Gate, 1500 Masters Blvd., ChampionsGate, FL 33896 telephone:(407) 390-6664. He was able to negotiate a favorable room rate there, secured favorable food and beverage minimums, and is enthusiastically working on obtaining top-notch speakers for the event. Preliminary plans include having the Mock Trial Competition and the Civil Trial Certification Review course during the week, as the Florida Bar has done away with its mid-year meeting, and also scheduling a day-long CLE on Friday, January 14, 2011, with a Friday evening social event. Our Council meeting would be held on Saturday morning with a golf tournament in the afternoon, and a Saturday evening social event. Publication for the Summit will begin with a "Save The Date" announcement on the Section's website, and an email blast to Section members. A committee of various Council members was named to assist Chair-elect Higby in the hope of having everything planned for this trial lawyers Summit by mid-to-late August, 2010. Finally, it was suggested that caps on funding for the event be made for individual firms or vendors, in an effort to maintain this endeavor as a Section-wide sponsored, rather than an individual firm-sponsored event.

5. **Election of New Executive Council Members:** Chair Mansbach solicited candidates to be given to the Nominating Committee for the two (2) positions to be filled at the Bar's Annual meeting on June 23-26, 2010. The previous resignation of Lou Pratt will be filled by Tom Bishop, a Jacksonville commercial litigator. Similarly, Mindy McLaughlin of Tampa will be asked to complete the term of the recently resigned Chris Knopik. The Chair will circulate the Council's current membership roster to the Council, so that potential candidates can be named based upon considerations of geographical, practice areas, and gender diversity. Finally, Chair-elect Higby announced his forthcoming meetings as:
- (a) August 26-29, 2010 at the Ponte Vedra Inn, Ponte Vedra, FL;
  - (b) November 4-7, 2010 at the Watercolor Inn and Resort, Santa Rosa, FL;
  - (c) January 14-15, 2011 Burton Summit at Omni Orlando at Champions Gate, ChampionsGate, FL;
  - (d) April-early May, 2011 in Edinburgh, Scotland.

6. **Old Business:** none revisited.
7. **New Business:** former Chair Frank Bedell announced that the Chester Bedell Luncheon speaker would be Steven B. Bright of the Southern Center for Human Rights, Atlanta, Ga. The luncheon will be convened again with the Bar's Criminal Law Section in conjunction with the Bar's Annual meeting on June 23-26, 2010 at the Boca Raton Resort and Club. Chair Mansbach announced the next Trial Lawyers Executive Council meeting for Friday, June 25, 2010 will be held directly after the Bedell luncheon.

The meeting upon motion, was adjourned at approximately 10:30 a.m.