

Minutes of the Meeting of the Trial Lawyers' Executive Council

Saturday, April 28, 2012 - 9:30 a.m. – 12:00 p.m.

Hilton Barbados - Room - Garrison 1 and 2

The Florida Bar Trial Lawyers' Section Executive Council met on Saturday, April 28, 2012, at The Hilton Barbados. Chairman Craig Gibbs called the meeting to order at approximately 9:30 a.m. The minutes were taken by Secretary Ted Eastmoore.

- 1. Roll Call:** Council members present: Craig Gibbs, Wayne Helsby, Ted Eastmoore, Tom Bishop, Tom Edwards, Courtney Grimm, Katherine Hunter (by phone), Darryl Lewis, Hector Morè, Terry O'Connor (by phone), John Williams.

Not present: Cliff Higby, Kim Ashby, Charles Bartlett, Phil King, Joe Kinman, Chris Knight, Pat Lowry, Sid Matthew, Mindy McLaughlin, Bill Partridge, Stuart Ratzan.

Also present: Bob Palmer, Special Advisor (by phone).

- 2. Chairman's Report:** Chair Craig Gibbs reported that the Council members in Barbados had attended a very educational seminar with the Barbados Courts. Council members were welcomed at the Court by Acting Chief Justice Mason and Justice Moore. After remarks were made and questions answered by the justices, council members observed both the criminal and civil divisions of the Court. Barbados bar member Tanya Goddard acted as guide/advisor while at the Court. Section members' names were entered into the Court's permanent record.

Chair Gibbs stated that, as newly amended, the bylaws now provide for a standing Budget Committee. He has appointed Courtney Grimm to chair this committee.

- 3. Minutes:** The minutes of the Saturday, January 28, 2012, meeting held at the JW Marriott, Orlando, were approved.

- 4. Financial Report:** Secretary Eastmoore reported that Section revenues were up and that the Section's fund balance had increased.

Summit Expenses. Expenses for the 2012 Summit were finally available. Expenses were \$26,000 over budget. Mr. Bishop expressed the sentiment that in these start up years, the Summit could be expected to be over budget. The Summit is the Section's signature event and well worth the over budget amount as an investment for the future. The Council expressed general agreement.

Southern Legal Counsel. Chair Gibbs reported that a request for TLS funds had been made by the Southern Legal Counsel, a not-for-profit organization representing the rights of persons with disabilities. Board members from Southern Legal Counsel also have requested that they be allowed to make a presentation at the next TLS Council meeting in

June. Concern was expressed that the TLS has no policy in place to evaluate whether the TLS will entertain such requests, and, if so, in what amounts and under what criteria. Concern was also expressed as to whether the TLS was permitted to make charitable contributions, similar to the gift made at the Section's past Summit to the Florida Bar Foundation, under existing Florida Bar policy. Chair Gibbs appointed a committee to study the issue and report back at the Council's next meeting.

COMMITTEE APPOINTMENT: The Chair appointed the following committee to consider the issue of charitable contributions by the TLS. Courtney Grimm, chair. Craig Gibbs, Tom Edwards, Daryl Lewis, members.

5. Committee Reports:

- A. By-Laws:** Bob Palmer reported that the By-Laws had been submitted to the Board of Governors in proper form for its final approval.
- B. Board Certification:** Bob Palmer reported that the number of lawyers sitting for the Board Certification exam has increased and that the pass rate for the last exam was over 50 percent.
- C. Civil Procedure Rules:** No report. Chair Gibbs has asked Joe Kinman to remain in the liaison position to this committee although he will not longer be a voting member.
- D. CLE:** Tom Bishop reported that the Advanced Trial Advocacy Seminar is on track for another successful event. He reported that 5 barristers, including one Silk, Peter Susman, are coming as participants/faculty.

Mr. Bishop also reported that, in light of the great hospitality and interaction the Council had with the Barbados Courts and Bar, the committee was recommending that the TLS consider scholarships at ATA Seminar for members of the Barbados Bar.

MOTION: Mr. Bishop moved that the TLS invite the following members from the Barbados Bar to attend the 2013 ATA Seminar: 1-2 Justices, 1-2 Silks, 2 Juniors. The TLS will waive tuition for all attending. The TLS will cover hotel expenses for 1 Silk and 2 Juniors. The fee waiver and hotel will be offered to the Silk in the form of a stipend and to the Juniors in the form of scholarships. If the Barbadian Government does not cover the expenses of the Justices, the Council will consider a stipend for expenses of one justice as well. Mr. Helsby seconded the motion and it carried unanimously. Chair Gibbs will issue the invitation in the form of a letter the Justices and Bar.

Mr. Bishop also reported that he had received an inquiry from a commercial CLE

provider to co-sponsor a “Litigation Funding” seminar with the TLS. The committee was recommending no action be taken on this request but the topic might be one to consider in the future. Mr. Edwards stated that this area was extremely controversial among the plaintiffs’ bar.

E. Discovery Handbook: Mr. Williams reported that Lexis/Nexis had still not completed an index and was now requesting attribution on all future supplements and editions of the Handbook if Lexis were to complete an index. The committee has decided to go forward with the next edition without participation by Lexis/Nexis. John will be contacting Council members in the coming months to edit/update chapters for the next edition.

F. Evidence Committee: No report.

G. Judicial Ethics Advisory: No report.

H. Legislative: Tom Bishop reported that, while some troublesome bills had been filed, none passed. All in all the session was a successful and quiet one. The Chair thanked the committee for its hard work and especially for the trips to Tallahassee by Tom Bishop and Hector More to forward the Council’s positions.

Chair Gibbs reported that Bob Harris would be suggesting appropriate legislators for special recognition from the TLS.

I. Membership: Courtney Grimm reported Section membership is holding steady at approximately 6,500. She stated that the annual membership letter to TLS members, under Chair-Elect Helsby’s signature, would be mailed in the next several weeks.

Chair Gibbs reported that two council members, Brad Johnson and Linnes Finney, had resigned. The names of Latasha Garrison-Fullwood and Sandy Sanborn were placed into nomination to fill the remainder of the resulting vacant terms.

MOTION: Mr. Bishop moved that Latasha Garrison-Fullwood of Jacksonville be appointed to fill the unexpired term of Brad Johnson. The motion was seconded and carried unanimously.

MOTION: Mr. Helsby moved that Clifford Sanborn of Panama City be appointed to fill the unexpired term of Linnes Finney. The motion was seconded and carried unanimously.

J. Mock Trial: Wayne Helsby reported that a survey from participating law schools had been very positive and complimentary of the competition in all respects, especially the facilities at the JW Marriott. He stated that a suggestion had been

expressed by several schools that another round be added to the competition. At present, many teams are eliminated, even though they are undefeated, because the competition has grown to 22 teams. If another round is added, the competition will go from a round of 22, then to a round of 8, then a round of 4, and then a final round. The committee will consider adding the round to the 2013 competition if facilities permit. If not, the extra round will be added in the 2014 competition.

Mr. Eastmoore reported that inquiry has been made of potential Young Lawyers Division sponsorship of the Mock Trial Competition in the amount of \$10,000. Chair Gibbs will be sending a letter requesting the sponsorship in the coming week so that the YLD can consider the proposal at its May meeting. The letter will also request that the YLD hold a board meeting in conjunction with the TLS Summit.

K. Website: No report.

L. Rules of Judicial Administration: No report.

M. Third Annual TLS Summit: Mr. Helsby reported that the Third Annual TLS Summit will be held Jan. 16-20 at the JW Marriot in Orlando. Events will be coordinated so that the new Teachers Law School, Mock Trial Competition and Trial Certification Review will overlap on Thursday and Friday in hopes of boosting attendance at the keynote speaker address and dinner/dance. The committee is still seeking to schedule Sandra Day O'Connor as the speaker.

Mr. Helsby also reported that the Council will seek greater involvement in the Summit from the Orange County Bar.

N. Board of Governors: Mr. Helsby reported that Michael Tanner of Tanner-Bishop, Jacksonville, will be the new TLS BOG liaison for the upcoming year.

O. Council of Sections: No report.

P. ADR Committee: No report.

6. Lobbyist Report: No report.

7. Old Business: None.

8. New Business: Chair Gibbs reported that the Council's next meeting will be in conjunction with The Florida Bar's Annual Meeting in Orlando. He also stated that Judge Belvin Perry had agreed to be the speaker at the Section's joint luncheon.

Chair-Elect Helsby reported the following meeting schedule for 2013-2014:

Aug. 23-25, 2012: The Ritz Carlton, Naples.

Nov. 15-17, 2012: The Weston, Key West.

Jan. 16-19, 2013: JW Marriott, Orlando/TLS Summit

Apr/May (TBA) 2013: San Francisco/Napa Valley

No further business appearing, the meeting upon motion was adjourned at approximately 11:30 a.m.