

Minutes of the Meeting of the Trial Lawyers' Executive Council

Date: Friday, August 24, 2012

Location: The Ritz Carlton Naples
280 Vanderbilt Beach Road
Naples, FL 34108
Room - Port Royal II

The Florida Bar Trial Lawyers' Section Executive Council met on Friday, August 24, 2012, at the The Ritz Carlton in Naples, Florida. Chairman Wayne Helsby called the meeting to order at approximately 9:00 a.m. The minutes were taken by Hector A. More'.

- 1. Roll Call:** Council members present: Wayne L. Helsby, Craig A. Gibbs, Theodore C. Eastmoore, Hector A. More', Terry L. Hill, Basil L. Bain, Charles Bartlett, Thomas E. Bishop, Kimberly A. Cook (by telephone), Thomas S. Edwards, Latasha Garrison-Fullwood, Courtney K. Grimm, Joseph F. Kinman, Jr., Christopher E. Knight, Darryl L. Lewis (by telephone), Patricia E. Lowry (by telephone), Sidney L. Matthew, Mindy McLaughlin, Lewis W. Murphy, Terrence P. O'Conner, William E. Partridge, Stuart N. Ratzan, Clifford "Sandy" Sanborn, III, Vicky Lynn Sproat, Michael Tanner, John W. Williams, Kimberly A. Ashby, Clifford C. Higby, and Robert Palmer, III.

Council members absent: Katherine Hunter.

Others present: Herman Russomano and Eugene Sherman.

- 2. Introduction:**

Chairman Wayne Helsby introduced and welcomed the new Section Coordinator, Eugene Sherman. Mr. Helsby also introduced the new TLS Council members: Basil Bain from Naples, Latasha Garrison-Fullwood of Jacksonville, Vicki Sproat of Fort Myers, and Lewis Murphy of Vero Beach.

Michael Tanner of Jacksonville was introduced as the Section's Board of Governors liaison.
- 3. Minutes:**

The minutes of the Friday, June 22, 2012, meeting held at the Gaylord Palms Hotel, Kissimmee, FL, were approved.
- 4. Financial Report:** Secretary/Treasurer Hector A. More' reported that Section revenues were slightly down due to Section membership being less than at this time last year.
- 5. Committee Reports:**
 - a. Social Committee:**

Terry O' Conner reported on the activities for the meeting in Naples.

b. Legislative:

Tom Bishop and Bob Harris reported that the Bar has asked the section to update its Legislative Platform. This will be accomplished by Mr. Harris and the Legislative Committee. The Section hopes to sponsor a TLS day with the Legislature. Also a directory of The Executive Council members will be distributed to all members of the Legislature.

c. CLE:

Tom Edwards reported that the Trial Advocacy and Civil Trial Certification seminars are set. Consideration is being given to two additional seminars. Possible topics include: medical malpractice and social media.

d. Teacher Law School:

Courtney Grimm reported that the Social Studies Coordinator for Orange and Osceola Counties have been contacted and they are very enthusiastic about sending some of their teachers to the event. Seminole County will also be contacted to see if they are interested. A motion was approved for the Section to pay the costs of substitute teachers that would be required for the attendees of the Teachers Law School. The cost would be approximately \$5,000.00 for Orange and Osceola combined.

e. January Summit (January 16-18, 2013)

Bob Palmer reported the 2013 Summit has three major programs: Civil Trial Certification Review Course, Mock Trial Competition, and The Teachers Law School. Mr. Palmer has set up a fundraising committee and a publicity committee in an effort to raise money and awareness of the 2013 Summit. Mr. Palmer expressed the need for participation by all Executive Council members at the Summit.

f. Mock Trial:

Kim Cook reported an additional round has been added to the competition. This year the competition will be conducted on a civil law problem. Charlie Bartlett will coordinate the recruitment of judges and jurors. All Executive Council Members are urged to contact Judges and fellow attorneys for participation. The Mock Trial Competition will be conducted January 16- 18, 2013.

g. Contribution Requests

Budget Committee Chair, Courtney Grimm, reported that her committee recommends the two pending requests for funds by Southern Legal Counsel and Legal Aid Society of OCBA be declined. A motion declining funding to the two above organizations passed.

- h. ADR:**
No report
- i. New Filing Fee Case:**
Sid Matthews reported this matter is pending in Federal Court regarding the issue of a filing fee being an “illegal tax”.
- j. Judicial Ethics Advisory Council**
No report
- k. Membership:**
Courtney Grimm reported that letters will be sent to TLS Members that have not renewed. This will occur once the purge of the membership roll is completed at the end of August.
- l. Advanced Trial Advocacy**
Tom Bishop reported the program will be May 7-11, 2013 in Gainesville, FL.
- m. Bylaws:**
Bob Palmer Reported the amended bylaws have been submitted to the BOG for approval.
- n. Civil Procedure Rules:**
Skooter Kinman reported that E-Service is mandatory as of September 1, 2012. E-Filing will be mandatory as of October 1, 2012 for all DCA’s and the Supreme Court. The Bar has sent guidelines to its members regarding E-Service and e-Filing.
- o. Discovery Hand book:**
John Williams reported that great progress has been made and all chapters have been assigned.
- p. Evidence Committee:**
No report.
- q. Website:**
Ted Eastmoore urged Council members to visit the website as it has much useful information.
- r. RJA:**
No report.
- s. Council of Sections:**
No report.

t. BOG Liaison:

Mike Tanner reported the Bar's bi-annual legislative positions sunset on June 30, 2012. Thus, there are currently no BOG positions on various legislative issues. These matters will be taken up by the BOG in their October 2012 meeting. Mr. Tanner then discussed Amendment 5, which is on the November 2012 general election ballot. A general discussion regarding said Amendment transpired. A motion to oppose Amendment 5, for the Executive Council to craft a policy statement in opposition to Amendment 5 and to formally ask the BOG to oppose Amendment 5, was passed.

Mr. Tanner asked for the Council's input regarding a proposed rule amendment regarding out of state experts in medical malpractice and dental malpractice cases needing to be certified. The Legislative Committee will study this issue and report during the November meeting.

6. New Business:

Former Bar President, Edith Osman, made a telephonic presentation to the Council regarding the possible filing of an Amicus Brief on an attorney client privilege issue. The brief will be prepared by members of her firm. A motion carried that the brief would be circulated to all Council members and an electronic vote would be taken to determine if the Section would then be included in the Amicus Brief. If the Council member does not respond to the electronic request for their vote, their silence will be construed as a "Yes" vote.

Herman Russomano made a presentation to the Council regarding the Merit Retention issue regarding Florida Justices. The theme of his presentation was the need to educate the general public and to become engaged. A motion was passed that the Council would present to the Editorial Boards of every newspaper in the state a position paper with the Section's views on the issue of the independence of the Judiciary.

7. Future Meetings:

November 15-17, 2012 in Key West, FL

January 16-19, 2013 in Orlando, FL

April 10 – 14, 2013 at Inn at Southbridge in St. Helena, California

June 22-24, 2013, Boca Raton, FL, Florida Annual Bar Convention

No further business appearing, the meeting upon motion was adjourned at approximately: 12:30 p.m.