

THE FLORIDA BAR
TRIAL LAWYERS SECTION
EXECUTIVE COUNCIL MEETING
JANUARY 21, 2005

MINUTES

The Florida Bar Trial Lawyers Executive Council met during the Florida Bar Mid-Year Meeting at the Hyatt Regency in Downtown Miami on January 21, 2005. Chairperson, Tom Masterson, called the meeting to order at 9:00 a.m. The minutes were taken by Secretary, Brad Powers.

ROLL CALL

Brad Powers	John Lynn
Norm Vaughan-Birch	Jim Clark
Bill Fuller	Dom Caparello
Frank Bedell	Mark Buell
Tom Masterson	Cliff Higby
Bob Palmer	Chris Knopik
Eileen Moss	Bob Mansbach
Glenn Burton	Mark Avera
Jeb Barbour	

Members who were absent:

I. Minutes from the September 11, 2004 Meeting

The Minutes of the September 11, 2004 Meeting of the Executive Council were read and approved with a date correction in Section 5 from September 11, 2004 to October 1, 2004.

II. Financial Report

The November financial statement was reviewed and approved. The 2005/2006 annual budget was also approved. The Council discussed potential activities to increase membership. Membership information will be included with seminar materials and on the Section website. A \$500 line item amendment was approved to support the membership drive. A membership committee was established to be chaired by Mark Buell. Frank Bedell and Jeb Barbour agreed to serve on the committee. The current balance of Section funds is \$130,818.

III. CLE Committee

Glenn Burton reported on the discovery seminar to be put on during the Annual Meeting. The Seminar will be entitled "Discovery Practice and Tools for Use in Combating Discovery Abuse" and will be held on Thursday, June 23, 2005 from 2:00 p.m. until 5:00 p.m. during the Annual Meeting at the Marriott World Center in Orlando. The program will consist of traditional lectures and a panel discussion. The Discovery Practice Handbook and the Guidelines for Professional Conduct will be used as an outline for speaker topics. The program will consist of three lectures and a four-judge panel consisting of three circuit court judges and one appellate judge. Lecturers scheduled to participate are Kelly Hamer, Mark Buell and Cliff Higby. The panel of judges include Chris Altenbernd, Chief Judge of the Second District Court of Appeal; Manuel Menendez, Jr., Chief Judge of the Thirteenth Judicial Circuit; Patricia Thomas, Judge of the Fifth Judicial Circuit; and Jay Cohen, Judge of the Ninth Judicial Circuit. CLE credit of three hours of general civil and three hours of ethics will be applied for. The seminar will be free to all Annual Meeting attendees.

The Council also discussed creating a medical malpractice seminar. Glenn Burton will chair a committee to discuss moving forward with the seminar in the fall of 2005. Committee members include Tom Masterson, Jeb Barbour, Bill Fuller, Jon Lynn, Cliff Higby and Kelly Hamer.

Bob Palmer reported that the Advanced Trial Seminar is ready to roll May 10 through May 14 at the University of Florida. Discussion included dropping "Advanced" and grouping individuals according to trial experience with the seminar being tailored to those groups appropriately. There was also discussion concerning the potential of the new Stetson campus in Tampa as a more convenient site versus the University of Florida and its historic relationship with the Seminar.

IV. Mock Trial Committee

Eileen Moss and Jon Lynn reported on the tremendous success of the 2005 competition. Fortunately, it was reported that “Eileen and Jon get along.” The competition included nine schools and 115 volunteers. The final round pitted two University of Florida teams against each other. Most of the Council was able to figure out that the University of Florida won the competition. FAMU will be added to the competition in 2005.

V. 2005 Discovery Handbook

The Board of Governors apparently provide a wider selection of breakfast choices, and Sandy Sanborn was not able to attend the meeting. He did report that updates to Chapter 2 and Chapter 7 are missing and need to be turned in.

VI. Legislative Committee

Buddy Jacobs and Mark Avera reported on the latest machinations of the legislature. Updates were given regarding the medical malpractice constitutional amendments. It was reported that the Chamber of Commerce will support a push for tort reform. Buddy Jacobs introduced the Council to “lobby tools, “ a website intended to assist the Council in keeping up to date with the legislative process. Legislative conference calls will be held on Friday mornings at 8:30 a.m. beginning in February.

VII. Website Committee

Frank Bedell reported that the list serve is not functioning. He will discuss the issue with the webmaster to get any issues resolve.

VIII. Old Business

A. Florida Supreme Court Committee on Privacy of Court Records

Glenn Burton reported on the issues involved in moving the courts to a paperless system. Those issues include who will have access to the system, how personal information will be protected, and how to prevent use of file information by marketing entities, etc. The Section will request an opportunity to comment upon receipt of any proposed policies.

B. Board of Certified Civil Trial Lawyers – Standard Revisions

A number of guests from the BLSE Committee were introduced by ex-Chairman Mike Tanner and included The Honorable Ralph Artiglere, Robert L. Feldman, Buck Vocelle, Dawna Bicknell, Jeffrey Michael Cohen and Mike Easley. The board certification committee discussed the purpose for changes to board certification requirements and an intent to include qualified people who have not been able to complete the required number of trials for whatever reason. The changes are intended to take a broader view of who might be qualified to become board certified.

C. Council of Sections – Section Funds

The council discussed the potential use of Florida Bar Section funds. It was generally agreed that the Trial Lawyers Section does not prefer to subsidize other Florida Bar Sections which may not be profitable.

IX. New Business

A. Annual Meeting – Federal Judicial Roundtable – Judicial Luncheon, Chester Bedell Luncheon.

In addition to the discussion regarding the creation of a discovery seminar at the Annual meeting previously discussed, Frank Bedell reported on the Chester Bedell Luncheon and potential speakers.

B. 2005 Florida Foundation Medal of Honor Award

The Council reviewed and discussed the Florida Bar Foundation 2005 Medal of Honor Award. The Section will consider appropriate nominees.

C. Dead Man Statute Repeal

Issues with respect to the potential repeal of the Dead Man Statute were discussed. Bob Mansbach is to report on the evidence committee discussion on the issue.

X. Adjournment

There being no further business, the meeting was adjourned by Chairperson, Tom Masterson. True to his word, Tom provided no gifts.