

Minutes of the Meeting of the Trial Lawyers' Executive Council

Saturday, January 19, 2013

Location: JW Marriott Orlando, Grande Lakes

4040 Central Florida Parkway

Orlando, FL 32837

Room – Del Lago 1

9:00 a.m. – 12:00 p.m.

The Florida Bar Trial Lawyers' Section Executive Council met on Saturday, January 19, 2013, at 9:00 a.m. Chairman Wayne Helsby called the meeting to order at approximately 9:00 a.m. The minutes were taken by Hector A. More'.

Roll Call: Council members present: Wayne L. Helsby, Craig A. Gibbs, Theodore C. Eastmoore, Hector A. More', Basil L. Bain, Thomas E. Bishop, Kimberly A. Cook, Courtney K. Grimm, Joseph F. 'Skooter' Kinman, Jr., Christopher E. Knight (by telephone), Darryl L. Lewis, Sidney L. Matthew, Mindy McLaughlin, Lewis W. Murphy, Terrence P. O'Connor (by telephone), William E. Partridge (by telephone), Stuart N. Ratzan, Vicky Lynn Sproat, John W. Williams, Clifford C. Higby, Robert Palmer, III, and Katherine Hunter.

Others Present: Board of Governors Liaison Michael Tanner and Section Lobbyist Bob Harris, and Bar Administrator Eugene Sherman.

Council members absent: Thomas S. Edwards, Latasha Garrison-Fullwood, and Clifford "Sandy" Sanborn, III.

1. Introduction:

The meeting was called to order by Chair Wayne Helsby at 9:00 a.m.

2. Minutes:

The minutes of the November 16, 2012, meeting held at The Westin Key Resort, Key West, FL, were approved.

3. Financial Report:

Financial report was given by Secretary Treasurer, Hector A. More' and Florida Bar Administrator, Eugene Sherman. The contract with the JW Marriott was fulfilled and a penalty was not incurred. The reason for this was the hotel was at a high occupancy rate during the Summit with other events, thus the TLS was not penalized for not selling the number of rooms called for by the contract.

4. Presentation by Florida Bar Elect Eugene Pettis:

Florida Bar President Elect, Eugene Pettis gave a presentation on the Bar's Leadership Training Academy. The Academy will be composed of forty fellows. The fellows will be lawyers from throughout the State with approximately 3-15 years of experience. The Section

passed a motion to add a line item of \$10,000.00 for next year's budget to fund up to three (3) scholarships for President Elect Pettis' Leadership Training Academy.

5. Committee Reports:

a. Social Committee:

Social Committee- Terry O'Connor asked those wanting to play golf in Napa inform him.

b. Legislative:

Bob Harris reported that the legislative session will begin on March 5, 2013. Mr. Harris reported that several bills have been filed in opposition to the Florida Supreme Court's decision to uphold that government employees shall contribute 3% to their pensions. He further reported that he will communicate with the legislative committees regarding bills of interest to the Section.

Tom Bishop reported that the Section's legislative platform has been given to all 160 members of the legislature. The legislative committee will be meeting in the next two weeks with Paul Hill, Steve Metz, John Harkness of The Florida Bar and William Large (President of the Florida Justice Reform Institute (FJRI). He further reported that the Section is setting up a legislative day in March to meet with as many legislators as possible. The Friday morning conference calls with Bob Harris will begin Friday, February 22, 2013 at 8:30 a.m. and run throughout the session's term.

A motion was passed to provide Tom Bishop, Chair of the Legislative Committee, with Lobby Tools, a program that tracks bills. The cost is \$100.00.

c. Amendments to Uniform Commercial Code:

Charlie Bartlett reported that his committee recommends no action be taken on two pending legislative matters, the UCC electronic funds transfer and the Uniform Deposition and Discovery Act. The TLS will take no position on these items.

d. CLE:

It was reported that a proposal has been made to the Bar for a medical malpractice CLE program to take place at the 2013 Florida Bar Annual Convention.

e. Teachers Law School:

Courtney Grimm reported that this program was outstanding. The feedback from the teacher participants was very positive and they enjoyed the program and the speakers very much.

f. January Summit:

Bob Palmer will prepare a written report on this program.

- g. Mock Trial:**
Kim Cook reported that the competition went very well with eleven law schools sending two teams each. The extra round on Wednesday evening was a success. The final was Stetson vs. Stetson and the presiding judge was Justice Fred Lewis. Kim Cook will explore the possibility of recruiting sponsors for the annual competition.

A motion was made and approved to make gifts totalling \$1,250 to recognize the extraordinary efforts of three individuals during the Summit and Mock Trial Programs.

- h. ADR:**
No Report.

- i. Judicial Ethics Advisory Council:**
No Report.

- j. Membership:**
No Report.

- k. Proposed Changes to Minimum Standards for Civil Trial Certification:**
Joseph F. Kinman, Jr. reported that there is some discussion for changes to the minimum standards for Civil Trial Certification. A committee will be set up to explore these proposal changes.

- l. Advanced Trial Advocacy:**
Tom Bishop reported that the seminar will take place 05/07-05/11/13 at the University of Florida. Several barristers are attending. Craig Gibbs will follow up with the barristers from Barbados to whom an invitation to attend the seminar was extended.

- m. By-Laws:**
Bob Palmer reported that he still has not heard from the Board of Governors regarding an approval of the by-laws.

- n. Civil Procedure Rules:**
Joseph F. Kinman, Jr. reported that there is a proposed jury instruction concerning subsequent injuries caused by medical treatment.

A motion was passed for the Section to not comment on the proposed jury instruction at this time.

It was also reported that an ethics opinion states that secretaries or paralegals may use the attorney's log in to e-file pleadings.

- o. Discovery Handbook:**
John Williams reported that the Conference of County Court Judges made some minor changes to the final draft. The Conference of Circuit Court Judges appointed a committee of 3 judges to review and comment. No report has been given to Mr. Williams by said committee.
- p. Evidence Committee:**
No report.
- q. Website:**
No report.
- r. Rules of Judicial Administration:**
Craig Gibbs reported that e-service is here and that e-filing is coming in April of 2013.
- s. Council of Sections:**
No report.
- t. Approval of Florida Bar Trial Lawyers Section for Sponsorship of the Annual Luncheon at the June Annual Meeting**
A motion was made and approved for a \$1,000.00 sponsorship for the Florida Bar Trial Lawyers Section.
- u. Board of Governors Liaison:**
Mike Tanner reported that the Board of Governors voted to oppose recommendations of the committee to adopt Fla. Stat. 766.102 as a Rule of Evidence. The so called Expert Witness Certification Statute. The issue still goes to the Florida Supreme Court for a decision. Mr. Tanner reported that the TLS needs to prepare a response to the committee's recommendations to adopt the Rule. Stuart Ratzan and Joseph F. Kinman, Jr. will prepare said response.
- v. Bar Journal/Advocate:**
Ted Eastmoore reported that it costs the Section \$30,000.00 to publish The Advocate. A motion was made and passed to continue to 'publish' The Advocate by email to Section members and post it on the website. Paper copies will no longer be distributed to Section members. Mr. Eastmoore also reported that The Appellate Section requested to send their 11th Circuit Appellate Seminar to Trial Lawyers Section members. A motion was made and passed approving same.
- w. Future Meetings:**
Charlie Bartlett reported on some of the activities for the April 2013 Napa trip, which is scheduled for April 10 – 14, 2013 at Inn at Southbridge in St. Helena, California.

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