

**Minutes of the Meeting of the Trial Lawyers' Executive Council**  
**Friday, June 24, 2011, 2:00 p.m. – 5:30 p.m.**  
**Gaylord Palms Resort and Convention Center**  
**Kissimmee, FL 324746**

The Florida Bar Trial Lawyers' Section Executive Council met on Friday, June 24, 2011 at the Gaylord Palms Resort and Convention Center, Kissimmee, FL 324746. Chairman Cliff Higby called the meeting to order at approximately 2:00 p.m. The minutes were taken by Secretary Wayne Helsby.

1. **Roll Call:** The following members of the Council were present: Cliff Higby, Craig Gibbs, Mindy McLaughlin, Hector Moré, Bob Palmer, Courtney Grimm, Ted Eastmoore, Kim Ashby, Frank Bedell, Joseph Kinman, Brad Johnson (by phone), John Williams (by phone), Bill Partridge, Wayne Helsby, Tom Edwards, Patricia Lowry, Linnes Finney, Jr., Sidney Mathew, Kimberly Cook, Phillip King, Norman Vaughan-Birch, John Williams (by phone) Chris Knight, and Stuart Ratzan. Also present was the Bar's liaison, Paige Graham and the Section's lobbyist, Bob Harris (along with two members of Mark's firm, Mark Herron and former Lt. Governor Jeff Kottcamp). Several members of the Florida Bar's Board of Governors were also in attendance and spoke at the meeting - Gene Pettis from Ft. Lauderdale, Ramón Abadin from Miami (Chair of the Bar's Legislative Committee), Laird Lile (Chair-elect of the Bar's Legislative Committee). Senator David Simmons also addressed the Committee on the judicial reform issues in the Legislature. Gwynne Young (President-elect of the Florida Bar) and Scott Hawkins (President of the Florida Bar) both addressed the Committee on legislative issues.

**Not Present:** Terry O'Connor, Charles Bartlett, Sandy Sanborn and Tom Bishop

2. **Minutes:** The minutes of the Friday, May 6, 2011 meeting which was held at The Homestead, Hot Springs, VA were unanimously approved, the reading of same having been waived.
3. **Financial Report:**
  - A. May Statement of Operations  
Secretary Helsby reported that the Section is in very sound financial condition.
  - B. 2011 Summit Statement of Operations – Secretary Helsby reported that the Summit had a net loss of approximately 22K, which is about what the Section had anticipated. We will endeavor in future Summits to make it more of a break even proposition.
  - C. Approval of Budget Amendments – Unanimously approved.
4. **Committee Reports:**
  - A. By-Laws: Kim Ashby yielded to Bob Palmer who had taken on the task of revising the Bylaws. Outdated language was eliminated and the Bylaws were amended to more accurately reflect the current practices of the Trial Lawyers Section. The

- amended ByLaws were approved by the members of the Section at the Bar's annual meeting, and also by the Executive Council in separate votes.
- B. Board Certification: Bob Palmer reported that we are continuing to explore ways to attract more applicants to certification. There is some move to relax the standards, but that is a long way off.
  - C. Civil Procedure Rules: Joseph Kinman reported that the Committee approved all the Rules changes for electronic discovery. There is also a move to require that objections be raised to Offers of Judgment. Expert witness interrogatories are being developed and changes to the summary judgment standards were not agreed upon so there is no recommendation. There may be an enlargement of the time to request a new trial from ten to thirty days.
  - D. CLE Report: Bob Palmer reported that we had a full class this year at the annual Trial Advocacy Seminar. Tom Bishop did the opening and closing for one of the Defendants, and Craig Gibbs did the closing for the Plaintiff. It was a great program. Council members were encouraged to attend the seminar next year. Incoming members will all be notified that they must attend the seminar at least once in their three year term as part of their commitment to serve on the Council.
  - E. Discovery Handbook: John Williams reported that Judge Kest had made a comment that we should include a case index in the Discovery Handbook. John is working with Lexus Nexus to accomplish this. Paige is working on getting the index on one single WORD format. The dissemination of the Handbook to Judges around the State has been very well received.
  - F. Evidence Committee: Joseph Kinman reported that the Committee voted down a movement to apply the Rule of Sequestration to depositions.
  - G. Judicial Ethics Advisory: Patricia Lowry is the incoming Chair of this Committee. Patricia described the functions of the Committee. There are 12 members, 10 of whom are judges, along with two attorneys, including Patricia. The purpose is to issue written opinions on questions that arise on Judicial ethics. Examples are fundraising, electronic discovery and the like.
  - H. Legislative: Bill Partridge thanked the Council for its efforts in defeating the judicial restructuring legislation.
  - I. Med-Mal Handbook: No report.
  - J. Membership: Courtney Grimm reported that the membership numbers will be out in July.
  - K. Mock Trial: Kim Cook reported that the mock trial competition will be the 25<sup>th</sup> and 26<sup>th</sup> of January at the TLS Summit.
  - L. Nominating: Cliff Higby reported that the next Secretary/Treasurer of the Council will be Ted Eastmoore. Daryl Lewis of West Palm and Katherine Hunter of West Ft. Lauderdale were appointed to the Executive Council.

- M. Website: Ted Eastmoore reported that the new website is up and running.
- N. Rules of Judicial Administration: Craig Gibbs reported that the confidentiality rule that had been worked on for several months may get thrown out.
- O. 2<sup>nd</sup> Annual TLS Summit, January 24-29, 2012 JW Marriott Orlando – Bob Palmer reported that Ed Chaffey is going to the Trial Certification Seminar again. We are hoping to secure Attorney General Holder as a speaker on Thursday night. Saturday morning there will be a half day seminar on Medical Malpractice. Bob passed out Committee assignments for the Summit.
- P. Board of Governors: No report.
- Q. Council of Sections – No report. The new representative from our Section will be Ted Eastmoore.
- R. ADR Committee – Phil King reported that the committee was continuing with its start up work.

5. **Legislative**

- A. Legislative Calendar – a copy of the Legislative calendar was distributed and Council members were reminded that the Legislature this year meets in January. There was also distributed a listing of the proposed legislative calendar.
- B. Lobbyist – Bob Harris reported on some of the events that transpired in the past legislative session. Bob thanked everyone for their participation. Jeff Kottcamp and Mark Herron also addressed the Council and gave an overview of potential upcoming legislative initiatives. The Council unanimously voted to renew the Section's lobbying contract at 60K for 2011-2012.

6. **Old Business**: Cliff Higby passed the torch to Craig Gibbs as the Chair. Cliff received a standing ovation.

7. **New Business**: Chair Higby

- A. August 25-27, 2011 – TLS EC Meeting, Ritz Carlton, Sarasota
- B. November 3-5, 2012 – TLS EC Meeting at The Breakers, West Palm Beach
- C. Late April – Early May 2012, TLS EC Meeting, Hilton Barbados

The meeting upon motion was adjourned at approximately 4:45 pm.