

Minutes of Meeting of the Trial Lawyers' Executive Council

Orlando World Marriott

Friday, June 26, 2009

The Florida Bar Trial Lawyers' Executive Council met on Friday, June 26, 2009, at the Orlando World Marriott during the Florida Bar Annual Meeting. Chairman Frank Bedell called the meeting to order at 2:00 p.m. The minutes were taken by Interim Secretary Clifford Higby.

1. **Roll Call:** The following members were present: Ted Eastmoore, Wayne Helsby, Kim Ashby, Courtney Grimm, Chris Knopik, Lou Prats, Norm Vaughan-Birch, Tim Sullivan, Robert Mansbach, Frank Bedell, Cliff Higby, John Williams, Jon Lynn, Stewart Ratzan, Kim Cook, and Craig Gibbs. The following members were absent: Kay Simpson, Eileen Moss, Hector More, Cal Warriner, and Board liaison, Sandy Sanborn, and Bob Palmer, excused. Also present were Trial Lawyers' Section lobbyist, Bob Harris, former Trial Lawyers' Section Chair, Dom Caparello, Paige Graham of the Florida Bar, and new Executive Council member Tom Edwards of Jacksonville, Florida.
2. **Minutes:** The minutes of the May 2, 2009, meeting from Elbow Beach, Bermuda, were unanimously approved, the reading having been waived.
3. **Financial Reports:** Paige Graham reported that the Section is in very good financial shape. Highlights of the Financial Report included that the Section has a current fund balance of \$468,000.00. The Trial Advocacy seminar did have a loss this year of \$33,000.00, but this compared favorably to the year before when the annual seminar had a loss of \$51,000.00. Special thanks is given to Bob Palmer for again heading up the annual seminar in Gainesville. The following budget amendments were approved by the Board and are attached to these Minutes as "Exhibit B-3". Given that the Sections' fund balance is over \$50,000.00 over budget, the amendments to the budget were not deemed to be material and passed unanimously.
4. **CLE Committee Report:** Tim Sullivan gave the CLE Committee Report. We had 102 signed up for the Civil Trial certification review course. As noted above, the Advanced Trial Advocacy seminar in Gainesville was sold out for the first time in many years. It was noted that revenue from Bar publications has been decreasing as lawyers convert to electronic media. Apparently, lawyers who have purchased Bar publications in the past will now have to affirmatively select renewal as opposed to in the past, when Lexis/Nexis would simply send an updated version of the publication. Tim says that the movement within the CLE Committee is to put all CLE materials/handouts on electronic media only, including flash drive or CD rom. The other movement within the CLE Committee is towards Webinars. These are one hour internet access seminars and other major organizations have been doing this for some time. Two specific areas for future Webinars include an annual Legislative update touching on areas that affect trial lawyers and trial practice. Another Webinar topic includes proposals for settlement.

5. **Legislative Report:** Bob Harris gave the Committee his Legislative report. It was a very active year this past year in the Legislature. The Legislature did pass a new version of the Workers' Compensation Bill despite the Sections' opposition. Also, graduated filing fees have passed, although they will likely face challenges in the courts. The Section opposed graduated filing fees. Bob related to the Council that he had long discussions with Glenn Burton regarding Glenn's vision for the upcoming year. Glenn had hoped that Section members would be engaged and aware of the upcoming election cycles. The Section has been consistent in approaching the court funding issue as an access to court issue. The feeling in Tallahassee is that there will be decreased revenues of 6 to 8 percent in the coming year, and that at least one more year of belt tightening in the court system is on the horizon. One major initiative which has been mandated by the Supreme Court includes the upcoming development of a uniform electronic filing system. Proposed guidelines for electronic filing were to be developed by July 1st, implementation of the electronic filing system is to be begin October 1st. Bob notes it will be interesting to see how this unfolds and whether it can be accomplished without politics.

At the conclusion of Bob's report, Stu Ratzan raised the issue of Bob's joint representation of the scuba diving lobby and the Trial Lawyers Section. One specific piece of legislation which died this year included the statute which would allow parents to waive liability on behalf their children. The legislation was supported by Bob's lobbying client, the Scuba Diver's Association. Although the Section chose not to take a position on the legislation, there is still a concern by some members of the council that Bob is in a position where he would actively lobby for this legislation, and given its potential implications for access to courts, a major consideration for this section. Significant discussion was held on the issue. It was agreed that Bob Harris be allowed to prepare a solution for this potential conflict, if there is one. The issue will be addressed again in October.

6. **By-Laws Revision:** The Section By-Laws were attached in the agenda packet as "Exhibit C-4". Bob Mansbach has read and reviewed the By-Laws and notes that Glenn Burton wanted to make sure we were following the By-Laws with respect to membership and proposed membership for council members.
7. **Election of New Executive Council Members:** Attorneys William Partridge (Plaintiff) and Charlie Bartlet (commercial) both of Sarasota were appointed to the council for three year terms by the Executive/Nominating Committee. Attorney Tom Edwards of Jacksonville, had been contacted by Glenn, and Glenn had agreed to put Edwards up for nomination to the council. A vote was taken and Tom Edwards was appointed to the council by those in attendance. Kay Simpson, of Tallahassee, has missed more than three meetings consecutively, and by operation of the By-Laws she will be removed from the Executive Council Roster. Given Glenn Burton's sudden and untimely passing, there is some uncertainty as to who and how many new council members were to be appointed. Bob Mansbach, who will be the incoming Chair, will study the issue and discuss it with the Executive/Nominating Committee. It is agreed that remaining spots on the council

need to be filled well before the next meeting in Naples on October 23rd. It is also agreed that we need to maintain balance from a practice standpoint and geographically with new council members. Finally, it is agreed that Norman Vaughan-Birch will serve at least one extra year to assist on the Trial Lawyers' Summit Committee with Chair-elect, Cliff Higby. Bob Palmer will serve a special one year term on the council given his past experience as Chair, his many discussions with Glenn, and his experience with the Trial Advocacy seminar.

8. **Old Business:** The mid-year meeting of the Florida Bar will be January 19th through 23rd in Orlando, 2010. This apparently is the last mid-year meeting which will be held, and it is likely that the Section will work towards having its own annual meeting, a "Trial Lawyers' Summit" in January of 2011. John Lynn and Eileen Moss were given plaques for their dedication and assistance with the Trial Lawyers' Section Mock Trial program. This has been a very worth while project, which takes a lot of work and John and Eileen have been instrumental in the program's success.
9. **Change of Council Chair:** Frank Bedell gave some closing comments for his final meeting. It was recognized by all that our incoming Chairman, Glenn Burton, had died suddenly and tragically on June 24, 2009. Under the circumstances, the Executive Council convened and it was agreed that Bob Mansbach, the Chair-elect, would take over as Chairman of the Section. Cliff Higby, the incoming Secretary/Treasurer, would move to the position of Chairman-elect. Craig Gibbs will serve after this meeting forward as Secretary/Treasurer. Frank notes that he appreciated the input and help of all during his year as Chairman. He hopes that council members will support Bob Mansbach in the transition and he looks forward to helping Bob in that regard. Frank officially passed the "gavel" and the chairmanship to Bob Mansbach.
10. **Remarks and Agenda Items from New Council Chair Bob Mansbach:** Bob notes that it is with a heavy heart that he takes over as chair given the passing of his good friend and colleague Glenn Burton. Glenn had a detailed agenda for this meeting, and we are going to go through some of the items in abbreviated fashion. Bob notes that we will go to Naples for our next meeting the weekend of October 22nd through October 25th. The meeting will take place on Saturday morning. Glenn had an eye towards trying to take the Council to Cuba in January of 2010. The word is there would be a resistance from the Cuban-American Bar Association, and it not known at this time whether we will pursue Cuba as a meeting venue for the Trial Lawyers' Section. Also, Glenn had signed a contract for the Section to attend an out-of-state meeting in San Antonio, Texas, April 1st through 4th of 2010. It is noted that this will be Easter weekend. It is likely the Section will not go to San Antonio and Bob will be determining a venue for an out-of-state meeting in the Spring of 2010. The mid-year meeting will take place in Orlando on January 19th through 23rd of 2009. The council will also meet at next summer's annual Florida Bar meeting. More information on dates and times for these meetings will be forthcoming.

Going forward, Bob wants committee chairs to have their reports to Paige at least one

week before Paige sends out our meeting agendas, so that Paige can include this information and keep everybody advised. Glenn had a vision of council members being more active on the council, and Bob hopes that will come to fruition. Two business matters which were addressed by the council included a renewal of Bob Harris' annual lobbying contract. Bob Harris left the room and his situation was discussed. Everybody agreed that Bob has done a fine job, but he does need to address the issue of his potential conflict with the Scuba Diver's lobby. The annual contract with Bob and the firm Messer/Caparello was approved unanimously. Professor Michael Flynn's contract was renewed as editor of "The Advocate", the Sections' quarterly news letter. The meeting was adjourned and the Section will meet in Naples on October 23rd and 24th, 2009.

Submitted by Cliff Higby, Interim Secretary/Treasurer

The Florida Bar Trial Lawyers Section

Budget Amendments

<i>Line Items Over Budget:</i>			<u>Budget</u>	<u>Actual</u>	<u>Amendment</u>	<u>Proposed Budget</u>
1.	51101	Employee Travel	\$2,089	\$3,593	\$2,000	\$5,593
2.	84001	Postage	\$1,000	\$1,240	\$300	\$1,300
3.	84201	Board or Council Mtg	\$15,000	\$20,627	\$15,000	\$30,000
4.	84315	Mock Trials	\$15,000	\$21,662	\$6662	\$21,662
5.	84422	Website	\$5,000	\$8,050	\$3050	\$8050
<i>Source of Funds to Correct Budget:</i>			<u>Budget</u>	<u>Actual</u>	<u>Amendment</u>	<u>Proposed Budget</u>
1.	84002	Printing	\$3,500	\$380	(\$2,000)	\$1,120
2.	84701	Council of Sections	\$300	\$0	(\$300)	\$0
3.	84051	Officers Travel Exp	\$4,000	\$0	(\$4,000)	\$0
	84052	Meeting Travel Exp	\$9,000	\$0	(\$9,000)	\$0
	84053	Out of State Travel	\$2,000	\$0	(\$2,000)	\$0
4.	84054	CLE Speaker Expense	\$5,000	\$96	(\$4,000)	\$904
	84204	Midyear Meeting	\$5,000	\$772	(\$2,662)	\$2,338
5.	84003	Officers Office Exp	\$1,000	\$0	(\$1,000)	\$0
	84205	Section Service Prog	\$3,000	\$0	(\$2,050)	\$950