

**FLORIDA BAR  
TRIAL LAWYERS SECTION  
EXECUTIVE COUNCIL MEETING  
Friday, March 22, 2002**

**MINUTES**

Florida Bar Trial Lawyers Executive Council met at the Fairmont Hotel in San Francisco, California on Friday, March 22, 2002. Chairman Tom Scarritt presided and called the meeting to order at 9:10 a.m. The Minutes were taken by secretary, Kelly G. Hamer. At the outset of the meeting, Chairman Scarritt thanked Sally Kest for the notebook she put together regarding each Council member, their families, hobbies and interests.

**Roll Call**

Frank Bedell  
Mark Buell  
Dominic Caparello  
Bill Hahn  
Kelly G. Hamer  
Cliff Higby  
Buddy Jacobs (by telephone)

John Kest  
Tom Masterson  
Brad Powers  
Tom Scarritt  
Connie Stewart – Section  
Administrator

Members who were absent:

Bob Bergin  
Glenn Burton  
Cynthia Everett  
Scott Jay Feder  
Linnus Finney  
Larry Hamilton  
Woody Isom

Mary Love  
Manuel Morales  
Bob Palmer  
Roosevelt Randolph  
Don Russo  
Carolyn House Stewart  
Terry Vento

**I. Minutes for the January 11, 2002 Meeting**

The minutes of the January 11, 2002 meeting of the Executive Council were read and approved.

**II. Financial Report**

The financial statement was reviewed and approved with the current fund balance of \$163,263.00. There was some discussion that the Board of Governors, through the Budget Committee has indicated that perhaps the individual sections were making too much money on

their individual CLE programs and there may be some suggestion in the future that more money should go into the general bar fund. There was also discussion that Trial Lawyers Section (as other sections of the Bar) are making increased amounts of money on the audio taped version of their CLE courses. A more lengthy discussion on this issue is reported later in the minutes under the CLE Committee Report.

### **III. Committee Reports**

#### **a. CLE Committee:**

Brad Powers gave the report on the CLE Committee. He reiterated the earlier discussion that the Section was making more money on the audio taped version of the CLE courses than the live portions. Connie stated that the Evidence Seminar had to be canceled due to lack of participants. There was discussion that perhaps we could put that seminar back together and make an audio taped version of that since the speakers had already prepared for the seminar and then market the seminar as an audio taped version, only. Connie stated that one section of the Bar is doing only audio taped seminars because of the poor participation at the live programs. Brad agreed to look into getting the Evidence Seminar on tape and advertising it as an audio taped seminar.

The other CLE courses coming up involving the Trial Lawyers Section are the Elder Law Seminar and the Intermediate and Advanced Trial Advocacy Seminars. Woody Isom is the Chairman of the Intermediate Trial Advocacy Seminar and Kelly Hamer is Chairman of the Advanced Trial Advocacy Seminar.

Mark Buell suggested putting together a scout committee regarding accountant liability and litigation involving those types of cases. He suggested that it would be very timely in light of the Arthur Anderson case currently at issue. Mark agreed to spearhead the committee and check with Rich Gilbert as Chairman of the MDP Committee of the Bar. Mike Tanner, Terry Vento and Larry Hamilton were appointed as committee members to help Mark with the exploration of this as a future topic for a seminar. Mediation was discussed as another area to tap for future seminars because of the CLE requirements now for mediators. It was discussed that a seminar about mediation but with a trial lawyers bent may be a seminar that would be worth exploring.

Further discussion was held with regard to Bill Hahn, as a faculty member for the certification review course and his inability to get information with regard to the topics to be covered at the exam. Tom Scarritt reported that following the January meeting, he tried to get more information through the BLSE Committee, and got no further than Bill Hahn did.

b. Mock Trial Committee:

Neither Terry Vento nor Cynthia Everett attended the meeting. The report was given by Connie Stewart who stated that the Committee is still looking for someone to do a new problem. It was suggested to ask Judge Parker again due to the fact that he is on a medical leave of absence and may have more time to prepare the problem. Cynthia Everett is going to contact Judge Parker about a new problem.

c. Website Committee:

Tom Scarritt reported on the website in Glenn Burton's absence. He stated that the oral argument before the Supreme Court on the Jury Innovations Committee can be obtained on the Trial Lawyers Section website through a link. There was then some discussion about our current webmaster Lawex and their inability to meet our needs. Once again it was discussed that the Bar should have a Florida Bar webmaster that all the sections could use. Connie stated that the issue has been brought up repeatedly with the Bar from several sections, but that there has been no move to obtain a Florida Bar webmaster. Tom Scarritt suggested that we move forward to look at other companies to take over our website. John Kest suggested contacting Andy Akins at University of Florida who could probably give us names of people to submit a bid. Connie suggested obtaining a bid from Kim Watson (formerly with the Florida Bar) who had earlier helped with our website and is interested in bidding for our business. In addition to discussion regarding changing webmasters, there was also discussion about having a bulletin board portion for posting questions on our website and further discussion about a password section which would be available only to members of the Trial Lawyers Section. It was moved and seconded that we would explore taking bids for a new webmaster.

d. 2002 Discovery Handbook Committee:

Mark Buell reported that the Discovery Handbook is done and should go out next week. We printed 10,000 copies again this year (the same number as we printed last year). It was discussed making the Discovery Handbook available only to members of the Trial Lawyers Section, but ultimately determined that this was a public service that the Section did for lawyers in general, and that it should be available to anyone who is interested in obtaining one.

e. Legislative Committee:

Buddy Jacobs gave the legislative report by conference call. He began the conference by stating there may be a special session this summer, but that it would only be on issues which were on the call. He said the redistricting issues were fairly close to a compromise but the appropriations issues were very far apart. New Circuit Judge positions were approved in various places around the

state. The JQC was killed in the Senate subcommittees after being passed by the House. The legislation involving the jury pool was compromised and the Department of Motor Vehicles will submit a list of potential jurors to FDLE which will review the list. The service sales tax was defeated but a commission was appointed to look at the issues.

## **V. Old Business**

### a. Standardized Release Committee:

Tom Masterson submitted the proposed Standardized Release in final form. He suggested that we release it in the Trial Lawyers Section newsletter with a request for comments. Tom agreed to submit it in the next newsletter with a brief explanation about it and a request for input. In that way, we cannot be accused in the future of not requesting input from the Section with regard to the proposed Standardized Release.

### b. Proposed Changes to the Rules of Evidence:

At the meeting in January, there was discussion about a proposed change to the Rules of Evidence involving expert witnesses. The change would not allow experts to disclose to the jury facts or data which would otherwise be inadmissible. There was discussion among the Council about the pros and cons of this rule change and it was decided that the Council would take no position on that rule change. Tom Scarritt was to respond on behalf of the Executive Council. Tom explained at the meeting in San Francisco that somehow the information provided to the Legislative Committee got confused and they initially thought that the Trial Lawyers Section was in agreement with the change. Tom clarified the Council's position and the Legislative Committee was told to take no action in favor of the change and that the Trial Lawyers Section was in favor of the rule remaining status quo.

### c. Expert Witness Committee:

John Kest had no report for this meeting. However, he stated that he would get a written status report to the Council ten days before the June meeting.

## **VI. Adjournment**

There being no further business the meeting was adjourned by Chairman Tom Scarritt at 11:00 a.m.