

Meeting of Trial Lawyers' Executive Council

Sarasota Lido Beach

March 7, 2009

The Florida Bar Trial Lawyers' Executive Council met on Saturday, March 7, 2009, at the Lido Beach in Sarasota. Chair Frank Bedell called the meeting to order at 9am. The minutes were taken by Bob Mansbach, Secretary.

1. **Roll Call:** The following members were present: Frank Bedell, Bob Mansbach, Glenn Burton, Robert Palmer, Courtney Grimm, Cliff Higby, Craig Gibbs, Norm Vaughan-Birch, Chris Knopik, Wayne Helsby, Tim Sullivan, Cal Warriner, Ted Eastmoore and John Williams. The following members were absent: Kim Ashby, Stuart Ratzan, Eileen Moss, Lou Prats, Jon Lynn, Kim Cook, Hector More and Board liaison Sandy Sanborn. W. Paige Graham was unavailable due to another bar commitment.

2. **Minutes:** The minutes of the January 16, 2009 meeting in Miami were unanimously approved, the reading having been waived.

3. **Bedell Luncheon:** Martin Deichman (author of *Disorder in the Court*) will speak, and this section and the Criminal Law section will co sponsor it. The Criminal Law section has a lifetime achievement award which will be presented first, but the majority of the time is still reserved for our speaker. Frank Bedell asked for names for speakers.

4. **CLE Committee Report:** Tim Sullivan reported on the overall state of the CLE programs, including Ed Cheffy's CLE certification review, which was a sellout (100). Ed already has lined up the speakers (save one) for next year's program. Jay White spoke at the program this year, to honor the 25th anniversary of Board Certification. Glenn Burton and Bob Palmer reported as to the Trial Advocacy seminar in May. Bob will inform Paige that this year she is to come to the Gainesville seminar in May on Tuesday, but go back to Tallahassee Wednesday morning, due to the severe budget crunch. Tim discussed the potential of a "Medicine for Lawyers" seminar.

5. **2009-10 Travel:** Glenn discussed the 2010 spring meeting, and proposed we travel to San Antonio for a meeting, and go to either London or Scotland in the fall (September or October) of 2009.

6. **Legislative Committee report:** Bob Harris reported on the status of the legislature, where everything is about the budget. He does not expect many bills to pass this year, given the budget problems. Governor Crist's budget came out, and he recommends \$83million come out of clerk of court budget and go back to the general revenue, with the hope that it be given to the judges. This sounds, however, much like *deja vu*. Bob Harris pointed out that at least we have a strong advocate in the Governor's office. It was also proposed by the Governor that filing fees be made on a graded basis (\$295 for small cases, under \$50,000, and up to \$2000 for cases over \$250K). The legislature also looked at what other states are doing, which included charging for the filing of answers, responses to pleadings, etc. Some states give you 5 documents for free, and then charge on a per pleading basis. On a Motion to Compel, for example there would be a \$500

charge to the losing party. There is at least a feeling that some of the \$83million will go to a court trust fund. The Bar has hired a PR firm to package all the information. The clerk of court is a political position, one which is, per one member, seen as a golden parachute. Clerks of court awarded bonuses and raises, even in this economy. There are now 4 corporations, some for profit, involving the clerks of courts in Florida. The courts and the clerks cannot be run by just fees (roughly \$981million). Clerks get \$550million of that. Glenn volunteered to spearhead the information gathering and dissemination of information. It is expected that next year will be even worse than 2009. The bar has adopted all of Chief Justice Quince's positions, and a coordinated effort is taking place to advance the support of the trial judges. There is a battle ongoing now with the clerks, who appear to be protecting their fiefdoms. Burton moved and Higby seconded the continuation of our efforts in Tallahassee through Bob Harris and others to support the trial judges. Secondly, Burton moved and Gibbs seconded that although we support the governor's budget in general, we oppose the stepped up fee schedule for civil cases. We also would oppose any "pay as you play" fees in court. We also discussed the attorneys fee cap bill from McCollum in large cases where the state is hiring private lawyers. The bill contains other sections. Burton moved and Mansbach seconded that we oppose that bill, and it passed unanimously. The bill on parental releases on minors (HB 363). It comes up next Tuesday. It is an attempt to reverse the Florida Supreme Court decision on releases for minors, so that a parent can sign a release/waiver for their children. As to the attorneys' fees in worker's compensation cases, it will be heard this coming week, and the worker's compensation section is opposing it with their lobbyist active. We have not taken an affirmative position, but we do oppose any attempt to limit the hiring of a lawyer by a private individual. As to the bill involving Frye/Daubert, there are other sections. The Justice Association is opposing it, as it costs \$10,000 or more to hold Daubert hearings in Federal Court. Burton moved and Knopik seconded that we express in writing a position (Cal Warriner and Chris Knopik to write a response as to court funding and functioning).

7. Membership Committee/Facebook: Courtney Grimm sent to all council members a copy of a facebook. Glenn reported that this section has grown by 1% in the last 10 years, despite the growth of the number of trial lawyers. Glenn encouraged the committee and council to focus on this trend, and focus on bringing in more members. Glenn and Frank are to meet and attempt to outline new steps to bolster our membership. Courtney will also work with them.

8. Financial Report: A financial report as of was presented and approved. We are in good financial shape.

The meeting was adjourned at 11:15 am.

Submitted by Bob Mansbach, Secretary/Treasurer