

Minutes of the Meeting of the Trial Lawyers' Executive Council
Friday, May 6, 2011, 9:00 a.m. – 12:00 noon
The Homestead
Hot Springs, VA 24445

The Florida Bar Trial Lawyers' Section Executive Council met on Friday, May 6, 2011 at The Homestead, Hot Springs, VA 24445. Chairman Cliff Higby called the meeting to order at approximately 9:00 a.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, John Williams, Bob Palmer, Courtney Grimm, Ted Eastmoore, Charles Bartlett, Terry O'Connor, Joseph Kinman, Tom Bishop, Sandy Sanborn, Bill Partridge, Wayne Helsby and Tom Edwards (by phone). Also present was the Bar's liaison, Paige Graham and the Section's lobbyist, Bob Harris (both by phone), and special Attendee Mark Buell, former Chair of the Section.

Not Present: Brad Johnson, Patricia Lowry, Linnes Finney, Jr., Sidney Mathew, Kimberly Cook, Phillip King, Kim Ashby, Norman Vaughan-Birch, Chris Knight and Stuart Ratzan. Special attendee Brad Osborne attended all of the social functions, but not the meeting.

2. **Minutes:** The minutes of the Saturday, January 15, 2011 meeting which was held at the Omni Orlando Resort at Champions Gate, Florida were unanimously approved, the reading of same having been waived.

3. **Financial Report:**

- A. March Statement of Operations

Secretary Helsby reported that the Section is in favorable financial condition.

- B. 2011 Summit Statement of Operations- preliminary indications are that the Section basically broke even on the Summit, taking into consideration what the Section had budgeted to spend. Next year the Section may consider increasing the registration fee and attempting to secure more sponsors.

- C. Approval of Budget Amendments- Unanimously approved.

- D. Consideration of Special Recognition for Bob Harris

and Mark Herron 2011 Legislative year-discussion was had to amend our budget to provide a special one-time special recognition payment to Bob Harris and Mark Herron as a result of their extraordinary efforts on behalf of the Trial Lawyers Section to defeat the various court restructuring legislation that has been considered by the Florida Legislature. A motion was made by Legislative Chair Bill Partridge and passed, to pay Bob and Mark \$10,000 from the Section's operational reserves.

4. **Committee Reports:**

- A. By-Laws: Kim Ashby – no report
- B. Board Certification: Bob Palmer reported that thirty three people took the exam this year which was down from previous years. There is some move afoot to relax the standards to become certified and re-certified.
- C. Civil Procedure Rules: Joseph Kinman – no report
- D. CLE Report: Kim Ashby/Tom Bishop (Trial Ad – Spring 2011) – Tom reported that the class is full (56 participants) this year. A great faculty has been assembled. Barristers are coming from England. It is at the UF law school. Two scholarships have been awarded on behalf of Bob Mansbach and Glen Burton.
- E. Discovery Handbook: John Williams reported that the distribution of the Handbook has been a big success. Chairman Higby reported that he has received many thank you letters from judges that received the Handbook. Suggestions for change have been made to include a case index.
- F. Evidence Committee: Joseph Kinman – no report
- G. Legislative: Bill Partridge – most of the Legislature’s initiatives impacting our court system have been defeated. The Chair was recognized for his significant and ongoing efforts to defeat these bills. Next year there will be more Legislative efforts which the Section needs to be on the lookout for and oppose.
- H. Med-Mal Handbook: Mindy McLaughlin – no report other than that Chuck Ingram had inquired about purchasing some Handbooks, so the Handbooks have been very well received.
- I. Membership: Courtney Grimm reported that the membership in the Section is approximately 6,558, which is an increase from the previous year. .
- J. Mock Trial: Kim Cook/Wayne Helsby/Charlie Bartlett – the competition will be held next January in conjunction with the Summit.
- K. Nominating: Cliff Higby reported that it does not look like we will have any new appointments to the Executive Council this coming year. There are some members’ terms that expire in 2011, and they will be voted on for additional terms in June.
- L. Website: Ted Eastmoore reported that the overhaul of the website has been done in a mock up form. Ted invited interested members to view the mock up before it is formally implemented.
- M. Rules of Judicial Administration: Craig Gibbs reported that the subcommittee is still working on the Rule relating filing of confidential information. The Committee is hoping to have the Rule finalized and approved at the Bar Convention. Joseph Kinman has been appointed to serve on this Committee.

- N. 2nd Annual TLS Summit, January 24-29, 2012 JW Marriott Orlando – Bob Palmer announced that four committees are being established for next January’s Summit: (1) financial; (2) publicity; (3) speaker/program/CLE committee; and (4) social/local bar outreach. Each member of the Executive Council will be assigned to a committee. The contract for the January Summit at the J.W. Marriott in Orlando is being finalized. We are seeking to have Attorney General Eric Holder to speak at the Summit.
- O. Board of Governors: Norman Vaughan-Birch – no report
- P. Council of Sections – Craig Gibbs reported that three call in meetings have been held this year which were very informative. Craig has suggested that this group might be better utilized in the future to mobilize attorneys to oppose court restructuring legislation.
- Q. ADR Committee – Phil King – no report.

5. **Legislative**

- A. Report of Action Letter – Cliff Higby reported on the various legislative initiatives on court restructuring, JNC, etc. and the Sections’ efforts to oppose them.
- B. Lobbyist – Bob Harris (by phone)
Mark Herron and Bob Harris reported on legislative developments. The Senate finished the Court bill (7111) which now goes to the Secretary of State. The provisions relating to the splitting of the Supreme Court have been defeated. The JNC bill is still floating out there. Assurances have been made that the bill would not pass. The bill would replace all of the current JNC members. Although this legislation is still up in the air, it appears as though the bill is dead. There is also a bill to create a Study Commission for the Court System. Some tort reform bills are floating around as well.

6. **Old Business:**

Bill Partridge gave kudos to Cliff Higby for his Articles in the Advocate.

7. **New Business:** Chair Higby

- A. June 24, 2011 – FL Bar Annual Convention, Gaylord Palms Resort, Orlando
 - 1. Chester Bedell Luncheon – Barry Richard will be the speaker this year.
 - 2. Executive Council Meeting – scheduled for 2:00 pm after the luncheon
- B. November 3-5, 2012 – TLS EC Meeting at The Breakers, West Palm Beach. Craig also announced that he is considering an August meeting, and that his out of state meeting next Spring will be in Barbados either the end of April or early May.

The meeting upon motion was adjourned at approximately 11:30 a.m.