

## **Minutes of the Meeting of the Trial Lawyers' Executive Council**

Friday, November 16, 2012

Location: The Westin Key West Resort & Marina

245 Front Street, Key West, FL 33040

Room – Sunrise

9:00 a.m. – 12:00 p.m.

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The Florida Bar Trial Lawyers' Section Executive Council met on Friday, November 16, 2012, at 9:00 a.m. Chairman Wayne Helsby called the meeting to order at approximately 9:00 a.m. The minutes were taken by Hector A. More'.

- 1. Roll Call:** Council members present: Wayne L. Helsby, Craig A. Gibbs, Theodore C. Eastmoore, Hector A. More', Basil L. Bain (by telephone), Thomas E. Bishop, Kimberly A. Cook, Thomas S. Edwards, Latasha Garrison-Fullwood (by telephone), Courtney K. Grimm, Joseph F. Kinman, Jr., Christopher E. Knight Darryl L. Lewis, Sidney L. Matthew (by telephone), Mindy McLaughlin, Lewis W. Murphy, Terrence P. O'Connor, William E. Partridge, Stuart N. Ratzan, Clifford "Sandy" Sanborn, III (by telephone), Vicky Lynn Sproat, Michael Tanner (by telephone), John W. Williams, Clifford C. Higby (by telephone), Robert Palmer, III, and Katherine Hunter.

**Others present:** Eugene Sherman

**Council members absent:** Charles Bartlett, Patricia E. Lowry, Kimberly A. Ashby,

- 2. Introduction:**  
Chairman Wayne Helsby welcomed everyone to Key West and thanked them for their attendance.
- 3. Minutes:**  
The minutes of the Friday, August 24, 2012, meeting held at the Ritz Carlton Hotel, Naples, FL, were approved.
- 4. Financial Report:** Chairman Wayne Helsby and Secretary/Treasurer Hector A. More' reported that our reserves are trending downward because we have funded several large projects including the Trial Lawyers Summit, The Mock Trial Competition, The Teachers Law School Program and the Section's \$75,000.00 contribution to the Florida Bar Foundation.

A motion was made to make another \$75,000.00 contribution to The Florida Bar Foundation by the Trial Lawyers Section in fiscal 2012-2013. The motion was seconded and a discussion was held. The motion passed with the consensus that the Section cannot continue to make such contributions in the future at the \$75,000.00 level.

A motion was made to delete from the 2013-2014 Section budget the \$75,000.00 like item of a contribution to The Florida Bar Foundation. The motion was seconded and after discussion, the motion passed.

A motion was made to defer discussion of future contributions to The Florida Bar Foundation. The motion was seconded and passed.

A motion was made to approve the two budget amendments outlined in Exhibit 3 of the Agenda. The motion was seconded and passed.

A motion was made to charge spouses or guests of Executive Council Members \$100.00 per meeting. The motion was seconded and passed

**5. Committee Reports:**

**a. Social Committee:**

Terry O' Connor reported on the activities for the Key West meeting. Chairman Wayne Helsby urged everyone to make their reservation for the Napa trip as we have a limited number of rooms.

**b. Legislative:**

Bob Harris reported that Amendment 5 did not pass and it does not appear it will be revived in the foreseeable future. Mr. Harris also reported that the Florida House no longer has a supermajority of Republicans to Democrats. Mr. Harris also reported that he will schedule meetings with legislators in the next sixty (60) days and that proposed bills will be out in the next week.

Tom Bishop reported that the draft Memo on the Section's Legislative Positions had been prepared (Exhibit 4) to the agenda. He requested that everyone review the Memo and make suggestions and comments by December 1, 2012. The final Memo will be given to all the members of the Florida Legislature. Its purpose is to educate and inform them about the Section's Legislative positions and it will act as a framework for the Executive Council in making decisions on legislative issues.

**c. CLE:**

Tom Edwards reported that the Section will be conducting two seminars at the Florida Bar Convention; A medical malpractice seminar and a social media seminar. Mr. Edwards reported that the Colorado Bar Association has approached our Section to publicize their annual January seminar in the hopes of having Florida Lawyers attend.

**d. Teachers Law School:**

Courtney Grimm reported that there are 77 teachers from the Greater Orlando area that have signed up to participate in the Teachers Law School. It was reported that the cost of paying for substitute teachers will be approximately \$10,000.00.

**e. Mock Trial:**

Kim Cook reported that the problem has been sent to all of the teams. An additional round has been added to the competition at the request of the coaches. The new format will start with 22 teams; which will then be reduced to 8 teams, then 4, and then to the final 2. As a result of the additional round, the rules of the competition had to be revised and this was accomplished by committee member Charlie Bartlett. It appears that jurors are still needed for the Wednesday evening and Thursday morning sessions. A motion was made to approve the rule changes. A second was made and the motion passed.

**f. January Summit:**

Bob Palmer reported that the brochure has been completed. It has been sent to everyone on the Council and will be sent to the entire section in the near future. The keynote speaker will be Scott Turow. Barry Richards will be the featured speaker at the combined luncheon with the Teachers Law School and Civil Trial Certification seminar. In light of the expenses in putting on the Trial Lawyers Summit, a discussion was held concerning having the expenses associated with the Summit broken out as a separate budget item. This would assist the Executive Council in determining the true cost of the event.

**g. ADR:**

No report

**h. Judicial Ethics Advisory Council:**

No Report.

**i. Membership:**

Courtney Grimm reported that the membership of the Trial Lawyers Section is approximately 6,000.00 A letter to members who have not renewed their membership will be sent.

**j. Advanced Trial Advocacy:**

Tom Bishop reported that the opening statement tutorial will become a permanent feature. Mr. Bishop stated that an invitation to the President of the Barbados Bar Association has been extended for attendance at the seminar. He also reported that a very nice article had been written in an English Bar Journal by one of the English Barristers who attended last year's seminar.

**k. By-laws:**

Bob Palmer reported that the Section is still waiting for Board of Governors approval or on revised by-laws.

**l. Civil Procedure Rules:**

Skooter Kinman reported that the Florida Bar website has very good information on E-discovery, E-service, and E-filing. Mr. Kinman also reported that Judge Altenberger of the 2<sup>nd</sup> DCA had made a request through the Tampa chapter of ABOTA for the creation of a standard release and standard proposal of settlement. The decision was made to table this request pending further information.

**m. Discovery Handbook:**

John Williams reported that the discovery handbook has been completed and has been submitted to the Conference of Circuit and County Judges for vetting.

**n. Evidence Committee:**

No report.

**o. Website:**

No report.

**p. Rules of Judicial Administration:**

Craig Gibbs reported that e-filing goes into effect in 2013.

**q. Council of Sections:**

No report.

**r. Board of Governors Liaison:**

Mike Tanner reported that a proposed Rule of Evidence regarding Certification of experts in Medical Malpractice cases was deemed to be an appropriate rule to submit to the Florida Supreme Court. There were many objections within the Board of Governors regarding this and the Board of Governors voted not to endorse the proposed rule.

**s. Bar Journal Advocate:**

Wayne Helsby reported that Kim Ashby is editing several articles for the Advocate.

**6. Future Meetings:**

January 16-19, 2013 in Orlando, FL

April 10 – 14, 2013 at Inn at Southbridge in St. Helena, California

June 22-24, 2013, Boca Raton, FL, Florida Annual Bar Convention

No further business appearing, the meeting upon motion was adjourned at approximately:  
12:00 p.m.