

Trial Lawyers Section Executive Council Meeting

The Betsy South Beach
1440 Ocean Drive
Miami Beach, FL 33139
Saturday, November 16, 2013 at 9:00 a.m.
Conference Center

MINUTES

CALL-IN NUMBER – 888-376-5050, PARTICIPANT CODE – 5946785215#
CHAIR CODE – 10457#

Present: Ted Eastmoore, Hector More, Wayne Helsby, Cliff Higby, Skooter Kinman, Katherine Hunter, Vickie Sprout, Kim Ashby, Chris Knopik, Wil Murphy, David Roy, Dennis O'Connor, Honorable Amy Smith, Sandy Sanborn, Courtney Grimm, Eugene Sherman, Basil Bain, John Williams, Charlie Bartlett, Mindy McLaughlin, Tom Bishop, Stuart Ratzan, Pat Lowry

By Phone: Bill Partridge, Bob Palmer, Terry O'Connor, Darryl Lewis, Chris Knight, Sid Matthews

Absent: Tom Edwards, Kim Cook, Jay Cohen, Bob Harris

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1. Welcome and Opening Remarks - Ted Eastmoore
 - Call to Order by Chair Ted Eastmoore
 2. Meetings/Social Committee - Charlie Bartlett
 - Wayne Helsby reported on the afternoon activities and Stuart Ratzan reported on evening activities for the meeting.
 3. Approval of Minutes – August 24, 2013 Exhibit 1
 - The minutes of the August 24, 2013 meeting held at the WaterColor Inn and Resort were approved.
 4. Financial Reports/Budget Committee - Courtney Grimm Exhibit 2
 - Courtney Grimm and Hector More reported that the 2014-2015 budget was approved by the Council for submission to the Bar for approval.

5. Committee Reports

A. Summit - Hector More

- Hector More reported that participation from council members is needed for the Mock Trial Competition which commences Wednesday January 15th and continues to the final round on Friday January 17th. Teachers Law School will run Thursday and Friday, January 16th and 17th. Chair Eastmoore made a specific request for council members to attend the final round of the Mock Trial Competition on Friday January 17th at 2:00 p.m. in the Courtroom of Federal District Judge Scriven.

- Mock Trial - Charlie Bartlett/Kim Cook

Charlie Bartlett reported that have many Judges that have already committed, yet a few more are still needed. Also, many jurors are still needed for the program. Please advise Skooter Kinman of any commitments for assisting.

- Teachers Law School - Mindy McLaughlin/Katherine Hunter

Katherine Hunter reported that the Committee met on Thursday, prior to the Council meeting in preparation for the January school. Currently there are 35 applicants to the school. The committee has reached out to 6 surrounding counties plus private schools. An invitation will also be made to Lee County teachers for a few spots. Speakers have been scheduled and confirmed with the exception of a speaker for the Criminal Law segment.

- Thursday Reception

Hector More reported that there will be a reception for Mock Trial participants and Teachers' Law School participants.

- Sponsors

Bob Palmer has secured a sponsorship of \$5,000 from FLA/ABOTA, and is waiting on a grant for a match of \$5,000 from National ABOTA. Skooter reported that a \$1,000 contribution has been secured from the Tampa ABOTA. It will be important to have ample signage to recognize these sponsors.

B. Advanced Trial Advocacy - Tom Bishop/Bob Palmer

- Tom Bishop reported that the program is set for May 6-10, 2014 and an outstanding faculty has already been lined up. As in the past, British Barristers will also attend. In connection with the 2 scholarships for attendees in honor of Bob Mansbach and Glen Burton, Hector More and Dennis O'Connor will

seek recipients from the Orlando area and Mindy McLaughlin and Tom Bishop for the Tampa area.

C. Bylaws - Stuart Ratzan

Exhibit 3

- Stuart Ratzan reported on the status of the revisions to the ByLaws and thanked Eugene Sherman for assistance with the editing process. A change to the Legislative Committee membership was discussed so as to stagger the membership terms. See page 8 of Ex. 3. A **Motion** for approval of the proposed amended ByLaws was made by Mindy McLaughlin and seconded by Tom Bishop. The Motion was unanimously approved.

C. Civil Trial Update/Certification - Bob Palmer

- Bob Palmer reported that the number of exam takers is down but the certification review course, now named Case Law Update, has been scheduled for February 2014.

E. CLE - Tom Edwards/Mindy McLaughlin

- Mindy McLaughlin reported that the CLE committee met to discuss the request from the Admiralty Section/Committee as to co-hosting or sponsoring an admiralty seminar. Stuart Ratzan will chair a subcommittee to discuss the request and will submit a proposal.

- Medical Malpractice Seminar

The seminar is scheduled for March 14th at USF Health CAMLS facility and have included with the program an exhibition of the facilities and equipment. The committee is pulling together the seminar faculty.

- Admiralty Seminar

As discussed above, Stuart Ratzan will chair a subcommittee to determine the need for such a seminar and whether to support.

F. Council of Sections – Courtney Grimm

- The next Council of Sections meeting will be held at the January Mid-Year Meeting in Orlando.

G. Discovery Handbook - John Williams

- John Williams reported that the Handbook has been amended and updated to correct an omission as to the good faith requirement in connection with the filing of motions. The amended version is on line at the Sections website.

H. Leadership Academy - Vicki Sproat

- Vicki Sproat reported on the ongoing activities of the Academy. Additionally, it is the hope that the Council will be able to actually provide a sponsorship to a selected appointment of an attendee to the Academy. Discussions are still being had with the Bar leadership regarding the 2014 Academy.

I. Legislative Committee/Lobbyist's Report - Tom Bishop

- Tom Bishop reported that the committee is working to organize a Trial Lawyers' legislative day in February. Council members are requested to attend the legislative day. The committee intends to reach out to Senator Bradley and Representative Metz due to their assistance in the past. Although early in the process, Bishop reported that the committee is following the medical marijuana amendment due to its inclusion in the legislation of an immunity provision for a doctor who prescribes. At this time consideration is being given as to whether it is an access to court issue. Meanwhile, the committee will continue to monitor.
- Legislative conference calls will continue each Friday during the legislative session, beginning in March. The committee requests that all council members participate. Discussion ensued regarding inclusion of other groups or non-council members on the conference call and it was decided that access will be limited to specific instances where interests are aligned.
- Bob Partridge reported on a proposed nursing home bill that will be an access of courts issue and will need to be monitored if it moves forward.

J. Long Range Planning - Wayne Helsby/ Hector Moré

- Wayne Helsby reported that the cost cutting measures developed in the Long Range Planning meeting have been implemented. One issue is whether the Section will make another contribution to the Foundation. In order to do so, a budget amendment would be required. Discussion ensued regarding the pros and cons of the contribution, including the amount of any contribution. A **Motion** to appropriate \$25,000 was made by Charlie Bartlett and seconded by Kim Ashby. Discussion continued. The motion was tabled for further discussion and vote at the January meeting in order to have a better look at Section funds. Wayne Helsby will obtain further information to report at the January meeting.

K. Membership - Chris Knight

- Chris Knight reported that renewals have increased and that the committee will continue to look at other ways to increase membership. Additionally, the committee will reach out to non-renewing members to request that they rejoin.

L. Professionalism Guidelines/TLS Release - Stuart Ratzan

- Stuart Ratzan reported that the committee met and discussed the current TLS form release. The committee is looking at ways to improve the form release. If any members have any suggestions, let Stuart know.

M. Publications - Kim Ashby

- Kim Ashby reported that due to service of the Advocate via email, the section has saved publication funds. Better presence is needed in the Bar Journal, The Bar News and the Section newsletter by the TLS so consider submitting an article for publication.

N. Special Projects - Kim Ashby/Pat Lowry

- No report.

O. Website/Social Media - Courtney Grimm

- All updates have been made to the website.

P. Liaison to Florida Bar Committees

- ABOTA - Joe Kinman
 - Skooter Kinman reported that Bob Palmer will be the incoming president of FLA/ABOTA.
- ADR - Joe Kinman
 - No report.
- Civil Procedures Rules - Joe Kinman
 - Skooter Kinman reported that the civil rules committee is taking up the issue of proposed forms for use in connection with the offer of judgment rule. Further, new jury instructions have been approved. A federal Judge from the Northern District has found part of the medical malpractice statute to be unconstitutional.

- Evidence Committee - Joe Kinman
 - No report.
- Judicial Administration Rules - Joe Kinman
 - Skooter Kinman reported that e-portal can now be used for service of pleadings and that lawyers are now authorized to use electronic signatures. A new rule has been proposed to prohibit senior judges from also serving as an arbitrator or mediator.
- Judicial Ethics Advisory - Pat Lowry
 - Pat Lowry reported that comments have been submitted regarding the proposed amendment for Senior Judges and requesting that the rule not be changed as there are already limitations in place and there is no awareness of any abuse of the current rule. There is a possible change to campaigning rules to allow judicial candidates to campaign together. The committee is considering comment.
 - Next year is a judicial election year and the committee is working on judicial election forums for the judicial candidates to discuss the code provisions as to elections.

Q. Board of Governors Liaison - Jay Cohen

- No report.

R. Judicial Liaison - Hon. Amy Smith

- Judge Smith has passed along to the judges comments for participation in CLE. Discussions ensued regarding the legislative committee assisting the judicial lobbyist. Judge Smith followed up with insuring that all judges had received a copy of the Discovery Handbook and will email a note to all regarding the amendment and an “Adoption” of the latest version.

S. Future meetings - Ted Eastmoore

1. January 16 - 19, 2014 - Marriot Waterside, Tampa
 - The council meeting will be Saturday morning and followed by a pig roast coordinated by Ray Abadin.
2. April 3-6, 2014 - Sedona, Arizona
 - Wayne Helsby reported on behalf of the site selection committee and advised that travel in and out of Phoenix appeared to be the most convenient and that the committee is working on coordinated activities.

The reservation information will be forwarded shortly and members need to make reservations ASAP.

3. June 25 - 28, 2014 - Annual Bar Meeting - Gaylord Palms, Orlando

6. Old Business

- None to report.

7. New Business

A. Request for eblasts by other sections.

- Chair Eastmoore reported that Eugene has received requests to disseminate other section's information seeking Trial Lawyers' participation. Discussion ensued on the appropriateness. Tom Bishop made a **Motion** that eblasts are limited to our section. The motion was seconded by Wayne Helsby. No further discussion and the motion passed.

B. Tab for Chester Bedell Foundation on TLS website.

- Chair Eastmoore reported that he has been appointed as a Trustee of the Chester Bedell Foundation and he described the history and participation of the Foundation. Chair Eastmoore proposed that the TLS provide a link on the TLS website to a page for the Foundation. Mindy McLaughlin made a **Motion** in favor of providing a link for the Foundation and Stuart Ratzan seconded the motion. The motion was approved.