

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

Tampa Airport Marriott

September 12, 2008

The Florida Bar Trial Lawyers' Executive Council met on Friday, September 12, 2008, at the Tampa Airport Marriott. Chair Frank Bedell called the meeting to order at 2pm. The minutes were taken by Bob Mansbach.

1. **Roll Call:** The following members were present: Robert Palmer, Frank Bedell, Glenn Burton, Bob Mansbach, John Williams, Craig Gibbs, Jon Lynn, Norm Vaughn-Birch, Wayne Helsby, Cal Warriner, Lou Prats, Ted Eastmore, Hector More, Pat Lowry, Chris Knopik, Courtney Grimm, and Tim Sullivan. Also appearing were W. Paige Graham from The Florida Bar, Bob Harris and Kristen Franks.

The following members were absent: Kim Cook, Kim Ashby, Stuart Ratzan.

The following members were significantly late: the Panama City boys, Higby and Sanborn. In Sanborn's defense, at least this BOG rep showed up.

2. **Minutes:** The minutes of the June 20, 2008 meeting in Boca Raton were read and unanimously approved.

3. **Financial Report:** A financial report as of 2008 was presented and approved. The fund balance budgeted for June 30 was \$315,735, with an actual of \$364,430.

4. **CLE Committee Report:** Tim Sullivan reported on the overall state of the CLE programs, and the upcoming CLE certification review. Knopik has agreed to chair the Damages seminar, if it is put on. Alternatively, there was discussion of a Med Mal seminar. Palmer and Burton have agreed to continue running the Trial Ad seminar. There may be some tie ins with the 25<sup>th</sup> anniversary of civil trial certification.

5. **Legislative Committee report:** Bob Harris reported, with Kristen Franks, of the status of legislation. Most of the focus of our involvement has dealt with court funding. Bob has spoken to Metz and other lobbyists as to how to deal with this problem. They don't have to hold back the 4% of the budget as the agencies do. However, cuts will continue, and the picture looks bleak for next year. We need a dedicated source of funding, perhaps including a rewrite of Article 5 of the Constitution. Bob handed out a Legislative Accountability notebook, showing the products of the Florida Chamber and Associated Industries. Should we form a CCE (what was once called a PAC)? The RPTL funds 2 PACs, with a bit over \$30,000 in each, coming from the individual lawyers, their vendors, etc. They have funded receptions at CLE programs. He gave the example of how the PAC distributes funds to leadership and others in the legislature, to the tune of \$150,000 every two years, and how that enables them to get their bills passed. We need a coalition of affected entities, etc., showing delays, etc. Burton suggested that we ought to have a report card on various legislators so that we can educate our members. The council approved the continued efforts of Bob Harris, after a motion by Burton and second by Williams, to fight for court funding. Frye-Daubert issues will come up in the coming session. Glenn was appointed to chair the effort. There will be a section of the next newsletter on the legislative experts.

6. **Membership Committee:** Courtney Grimm reported that we have “lost” 1,600 members, but those are largely due to new members of the bar that receive a free year. Also, right now there is a computer glitch that does not allow on line credit card payments for section dues, though it does for bar dues.
7. **Facebook:** Courtney Grimm is updating the “facebook” that Mansbach distributed for the 2005-2006 year, and encouraged all to get their forms in asap.
8. **Mock Trial competition:** Jon, Kim and Eileen are still heading up this program, with the hope of all Florida law schools participating.
9. **Website:** Our new website has been designed, but the Bar has not yet approved the contract. Much of that was done by Bob Palmer.
10. **Discovery Handbook:** Higby reported that he hopes to have it out in the spring of 2009.
11. **Attorney Client Privilege:** Mansbach moved, and More seconded, that the Council approve the Bar’s stance on protecting the privilege. No other action is required at this time.
12. **Judicial Feedback:** we have the materials from Judge Kest. All section members should be encouraged to critique judges after hearings and trials. Judge Kest believes it can help make judges more aware of what they do, and improve their performance.
13. **Section name:** no action, as it was decided to leave the name alone.
14. **By-law revisions:** Mansbach to chair, with Kim Cook and Norm Vaughn-Birch assisting. The current ones are out of date, and refer to standing committees that no longer exist. No meeting as of yet, but one will be scheduled in the next 60 days, and a report furnished in January.
15. **Meetings:** Frank announced we will not be going to New York in December, but instead we will go to Bermuda in late April (beginning Thursday April 30) at the Elbow Beach Club (run by Mandarin Oriental). We will meet in Miami Friday January 16 (dinner on Thursday after the trial teams reception at the Hyatt). We will be in Sarasota March 6-8.
16. **Request for Money:** Fred Trumberg, chair of the Civil Trial Certification Committee, to request expense money for the Civil Trial Cert members who serve on the committee, which has no budget. Gibbs moved to fork, Mansbach seconded, and it was unanimously rejected.

The meeting was adjourned at 4:10pm.