

**Trial Lawyers Section Executive Council Meeting
Florida Bar Annual Bar Meeting
Gaylord Palms, Orlando
Friday, June 27, 2014
2:00 p.m.
Sun Ballroom 2**

MEETING MINUTES

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

Present: Skooter Kinman, Mindy McLaughlin, Chuck Ingram, Bob Palmer, Wil Murphy, Kim Ashby, Vicki Sproat, Katherine Hunter, Kim Cook, Wiley Hicks, Chris Knight, Tom Edwards, Bob Harris, Bill Partridge, Tom Bishop, Wes Smith, Wayne Helsby, Chris Knopik, Stuart Ratzan, Pat Lowry, Eugene Sherman

By Phone: Cliff Higby, Terry O'Connor, Sid Mathews, John Williams, Daryll Lewis

Absent: Charlie Bartlett, David Roy, Amy Smith, Sandy Sanborn, Dennis O'Connor

1. Welcome and Opening Remarks - Ted Eastmoore
 - Call to Order by Chair Ted Eastmoore and welcome to all Section members at this General Membership meeting of the Trial Lawyers Section.
 - Recognition of Wayne Helsby as the Section's Board liaison for 2014-2015.
 - Board of Governor's member Mike Tygart introduced himself and welcomed the Section to the Annual Convention.
 - Chair Eastmoore introduced Chuck Ingram, Wiley Hicks, and Wes Smith as new members to the Council.
 - Council Member Bob Palmer was recognized for his years of service on the Council. Palmer remarked on the success of the summit as well as the Teachers Law School and his desire to continue to provide assistance.

2. Meetings/Social Committee - Charlie Bartlett
 - No report.

3. Approval of Minutes – April 5, 2014 Exhibit 1
 - The minutes of the April 5, 2014 meeting were approved.

4. Financial Reports/Budget Committee - Courtney Grimm Exhibit 2

- The Section has performed within budget and the cost cutting measures implemented as a result of the Long Range Planning Committee have assisted.

5. Committee Reports

A. Summit - Hector Moré

Hecor More reported that the Summit was a rousing success due to the collective group effort. It is the plan to continue with the current format of Mock Trial and Teachers Law School. The attendees of both the Mock Trial and the Teachers Law School were appreciative of the Section's efforts.

- Mock Trial – Chair Eastmoore reported on the development of the problem and planning for January 2015's Mock Trial.
- Teachers Law School – Mindy McLaughlin reported on behalf of the Committee that unfortunately the Legislative Grant included in the State's budget was vetoed by the Governor but the plan is to continue with the program. For the January 2015 school, the Committee is looking to Palm Beach County teachers and those from surrounding areas. Stuart Ratzan commented that due to need for independence from legislature, the veto by the Governor was a mixed blessing. Chair Eastmoore advised that if funds had been received they were going to be managed through the Chester Bedell Foundation. Bob Harris reported on the Legislature's funding and the disappointment due to the Governor's veto. Tom Bishop commented that there was no indication that any problem with the funding by the Governor's office, so mystified as to result. Tom Edwards suggested that the Section should continue to fund the program and not seek legislature support for this program. Instead the Section should stick with the core value of seeking funding for the courts and access to legal services. Hector More provided the history of how the Legislative funding came about. Bob Harris advised that budgeting starts during the summer so if the Section would like to meet with the Attorney General's office to discuss, he would assist.

Guests: Ray Abadin, President Elect of The Florida Bar, and David Prather, Board of Governors member, made an appearance at the meeting. President Elect Abadin provided remarks on The Bar's Vision 2016

program and its importance to the future of the practice of law. He offered any assistance to the Section and expressed his accessibility to the members. President Elect Abadin commented on the proposed increase to dues for The Florida Bar, the petition before the Florida Supreme Court as to legal services, and the concern as to the cost to government lawyers and young lawyers in making contributions and asked members to remember the need for legal aid and contributions to the Foundation.

Board of Governors Member David Prather welcomed Section members and complimented the Section on its contributions and work for Bar members.

Board of Governors Member Mike Tygart also expressed compliments to the Section and offered any assistance.

B. Advanced Trial Advocacy - Tom Bishop/Bob Palmer Exhibit 3

Tom Bishop reported on the program and thanked Bob Palmer for all his past contributions to the ATA. The program was held in May and although short just a few students, the program was a success. The Committee is working to set dates for next May due to the shift in UF's schedule. The letter from Maria Hale (exhibit 3 to the agenda) was referred to and her compliment that she was "blown away" by the seminar.

C. Bylaws –

It was reported by Stuart Ratzan that approval was obtained from the Board of Governors on the Section's Bylaw changes.

D. Civil Trial Update/Certification –

Bob Palmer reported that certification results had been released. Chuck Ingram reported that the Board Certification Committee is looking into changes to the requirements for certification. Skooter Kinman reported that according to the CLE Committee, not all attorneys who post credit for the Civil Review are paying for the CLE as they are merely using tapes purchased by others. Discussion ensued as to whether there was a way to capture this income. The matter was referred to the Section's CLE Committee for discussion, investigation and reporting at the August meeting.

E. CLE - Tom Edwards/Mindy McLaughlin

No report.

F. Council of Sections

Reported by Courtney Grimm that the Committee's annual meeting is tomorrow and will be attended by Tom Bishop on behalf of the Council. Chair Eastmoore reported that other sections

have expressed concern as to what assistance, if any, the Council of Sections provides for the larger sections.

- G. **Discovery Handbook - John Williams**
No report.

- H. **Leadership Academy**
Vicki Sproat, as the Section's liaison to the Leadership Academy, attended the first Leadership Academy Committee meeting and is serving on the subcommittee for recruiting. The incoming Class II consists of 61 members. The Academy's goal is to bring diversity to the group. Input by the Sections who have contributed money to the Academy will not necessarily be persuasive. The Trial Lawyers Section did commit to contribute another \$10,000 to the Academy for the 2014-2015 year. Chair Eastmoore suggested that the Section consider creating a stipend and position on the Council for a past member of the Academy.

- I. **Legislative Committee/Lobbyist's Report**
Tom Bishop reported on the Council's legislative platform, primarily access to Courts. Bob Harris provided the Legislative Report for the Legislature's session. The Section's past Legislative positions were discussed and Harris advised that the Section's positions are up for their 2 year approval by the Bar. The matter was referred back to the Committee for discussion, any needed revision, and reporting at August meeting. Eastmoore reported that the Lobbyist contract is a year to year contract and is up for discussion for renewal. Wayne Helsby moved for renewal at the same contract price. Motion seconded by Chris Knight. Vote all in favor. Motion APPROVED.

- J. **Long Range Planning**
Wayne Helsby provided some background on contributions to the Foundation in the past and reported that earlier this year the Section provided a gift to the Foundation of \$50,000. Now, at the close of the Section's fiscal year, the Section's fund balance appears to be where budgeted. Tom Edwards moved for an additional contribution to the Foundation and the Motion was seconded by Kim Ashby. Discussion ensued regarding accountability by the Foundation for the funds contributed. Motion PASSED.

- K. **Membership**
Chris Knight reported that membership in 2013 was at 6413 and currently Section membership is at 6503. Kim Cook suggested and Ratzan moved for the creation of a liaison position for a graduate

of the Academy, nominating Herman Russomanno III. The Motion was seconded by Hector More. Motion PASSED. Kim Cook will advise on behalf of the Council.

L. Professionalism Guidelines/TLS Release

Stuart Ratzan reported that the appointed Review Committee reviewed the Release but was unable to complete the task. The Committee will continue work on the revised release. Stuart Ratzan and Chris Knopik will coordinate with the Standing Committee on Professionalism to review the Guidelines and recommend any necessary revisions.

Guest: Welcome to President Greg Coleman. President Coleman expressed support for the Section and willingness to assist with the Section moving forward. He requested that the Section work with the Standing Committee on Professionalism to review and update the Professionalism Guidelines, specifically including “E Etiquette.”

M. Publications

Kim Ashby reported on the status of the Section’s publication, The Advocate, and the Committee’s recommendation that the Section take back the publication and develop a web-blast communication regarding timely matters, making the information provided more relevant to the membership. In order to proceed in this manner, the Committee needs commitment from Council members to assist with revamping the publication. The Committee hopes that revisions will provide membership better feedback. Chair Eastmoore continued discussion as to the background of the publication and need for commitment. Ashby moved for the Section to take over the publication by the Council and it should be renamed. Bishop seconded. Discussion ensued. Ratzan volunteered to assist. Council members will be requested to provide articles or material. Vote ensued and motion PASSED.

N. Special Projects - Kim Ashby/Pat Lowry
No report.

O. Website/Social Media

Courtney Grimm reported on the status of the website redesign and need to include timely information on the website.

Bill Partridge took a moment to commend Ted Eastmoore on his successful year and thank him for his service.

P. Liaison to Florida Bar Committees

Fla-ABOTA – Skooter Kinman reported that Fla-ABOTA’s Annual Meeting will be in July at the Breakers in Palm Beach. The meeting will host various seminars and Bob Palmer will be inducted as President for the 2014-2015 year. The Council will communicate a thank you for the sponsorship for Teachers Law School.

ADR – Skooter Kinman reported that the Committee’s discussion centered on Senior Judge restrictions when serving as mediators.

Civil Procedures Rules – Skooter Kinman reported that the Committee is examining whether a rule similar to Federal Rule 11 should be included within the Rules. Discussion by the Committee also touched on the offer of judgment rule and treatment by appellate courts.

Evidence Committee – Skooter Kinman reported that the issue regarding the new Daubert legislation was the primary topic of discussion. The Florida Supreme Court would not accept the Committee’s recommendation on Daubert.

Judicial Administration Rules – Skooter Kinman reported that the Committee is considering eliminating the 5 additional days for mailing.

Judicial Ethics Advisory - Pat Lowry reported that she was reappointed and will continue to serve as liaison to the Section. Currently the Committee is providing forums for Judges running in the upcoming elections. The issue on how to balance a Judge’s First Amendment Rights was a topic of discussion.

- Q. Board of Governors Liaison - Jay Cohen
Chair Eastmoore reported that at the Section’s request, Wayne Helsby was appointed as the Section’s liaison for 2014-2015 year.
- R. Judicial Liaison - Hon. Amy Smith
No report.
- S. Future meetings – Hector Moré
Hector More reported that the meeting dates for the 2014-2015 year are:
 - August 21- 24, 2014 – Ritz Carton – Naples
 - November 13-16, 2014 – The Alford Inn – Winter Park
 - January 21-24, 2015 – Marriott in West Palm Beach
 - Mock Trial and Teachers Law School (tentative)

T. Nominating Committee Report.

Chair Eastmoore reported that members Kim Ashby, Stuart Ratzan and Pat Lowry's terms have ended and that Chris Knight is forgoing the remaining one year of his term. The Committee has nominated Chuck Ingram, Wiley Hicks and Wes Smith as well as John Williams for service on the Council. The nominations were approved.

6. Old Business

- None.

7. New Business

- Tom Edwards reported on a potential Section position on the proposed Daubert Rule of Evidence. The Supreme Court will not adopt the new Daubert legislation asserting it is procedural. The Evidence Committee is working on a position to present to the Board of Governors and/or the Florida Supreme Court. Edwards suggested that Section consider presenting a position as well. Discussion ensued. Tom Edwards will circulate a proposal to the Council.
- Chair Eastmoore rendered special thanks to the Council and particularly Skooter Kinman and Terry O'Connor for their efforts this past year in assisting with Council matters.
- Chair Eastmoore turned the meeting over to Hector More, who thanked Ted Eastmoore for his leadership and presented him mementos for his service.

The meeting was adjourned.