

TRIAL LAWYERS SECTION EXECUTIVE COUNCIL MEETING

Ritz Carlton Naples
280 Vanderbilt Beach Road
Naples, FL
Saturday, August 23, 2014 at 9:00 a.m.
Estuary 1

MEETING MINUTES

Present: Bill Partridge, Ted Eastmoore, Hector Moré, Vickie Sproat, John Williams, Basil Bain, Dennis O'Connor, Tom Edwards, Chris Knopick, Mindy McLaughlin, Joseph Kinman, Courtney Grimm, Charlie Bartlett, Daryll Lewis, Katherine Hunter, Amy Smith, Wil Murphy, Wiley Hicks, Hon. Amy Smith, Herman Russomanno, Jr., Chuck Ingram, Tom Bishop, Kim Ashby, Katherine Hunter, Wes Smith.

By Phone: David Roy, Sid Matthew, Bob Harris, Bob Palmer, Cliff Higby.

Absent: Wayne Helsby, Stuart Ratzan, Sandy Sanborn, Kim Cook, Terry O'Connor, Pat Lowry.

Also Attending: Dixey Teel, Jeremy Citron, Bill Schifino.

1. Welcome and Opening Remarks – Hector A. Moré
 - Welcomed everyone to new year, and to Naples.
 - Introduced Bill Schifino – exploring run for Florida Bar President, member of Section, pleased to have the opportunity to address the Council.
2. Meetings/Social Committee – Charlie Bartlett
 - No report.
3. Approval of Minutes – June 27, 2014 Exhibit 1
 - The minutes of the June 27, 2014 meeting were approved.
4. Financial Report/Budget Committee – Tom Bishop
 - \$417,000 fund balance.
 - The Trial Lawyers Summit and Mock Trial were under budget.
 - The financial reports were approved.

5. Committee Reports

A. Summit – Mindy McLaughlin

- Plans proceeding for Summit. All Council members should mark calendars for the 21-24 January Summit in West Palm Beach at the West Palm Beach Marriott. Have ensured ample hotel rooms for the event.

i. Mock Trial – Charlie Bartlett

- Expect all Florida law schools to attend. The semi-finals will be in the new Palm Beach County Courthouse. The finals will take place in the old Palm Beach County Courthouse.

ii. Teachers Law School – Katherine Hunter

- Issuing invitations for teachers from the Broward County and Palm Beach County Public Schools and private schools.
- Expect an excellent turnout for teachers based on initial reports.

B. Advanced Trial Advocacy – Tom Bishop

- Working on securing a date in April or May, and exploring that with UF.
- Great thanks to Bob Palmer for his many years of running the program.
- Chuck Ingram, Dennis O'Connor and Wil Murphy have been named as co-chairs for this years program and will be assisting in developing the faculty, curriculum, and event.

C. By Laws

- No report.

D. Civil Trial Update/Certification – Chuck Ingram

- Certification for civil trial has an upcoming change.
- Trials of six or more days will receive two credits, and trials of 16 or more days will receive three trial credits. The changes will be going through a comment period by October.

- E. CLE – Tom Edwards/Mindy McLaughlin
- CLE programs in the works include Civil Trial Certification, and Medical Malpractice Seminar capitalizing on last years excellent start.
- F. Council of Sections – Tom Bishop
- Attended Council of Sections meeting at Florida Bar Annual Meeting. Discussion of ways in which Sections can cooperate and share information, and provided report on all of activities of the Trial Lawyers Section.
 - Dixey Teel and Jeremy Citron were introduced as Florida Bar liaisons during interim period.
- G. Discovery Handbook – John Williams
- An update is taking place and should be completed by early 2015.
 - Judge Smith will coordinate approval with Conference of Circuit and County judges.
- H. Leadership Academy – Vickie Sproat
- Continuing to work on selections for upcoming year.
- I. Legislative Committee/Lobbyist's Report - Tom Bishop
- Bob Harris reported on prospects for the Fall elections. Likely that Republicans will hold on to both houses of the legislature, and gubernatorial race too close to call. No major changes in leadership expected.
 - Legislative platform proposed and passed by acclamation.
- J. Long Range Planning – Ted Eastmoore
- i. Thank you letter
 - Received thank you letter from Bruce B. Blackwell, the Executive Director of the Florida Bar Foundation thanking the Trial Lawyers Section for the gift of \$25,000 to advance the mission of the Foundation.
 - ii. Advanced Trial Advocacy Location
 - Studying the location of Advanced Trial Advocacy program. At this point just an exploration for best site, no move planned, and

any move depends on trying to remain at UF if they can make dates and facilities available to continue program there.

K. Membership – Wil Murphy

- Sending a letter to all former Trial Lawyer Section members who did not renew their membership asking them to reconsider and explaining programs and benefits of membership.

L. Professionalism Guidelines/TLS – Basil Bain

- The Florida Bar is attempting to put together a uniform set of professionalism guidelines. They have asked for us to consider certain materials, and we recommend that we participate in that process. Further recommend that no additional changes be made to our professionalism guidelines until we see the Florida Bar guideline draft.
- A discussion followed in which it was proposed that the Trial Lawyers Section should continue to take the lead in formulating guidelines for trial practitioners in Florida. This has been the traditional role of the Trial Lawyers Section, working in conjunction with the state judges, and that should continue.
- A motion was made by Tom Edwards to update the Trial Lawyers Section Professionalism Guidelines, and to work closely with the Circuit and County Judges to ensure that the guidelines are properly updated and reflect best practices for Florida trial practitioners. Seconded by Murphy. Motion carried by acclamation.
- Chris Knopick expressed a concern that the sample electronic communication standards forwarded by the Florida Bar did not seem workable. A motion was made to convey to the Professionalism Committee of the Florida Bar the sense of the Council that the “best practices” of electronic communications draft was not viewed favorably. D. O’Connor seconded. Motion carried by acclamation. Knopick and D. O’Connor will convey to the Professionalism Committee the sense of the Trial Lawyers Section with regard to Standards for Electronic Communications and Best Practices to be incorporated in any future guidelines.

M. Publications – Kim Ashby

- Professor Lynn has received word that the newsletter is moving in a different direction, and Ashby will report on that direction at the next meeting.

N. Special Projects

- No report.

- O. Website/Social Media – Courtney Grimm
- The website is being updated, and should be rolled out in several weeks.
- P. Liaison to Florida Bar Committees
- i. ABOTA – Joseph Kinman
 - Bob Palmer, former Chair of the Trial Lawyers Section, is the new Florida Chapter President and should be congratulated.
 - ii. ADR – Skooter Kinman
 - iii. Civil Procedures Rules – Joseph Kinman
 - iv. Evidence Committee – Joseph Kinman
 - v. Judicial Administration Rules – Joseph Kinman
 - vi. Judicial Ethics Advisory – Pat Lowry
- Q. Board of Governors Liaison – Wayne Helsby
- A report of the work on the Board of Governors is attached as Exhibit 2.
- R. Judicial Liaison – Hon. Amy Smith
- Will work with the Section’s Professionalism Guidelines Subcommittee to ensure the cooperation of the Judges and development of standards for update of Professionalism Guidelines for Florida Trial Lawyers.
- S. Future Meetings – Hector A. Moré
- Next meeting to take place at the Alford Inn in Winter Park. Please make reservations right away. Please email if going to the out-of-state meeting so that we can plan accordingly.

6. Old Business

A. Position on Proposed *Daubert* Rule of Evidence

- Tom Edwards asked for discussion on the proposed *Daubert* rule of evidence. Edwards suggested that the Section should weigh in on something of this importance. A discussion followed. Some members advanced the idea that it was important, that there were serious implications for Florida trial lawyers and their clients, and that the Section must take a position. Others reminded the group that the Trial Lawyers Section has not taken a position on a change in the expert testimony rule because it not an access to court issue. Tom Bishop made a motion that a committee be appointed to prepare a White Paper in draft form on all evidentiary, access to courts, and procedural issues, and present the Draft White Paper to the Council at the next meeting for consideration and whether it should be submitted in some form to the Evidence Committee, or the Florida Supreme Court. The motion was seconded by John Williams. The motion carried by acclamation. Hector Moré appointed Tom Edwards as Chair and Tom Bishop, Chris Knopick, Mindy McLaughlin, Bill Partridge, Joseph Kinman, and Charlie Bartlett for the committee.

Whereupon the meeting was adjourned.