

Trial Lawyers Section Executive Council

3-5 November 2016
The Biltmore Hotel
Coral Gables, Florida

MEETING MINUTES

Present: Tom Bishop – Chair, Skooter Kinman – Chair Elect, Mindy McLaughlin - Sec/Treas, Chase Early – Section Administrator, Wil Murphy, Vicki Sproat, Chuck Ingram, Tom Dart, Orman Kimbrough, Herman Russomanno, Nick Mizell, Sandy Sanborn, Braxton Gillam, Rachael Loukonen, Wayne Helsby, Ted Eastmoore, Wiley Hicks, Kathy Hunter, Pat Crauwels, John Williams, David Roy

By Phone: Tom Edwards, Wes Smith, Dennis O'Connor, Bob Harris

Absent: Courtney Grimm – Immediate Past Chair, Kim Ashby, Judge Mark Mahon, Jim Messer, Charlie Bartlett, Hector More', Jeff Goodis, Paul Scheck

1. Welcome and Opening Remarks — Tom Bishop
 - Special thanks to Wiley Hicks, to Terry O'Connor and to Chase for making this weekend so enjoyable. The plans have been really nice and well received by our members. Welcome to Michelle Suskauer who has joined us. Wayne spoke highly of her and introduced her to any members who did not know her. She addressed us briefly and discussed the importance of the Bar Election and what she brings to the table.
 - Welcome to our new members, Rachael Loukonen and Pat Crauwels.
2. Approval of Minutes — September 3, 2016
 - Approved by unanimous vote
3. Financial Report/Budget Committee — Mindy McLaughlin
 - Fund balance is \$428,876.00. This number is as of June of 2016. The fiscal year 17-18 budget will be e-mailed to all council members next week for an e-mail vote. Monthly financial statements will be available in the next few weeks. The delay is due to a new accounting system with the Bar.
 - Skooter addressed his year's budget briefly to the members. He has been conservative on his figures and budgeted for an additional meeting. Details to follow.
 - Year-to-date discussion. Balance a bit down, but new membership initiatives will improve those numbers as well as some events coming in under budget.
4. Committee Reports:
 - A. Advanced Trial Advocacy — Dennis O'Connor/Chuck Ingram –

- Chuck gave report and advised that the date has been chosen. It will be a week later, and should be May 16-20, 2017. We are just finalizing the contract with the Hilton. Tom Bishop reminded us of the fact that we have two scholarships to offer, the Mansbach and Burton scholarships. Tom would even consider offering a third. These are merit base and all should be thinking about worthy recipients.
- We will be buying a new problem from NITA and it will not have some of the expert witness issues and may not be purely personal injury.

B. Publications/Social Media — Kim Ashby/Chuck Ingram

- The Edge - Tom Bishop had spoken to Kim and gave brief report. The new edition of The Edge will be coming out soon with contributions from Wil, Bob Harris, Tom and others are invited to provide material, as well.

C. Membership — Wil Murphy: Large initiative is underway. Thousands of letters went out to non-renewals and also to ABOTA members. He is optimistic that this should improve our membership numbers.

D. CLE — Vicki Sproat: Vicki gave report and is planning a strong CLE year. We will be participating in, and putting on at no cost to us, an e-discovery seminar by former Judge Ralph Artigliere on November 15th at UF as a 1 hour webinar. Discussed the progress of the Technology Seminar, the Board Certification Seminar, which is set for January 19-20, 2017 in Tampa at the Renaissance Hotel, a bigger venue, the Topics in Evidence seminar in Tampa on March 24th. Also, there will be a Medical Malpractice Seminar in 2017 in Ft. Lauderdale at Pier 66. The proposed date will be announced at the next meeting.

E. Civil Trial Update/Certification — Chuck Ingram: There are 35 new applications, 173 are due to re-certify with 161 currently seeking recertification.

F. Discovery Handbook — John Williams: There was no report.

G. Legislative Committee/Lobbyist's Report — Wil Murphy/Bob Harris: Bob gave report and primarily highlighted the issues the Judges are going to face with the Budget. We will all need to be on standby to assist the Judges with this important issue.

H. Mock Trial — Wiley Hicks: They have sent out the problem early this year. Two schools have declined, FAMU and Cooley. We have not yet heard yet from Barry, St. Thomas and Nova. Herman will reach out to these schools.

I. Teachers Law School — Wes Smith: The applications have all gone out and they already have 50 applicants. They are expecting approximately 80 participants. There will be many of the same speakers plus a few new and impressive ones.

J. Council of Sections — Mindy McLaughlin: October Meeting was cancelled, no report.

K. Website/Social Media — David Roy: Working on the website. It looks great and he is working on attracting people to it. He is working on cleaning up the typos and other small glitches.

L. Board of Governors Liaison — Wayne Helsby: He brought to us an issue with regard to eliminating the 5-day extra time frame for e-service. We had a robust discussion regarding the reasons why the five day extension is important versus the potential for game playing. Both Skooter and Rachael gave the history from the civil rules committee as to why there is a push to eliminate this anomaly in our rules. Wayne will go back to the BOG and advise that we have a position on everything being the same, proposing 35 days for all vehicles and modes of service: mail, fax and e-mail. Tom Bishop will write a letter to Bill Schifino outlining our position. Tom will emphasize that our position comes from the Trial Lawyers who are the ones who deal with this issue on a practical basis every day.

M. Liaison to Florida Bar Committees — Herman Russomanno, III

- ADR - They proposed a CLE, Bob Cole approached him about having it at the mid-year bar meeting about how mediation can be effective for trial lawyers. Following a discussion, Tom will be contacting Bob to obtain more details before we officially sign on to co-sponsor. There will be no financial commitment, but we will provide speakers and be a co-sponsor with the ADR section.
- Civil Procedures Rules – They are discussing the same issue about the 5 day extension for e-service as outlined above.
- Evidence Committee – Still dealing with Daubert and Frye. No end in sight.
- Judicial Administration Rules – He reported back to this committee on the pregnancy issue and the fact that there should not be a specific rule on this issue and every circumstance should be handled on a case by case basis.

N. Judicial Liaison — Chief Judge Mark Mahon: No report.

O. Bylaws/Professionalism Guidelines — Orman Kimbrough/Herman Russomanno, III: They are working on finalizing these guidelines and hope to have them at the next meeting.

P. Long Range Planning — Ted Eastmoore: Discussed attendance issues at our Chester Bedell luncheon at the annual meeting. We have an incredible speaker this year, Justice Barkett. We need a solution to the conflict between the dozens of luncheons at the Annual Bar Convention. This will be studied by the Long Range Planning Committee.

Q. Special Projects — Hector More': No report.

R. 50th Anniversary – Jeff Goodis: It looks like this is going to be on Thursday evening of the Annual Bar Convention. June 21-24, 2017 in Boca Raton. He will plan a very elegant, tasteful cocktail party in honor of our milestone, as one of the oldest specialty sections of the Florida Bar.

S. Mentoring/Legal Aid – Tom Edwards: No report.

- T. Constitutional Revision Commission – Sandy Sandborn: Governor has 15 seats, the Branches have 9 each and the Judiciary has 3 seats. Our section will need to pay attention to the issues of splitting the courts, judicial term limits, having the lawyers regulated by the DPPR and other issues we are concerned about.
 - U. Speakers Bureau -- Tom Dart: The primary topics will be the concerning key issues involving the CRC. They will also combine efforts with the CLE Committee to take 5 minutes before each CLE to discuss the CRC, the significant implications and educate our members as to the fact that this is coming and is extremely important. Tom Bishop will help with the speakers.
5. Old Business: No Old Business.
6. New Business
- A. Proposed Rule Change Comment Request – Wayne Helsby discussed as above
 - B. Skooter’s potential meetings for next year: Ritz Naples August 10-13, Watercolors November 16-19 and a potential extra meeting at the Alford Inn in Winter Park. The out of state meeting for the spring of 2018 is TBD.
 - C. Meetings for this year with Tom
 - January 25-28, 2017, The Summit, The Doubletree Downtown Jacksonville
 - March 2-5, 2017, Abaco Inn, Abaco, The Bahamas
 - There will be a meeting in April - TBA

The meeting was adjourned at 11:00 am EST at The Biltmore Hotel, Miami, FL.

Respectfully submitted,

Mindy McLaughlin – Secretary/Treasurer