

Trial Layers Section Executive Council

12 August 2017

Ritz Carlton

Naples, Florida

MEETING MINUTES

Present: Skooter Kinman - Chair, Mindy McLaughlin - Chair Elect, Sandy Sanborn - Secretary/Treasurer, Tom Bishop - Past Chair, Chase Early - Section Administrator, Kim Ashby, John Williams, David Roy, Terry O'Connor, Wes Smith, Hector More, Paul Scheck, Nick Mizell, Tom Dart, Wiley Hicks, Pat Crauwels, Jeff Goodis, Chuck Ingram, Orman Kimbrough, Wil Murphy, Herman Russomanno, Rachael Loukonen, Wayne Helsby, Vicki Sproat. The chair also introduced and recognized new members, Larry Keefe from Fort Walton Beach, James Gassenhymer from Miami and Jeremy Branning from Pensacola.

By Phone: Braxton Gillam, Ted Eastmoore, Dennis O'Connor

1. Welcome and Opening Remarks - Skooter Kinman
2. Minutes - Boca Raton Resort, June 23, 2017
 - Approved unanimously.
3. Financial Report - Sandy Sanborn
 - The only change from the budget included in the materials is the expense for the 50 year anniversary reception which is not shown in the budget. The anniversary reception cost was approximately \$12,000.00 and there were other expenses at the annual convention not shown in the most recent budget.
 - The budget was amended by unanimous vote to pay Bob Harris a \$10,000.00 bonus for the good work he has done and the extra work that is anticipated in the coming year with the CRC initiatives.
4. Committee Reports
 - A. Advanced Trial Advocacy - Chuck Ingram
 - Three lawyers will attend the SEC Advocacy Course in Oxford. A fourth had to drop out for personal reasons. Chuck and Dennis continue to do an excellent job with this program. Next year's date and location are locked in and we are

awaiting final confirmation for both and the hotel.

B. Publications - Kim Ashby

- Announced the need for a format upgrade and the need for more participation among committee members, council members and section members. This is an excellent media for having articles published and we need to make all of our firms and local bars aware of the opportunity.

C. Membership - Wil Murphy

- Wil was recognized for his excellent efforts in getting the membership number up to 6,600 and he hopes to have the actual membership number close to the published number as soon as possible.

D. CLE - Vicki Sproat

- Has an expanded committee and plans to have more active participation from committee members this year. She will be setting committee meetings in the next few weeks.

E. Civil Trial Certification - Chuck Ingram

- First meeting is in September. Board Certification program is scheduled for February (1st and 2nd) in Tampa.

F. Discovery Handbook - John Williams/Nick Mizell

- John was recognized for his diligence in handling the discovery handbook for a number of years and anticipates Nick Mizell will make the transition seamless. John plans to solicit input from judges, and encourages everyone on the committee to assist with updates.

G. Legislative Committee - Wil Murphy

- Lobbyist report - comparing Bob Harris' \$70,000.00 contract with the contracts for lobbyists with RPTL and the family law sections. Wil approached Bob Harris about his contract amount and reported that Bob's preference, although he is happy and is not asking for one, would be to receive a bonus rather than an increase in contract payment. The counsel voted unanimously to award Bob Harris a \$10,000.00 bonus for his good work and also in anticipation of the additional time his role will demand with the CRC

initiatives this year.

H. Mock Trial - Wiley Hicks

- Everything is scheduled and in order for the program which will be held at the Omni in Jacksonville, January 17 - 19. An Executive Council meeting will be held on Wednesday at 11:00am January 17th which should/will increase participation among council members for Wednesday night and Thursday morning rounds. (Sanborn remains the first judge available.)

I. Teachers Law School - Wes Smith

- Teachers Law School is scheduled for January 25 - 26 in Orlando. Wes is looking to enlist new speakers to introduce new topics to the program and is open to suggestions. Wes wants as many council members as possible to attend the cocktail reception on Thursday, January 25th with the teachers.

J. Council of Sections - Mindy McLaughlin

- Nothing to report.

K. Website/Social Media - David Roy

- At Chase's request, David indicated we need to anticipate budgeting \$20,000.00 for a website upgrade. No amendment to the budget is needed at this time, but we need to plan for this next year. David and Kim Ashby will also discuss merging the publications/social media committee with the website/social media.

L. Board of Governors - Wayne Helsby

- Mostly quiet on the BOG front. The board is grappling with the regulation of lawyer referral services which will remain high on the list of items for Wayne to monitor.

M. Liaisons to Florida Bar Committees Rules of Civil Procedure - Rachael Loukonen

- Proposal for settlement rules are being amended again. Forms are being proposed which, if approved, should resolve a lot of problems with the enforceability of proposals for settlement.
- ADR evidence code - Rachael, Tom Dart and Herman Russomanno was

recognized for drafting a letter which was signed by Skooter (on his law firm's letterhead but on behalf of the Executive Counsel) expressing the section's position that parties should be free to select mediators of their choice, even if they are not certified.

- Many cases dealing with the statute adopting the Daubert standard arr in the appellate system and the evidence committee intends to see how the law develops through the appellate system. Judge Rice suggested that efforts should be made to follow both standards (Frye and Daubert) to avoid reversal on appeal depending on how the case law develops.
 - ABOTA and FLABOTA - Jeff Goodis acknowledged the similarity in the interests and agenda of FLABOTA and the Trial Lawyers Section and encouraged the TLS council to consider working in tandem on important issues with FLABOTA.
 - Judicial liaison, Hon. Liz Rice thanked the council for its assistance in getting much needed raises for state court judges. Also pointed out that tobacco cases in the 13th circuit are consuming the docket and they are having a difficult time processing the case load. Herman reported that in Dade County retired judges are taking many tobacco cases to assist with that effort.
- N. Bylaws/Professionalism Guidelines - Orman Kimbrough/Herman Russomanno
- Orman reported that the committee has a proposal and is ready to visit with the conference of judges. Guidelines were last updated in 2013
- O. Long Range Planning - Ted Eastmoore
- The committee is considering a different time for the Bedell Foundation Luncheon other than the annual convention. The purpose of moving the date is to increase attendance. The committee will meet and consider options to propose at the Watercolor meeting.
- P. Special Projects - Ted Eastmoore
- No report.
- R. Mentoring/Legal Aide
- No report.

S. Constitution Revision Commission - Sandy Sanborn

- Committee appointments are in process.
- Wayne Helsby announced that Bill Schifino has been appointed to the committee dealing with Article III, Judicial Reform. This is a positive development for the section and the Florida Bar.

6. Old Business

- None.

7. New Business

A. Alternative Dispute Resolution Rule Change: previously discussed.

B. BLSE/CLE carryover credit

- Kim Ashby reported that a request has been made for the council to indicate its position on whether a system should be in place to allow people with extra hours above the minimum to carry them over to the next reporting cycle. The council voted unanimously after much discussion to express the council's sentiment that no change is needed to the existing CLE credit rules.

C. Request for Lawyer - Jan Arnett

- Chase was advised to refer Mr. Arnett to the Florida Bar Referral Service.

D. Family Law Section - General Magistrate/Child Support Hearing Officer - retirement plans

- Skooter Kinman received a request for the section's support in having the foregoing persons included in the state's retirement plan. Skooter will advise the person making the request this is not within the scope of the section's mission.

E. Fla. Bar CRC Education Program

- No report.

F. Legislative Consulting Contract

- The contract will not be modified but a \$10,000.00 one time bonus will be paid to Bob Harris for the reasons stated above.

G. Reptile Section - Amicus Brief Re: Standing in Inception Risk re: Foreclosures

- The reptile section requested that the Trial Lawyers Section consider submitting an Amicus brief supporting its position. Trial Lawyers Section, by unanimous vote, concluded that the issue was divisive and the section will not submit a brief on the issue.

8. Future Meetings

- November 18, 2017 - Watercolor Resort, Santa Rosa Beach
- January 17, 2018 - Omni Hotel, Jacksonville
- January 25, 2018 - Teachers Law School, Hilton Buena Vista Palace, Orlando
- April 28, 2018 - Grove Park Inn, Ashville, N.C.
- June 15, 2018 Hilton Bonnet Creek, Orlando