

## **Trial Lawyers Section Executive Council**

28 April 2018  
Grove Park Inn  
Asheville, N.C.  
8:00 A.M.

### **MEETING MINUTES**

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1. Welcome and Opening Remarks - Skooter Kinman
2. Minutes of the January 17, 2018 meeting at the Omni Hotel & Resort in Jacksonville were approved.
3. Financial Report/Budget Committee – Sandy Sanborn/Chase Early
  - Due to the increased cost of the Teachers Law School, amendment to the budget of \$30,000.00 was requested. The motion was approved.
4. Committee Reports
  - A. Advanced Trial Advocacy - Chuck Ingram
    - Chuck reported the numbers are down seven or eight participants from last year. Scholarship offers have been extended. Chuck encouraged all executive council members to encourage experienced attorneys in their firms to participate in the program. The program is on schedule for May 15 – 19. It does serve as a substitute for one trial for civil trial certification.
    - Dennis O'Connor presented guidelines for the Mansbach/Burton scholarship which are attached. Kim Ashby recommended modified language relative to grievances since many complaints are unfounded. Dennis agreed to Kim's proposal. A motion to amend the scholarship guidelines was approved to provide that applicants are disqualified if they are subject to any discipline by the Florida Bar.
    - Chuck Ingram reminded everyone to offer suggestions for the scholarships available for the Oxford program which is scheduled for August 28<sup>th</sup> to September 4<sup>th</sup>.
  - B. Publication/Social Media – Kim Ashby/Chuck Ingram

- A template is up and running. The ongoing debate between the Frye and Daubert standards should increase readership.

C. Membership – Will Murphy

- Will reported membership is down 9% but that is primarily attributed to the new software of the Florida Bar not accounting for non-dues paying members.

D. CLE – Vickie Sproat

- Recent programs: January – Advanced Medical Malpractice and Civil Trial in February were successful. In May other programs include hot topics on evidence and the Advanced Trial Advocacy program. Kim Ashby suggested that if enough credit is not initially approved, a request for additional credit may be well received by bar staff responsible for assigning credit.

E. Civil Trial Certification – Chuck Ingram

- 27 people took the exam. Results are pending.

F. Discovery Handbook – John Williams

- Everything is on schedule. Nick Mizell is preparing to take over the Discovery Handbook.

G. Legislative Committee/Lobbyist's Report – Wil Murphy/Bob Harris

- The Legislative Committee met in Tallahassee. The major concerns of the Trial Lawyers Section and the Florida Bar did not pass. Bob Harris thanked Wil for his assistance on the Friday calls.
- Bob reported on the Constitutional Revision Commission. The CRC's job is complete. Eight amendments will be on the ballot. A lot of the negative publicity over combined topics in the amendments is in Bob's view unwarranted. The previous CRC's have included many proposals on multiple topics. Among the proposed amendments, Bob pointed out that one provides judge's *de novo* review in the interpretation of agency rules as well as the retirement age of judges.

- Bob also indicated one amendment provides for civics education at the junior college level. This may be an opportunity to use our soon to be renamed Teachers Law School program to facilitate compliance with this amendment if it should pass.
- Bob also recognized Ted Eastmoore's partner, Margaret Good, has been elected to serve in the legislature.

H. Mock Trial – Wiley Hicks/Nick Mizell

- Nick Mizell is succeeding Wiley as chair of the Mock Trial Committee.

I. Law School for Teachers – Wes Smith/David Roy

- David reported that this was the best program he has participated in. The numbers have increased from 60 to 130 teachers participating.
- Scooter advised that ABOTA has notified the council that we are violating its trademark by using the “Teachers Law School” program label. Accordingly, the council will consider alternative names to avoid the trademark dispute.

J. Council of Sections – Mindy McLaughlin

- No report.

K. Website/Social Media – David Roy

- No report.

L. Board of Governors Liaison – Wayne Helsby

- Wayne conveyed the board's appreciation for the section's help in advancing the Bar's positions in the past legislative session. Wayne also recognized that council member Jeremy Branning has been elected from the First Circuit to serve on the board. Congratulations Jeremy.

M. Liaison to Florida Bar Committees

- ADR, Evidence Code – Herman resigned from the council in October for personal reasons.
- Civil Procedure Rules – Rachael Loukonen (Sanborn sticks the landing). The committee is in the process of adopting rules which will allow court reporters to swear witnesses remotely when they can appear on video and produce picture identification to the reporter. The committee is also proposing to modify rules relative to expert discovery to follow the Federal Rules of Discovery (i.e. not allowing all materials and correspondence sent to an expert to be discoverable). The committee is also proposing a rule similar to Federal Rule of Civil Procedure 37(e) relative to electronic discovery.
- A significant amount of work is being done on forms. Forms are also being developed for proposals for settlement to avoid proposals being invalidated over technicalities.
- Judges have requested a rule providing for their discretion to allocate *cy pres* Awards.

N. Judicial Liaison – Judge Liz Rice

- No report.

O. Bylaws/Professional Guidelines. Judge Rice has received confirmation from both the Circuit Court and County Court Conferences that each have endorsed the TLS's Revised Professionalism Guidelines. She had been asked when the revised guidelines would be available or distributed. Ted later reported that the revised guidelines will be available on the TLS website.

P. Long Range Planning - Ted Eastmoore

- Ted proposed that the Trial Lawyers Section accept a bid from Candour to redesign our website, which is used by the YLD and the RPTL section. A motion to contract with Candour was approved.

Q. Special Projects – Ted Eastmoore

- Ted recommended the Bedell lunch be cancelled due to the conflict with other activities surrounding the timing of the meeting during the Florida Bar Convention. Instead, it was recommended to be

moved to the Friday afternoon of the moot court and educators law school program. A motion to move the Bedell lunch beginning in 2019 was approved.

R. Constitutional Committee – Sandy Sanborn (See Bob Harris report).

S. Speakers Bureau - Tom Dart

- No report.

5. New Business

A. Focus Litigation Consulting speaking request was denied through the executive committee.

B. Nancy Wear – CLE complaint. Skooter advised Ms. Wear to offer the council any recommendations or suggestions on CLE speakers.

C. TLS “Student Membership”. Most of the sections of the Florida Bar have law student members. The motion to approve allowing student membership was approved. An amendment to the motion to charge \$25.00 for student memberships was also approved. Orman Kimbrough will draft an amendment to the bylaws to allow student membership.

D. St. Thomas Law School – publicity for Symposium. It was determined by the executive committee to not be within the council’s mission.

E. Executive Council of Appointments – Two members terms are expiring, Tom Dart and Nick Mizell. Both were approved for new three year terms. Three positions need filling. Yolando Diaz of Miami and Yohance Pettis, an assistant U.S. attorney, were approved for consideration. Larry Keefe was recently appointed as the U.S. attorney for the Northern District and will be replaced on the council.

At the annual meeting the judicial luncheon sponsorship will be attended by Wayne Helsby, Rachael Loukonen, Mindy McLaughlin and Sandy Sanborn.

F. New Secretary Treasurer/New EC Members. Wiley Hicks has been appointed as the newest secretary treasurer. Congratulations Wiley.

6. Meetings

May 15–19, 2018      Advanced Trial Advocacy Program      UF Law School

Gainesville

June 15, 2018	Executive Council Meeting	Hilton Bonnett Creek Orlando
August 16–19, 2018	TLS EC Meeting	The Breakers Palm Beach
November 1-4, 2018	TLS EC Meeting	Ritz Carlton Sarasota
January 23-25, 2019	TLS EC Meeting, Mock Trial, and Law School for Teachers	Embassy Suites Tampa
February 28 – March 2, 2019	TLS EC Meeting	The Sanctuary Kiawah Island, S.C.