

AGENDA

**APPELLATE PRACTICE SECTION
EXECUTIVE COUNCIL MEETING**

June 27, 2013

Boca Raton Resort and Club

**Judicial Representatives And Executive Council Members With The Chair's Permission May
Attend The Meeting Via Teleconference**

I. Call to Order — Jack R. Reiter, Chair

II. Introductions

Chair-Elect, Caryn Bellus
Ceci Berman, Vice-Chair
Chris Carlyle, Secretary-Treasurer

III. Approval of Minutes **(EXHIBIT "A")**

IV. Chair's Report

A. Overview of Key Events Since Last Meeting

- a. Eleventh Circuit Appellate Practice Institute Seminar
- b. Practicing Before the Fifth District Court of Appeal

V. Treasurer's Report — Chris Carlyle

A. Financial Statements **(EXHIBIT "B")**

VI. Old Business

- A. Report on DCA Judges Conference – Ceci Berman and Caryn Bellus
- B. Review and Revamping of *The Guide*
- C. Leadership Academy - Matt Conigliaro

VII. New Business

a. Creation of Historian

VIII. Bar & Section Committee Reports

A. Council of Sections — Matt Conigliaro & John Hamilton, Representatives

- B. The Florida Bar CLE Committee —Ceci Berman, Representative
- C. Continuing Legal Education – Jessie Harrell, Chair
- D. Outreach Committee –Robin Bresky and Siobhan Shea, Co-Chairs
- E. Pro Bono — Sarah Lahlou-Amine, Chair
- F. Anniversary Committee - Dorothy Easley and Celene Humphries, Co-Chairs
- G. Pro Se Handbook — Kimberly Jones, Editor
- H. Programs — June Hoffman, Chair
- I. Public Advocacy/Legislation —Nick Shannin, Chair
- J. Publications — Kristen Norse, Chair
 - 1. The Record — Anne Sullivan, Editor
Amy Miles, Co-Editor
 - 2. The Guide — Rebecca Creed, Editor
 - 3. Florida Bar Journal Articles — Brandon Christian
- K. Website — Jonathan Streisfeld, Chair

VIII. Closing remarks and Elections

IX. Schedule of Events

- a. Moot Court Competition
- b. Discussion with the Court
- c. Dinner and Dessert Reception (Announcement of Adkins and Pro Bono Award Recipients) **(EXHIBIT “C”)**

X. Announce Next Meeting —

- A. September 10, 2013 – Executive Council Meeting
Sanibel Harbour Marriott Resort & Spa, Fort Myers, FL

XI. Adjournment

EXHIBIT “A”

MEETING MINUTES

**APPELLATE PRACTICE SECTION
EXECUTIVE COUNCIL MEETING
Videoconference at All Five DCA Courthouses
January 24, 2013
11:30 A.M.**

I. Call to Order

Chairman Reiter thanked everyone for attending, and thanked the various district courts of appeal for allowing us to use their facilities.

II. Introductions

Chair-Elect, Caryn Bellus
Ceci Berman, Vice-Chair
Chris Carlyle, Secretary-Treasurer

Attendees:

First DCA:

Mary Ann Obos
Judge Stephanie Ray
Robert Rivas

Second DCA:

Ceci Berman
Matt Conigliaro
Henry Guyden
Brandon Christian
Amy Miles
Fran Toomey
Kristin Norse
Sarah Lahlou-Amine (via telephone)

Third DCA:

Jack Reiter
Caryn Bellus
Mike Greenberg
Judge Rick Suarez
Nancy Wear
Bretton Albrecht
Calianne Lantz

Fourth DCA:

Judge Spencer Levine
Judge Burton Conner
Judge Melanie May
Judge Martha Warner
Judge Cory Ciklin
Siobhan Shea
Jack Aiello
Sue-Ellen Kenny
Robin Bresky
June Hoffman (via telephone)

Fifth DCA:

Chris Carlyle
Nick Shannin
Rebecca Creed
Jessie Harrell

III. Approval of Minutes

Chairman Reiter asked if there were any changes or corrections to the minutes, and hearing none, the minutes were approved by acclamation.

IV. Chair's Report

A. Overview of Key Events Since Last Meeting

1. Update regarding Merit Retention Efforts

Chairman Reiter thanked everyone in the section who helped or participated in getting the word out before last year's elections. The efforts were a huge success.

2. Contribution to the Appellate Court Rules Committee

Chairman Reiter mentioned that, at the last meeting, a \$500 contribution to the Appellate Court Rules Committee was approved. This contribution was used to host a breakfast before the Appellate Court Rules Committee meeting where Chairman Reiter was given the opportunity to promote the section and attempt to add to the membership. Chairman Reiter thought the opportunity was very beneficial.

3. CLE Diversity – Nancy Wear

Chairman Reiter mentioned that Miami attorney Nancy Wear had written a letter to the Florida Bar News concerning the perceived lack of diversity in the section. Chairman Reiter wrote a response to the letter, and both the letter and response were in the Agenda materials. Chairman Reiter noted that the section has and does take issues of diversity seriously, and it is committed to maintaining diversity. He stated that the history of the section reflected a commitment toward diversity, and that the section

strives for diversity when choosing speakers for programs and within the leadership. Chairman Reiter noted that he had invited Nancy Wear to speak at this meeting, and he thought it was important to have a dialogue on these issues.

Ms. Wear mentioned that she believed she was a charter member of the section, and that she is Board Certified in Criminal Appeals. She attends many seminars. She is always looking to go to advanced seminars, and she noticed that the lineup for the certification review course was almost all men. She has taken the issue up previously with the CLE Committee of The Florida Bar, and was informed to take it up with the individual sections. She believed that the response to her letter from both this section and the criminal practice section was defensive, and she believed that neither section was inclined to accept her observation. She mentioned she had discussed this previously with Jessie Harrell (CLE Chair) and although the certification review seminar was excellent, it was “almost all men.” She mentioned she would love to present at a seminar, though she has never been asked. She also mentioned that there are many women who are experts who would serve as excellent speakers. She believed there should be an increased effort to recruit women as presenters.

Chairman Reiter thanked Ms. Wear for attending, and asked if anyone had any comments. Calianne Lantz mentioned that, due to certain restructuring issues with the Bar in years passed, the section has looked for high profile speakers for these events. She indicated that women had been sought out for these positions, and will continue to be. She also mentioned that if someone had an idea for a seminar, they could approach the section with it and attempt to recruit people they believe would be good speakers. Siobhan Shea mentioned that she believed a lot of this depended on who shows up at the CLE meetings. She mentioned that the composition of a given seminar depends on who is willing to participate and who is available. She mentioned that this was a good opportunity to get more people involved in outreach to find new speakers at seminars. Ms. Shea also said that we need to increase opportunities to bring more people on the Board from the government and from minority communities as well.

Jessie Harrell commented that the section puts on various “practicing before” the different DCA’s, and we are obviously constrained by the gender composition of those courts in putting on those seminars. She mentioned she has attempted in the past to fill slots with women, though if they turn down the opportunity, the slot must be filled and sometimes it is filled with a male. Chris Carlyle mentioned that it seemed to him that the focus of the letter was on the certification review course. One of the challenges with that seminar is that you have speakers who have spent a lot of time preparing extensive materials, and if the materials are working, it is difficult to ask that person to step down and ask a new person to prepare similar materials. That being said, as people seek to take a break or stop doing the course, we will be sensitive to looking for different

speakers with diversity.

Nancy Wear mentioned she appreciated all the comments. Matt Conigliaro thanked Nancy Wear for raising this important topic and starting a dialogue with the section, although he suggested he thought her approach in writing a letter to the Bar News was not the most productive way to do so. He also mentioned that, as a member of the former chair of the section, he knows that the leadership of the section has paid attention to diversity over the years.

Chairman Reiter thanked everyone for attending, mentioned he welcomed the dialogue, and pledged that we will be sensitive as a section to this issue moving forward.

4. Legal Aid Society of the Orange County Bar Association, Inc. – request for sponsorship

Chairman Reiter mentioned that the Legal Aid Society for The Orange County Bar made a request for us to sponsor a breakfast they were holding. Chairman Reiter noted that the officers had met and decided not to fund the breakfast, though they believe it was appropriate to make the section members aware of the breakfast at this meeting.

V. Treasurer’s Report — Chris Carlyle

Chris Carlyle reported that the financial statements were included with the materials for the Agenda. He mentioned the section had excellent revenues through the end of 2012, and we had almost met our goal for revenue for the entire year. Mr. Carlyle mentioned we have some CLEs coming up, though we do not anticipate major expenses as the year moves forward. Overall, things look to be in very good shape.

VI. Old Business

A. Report on DCA Judges Conference

Ceci Berman reported that the APS is responsible for one of the time slots during the DCA Judges Conference. She has been working with Caryn Bellus on the program, and they will be handling a one hour presentation on the Monday afternoon at the conference.

Judge Shepherd requested that the topic be a “jurisdictional refresher” with Judges Altenbernd and Padovano. The committee has reached out to Justice Labarga to be the third panel member, though he had not confirmed at that time.

VII. New Business

A. Review and Revamping of *The Guide*

A discussion occurred concerning *The Guide*, and whether or not it was still relevant and useful. The section will continue looking at this issue and is eager to hear from section members concerning how the guide can be improved.

B. Leadership Academy

Matt Conigliaro addressed a new proposal put forth by incoming Florida Bar President-elect Eugene Pettis, to create a Florida Bar Leadership Academy. Essentially, the Academy is a multi-session training program designed to assist a diverse and inclusive group of lawyers into become better leaders, and assisting them to ultimately reach positions of leadership within The Florida Bar. Mr. Conigliaro noted that President-elect Pettis has reached out to the sections for nominations to the Academy, and to potentially sponsor someone who would attend. He noted that the Academy is a work in progress and is not yet finalized, though the expectation was that it would be complete by the time President-elect Pettis takes over as Bar President in June, 2013. Mr. Conigliaro noted that President-elect Pettis wanted to have each section take a position on whether or not the Academy was a good idea, and he approached section leadership with this question. We voted to support the program with the caveat that there not be a financial burden on the section. He expected that more information would be sent on the Academy prior to The Florida Bar meeting. Mr. Conigliaro asked that we keep in mind anyone that we believe would be a good nominee. Nominations would likely be made by April 4, 2013.

VIII. Bar & Section Committee Reports

A. Council of Sections

Matt Conigliaro reported that the council met in September to discuss the issue of potential waivers for government employees concerning CLE costs. After a lengthy discussion, the majority of the council opposed the proposal. He reported that the council's position was that individual sections should be able to create fee waiver for their members at their discretion.

B. The Florida Bar CLE Committee

Ceci Berman said that there was no meeting of the Committee since the last meeting of the Executive Council, and therefore there was nothing to report.

C. Continuing Legal Education

Jessie Harrell said she has circulated a report with the Minutes concerning the section's CLE activities. She mentioned that the review course was done via webinar last week, and the numbers seemed higher than they have in the recent past. Also, holding it in that format might result in a cost savings. She mentioned that the telephonic CLEs will be handled differently by The Bar in the 2013-2014 year. The result of this change should be that revenue to the section will increase. Jack Reiter said that the 11th Circuit Seminar was coming up on February 7th and 8th in Miami.

D. Outreach Committee

Siobhan Shea reported that the materials attached included a spreadsheet which was prepared at the request of The Florida Bar concerning the use of social media. She mentioned that the section was not engaged in any media besides the website and email blasts, and that is because we simply are not ready for that yet. She

mentioned we are trying to develop, consistent with the revamping of the internal operating procedures, a liaison to each section of The Florida Bar. She mentioned that the new IOPs require that the liaison must be an active member of the other section, and that we are reviewing those liaisons to see if it is appropriate for them to continue. In addition, liaisons will be appointed to county bars, historical committees, and other entities. She also mentioned that there was an interest in reinvigorating the mentoring program. She said that we might need to consider a budget for outreach in the future that would include stipends for government lawyers to become members of other sections. She also mentioned that we should consider having some sort of items to give away at the anniversary celebration at the upcoming Bar meeting. Chairman Reiter agreed that it was important that the section increases its visibility through the use of liaisons. Chairman Reiter also asked that any proposals concerning items for the June meeting be sent to him and the officers for consideration.

E. Pro Bono

Sarah Lahlou-Amine addressed three different items:

1. Tracking

She reported that we have just completed our first of tracking pro bono cases handled by section members, and there were 15 appeals. She mentioned that this is important so we are aware of what we are doing, but also potentially important in the future to seek funding for appellate costs, etc. from other organizations.

2. Website

Ms. Lahlou-Amine said that we are presently working on the website, and that she has a call in to John Streisfeld to possibly add some items to our webpage, including perhaps an application for pro bono help.

3. 4th DCA Pro Bono Program

Sarah Lahlou-Amine reported that the pro bono committee is very excited about a program pending in the 4th District Court of Appeal. It was essentially a pilot program. The way the system works now is that the committee screens requests for pro bono help themselves. Referrals always came in from the outside, whether from a litigant directly or from an appellate court. The pilot program would be similar to the program that is in place at the Third District Court of Appeal where a member of a law school faculty screens the potential cases. The professor would be in charge of a certain category, and then screen them to see if the applicants are eligible and if attorney assistance would be helpful. She thanked Robin Bresky, Jim Nutt and Judge Levine for their help with the project. She mentioned that she welcomed any feedback anyone may have on this.

Judge Levine thanked the section for the letter, and said that he would share it with the other judges at the Fourth District Court of Appeal. He asked that we make him aware of any particulars so he could bring it to the court as a whole. Judge Ray stated that if there was a model in place,

she would be happy to share it with the judges on the First District Court of Appeal. She noted that they have a great resource with FSU being there, and to please keep her in the loop. Judge Levine suggested that she speak to speak with Judge Salter at the Third District Court of Appeal.

F. Anniversary Committee

Chairman Reiter asked that Robin Bresky give a report on the anniversary committee. Ms. Bresky noted that a proposal was attached as an exhibit to the agenda. She mentioned that there would be a maximum seating of 75 guests, and a \$900 deposit will be required. The party would be in a private room. Chairman Reiter mentioned that this was to commemorate 20 years as a section and to do something to celebrate that milestone that was out of the ordinary. He mentioned that the section would contribute \$3,000 toward the overall cost which would reduce the cost of the event to our members. Chairman Reiter asked for a motion approving a \$3,000 subsidy for the cost of the event. Michael Greenberg made such a motion, which was seconded by Jack Aiello. Mike Greenberg mentioned that the 75 people and \$3,000 subsidy would work out to \$40 per person. Caryn Bellus mentioned that, at this point, we do not know if other expenses will be associated with the event. Chairman Reiter mentioned that the cost would stay at \$68 per person and we would see what other expenses are involved. The motion was approved unanimously.

G. Pro Se Handbook

Kimberly Jones reported that Harvey Sepler is doing an outstanding job working with the Department of Corrections dealing with requests from prisoners. The Department of Corrections is starting to soften its position on the issue of computer access. She mentioned that there are numerous requests for copies of the handbook, though we are unable to send them to inmates due to the lack of hard copies that are available. Use of computers for the inmates would solve this problem. She mentioned that a review is done of all the courts' websites, and all of the appellate courts (including the Florida Supreme Court) have links to the handbook. Concerning the circuits and county courts, not many have links to the pro se handbook. She mentioned that if anyone has an idea about how to increase the number of circuit and county courts that have links, please let her know. She mentioned that we are also working on dealing with foreclosure issues, in light of the increased number of foreclosures, the handbook needs to be updated to deal with this reality.

H. Programs

Robin Bresky delivered the report and noted that the programs committee is working toward putting together a fabulous dessert reception at the annual meeting. The committee is currently entertaining ideas for themes and welcomes all suggestions. Sponsorships will be sought for the dessert reception.

I. Public Advocacy/Legislation

Nick Shannin had two items to report. First, he thanked the section for working to educate the public on issues important to the section in the last election. The

merit retention program was a great success, with over 300 speakers getting the word out. Four million internet hits concerning the “Vote is in Your Court” campaign were received. Mr. Shannin contrasted the 2008 election with the 2012 election, which were similar in many ways. However, in 2008, 75% of those voting for President voted in the merit retention race, while that number jumped to 85% in 2012. Mr. Shannin also mentioned Amendment V, which was an attempt to change court rules and gain access to the judicial qualification committee records. The Amendment needed 60% to pass, but did not receive even 40% of the vote. Mr. Shannin again commented on how successful the election education efforts had been.

J. Publications

Kristen Norse reported that there was a written report in the materials, and that she would be brief. She mentioned that, concerning *The Journal*, Brandon Christian had been handling those articles, and we had put an article in every edition in the past year. However, articles are running short, and they are needed. Concerning *The Record*, she mentioned that an issue had gone out late last year, and they are working on a new one which will hopefully come out in February. She mentioned that she has been working with Rebecca Creed in revamping *The Guide*, and they have authors ready to go concerning the Inside the Supreme Court section. She concluded by noting that those who publish articles are often asked to speak at CLE programs concerning such articles.

K. Website

There was no report on the website, though Chairman Reiter thanked Jonathan Streisfeld for all of his hard work.

IX. Next Meeting —

A. June 27, 2013 – Committee and Executive Council Meeting
Boca Raton Resort and Club, Boca Raton

Chairman Reiter thanked the district courts of appeal once again for allowing us to use their facilities, and also thanked Mary Ann Obos for all of her help with the section. Jack Aiello mentioned that we had graciously supported the high school moot court competition over the last several years, and he appreciated that. He also mentioned that coaches were needed, and if anybody wished to volunteer in that capacity to please contact him.

X. Adjournment

The meeting was adjourned.

EXHIBIT “B”



THE FLORIDA BAR

APPELLATE PRACTICE SECTION

MAY 2013 FINANCIAL STATEMENT

OVERVIEW

| | |
|-----------------------------|-----------|
| YTD REVENUE: | \$123,191 |
| YTD EXPENSES: | \$35,360 |
| YTD NET: | \$85,546 |
| BEGINNING FUND BALANCE: | \$208,793 |
| TOTAL CURRENT FUND BALANCE: | \$294,339 |

Total Current Membership: 1573 Members

| | May 2013 Actuals | YTD 12-13 Actuals | Budget | Percent Budget |
|---------------------------------------|------------------------|-------------------------|---------|-------------------|
| Total Appellate/Advocacy Law ===== | | | | |
| 31431 Sect Dues | 80 | 55,320 | 58,000 | 95.38 |
| 31432 Affil Dues | 0 | 0 | 200 | 0.00 |
| 31433 Admin Fee to TFB | -35 | -24,204 | -25,375 | 95.39 |
| ----- | | | | |
| Total Dues Income-Net | 45 | 31,116 | 32,825 | 94.79 |
| ----- | | | | |
| 32191 CLE Courses | -7,325 | 36,400 | 10,000 | 364.00 |
| 32196 Cospons Share | 0 | 11,900 | 10,000 | 119.00 |
| 32293 Sect Differential | 1,225 | 6,190 | 8,000 | 77.38 |
| 35202 Spons Reception | 0 | 7,500 | 12,500 | 60.00 |
| 35700 Member Srvc Prog | 1,690 | 14,330 | 13,330 | 107.50 |
| 38499 Investment Alloc | -1,270 | 15,755 | 6,286 | 250.64 |
| ----- | | | | |
| Other Income | -5,680 | 92,075 | 60,116 | 153.16 |
| ----- | | | | |
| Total Revenues | -5,635 | 123,191 | 92,941 | 132.55 |
| ----- | | | | |
| 36998 Credit Card Fees | 30 | 441 | 500 | 88.20 |
| 51101 Employee Travel | 0 | 615 | 619 | 99.35 |
| 71001 Phone/Direct | 44 | 524 | 1,000 | 52.40 |
| 71005 Internet Charges | 29 | 401 | 120 | 334.17 |
| 84001 Postage | 0 | 8 | 500 | 1.60 |
| 84002 Printing | 0 | 2 | 75 | 2.67 |
| 84007 Membership | 0 | 0 | 50 | 0.00 |
| 84009 Supplies | 0 | 58 | 25 | 232.00 |
| 84010 Photocopying | 3 | 8 | 75 | 10.67 |
| 84040 Judges Trav Annl Mtg | 0 | 0 | 1,500 | 0.00 |
| 84051 Officers Travel Exp | 0 | 0 | 600 | 0.00 |
| 84101 Committee Exp | 0 | 0 | 1,350 | 0.00 |
| 84200 General Meeting | 0 | 691 | 1,250 | 55.28 |
| 84201 Board Or Council Mtg | 0 | 22 | 0 | * |
| 84202 Annual Mtg | 0 | 3,000 | 16,000 | 18.75 |
| 84204 Midyear Mtg | 0 | 1,251 | 3,500 | 35.74 |
| 84205 Section Service Prog | 739 | 6,142 | 7,500 | 81.89 |
| 84220 Moot Court | 0 | 1,000 | 1,500 | 66.67 |
| 84301 Awards | 0 | 0 | 1,100 | 0.00 |
| 84422 Website | 675 | 6,090 | 8,000 | 76.13 |
| 84701 Council Of Sections | 0 | 0 | 300 | 0.00 |
| 84998 Operating Reserve | 0 | 0 | 6,034 | 0.00 |
| 84999 Miscellaneous | 0 | 392 | 350 | 112.00 |
| 85032 CoSpons Exp | 0 | 14,715 | 10,000 | 147.15 |
| ----- | | | | |
| Total Operating Expenses | 1,520 | 35,360 | 61,948 | 57.08 |
| ----- | | | | |
| 86431 Mtgs Admin | 0 | 1,065 | 103 | 1,033.98 |
| 86543 Graphics & Art | 63 | 1,220 | 4,320 | 28.24 |

| | May 2013 Actuals | YTD 12-13 Actuals | Budget | Percent Budget |
|---------------------------------------|------------------------|-------------------------|---------|-------------------|
| Total Appellate/Advocacy Law ===== | | | | |
| Total TFB Support Services | 63 | 2,285 | 4,423 | 51.66 |
| Total Expenses | 1,583 | 37,645 | 66,371 | 56.72 |
| Net Operations | -7,218 | 85,546 | 26,570 | 321.96 |
| 21001 Fund Balance | 0 | 208,793 | 209,530 | 99.65 |
| Total Current Fund Balance | -7,218 | 294,339 | 236,100 | 124.67 |

Appellate Practice Section

June 27, 2013

Proposed Budget Amendments:

Line Item: 51101/Employee Travel
Amount to be amended: \$400
Source of Funds: Operating Reserve
Reason for overage: Travel Charges in conjunction with the DCA Judges conference for Bar Staff.

Line Item: 71005/Internet Charges
Amount to be amended: \$380
Source of Funds: Operating Reserve
Reason for overage: Not enough fees allocated in original budget. Charge is \$30/month to section. In addition, a new hot spot was purchased for Staff.

Line Item: 85032/Co-Sponsor Expense
Amount to be amended: \$4715
Source of Funds: Operating Reserve
Reason for overage: This for costs associated with the DCA Judges conference. Revenue line item 32196 offset this expense overage.

EXHIBIT “C”

APPELLATE PRACTICE SECTION'S GREAT GATSBY GALA

20th Anniversary Dessert Reception

Celebrate the Section's
"ROARING TWENTIES" on
Thursday, June 27, 2013
from 9:00 p.m. - 11:00 p.m.
in the Addison Ballroom at the
Boca Raton Resort and Club.

Dress fabulously
and dance if you dare
with your colleagues to the
jazz and swing entertainment
of The Palm Beach Society
Orchestra. Enjoy
complimentary
champagne,
cocktails and
an extravagant
dessert buffet.

