

MEETING MINUTES

APPELLATE PRACTICE SECTION EXECUTIVE COUNCIL MEETING

January 23, 2014

Hilton at Lake Buena Vista
Orlando, Florida

I. Call to Order

Chair Caryn Bellus welcomed everyone to the meeting. All attendees introduced themselves. A sign-up sheet was circulated.

II. Attendance

- Caryn Bellus
- Ceci Berman
- Chris Carlyle
- Duane Daiker
- V. Hendricks
- Matt Conigliaro
- Nick Shannin
- June Hoffman
- Carrie Ann Wozniack
- Tony Musto
- Tom Hall
- Ben Kuhne
- Michael Greenberg
- John Hamilton
- Kristin Norse
- Coleen Lance
- Kimberly Jones
- Sarah Lalhoul-Amine
- Tom Ward
- Kimberly Kainoff
- Kansas Gooden
- Jessie Harrell
- Tyler Pitchford
- Angela Flowers
- Jack Aiello
- Bretton Albrecht
- Robin Bresky

III. Approval of Minutes

The minutes for the prior Executive Council meeting on September 10, 2013, in Fort Myers, Florida (attached to the Agenda as Exhibit A) were approved by acclimation. [Motion by Parliamentarian Nick Shannin, Second by Jessie Harrell].

IV. Chair's Report – Caryn Bellus

Chair Caryn Bellus gave an overview of key events since the last meeting:

1. DCA Judges Conference (September 8-10, 2013)

Chair Bellus discussed the success of the DCA conference, including Justice Thomas' appearance, and the well-received educational programming. The section filled all, or almost all, of our allotted slots. Judge May informed Chair Bellus that the appellate section's attendance is greatly appreciated, and that the judges want us to participate in the future. However, due to a smaller location next year we would not be invited back for 2014. The conference organizers will get back to us regarding 2015 and beyond.

2. Tom Hall's Retirement (October 9, 2013)

Tom Hall's retirement ceremony was held at the Florida Supreme Court, followed by a reception at the Hotel Duval. The section presented Mr. Hall with a plaque for his service, and speeches were given by numerous judges and dignitaries. The reception was well attended by Section members.

V. Treasurer's Report - Duane Daiker

Treasurer Duane Daiker noted that the most recent financial statement and year-end report were attached to the agenda as Exhibit C. The report shows that, at the half-way mark, our CLE revenue is approximately \$90,000, while expenses are only \$32,000. We have been breaking even on all events or making a slight profit. The DCA conference turned out to be revenue neutral after expenses. Overall the section is doing well and operating within budget.

VI. Old Business

1. DCA Judges Conference

Chair Bellus circled back to the DCA judge's conference, and solicited the Section for any comments or suggestions regarding future events. Chair-Elect Ceci Berman confirmed that the conference will remain a section priority.

2. Appellate Advocacy Appellate Workshop

Chair Bellus explained the details of the workshop, and the intensive nature of the program, including the requirement that all participants write a brief and participate in oral argument. Jessie Harrell stated that Celene Humphries has reached out to the judges regarding their participation, but she hasn't started pulling together volunteers. Harrell explained that the judges prefer to hand pick the practitioners they work with. Harrell further stated that Judge May was hoping to hold the event at Nova Southeastern—a new venue—which is going to require some additional effort. Michael Greenberg noted that Judge May was on Nova's Board of Governors, so the venue shouldn't be a problem.

3. Annual Meeting and the discussion with Florida Supreme Court

Chair Bellus explained that the program's format had changed in recent years. Instead of taking questions "live" from the floor, the section now takes advance submissions and screens the questions first. Chair Bellus explained that last year we experienced some difficulties getting the discussion with the Court on the annual conference agenda, but this year June Hoffman, Robin Bresky, Mary Ann Obos, and Andrew Manko (of the Young Lawyers Division), have been working diligently to make sure the issue doesn't arise again. Michael Greenberg explained that he preferred the old format of the panel discussion where questions were freely asked. Chair Bellus explained that there was some concern regarding the live questions, and the Justices prefer the pre-screening of the questions.

4. Tom Hall's Retirement

Chair Bellus noted that she gave a presentation on behalf of the Section, and everything went smoothly.

VII. New Business

1. Standing Committee Amendments

Parliamentarian Nick Shannin asked Chair Bellus to have a discussion encompassing the standing committee amendments. Shannin explained that he had been asked to investigate the issue of the Outreach Committee not being a standing committee. Shannin prepared an amendment to the by-laws (Amendment 1A), but noted that there was an oddity in that Pro Se Handbook and Website Committees were also not standing committees. Shannin informed the Section that both chairs expressed that they would like to be promoted to standing committees. In response, Shannin drafted another amendment (Amendment 1B) to include the two additional committees. Shannin also reported that there was a naming issue with the Pro Se Handbook committee being referred to in different areas as the "Self-Represented Litigant Committee." The committee prefers to be called the Pro Se Handbook Committee.

Shannin asked the board to authorize distribution of the newly drafted Amendment 1B at least 30 days before the annual meeting, so the Executive Council can consider the amendment prior to the annual meeting. [John Hamilton moved to publish the amendment, Robin Bresky seconded.]

John Hamilton asked if the Section could amend the by-laws to allow changes at times other than the annual meeting. Matt Conigliaro and Tom Hall explained that the Florida Bar rules require the Section to approve amendments to the by-laws, and then submit the proposals to the Board of Governors for approval. Shannin clarified that the Board of Governors had to ratify the change.

Chair Caryn Bellus brought the vote to the floor, and the motion was adopted by unanimous consent.

2. Website Updates

Chair Bellus thanked V. Hendricks, Jonathan Streisfeld, Lisa Graham, Kristen Norse, and others for their assistance updating the Section's website, but noted that a lot of work remained, and that the Section still required additional volunteers.

VIII. Committee Reports

1. Publications Committee – Kristen Norse

Kristen Norse reported the committee had a great meeting. The Journal is in good shape with three articles being edited, and four in process. The Section is still seeking submissions (12 pages, double spaced).

Norse noted that the Record is hoping to get out three or four publications this year, and is looking to get the next edition out in March.

The Section is attempting to revamp The Guide. The web links for four courts are currently being updated, with several more trickling in this year. The Section is attempting change the website to make public information available to all, while creating a members-only area for the Section.

June Hoffman discussed The Record and noted that the Fall/Winter edition would be out soon. There was a brief delay due to a staff adjustment with the Florida Bar, among other reasons. Dorothy Easley has submitted an article on judicial independence. The next issue is focusing on interviews of the new appellate judges, but the article has been delayed to assure that all of the judges are included. The Record is also seeking additional submissions for publication.

2. Council of Sections – Matt Conigliaro

Matt Conigliaro explained that he wasn't the Section's formal representative, but that he was an officer and able to report. Conigliaro noted that the Florida Bar's focus has been on the Leadership Committee (a project started last year by President Eugene Pettis). The Leadership Committee's goal is to train future leaders, with a focus on members who aren't on a traditional leadership track somewhere else. The committee has received high praise.

The Leadership Committee has asked our section to participate by submitting potential candidates for the program and providing financial support. Matt urged the section to consider supporting the program, and proposed a task force to investigate how the Section can participate with the Leadership Committee and make an informed decision on participation. Chair Caryn Bellus asked anyone willing to start such a task force to contact her directly.

3. Florida Bar CLE Committee – Tony Musto

Report skipped because Tony Musto had to step out.

4. CLE Committee - Jessie Harrell

Jessie Harrell explained that there was difficulty emailing the committee report, and that anyone who wanted a copy should email her. Harrell noted that Celene Humphries handled the appellate certification review course CLE for the committee, and the event went well. There were 27 live attendees, and 16 web participants. In 2013, we had 49 participants, and 2012 had 36 attendees, so the 2014 numbers reflect that the program is still strong.

Harrell explained that "The Art of Objecting—A Trial Lawyers Guide to Preserving Error for Appeal" is coming up on March 14, 2014, in Ft. Lauderdale. The event is being chaired by Donna Greenspan-Soloman.

On May 16, 2014, the section is presenting "Practicing Before the Second District" in Tampa. Duane Daiker and Tyler Pitchford are co-chairing the event. The location and venue have been finalized, and the topics are expected to be finalized soon.

Harrell thanked Tyler Pitchford for organizing the monthly telephonic CLEs, and noted the price had been lowered this year because the section had been making too much profit. The section is still making money, but not exceeding our \$5,000 limit for section service programs. We have made \$2,621 so far this year. Anyone interesting in presenting should contact Tyler Pitchford.

At the committee meeting that morning, Kelly Long mentioned that she would like to hold a CLE in 2015 in conjunction with the criminal section's celebration for the 50th anniversary of *Miranda*. The committee put together a list of potential criminal-law practitioners who might be interested in being on a steering committee to assist Long in development of the event. Any volunteers should contact Kelly Long.

5. Outreach Committee – Tom Ward

Siobhan Shea couldn't be here, so Tom Ward presented the report. Ward explained Outreach is a new committee and that the goal is to make sure that the Section is reaching out to the other Florida Bar sections, committees, and bar associations. In order to do so, the committee is relying upon liaisons in the Section to attend the meetings to network and identify any needs those committees may have in the future for CLE opportunities so the Section can work with them to present with board-certified appellate attorneys. Ward noted that the committee is also attempting to bring in additional members to the Section by recruiting from other sections, while promoting the value of appellate attorneys. The long-term goal of the committee is to help build long-term relationships with non-appellate sections and practitioners.

Chair Caryn Bellus asked Ward to review the list of open committee liaison appointments and suggest recommendations. Ward listed the open liaison appointments as:

- Florida Bar Government Lawyers Section
- Florida Bar Health Law Section
- EASL Section
- CAL Section
- Litigation Section
- Florida Bar Rules Committee
- Judicial Administration Committee
- The Florida Supreme Court
- The Florida Bar Equal Opportunities in the Law Section
- The Third District Court of Appeal Historical Society
- The First District Court of Appeal Historical Society
- The Jacksonville County Bar Association
- The Monroe County Bar Association
- The Tallahassee County Bar Association (a position will be opening shortly)

Chair Bellus noted that we have 25-30 regular liaisons that report to Siobhan Shea and Tom Ward, but that the section is always looking for additional volunteers.

6. Pro Bono Committee - Sarah Lahlou-Amine

Sarah Lahlou-Amine reported that the committee meeting was productive. She noted that the committee has seen an uptick in referrals from legal-aid organizations, in response to the committee's outreach efforts. The committee has received permission to recognize practitioners who have handled pro bono appeals for the committee as part of the pro bono award presentation at the annual meeting.

Historically, the committee has worked with the FSC, but has been investigating how to assist the DCAs. The FSC has a screening program for pro bono cases. The DCAs have a similar system, but only in the case of writs. The committee is investigating whether the committee can utilize the system to provide pro bono assistance to petitioners in need.

Lahlou-Amine next explained that the committee had gotten the ball rolling with the Florida Bar Foundation, and through the foundation she was going to get in contact with Florida Legal Services, who has agreed to provide financial support and assistance with financial screening of pro bono clients.

7. Pro Se Handbook Committee – Kim Jones

Kim Jones explained the committee had been hard at work completing the next update of the Pro Se Handbook, and that almost all chapters had been cite checked. Jones noted that the committee was still seeking volunteers to cite check a few of the more specialized chapters (workers compensation; TPR/dependency; *Anders* briefs, and unemployment).

8. Programs Committee – Robin Bresky

Robin Bresky explained that she and Kimberly Jones had a committee meeting that morning and been working on ideas for the dessert reception for the annual meeting. June Hoffman is going to provide the committee a list of previous themes, to avoid any potential overlap from previous years. Bresky explained sponsorship requests should go out about six weeks before the reception.

9. Public Advocacy/Litigation – Nick Shannin

Nick Shannin explained that the gathering today was brief, because the legislature wasn't as active this year. That said, the committee is still being vigilant in watching current developments and is monitoring three bills. First, CJS-1 appears to be a housekeeping matter, but does mention the Florida Supreme Court Clerk and Marshall, so the committee is keeping an eye on it. Tom Hall has agreed to investigate. Another measure would modify the appointment of delegates to the pending Constitutional Convention. Kansas Gooden has agreed to investigate. Finally, House Bill 613 may change House Representative seats from 2 year to 4 year seats; and Senate seats from 4 years to 6 years. The committee is investigating.

10. Website - Chair Caryn Bellus

Jonathan Streisfield was not available. Chair Caryn Bellus noted the Section was in the process of updating the website and is still looking for volunteers.

11. Historical Committee - V. Hendricks

V. Hendricks reported the history page of the Section's website has not been updated since 2006. The current committee members are: V. Hendricks, Mike Greenberg, Betsy Gallagher, and Steve Stark. The committee has eight years of information that requires updates, and has already completed two years. The committee expects to complete the remaining six years before the annual meeting.

Chair Caryn Bellus noted that any section members with historical materials (pictures, documents, etc.) should submit them to her, V. Hendricks, or Mary Ann Obos.

12. Florida Bar CLE Committee – Tony Musto

Chair Caryn Bellus that Tony Musto had not returned yet, and there was no report.

IX. Miscellaneous

Carrie Ann Wozniak stated that she failed to sign in at the last meeting and asked the minutes be amended from the last meeting to reflect her attendance.

Carrie Ann Wozniak noted that she was the criminal section representative at the main CLE meeting, and the committee discussed putting up a list of every upcoming CLE for the month on the screen during all breaks.

Ben Kuehne noted that he served on the Florida Bar's Diversity and Inclusion Standing Committee, and explained that each section was being asked to provide a liaison to the committee, and to keep diversity in mind when preparing future presentations.

X. Announce Next Meeting

Chair Caryn Bellus announced that the section would hold its next meeting at the Gaylord Palms, in Orlando, Florida on June 26, 2014.

XI. Adjournment

The meeting was adjourned at 1:30 pm.