

AGENDA

APPELLATE PRACTICE SECTION
EXECUTIVE COUNCIL MEETING

January 26, 2017 – 12:30 p.m.
Gaylord Palms Resort and Convention Center
Kissimmee, Florida

Call-In: 1-888-376-5050 / Participant Pin: 1953840310#

- I. Call to Order – Duane Daiker
- II. Introductions – Duane Daiker
 - Kristin Norse, Chair-Elect
 - Sarah Lahlou-Amine, Vice-Chair
 - Nick Shannin, Secretary/Treasurer
 - Chris Carlyle, Immediate Past Chair
- III. Approval of Minutes (Exhibit A)
- IV. Chair’s Report – Duane Daiker
 - A. Retreat and Long Range Planning Meeting 2016
 - B. DCA Judges Conference 2017: Sept. 4-6, Orlando
 - C. ECAPI: November, 2018
- V. Treasurer’s Report – Nick Shannin
 - A. Financial Statements (Exhibit B)
- VI. Old Business
 - A. Retreat Report – Tom Hall/Hala Sandridge (Exhibit C)
 - B. 2017-18 Budget Approval – Nick Shannin
 - C. By-Law Revision Committee – Duane Daiker/Nick Shannin
 - D. Section Reserves Committee – Matt Conigliaro/Ceci Berman

VII. New Business

- A. Renewal of Legislative Position Regarding Judicial Term Limits – Chris Carlyle/Courtney Brewer
- B. Amendment to Budget for Pro Se Handbook Translations—Bretton Albrecht/Raemy Charest
- C. Social Media Efforts

VIII. Bar & Section Committee Reports

- A. Council of Sections – Chris Carlyle
- B. Continuing Legal Education – Chris Donovan
- C. Outreach – Tom Ward
- D. Pro Bono – Carrie Ann Wozniak
- E. Programs – Kimberly Kanoff Berman
- F. Legislation – Courtney Brewer
- G. Publications – Kimberly Jones
 - 1. Pro Se Handbook – Bretton Albrecht
 - 2. The Record – June Hoffman
 - 3. The Guide – Rebecca Creed
 - 4. Florida Bar Journal Articles – Brandon Christian
- H. Website – Jonathan Streisfeld
- I. History – V. Hendricks

IX. Local Announcements

X. Closing Remarks – Duane Daiker

XI. Announce Next Meeting

Executive Council Meeting: June 22, 2017
Boca Raton Resort & Club

XII. Adjournment

EXHIBIT A

**Executive Council Meeting
Florida Bar Appellate Practice Section
The Westin Key West Resort & Marina
Key West, Florida
September 16, 2016, 4:30 p.m.
Meeting Minutes**

Attendance and Introductions

In person: Duane A. Daiker, Chair; Sarah Lahlou-Amine, Vice Chair; Nick Shannin, Secretary-Treasurer; Christopher V. Carlyle, Immediate Past Chair; JoAnn Shearer, Program Administrator; The Honorable Morris Silberman; The Honorable Alan O. Forst; Angela Flowers; Tom Ward; William Mueller; W. Aaron Daniel; Elliot B. Kula; Heather Kolinsky; Tom Hall; Ceci Culpepper Berman; Hala Sandridge; Christopher Donovan; Kansas Gooden; June Hoffman; Calianne Lantz; Matthew Conigliaro; Jack Reiter; Carrie Ann Wozniak; Steven Stark; Wendy Loquasto; Joe Eagleton; Caryn Lynn Bellus; Jared Krukar.

On the phone: Courtney Rebecca Brewer; Anthony Musto; Kimberly Jones; David Knapp; Harvey Sepler; Bretton Albrecht.

Minutes: The minutes had been previously circulated by Vice Chair, Lahlou-Amine. Ms. Loquasto moved to approve the minutes; Mr. Donovan seconded. The motion to approve passed unanimously.

Chair Report:

- A. 2016 Annual Meeting: Chair Daiker thanked everyone who participated in the coordination of the successful Appellate Practice Section events at the annual meeting in 2016, including a spectacularly novel and fun Appellate Practice Dessert Reception.
- B. Retreat and Long Range Planning Meeting September 2016: Chair Daiker noted that following the conclusion of the Executive Council meeting, the remainder of the weekend would be devoted to the retreat and long-range planning meeting. Chair Daiker thanked retreat co-chairs Tom Hall and Nick Shannin for organizing the events to follow and, of course, for arranging for the spectacular weather that weekend!
- C. DCA Judges Conference 2017: Chair Daiker noted to the council that an invitation has been extended from the DCA Judges to join the DCA Judicial Conference to be held September 4-6, 2017, in Orlando Florida.

The discussion ensued regarding the continuing desire of the section to continue the pattern of participating every odd year with the judicial conference, and utilizing the even years for purpose of biannual retreats similar to the one organized for this year.

With regard to the 2017 DCA Judicial Conference, the Executive Council discussed continuing the prior policy of planning a reception, and encouraging the Executive Council to utilize as many of the 50 attorney spots as possible once the details were available, noting that each year some spots still remained to advertise to the section at large. Further details will be provided when available from the DCA Judges.

Treasurers Report: Treasurer Shannin reported on the financials attached to the agenda as *Exhibit B*. The Sections 2015-2016 Actual Net Operations was \$41,408.00 less than the prior fiscal year. This was an anticipated shortfall, however, coming from reserves for the \$50,000.00 Section donation to the Florida Bar Foundation.

Old Business:

A. Renewal of Legislative Positions: Mr. Shannin moved and Mr. Carlyle seconded the Motion to Renew the following Legislative Positions of the Appellate Practice Section to be officially published within the 2016–2018 master list of positions: (1) supports maintaining an independent judiciary in the appellate courts; and (2) supports pay raises for appellate Judges and support personnel consistent with the Supreme Court of Florida's budget requests.

The motion passed unanimously. Discussion was had that the council may consider future proposals based upon recommendations of the legislative committee should developments occur requiring those positions to be recommended.

B. Retreat Committee: Mr. Hall and Mr. Shannin discussed the agenda for the upcoming retreat and thanked the several individuals who have contributed to the planning efforts to make the retreat possible. Mr. Shannin also acknowledged Past President Flowers as having been chair during the last retreat by the committee, 13 years prior to this year's retreat, and noted that the goals for the current retreat mirrored those from the last retreat proving a level of continuity for the section over the years.

New Business:

- A. Bylaw Revision Committee: Duane Daiker announced that an ad hoc bylaw revision committee would be established, and that the committee would be comprised of himself, Mr. Shannin, and any others who sought to join. Mr. Shannin noted that a byzantine amendments process for section bylaws existed within the Florida Bar, such that many sections had sought approval for bylaws and not received it. Accordingly, any revisions need not only receive approval from the Council, but subsequent ratification from the Board of Governors after vetting through four levels of Board of Governors review.

- B. 2017-2018 Budget: Treasurer Shannin reported that preparation of a budget for 2017-2018 was underway and that additional information was being compiled by JoAnn Shearer to allow a budget to be properly vetted and submitted for membership approval. Chair Daiker agreed and informed the council that, as in prior years, the budget would be submitted by email for review and electronic approval.

Bar and Section Committee Reports:

- A. Council of Selections: Mr. Carlyle discussed his attendance at the Council of Sections and agreed to provide minutes from that counsel to the officers for review and incorporation of any new ideas for further planning purposes. He also discussed that the Council addressed the growing issue of “ransomware” and possible means to assist members with related malicious software problems.

- B. Continuing Legal Education: Mr. Donovan, CLE Chair, discussed the status of the CLE's and indicated the prior year had been a transition year, but that the next year should have more CLE's, including Practicing Before the Fifth DCA, Practicing Before the Second DCA, Hot Topics, and the Art of Objecting. We also discussed the fact that the Sections, as previously decided, was not having a full "Appellate Practice Section Certification Review" this year, but would instead alternate that seminar with an "Essentials of Appellate Law" seminar, to be held on February 10, 2017.

- C. Outreach Committee: Mr. Ward is chairing the outreach committee and discussed that the number of Section members has increased and that he looked forward to tomorrow's retreat discussions of ways to get better, more consistent involvement by these members.
- D. Pro Bono: Ms. Wozniak, Pro Bono Chair, discussed the success of efforts to increase pro bono activity and the potential for outlines to be prepared to assist those undertaking those appeals in the future.
- E. Programs: Ms. Berman, Program Chair, discussed the success of the 2016 Appellate Practice Dessert Reception, noting that the circus theme proved to be fun and that the section received \$20,000.00 in sponsorships. She said that planning is already underway for 2017.
- F. Legislation: Ms. Brewer, Legislation Chair, noted that no new legislative activity had occurred relative to the interests of the Section, but noted that the legislative session was just around the corner, and that she would stay tuned on behalf of the committee to monitor their actions.
- G. Publications: Ms. Jones, Publication Chair, joined Ms. Hoffman, Chair for The Record, reported that a 20 page issue of The Record was coming soon. They also discussed the desire to modernize the format. Mr. Christian, Florida Bar Journal Chair Article Chair, discussed by way of an email report that we had lots of good appellate articles coming up. Also, Pro Se Handbook Chair Albrecht discussed that the handbook has been updated on the website, and that they were now working on an HTML version and a foreign language version.
- H. Website: Chair Daiker reported on behalf of Mr. Streisfeld, that the website was experiencing no technical issues and was doing great.

Local Announcements: Mr. Donovan noted that the Collier County Bar Association was hosting a Second DCA meeting and dinner. Chair Daiker commended people to go to the 11th Circuit seminar presentation in Atlanta, ECAPI.

Closing and Adjournment: Retreat committee Chairs Hall and Shannin provided details for the events to follow related to the retreat; Chair Daiker provided closing remarks, and his motion to adjourn passed unanimously.

EXHIBIT B

THE FLORIDA BAR
Appellate Law Section
For the Five Months Ending Wednesday, November 30, 2016

	<u>Budget</u>		<u>Actual</u>		<u>Prior Year</u>
		<u>Variance</u>		<u>Variance</u>	
Revenue					
Transfer In					
Fee Revenue	55,600.	(680.)	54,920.	880.	54,040.
Event Revenue	76,000.	(67,751.)	8,249.	(38,314.)	46,564.
Other Operating Revenue					
Non-Operating Revenue	13,263.	(4,041.)	9,222.	19,034.	(9,812.)
Total Revenue	<u>144,863</u>	<u>(72,472)</u>	<u>72,391</u>	<u>(18,401)</u>	<u>90,792</u>
Expenses					
Staffing Expenses		0.		0.	0.
Office Expenses	9,525.	5,245.	4,280.	(2,137.)	2,142.
Contract Services	600.	387.	213.	243.	457.
Travel	3,686.	1,878.	1,808.	209.	2,017.
Other Expenses	79,024.	57,676.	21,348.	69,791.	91,139.
Transfer Out	300.	0.	300.	0.	300.
Admin and Internal Services	24,625.	(1,145.)	25,770.	20,144.	45,914.
Total Expenses	<u>117,760</u>	<u>64,040</u>	<u>53,720</u>	<u>88,250</u>	<u>141,969</u>
Net Income	<u>27,103</u>	<u>(8,431)</u>	<u>18,672</u>	<u>69,849</u>	<u>(51,177)</u>
Beginning Fund Balance	35,000.	378,054.	413,054.	(125,384.)	538,438.
Fund Balance as of Report Date	62,103	369,623	431,726	(55,534)	487,260

EXHIBIT C

APS Retreat, Key West FL, September 17, 2016
APS Summary of Facilitated Discussion

Judicial Involvement

- Encourage judicial participation
 - reimburse expenses (APS should allocate funds and communicate to judges)
 - convenient location of events
 - timing to avoid conflict with judicial obligations
- Provide ways judges can participate
 - speakers at CLE
 - leadership in Section
- Open Appellate Judges conference
- Solicit involvement of judicial staff
- Offer appellate bench/bar CLE

Leadership

- Provide more opportunities
 - encourage new leadership
 - explain leadership pathway
 - provide new leadership training
 - reimbursements for government lawyers
- Ensure continuity
 - involve past chairs
 - require end of tenure report
- Transition knowledge
 - create information bank or operations manual

Future Planning

- Create long range planning committee
- Hold more frequent retreats
 - convenient location
 - combine social/ business
 - offer CLE
 - debrief or survey after programs

Increasing and Retaining Membership

- Develop ways to increase members
 - Solicit through local appellate organizations
 - reach out through social media
 - APS leaders should be ambassadors
 - more photos on website or facebook page
- Provide value
 - CLE
 - pro bono opportunities
 - publications
 - networking opportunities with other members and judiciary
 - buddy or mentors for new members
 - regional events
- Audit membership value
 - surveys
 - review pricing structure
 - exit interview for departing members
- Target underrepresented groups
 - young lawyers
 - government lawyers
 - diverse groups
- Learn from other sections that successfully increased and/or retained members