

MINUTES OF JANUARY 15, 2004 MEETING

EXECUTIVE COUNCIL APPELLATE PRACTICE SECTION

Attendance:

Jack Aiello	Angela Flowers	Mark Polen
Paul Avron	Susan Fox	Randall Reder
Caryn Bellus	Mario Goderich	Harvey Sepler
Steve Brannock	Tom Hall	Jack Shaw
Justice Raoul Cantero	June Hoffman	Siobhan Shea
Tracy Carlin	Calianne Lentz	Steve Stark
Shannon Carlyle	John Mills	Marianne Trussell
John Crabtree	Tony Musto	
Dorothy Easley	Kathryn Peko	

1. Call to Order: The meeting was called to order at 2:08 p.m. by Jack Aiello, Chair.
2. Introductions: The Chair was pleased to note the presence of two Supreme Court Justices: Justice Peggy Ann Quince, Judicial Liaison to Section, and Justice Raoul Cantero, former officer of the Section.
3. Approval of Minutes: The minutes of the prior meeting were approved unanimously.
4. Chair's Report: Chair Aiello reiterated his request for a volunteer to serve as "WebMaster" to assist with bi-monthly updates to the Website and E-Mail updates. Dorothy Easley volunteered to serve in this capacity.

The Chair next reported that the Executive Council had agreed unanimously to support the grand opening reception of the Second District Court of Appeal in its new offices at the Stetson Law School campus in Tampa. The Executive Council had voted, in writing, to contribute \$1,000 for this purpose.

The Chair next called upon Judge Martha Warner of the Fourth DCA to report to the Council concerning the 4th District's pilot E-Filing Program. Judge Warner reported that the Court is working towards becoming a paperless court. It does not yet have a document management system, but a committee of lawyers is working with members of the Court to address the items needed to achieve this goal. Rule changes will be required. A supplemental budget request is being sought. When the program is operational, the Court will require filing of copies of briefs electronically instead of on floppy disks. The Court will also be seeking copies of transcripts where available in electronic format. The Court will be using Word format since the Supreme Court and all of the DCA's are migrating to Word. The Chair thanked Judge Warner for coming to advise us of these important changes.

5. Treasurer's Report: Austin Newberry reported the current fund balance is \$102,129. Section income is up because of market conditions.

The proposed budget was presented for approval. Austin Newberry reported that while the Section has experienced steady growth in the number of members, this growth has slowed. The Section currently has almost 1,400 members. The new budget assumed the number of members would hold steady for the coming year. On motion of Tracy Carlin, seconded by John Crabtree, the proposed budget was approved unanimously.

6. Editor's Report for the Record: Siobhan Shea reported that Valeria Hendricks had put together the latest issue, which was well received. The deadline for the spring issue is February 15th.

7. Old Business:

1. Section Website Development/E-Mail Updates: As the new volunteer WebMaster, Dorothy Easley will assist in insuring that timely updates are posted and e-mailed.
2. Council of Sections Inquires: Susan Fox reported concerning her attendance at the Council of Sections meeting on behalf of Chair Aiello in September. At that time, the Bar was proposing to increase its share of the dues split, however, in the interim, the proposal seemed to have died. To avoid the proposal being resurrected at a time when the Executive Council was unable to meet and make its position known, she recommended adoption of a resolution to the Council of Sections and Board of Governors requesting financial details before any change be approved. Steve Stark recommended in the alternative, appointing an ad hoc committee to work with the Chair to monitor the situation, and make recommendations in the event the proposal is resurrected. Tony Musto and Tom Hall also agreed to serve on the Committee with Steve Stark. The consensus was that the Committee would be able to respond to the matter more flexibly without a formal resolution.
3. Appellate Pro Se Handbook: Tom Hall reported that an initial draft of the handbook is completed, however, the Committee will be adding sections on specialized appeals between now and June, and will be studying a recent pro se handbook published by the California Court System. A working draft will be completed in June, after which, final edits will be made and the Committee will begin working on distribution issues.
4. Appellate Telephone Conference CLE's: John Mills reported that the first Telephone Conference CLE will be February 24th at 12:10 p.m., for 50 minutes, ending at 1:00 p.m. These CLEs will be conducted once a month and will be marketed primarily to section members through the website and the record.
5. 2nd DCA/Stetson Reception: As earlier reported by the Chair, Secretary Susan Fox reported she had received ballots from the Executive Council supporting our financial contribution of \$1,000 to the reception, and that all members voting on the

proposal, had voted in favor, while a few judges had abstained from voting.

8. New Business:

1. Letter from Ethics Counsel of The Florida Bar: Chair Aiello asked members to review the letter attached to the Agenda as an item for information only, no official action required.
2. Dessert Reception: The Programs Committee will work on solutions to insure proper distribution of our dessert offerings, either using servers or individual plates, and delaying the start of the Dessert Reception to 9:30. The 2004 Dessert Reception will mark the Section's 10th Anniversary, and therefore, on motion of Susan Fox, seconded by Jack Shaw, the Council approved a budget of \$1,500 for items to commemorate the Section's anniversary. Some of the items discussed included an anniversary cake, a banner featuring our new slogan, and giveaways.
3. Proposal for Section Historian: Siobhan Shea proposed the appointment of a Section Historian, and recommended Steve Stark, the original Chair of the Section, be appointed as such. Steve agreed to serve, and Tony Musto agreed to assist him. All members who have photos or keepsakes from the early days of the Section are urged to send them to Steve Stark.
4. Legal Publishers' Use of Attorneys' Intellectual Property: Tom Hall reported that publishers such as Westlaw and Lexis are obtaining copies of briefs off the court's website and from other sources, and selling them on the internet. Some attorneys are now copywriting their briefs. The Chair thanked Tom for bringing this important information to the Council.
5. Co-sponsored Federal Appellate Practice and Advocacy Seminar: Chair Aiello informed the Council of the co-sponsored seminar February 5th and 6th in New Orleans, and urged attendance.
6. Other New Business: Steve Stark suggested making a contribution to the Jorgenson Garden in memory of Judge Jorgenson. Chair Aiello authorized him to make inquiries into the best manner for doing this.

9. Committee Reports:

1. Publications: Tom Hall reported that the latest version of the Guide had been published in loose leaf forms, and that supplements concerning each DCA will soon be added.
2. CLE: Since the last meeting, the Section had put on two seminars (Let My People Go and Preservation of Error), both of which were well received. Upcoming are the Board Certification Review seminar in Orlando, the joint seminar with the Workers' Compensation Section, and the June 4th Inside the Supreme Court seminar.

3. Programs: The Council discussed ways to improve attendance at the “Discussion With The Court” event at the annual meeting. Ideas to look at included changing the time slot, reducing conflicting events, and advertising geared to non-appellate lawyers. The Programs Committee will study these options.
4. Legislative: No Report
5. Mentor Committee: Chair Aiello reported that the committee is up and running, mentoring inquiries are being received and responded to, and that the program seems to be providing a valuable public service.
6. Outreach Committee: Steve Stark read a proposed article drafted by Chris Carlyle. On a motion by John Crabtree, seconded by Susan Fox, the Council approved \$500 for the Outreach Committee to secure domain names and take other preparatory steps to the launch of the Outreach campaign.
7. Leadership Committee: No Report. Report to be received at annual meeting.
8. Pro Bono: No report. Report to be received at annual meeting.
9. Special Committee on Legal Needs of Children: Steve Stark moved approval of \$500 requested by Florida Bar President, Miles McGrain, Susan Fox seconded, and the motion passed unanimously.

Adjournment: The meeting was adjourned at 4:48 p.m.

The next meeting will be June 24, 2004, at Boca Raton Resort and Club.

Respectfully submitted,

Susan W. Fox
Secretary

SWF/ce