

**AGENDA**  
**APPELLATE PRACTICE SECTION**  
**EXECUTIVE COUNCIL MEETING**  
**THURSDAY, June 24, 2010**  
**Santa Margherita Room**  
**10:30 a.m. – 12:30 p.m.**  
**Boca Raton Resort & Club**  
**501 East Camino Real**  
**Boca Raton, Florida 33432**

**For those unable to attend in person, we welcome your participation by calling in for our Executive Council Meeting (reminder that Executive Council members do still have an attendance requirement and must obtain the Chair's permission before the meeting to attend via telephone)**

**Our Call In Time Is: 10:30 a.m. – 12:30 p.m.**

**Please contact Valerie Yarbrough ([vyarbrough@flabar.org](mailto:vyarbrough@flabar.org)) To Attend Via Phone**

- I. Call to Order – Dorothy Easley, Chair
- II. Introductions
- III. Approval of Minutes (Exhibit A)
- IV. Chair's Report
  - A. Appellate Judges Conference and APS Welcome Reception
  - B. Today's Events
    - Moot Court Final and Discussion with the Justices of the Florida Supreme Court ( 2:00 p.m. – 4:00 p.m. Royal Palm Ballroom V/VI)
    - Hospitality Suite
    - Dessert Reception ( 9:00 p.m. – 10:30 p.m. Addison Ballroom East/West)
- V. Treasurer's Report – Jack Reiter
  - A. Financial Statements (Exhibit B)
  - B. Budget Amendments (Exhibit C)
- VI. Old Business
  - A. APS Mini Retreat Update – Hala Sandridge
  - B. Status of E-Filing – Tom Hall and Tom Warner
  - C. Section Teleconference Meetings in 2010-11 – Jack Reiter (Exhibit D)
  - D. Update on Moot Court
- VII. New Business
  - A. Bylaws Amendments– Matt Conigliaro

- B. Sunsetting of Legislative Positions (Exhibit E)
- C. CLE Brochures Moving to Electronic Format Only

VIII. Committee Reports

- A. Continuing Legal Education – CeCi Berman, Chair
- B. Outreach Committee – Gwendolyn Powell Braswell and Betsy Gallagher, Co-Chairs
- C. Pro Bono – Bryan Gowdy, Chair
- D. Pro Se Handbook - Kimberly Jones, Chair and Editor-in-Chief
- E. Programs – June Hoffman, Chair
- F. Public Advocacy / Legislation – Tom Warner, Chair
- G. Publications – Caryn Bellus, Chair
  - 1) The Record –Alina Alonso, Editor
  - 2) The Guide – Rebecca Creed, Editor
  - 3) Florida Bar Journal Articles - Tracy Gunn
- H. Website – Jonathan Streisfeld, Chair

IX. Election of Officers & Council Members (Exhibit F)

X. Chairs Awards and Remarks of Outgoing Chair – Dorothy F. Easley

XI. Remarks of Incoming Chair – Raoul G. Cantero, III

XII. Next Meeting (September 23, 2010 – Orlando Hilton)

XIII. Adjournment

**Please join us for:**

- **Moot Court Competition and Discussion with the Justices of the Florida Supreme Court, Royal Palm Ballroom IV & V, 2:00 - 4:30 p.m.**
- **This year's Evening in Tuscany themed Dessert Reception in Addison West from 9:00 - 10:30 p.m. honoring this year's Adkins Award and Pro Bono Award winners.**

# Exhibit A

# MINUTES – EXECUTIVE COUNCIL MEETING

Appellate Practice Section  
Orlando, Florida January 21, 2010

## **I. Call to Order**

Chair Dorothy F. Easley called the meeting to order.

## **II. Introductions and attendance**

Chair Easley welcomed and thanked everyone in attendance and then invited everyone to introduce themselves, for the benefit of those who had not attended the earlier Mini-Retreat. The following members of the Executive Council were in attendance:

Chair Dorothy F. Easley

Caryn L. Bellus (Telephonic appearance)

Chair Elect Raoul Cantero

Immediate Past Chair Siobhan Shea (Telephonic appearance)

Shea Moxon

Susan W. Fox

Dotti DiFiore

Betsy E. Gallagher

Ceci C. Berman

Henry G. Gyden

Roberta G. Mandel

Bryan S. Gowdy

Rebecca Creed

Gwendolyn Powell Blaswell

Tracy R. Gunn  
Christopher Carlyle  
June Hoffman  
Hala Sandridge  
Jonathan Streisfeld  
Robin Bresky  
Steven Stark  
Anthony C. Musto  
Judge Peter Webster  
Jack J. Aiello  
Calianne Lantz  
Ivy Grinsberg  
Nick Shannin  
Joanna A. Mauer  
Barbara G. Eagan  
John R. Hamilton  
Harvey Sepler  
Kimberly Jones  
Secretary Treasurer Jack R. Reiter  
Vice Chair Matthew J. Conigliaro

### **III. Approval of Minutes**

The minutes from the September meeting were approved by acclamation

### **IV. Chair's Report**

Chair Dorothy F. Easley thanked EC Member Hala Sandridge for her work in connection with the Section's Part II Mini-Retreat that morning. Chair Easley also announced the Section dinner to be held that evening at Seasons 52, a local Orlando restaurant.

Chair Easley called for a special recognition and applause to demonstrate appreciation to EC member Hala Sandridge for her hard work in connection with the Mini-Retreat and in planning for the Section dinner.

### **V. Treasurer's Report**

Secretary/Treasurer Jack R. Reiter presented the treasurer report and noted that the Section's finances were on target (A copy of the financial statements is attached as Exhibit "A"). Secretary/Treasurer Reiter called for questions and comments, but the attendees expressed no concerns and asked no questions regarding the financial report.

### **VI. Old Business**

#### **A. Update on whether the Section should have independent meetings separate from The Florida Bar and the feasibility of meeting by telephone or videoconference.**

Secretary/Treasurer Jack R. Reiter next gave a report on whether the Section should conduct an independent meeting in light of The Florida Bar's anticipated reduction of meetings and also discussed the ability to try to have meetings by video at the District Courts of Appeal around the state.

EC Member Hala Sandridge opined that the Section should have an additional meeting, noting that most private law firms have video-conferencing abilities.

EC Member Judge Peter Webster noted that reimbursement for Judges is still authorized for travel to the section for members of the executive council.

Vice-Chair Matthew J. Conigliaro asked whether Judge Webster would look into the prospect of having a meeting at a law firm in terms of whether the Judges would be comfortable with this and for reimbursement purposes. Vice-Chair Conigliaro offered his firm as a potential place for a video-conference setup, but opined that live meetings are preferable. Chair Easley requested and Secretary/Treasurer Reiter agreed to explore whether The Florida Bar Tampa office has video-conference capabilities and whether other Sections are exploring similar video-conference meetings. Chair Easley also requested that Secretary/Treasurer Reiter follow up with each of the District Courts of Appeal regarding their amenability to hosting video-conferencing in light of the appellate court's technology capabilities already in place and to be prepared to report on the progress of that at the June meetings.

#### **B. Funding for high school moot court program**

EC Member Jack Aiello gave a report on funding for the high school moot court program but did not have any additional information at that time. As of the meeting, he had not heard back about the timing of the program. EC Member Aiello did note that \$1000 in funding had been approved and first installment was paid last year. The Section will owe another \$1000 pursuant to its commitment and EC Member Aiello will follow-up on this issue. We are in the middle of a three-year commitment to pay \$1000 per year.

EC Member Robin Bresky noted that she attended the law related education committee and has the CD from the competition if anyone wished to see how good the kids are.

EC Member Aiello further advised that the finals are posted on the Florida Supreme Court website for viewing.

### **VII. New Business**

#### **A. Bylaws Amendments**

Vice-Chair Conigliaro gave a report on the status of his review of the bylaws to consider whether amendments are necessary. Since the last meeting, Chair Easley had

requested and he had been studying the bylaws for clarity and process improvement. He described the logistical troubles the Section had faced in terms of issues such as the Amicus Brief the Section filed in *Pleus v. Crist*, Case No. SC09-565. At that time, the Section relied upon a bylaw that allowed a vote by email, but problems did arise. The bylaws do not mention particulars such as a time limit for email voting. Additionally, Vice-Chair Conigliaro noted that people changed their vote during the process on the question of whether to file an Amicus Brief in support of the Petitioner. Uncertainty also existed in connection with the number of votes needed. The last line of the bylaws on this issue talked about a need for majority of the Executive Council, but there is an expansive list of who is on the Executive Council that may not be immediately obvious. For example, our members include Judges sitting on various District Courts of Appeal as well as *ex officio* members (such as The Florida Bar President and President-Elect). Vice-Chair Conigliaro observed that this made it difficult to get a majority of people in order to have a true majority of the Executive Council. Also, on the Amicus Brief issue several people recused themselves and this left us with a problem in terms of getting a majority. Vice-Chair Conigliaro noted that the Executive Council and Board of Governors ultimately approved the filing of the Amicus Brief.

Vice-Chair Conigliaro thanked Frances Toomey for her assistance in proposing revisions to the bylaws. Chair Easley suggested that at this time the Section entertain a discussion but not a vote and opened the floor for discussion.

Vice-Chair Conigliaro also discussed issues relating to the Executive Council authorizing the Section's commitments and contracts. As he explained, normally, the Secretary/Treasurer, working with The Florida Bar Liaison, authorizes Section expenditures. On this issue, Vice-Chair Conigliaro proposed an amendment to clean up the way things are already done regarding how expenses are approved by the Section. Vice-Chair Conigliaro also proposed a change to Section 5 of the by-laws (see attached proposal, Exhibit B). He believes that the proposed amendment will clarify the number of people necessary to approve an expense and also adjust the notice issue.

Vice-Chair Conigliaro also raised the need to add language providing a standard for how things would be handled when a matter requires expedited consideration.

Currently, the Section Chair and two other Officers must decide whether something requires expedited consideration before it is raised before the Executive Council. If majority wants a meeting then it should be held.

The proposed amendment provides a timeframe for meetings to create a structure for the Executive Council vote. The Executive Council will be advised that the voting will close at a date certain. The proposed amendment will also add a recusal for cause provision that must be approved by the Chair in order to excuse someone from the vote and reduce the number of votes needed to pass a measure.

Secretary/Treasurer Reiter asked about the quorum issue and what precisely constitutes a quorum. Secretary/Treasurer Reiter also raised concern about the requirement that recusal only be for cause and the requirement that it be approved by the Chair. Vice-Chair Conigliaro explained that requiring a majority of the entire Executive Council is to avoid controversy when the Section has votes by email as opposed to in person. He also noted that the reason to have the Chair make the determination of recusal is that this form of recusal under the proposed revisions will reduce the number of people who are required to make the decision.

EC Member Gwendolyn Braswell raised a similar concern about including a recusal for cause provision and thought that a Chair might recuse people who did not want to be recused and this can cause trouble as well.

Chair Easley thought that the recusal language needed to be clarified to avoid confusion.

Section Member Nick Shannin expressed his support for clarifying the bylaws. He suggested that the organization must allow people to act quickly but recognized that parliamentary procedure does not really address the methods for handling email. Section Member Shannin agreed that the Section should avoid ambiguity in the recusal language. He further believes that there should be allowance of approval of Section votes by ratification when something needs to be resolved quickly. He noted that at the meeting following an email vote there needs to be ratification. He further noted that members of the section may not be able to vote but may want to be heard on the issue and that is what a motion to ratify would accomplish. If you do not have a majority of the Executive Council you need ratification.

Vice-Chair Conigliaro and Chair Easley responded to Section Member Shannin and noted that the concept of post-vote ratification would have posed a problem when the Section filed the Amicus Brief in the *Pleus v. Crist* matter because the Board of Governors would not even look at the brief without our approval.

EC Member Steve Starke expressed his belief that a vote by email should involve everyone and not just a majority of a quorum, etc. He also felt that recusal may not be the right word and whoever abstains should not be counted. Also, he questioned the procedure when people changed their votes. He believes the rules must be clear that the Chair can cut people off after a certain number of days that so that people are aware that they can lose their right to have a chance to vote when the vote closes.

EC Member Tony Musto raised a question regarding *ex officio* members. He believes that they should not be included and this should be clarified if necessary in the by-laws. As to the reference regarding time frame by the Chair he suggested as a change that it should include a “reasonable” time-frame. He also believes that because of the lack of discussion, action should only be taken by a majority of the full committee. EC Member Musto also suggested that the by-laws not require Chair's approval on recusal. He believes that recusal should be up to the individual and that is it. He suggested that the wording on the end of section 5 be changed to clarify the intent – can be read to modify “Executive Council” or “majority.”

Chair Easley requested that Vice-Chair Conigliaro incorporate the comments made during discussion at this meeting, further revise the language and circulate the proposed changes at least 30 days before the June meeting for comments and subsequent voting on the proposed amendments.

Vice-Chair Conigliaro indicated that the revised amendments to the by-laws would be circulated by email 30 to 60 days before the next meeting.

Chair Easley said it will be on agenda for vote in June.

## **B. APS Mini-Retreat**

Section Member Sandridge gave a report on the Section mini-retreat. She noted that from the two meetings there are action items that will be developed over the next few months and we hope to have implementation of ideas now. She noted that the Section

mini-retreat is a success because it took a concept that in the past took lots of time and money and now connected it to existing meetings and maintained the camaraderie and continuing legal education credits and future planning for the Section. The concept works, and she hopes to see it continue in the future.

Chair Easley thanked EC Member Sandridge again as well as the other facilitators, Susan Fox, Tom Hall, who could not be at the January Mini-Retreat Part II because of budget cuts, and Secretary Treasurer Jack Reiter, for their hard work in the September Mini-Retreat Part I and the January Mini-Retreat Part II.

## **VII. Committee Reports**

### **A. Continuing Legal Education – CeCi Berman, Chair**

CLE Subcommittee Chair Ceci Berman reported that the subcommittee had a marathon meeting. She lauded the Telephone Seminar Series and stated that it continues to be successful. She thanked EC Member Henry Gyden, noting that he is in charge of the telephone series and it's running beautifully. She reported that the subcommittee is all set with topics through the end of the year. Specifically, she touted the Advanced Appellate Certification Review course.

She also mentioned the March 5, 2010 Practice Before the Fifth District Court of Appeal. She indicated that most Judges are participating.

Another upcoming seminar is Preservation of Error – The Art of Objecting. EC Member Brian Gowdy will be leading that and it is scheduled for April 14, 2010. Subcommittee Chair Berman noted that the agenda was not due until February but we already have lots of Judges lined up for this as well as practitioners.

She explained that our specialty programs do not make lots of money, such as the worker's compensation seminar. Ms. Berman wants to create a big money maker CLE that can continue.

Subcommittee Chair Berman also explained that historically certain seminars such as the hot topics seminar are not particularly formal, but they are more likely to make more money. Over the next few months, Subcommittee Chair Berman plans to create a chart of upcoming years so we have an calendar and will know what will be

repeating and coming up again. She believes that this will help create over time a program that will run more efficiently. This will also give much more advance notice as to when the CLE will be coming up. This will also alleviate the problem of turnover at The Florida Bar. Subcommittee Chair Berman opined that nobody on the subcommittee has a real understanding of what The Florida Bar does in connection with the various CLE programs. She wants to get the CLEs running more efficiently. She also wants more volunteers for the subcommittee and part of her goal is to make it easy for people to volunteer without having to know the inner workings.

Subcommittee Chair Berman also highlighted a seminar by Section Members Harvey Sepler and Roberta Mandel for legal assistants, noting that this may become a series and can be held on a regional basis. Can be for paralegal certification credit as well. She also described the possibility of a legal writing course envisioned by Chair-Elect Cantero.

Subcommittee Chair Berman also discussed exploring how to get more credit for CLEs as well as the move toward more webinars (web-based seminars).

EC Member Musto noted that Judges can get audio CDs for free, but he was not sure if it had been approved by The Florida Bar Board of Governors.

Chair Easley expressed appreciation for Subcommittee Chair Berman's enthusiasm and expertise. Chair Easley also explained that CLE programs do not always generate lots of revenue right away and that we usually see the results toward the of the year and on after-sales. For example, Chair Easley noted that the Worker's Compensation Seminar had already generated \$2400 in after-sales. Chair Easley also observed that some highly specialized appellate seminars need to be continued every other year or every few years as a service to our members because the Section should remain committed to the goal of advancing appellate practice. Chair Easley also reported that she hears very positive feedback about the Telephonic Seminar Series. She thanked EC Members Gyden and Christopher Carlyle, and Vice-Chair Conigliaro for their fine work on that Series as well.

EC Member Stark opined that we should push the webinars and was impressed by the after-sales volume with the Worker's Compensation Seminar. Chair Easley explained

and liaison Valerie Yabrough confirmed that the Section often makes more revenue on CLE after-sales.

Subcommittee Chair Berman explained that the webinar actually cost more for participants because the Section had to shift some of the cost onto the participants.

EC Member Starke questioned whether that is because of The Florida Bar expenses.

Subcommittee Chair Berman did not identify specifics as to increased webinar costs, but noted that the Section has to use other resources.

EC Member John Crabtree observed that external contractors do the webinars due to a mandate by The Florida Bar and questioned whether this increases the cost to attendees.

Subcommittee Chair Berman advised that Section Liaison Valerie Yabrough needs to explain this.

Chair Easley noted that the REPTL had used outside contractors and discovered from their experience that The Florida Bar was a less expensive alternative than if we used external companies for webinars.

EC Member Crabtree questioned whether the market will adjust and it will then be cheaper because of competition for webinar services. He opined that perhaps in three years webinars will be much cheaper and that the Section should be examining this for the long term.

Subcommittee Chair Berman believes that the Section is already going in that direction.

Chair Easley asked Subcommittee Chair Berman to continue exploring whether webinars were a cheaper way to go. Chair Easley also made clear that The Florida Bar is very strict with their deadlines in connection with planning and preparing for seminars. She noted that the CLE deadlines are firm this year and must be met when given by The Florida Bar. She reiterated the importance of giving materials to Subcommittee Chairs that meet the deadlines. Chair Easley also thanked EC Member Wendy S. Loquasto for her great work on the seminars, including the Tallahassee

Outreach Seminars. EC Member Loquasto announced three upcoming CLE programs in Tallahassee.

**B. Outreach Committee – Gwendolyn Powell Braswell, Co-Chair and Betsy Gallagher Co-Chair**

Subcommittee Co-Chair Braswell explained that the committee continues to implement a strategy of using liaisons – individuals in our section who are also in other bar related groups to talk about our CLE programs. She explained that the subcommittee is now focusing on setting up liaisons with appellate practice sections of local bar associations as well as on law schools in Florida. Subcommittee Co-Chair Braswell discussed more contact with moot court boards and offering our Section members to be involved with that as well. The Subcommittee is working to develop a system where the Section can communicate with students and encourage them to make contact and provide feedback. Section member Cheryl Lowenthal from the Criminal Practice Section visited and attended the meeting, and Subcommittee Co-Chair Braswell discussed continuing to encourage Section members to bring other people to meetings. Subcommittee Co-Chair Betsy Gallagher invited a recent law graduate to the meeting.

Chair Easley thanked Co-Chair Gwendolyn Powell Braswell and Betsy Gallagher for their hard work with outreach and expressed appreciation for the hard work.

**C. Pro Bono – Bryan Gowdy, Chair**

Subcommittee Chair Gowdy mentioned that the subcommittee gets a steady stream of pro bono requests from legal aid organizations around the state and from the Florida Supreme Court. The subcommittee has fulfilled every request. Subcommittee Chair Gowdy discussed an upcoming meeting with pro bono coordinators of various legal aid organizations in Tallahassee. The Subcommittee is investigating who will pay for the costs associated with pro bono representation on appeal. Section member Shannin has talked to people at Florida Bar Foundation to try to set up a meeting, and will try to put together a short list of tips to deal with pro bono cases. The Subcommittee also plans on doing more to keep track of the numbers of how many pro bono cases the Section is handling.

Subcommittee Chair Gowdy thanked Rebecca Creed and John Mills and noted that he worked on a pro bono case for many months, spending approximately 700 hours, and had the opportunity to argue before the United States Supreme Court on the issue of whether it is cruel to imprison a juvenile for life without parole for non-homicide cases.

Chair Easley noted that she had received comments from the American Bar Association as to how hard Subcommittee Chair Gowdy and his Subcommittee are working. She thanked Subcommittee Chair Gowdy for his hard work and congratulated him on his argument before the United States Supreme Court. The EC Members all applauded to demonstrate their appreciation for his fine work.

#### **D. Pro Se Handbook – Kimberly Jones, Editor**

Subcommittee Chair Jones reported that the Pro Se Appellate Handbook has been successfully disseminated to courts, prisons, law schools, and legal services organizations. She expressed that the goals for the future include obtaining funding after grants from The Florida Bar Foundation have been depleted. She expressed a concern as to how the Section will perpetuate the handbook and obtaining data necessary for future funding proposals. The Subcommittee is putting together a survey to communicate with users to see how we are helping and how can we improve and this will require future funding because it can be very expensive. Section member Harvey Sepler and Chair Easley noted that inmates are still communicating that they are not getting access to the handbook in the prison libraries. Chair Easley requested that Subcommittee Chair Jones and Harvey Sepler further explore that. Subcommittee Chair Jones also wants to increase visibility of the handbook nationally so that it can become a model for others to use.

Chair Easley thanked Subcommittee Chair Jones for her hard work.

#### **E. Programs – June Hoffman, Chair**

Subcommittee Chair Hoffman discussed the AJEI's annual summit in Orlando and thanked members on behalf of the Section's support for a pledge and fundraising campaign of \$10,000 for the opening reception at the function. Subcommittee Chair Hoffman advised that the Section exceeded the fundraising goal of \$10,000 and

actually raised \$11,000. Subcommittee Chair Hoffman advised the attendees that Judge Martha Warner, who served as Chair of the Judge's conference was very happy with the Section's contribution and support. Subcommittee Chair Hoffman thanked everyone who assisted her, including Co-Chair Robin Bresky, and highlighted the great synergy on the issue. Subcommittee Chair Hoffman noted that everyone reached out and made it a tremendous success for the State and gave the Section visibility nationally.

Subcommittee Chair Hoffman mentioned the upcoming dessert reception and noted that it may involve a casino or Kentucky Derby theme. The Subcommittee will also work toward perpetuating the dialogue with the Florida Supreme Court.

Chair Easley thanked Subcommittee Chair Hoffman and Co-Chair Bresky for their efforts.

Chair Elect Cantero mentioned a concern regarding the discussion with the Florida Supreme Court, noting that for the preceding two or three years the attendance has been very low, and we run the risk that the Court will lose interest in participating if they see that the public is not interested. Chair Elect Cantero touted the discussion with the Court as a great opportunity to meet with the Justices all at once and to ask questions. He expressed a belief that we as a Section must make an effort to encourage others to be there as well.

Chair Easley opined that the Section should coordinate with the Young Lawyers Division and to encourage them to emphasize the importance of young lawyers hearing what the Justices think and have to say on the various issues. Chair Easley also commented that the Section was already working on the process of revising its Discussion with the Supreme Court to make significant improvements to its format and attendance and in its advertising, and that Chair Easley had appointed Chair Elect Raoul Cantero to work on that with her leading to the June meeting.

Outreach Co-Chair Gallagher noted that the students did not know about this event and many left after their moot court experience. As Outreach Co-Chair, she will contact the law schools to make sure that there is a better turnout.

## **F. Public Advocacy/Legislation – Tom Warner, Chair**

Subcommittee Chair Warner was not present, so Chair Easley summarized the report. Subcommittee Chair Warner is still studying the issue of e-filing in the Courts and what additional supportive role the Section should play and that he will be doing additional research in connection with his report. EC Member John Hamilton noted that the issue that the Subcommittee is researching involves e-filing.

## **G. Publications – Caryn Bellus, Chair**

### **1) The Record – Alina Alonso, Editor**

Appellate Practice Section Florida Bar Journal Articles Editor Tracy Gunn delivered a report for both Subcommittee Chair Bellus and Editor Alonso, who were not present due to court conflicts. Editor Gunn expressed the need for writers and Chair Easley added that it was very important for our authors to support our subcommittee chairs and adhere to CLE and publication deadlines. Editor Alonso has the record all lined up, but there is a February 19 deadline and lots of people do not have their articles in.

Articles Editor Gunn also mentioned that there are rolling deadlines for The Florida Bar Journal, and the Section has submitted articles up until March publication. The next three articles are lined up but more are required. Articles Editor Gunn touted the importance of articles for visibility and noted that the Section should perhaps focus more articles on professionalism. Chair Easley thanked Articles Editor Gunn and The Record Editor Alonso for their commitment and efforts.

### **2) The Guide – Rebecca Creed, Editor**

Editor Creed noted that The Guide continues to operate online and now there are passwords for Section members. The Subcommittee is working on the “Inside the Courts” articles.

Chair Easley thanked everyone on publications and expressed her happiness with Editors Creed, Gunn and Alonso’s work. Chair Easley also thanked the Publications Committee Chair Bellus for her continued dedication.

## **H. Website – Jonathan Streisfeld, Chair**

Subcommittee Chair Streisfeld requested more volunteers. The Subcommittee is striving to get information out to the Section members through the site or the email blasts. The website now has a password to provide a benefit of membership for individuals who want to look at The Record or The Guide online. The Subcommittee is always looking for more content and requested that Subcommittee Chairs should provide blurbs about the subcommittees to increase visibility. Subcommittee Chair Streisfeld questioned whether there are too many blasts.

Vice-Chair Conigliaro and EC Member Eagan opined that he does not believe there are too many blasts.

EC Member Eagan opined that some of the blasts have too much information in them and that information can be missed.

Chair Easley EC Member Crabtree suggested that all the topics of a blast should be listed on the top of the email blast in case a person does not read the whole thing.

Chair Easley added that the Section combined information to avoid inundating members with the email blasts. She agreed with EC Member Crabtree's observation that the email should add a squib along the top noting the contents, and noted that there used to be such tables of contents or squibs when she first worked on the Website Committee and produced those blasts. Chair Easley thanked Website Subcommittee Chair Striesfeld for his commitment and hard work.

## **X. Adjournment**

Chair Easley announced that the next meeting would be on June 24, 2010 at the Boca Raton Resort and Club.

EC Member Sandridge reminded attendees about the dinner at 6:30 and Chair Easley officially adjourned the meeting.

Appellate Practice Section  
Mini-Retreat #2  
Thursday, January 21, 2010

Chair Dorothy Easley welcomed everyone and thanked both the Judges and attorneys for their attendance and participation. Chair Easley emphasized that the mini retreat and the Section exists for community and because the members want to make a difference in the world. She also noted that the Section wants to perpetuate a just legal system and to participate in the future of the Section. She emphasized that this is accomplished through participating and exchanging ideas.

Chair Easley remarked that the first mini-retreat in September, 2009 presented a viable alternative to the former weekend retreats that were very expensive. The mini-retreat saves time and costs and hopefully will perpetuate in to the future.

Chair Easley explained that at the prior retreat, there were three primary groups: 1) A focus on technology, presided over by Hala Sandridge; 2) A focus on leadership and professionalism, presided over by Susan Fox; and 3) A focus on fiscal independence and financial stability, presided over by Tom Hall. Chair Easley explained that for the breakout sessions for the January 21, 2010 retreat, each group would be providing a report by March, 2010. EC member Sandridge would again preside over the filing and technology breakout session; EC member Fox would again preside over the breakout group on professionalism; Secretary/Treasurer Jack R. Reiter will be substituting for Tom Hall for further discussions regarding fiscal independence and financial stability because EC member Hall is unavailable.

Chair Easley advised attendees that each person has been assigned to particular breakout groups and stressed the significance of institutional memory, but she also invited people to choose a different group if they so desire. Chair Easley also advised attendees that they would receive continuing legal education credit as well.

EC member Sandridge thanked everyone for the introductions and explained the goals of the mini retreat, including planning for the future. The agenda reflects the various ideas discussed previously and is broken into three sections. The ideas that were identified before were placed into categories and now the focus should be upon implementation. The various Committees will decide as a group what topics are important and then make recommendations to the chair. EC member Sandridge reiterated that each participant is free to go to any group in order to vet ideas and come up with specific ones for potential implementation. It will also be a goal to come up with an action plan.

EC member Sandridge opined that each breakout group should set goals and a target date if possible with the hope of accomplishing the goals by the June meeting. EC member Sandridge noted that some goals may take longer than others, and that nothing set in stone as to when things must be accomplished.

Chair Easley lauded the amount of work EC member Sandridge has devoted to the retreat and the anticipated dinner and thanked her for her hard work. Chair Easley also thanked Section liaison Valerie Yarboguh as well as EC members Susan Fox and Tracy Gunn, along with Secretary/Treasurer Reiter.

#### Minutes from individual breakout sessions prepared by breakout groups

##### Breakout Group No. 1: Leadership, Ethics, and Professionalism

1. Attract new members to the Section – Bretton Albrecht will work with Betsy Gallagher and the outreach committee to put together a list of “selling points” on why people should join the Section. They will target three groups – local bar appellate sections, DCA staff attorneys, and law schools. Betsy will create a “bring a member” initiative in which each current member is asked to recruit one new member.
2. Update and clarify bylaws – Steve Stark volunteered to take responsibility for this project
3. Focusing on Professionalism (combined with # 6, training and education of younger appellate lawyers) - Peter Webster will write a Bar Journal article on the courts’ perspective of professionalism on appeal, with examples of unacceptable behavior seen by the courts and an emphasis on the fact that the ethical rules are minimum requirements and that appellate practitioners should strike for higher aspirational goals. Judge Webster will ask Justice Lewis, who chairs the Commission on Professionalism, to co-author. I will work with them for publication. We are targeting to have this article completed by April or May. We also have commitments for Record articles on the appellate Inns of Court in the 1<sup>st</sup> and 3d DCAs, which are focused on professionalism. These will be completed by April for the May issue. Judge Webster also noted that the 1<sup>st</sup> DCA judges do a program at FSU with all the 1<sup>st</sup> year students in which they emphasize professionalism in the appellate courts, and suggested that perhaps the other law schools could benefit from a similar

discussion with their local DCA judges. We suggest referring this to the CLE committee or our DCA judge representatives on the EC.

4. Become more involved in the JNCs – we need more qualified appellate lawyers to apply for the DCA JNCs, so that there is a better chance of someone with appellate expertise being appointed to the JNC. We will notify appellate section members of openings and encourage them to apply. Where appropriate, we will provide support for appellate specialists' applications to the DCA JNCs.

The Florida Bar is currently accepting applications for the two attorney positions on each of the JNCs. I have sent you a draft of an email blast to members. Subject to your approval, this notice can be sent immediately.

5. Advocacy (relates also to #5) – the members of this break out group suggested that Tom Warner's advocacy committee should look into and support the current proposal to revert to the "old" JNC procedure, which many EC members believe provided a more balanced and better qualified commission.

#### Breakout Group No. 2: Section Finances and Fiscal Independence

In attendance were Chair Dorothy Easley, Vice-Chair Matthew Conigliaro, Secretary/Treasurer Reiter, Executive Council members Steven Brannock, Henry Gyden, Christopher Carlyle, and Anthony Musto; and Section members Lance Curry, Sheryl Lowenthal, and Cassandra Snapp.

Secretary/Treasurer Reiter led the discussion. Vice-Chair Conigliaro agreed to take minutes.

Secretary/Treasurer Reiter began by raising the overall issue of what it means to be fiscally independent. He related Tom Hall's concern that, if the Section is to be a more powerful section and have the ability to take on controversial issues, then independence is important; whereas if the Section has no interest in such pursuits, then financial independence may not be important at all.

Secretary/Treasurer Reiter stated that he spoke with the chair of the Real Property, Probate, and Trust Law Section, who explained that the RPPTL's have a million-dollar budget and over 9,000 members. Their section creates forms for members and the public and has political action committees. Their section has formed independent non-profit corporations, and the leadership of those corporations overlaps with the section's leadership. The RPPTL's use the non-profit corporations to sell forms, and money raised can be used to support political activities.

Secretary/Treasurer Reiter invited comments.

Section member Curry noted that there are certain things we cannot do independently as a section, such as filing an amicus brief. Secretary/Treasurer Reiter confirmed that the Section prepared an amicus curiae brief in a Florida Supreme Court case in 2009 but could not file without authorization from the Board of Governors. EC member Carlyle asked if the full Executive Council had to authorize such briefs as well, and Secretary/Treasurer Reiter answered yes.

Section member Lowenthal questioned how much money a section would need to raise before becoming financially independent would be important. Secretary/Treasurer Reiter mentioned that, in the past, the Section had concerns that if it worked hard and built reserves, then the Bar might sweep the funds in some fashion. Secretary/Treasurer Reiter also mentioned that organizations routinely approach the Section about grants, donations, and other forms of sponsorship.

EC member Musto observed that, to a large extent, we are reinventing the wheel. In his view, every time the Section has had a retreat, we have concluded that the Section should establish an independent foundation but it always falls through the cracks. He suggested that the reason we need such a foundation is that the Bar has an insatiable need for money and will pursue every dollar to underwrite its expenses. EC member Musto added that sections have set up foundations to channel money, and if for no other reason than to protect our money, we should do the same.

EC member Gyden asked if moving money to a foundation would save the Section money. EC member Musto suggested that if the Bar is not taking any steps to gain control of sections' money, then our Section could minimize its use of the foundation, but if the Bar suddenly acts otherwise, then the foundation would be there for us to use.

Secretary/Treasurer Reiter asked if setting up an independent entity would be perceived as a problem by the Bar. EC member Musto answered no, that other sections such as the RPPTL's have done it and anything positive that the sections do with their money can indirectly reflect well on the Bar as a whole.

EC member Gyden suggested that an independent foundation sounds like a good idea, but he wondered what sort of negative consequences there would be if, for instance, the Section ran its own CLE programs. Reiter said that he spoke with the RPPTL's about this subject and they reported it being a non-issue—that the Bar has strict requirements for creating CLE's that do not apply when sections can run CLE's by themselves.

EC member Brannock noted that a section with a \$1 million budget has a lot more flexibility than a section like ours has. He suggested that we are more dependent on the Bar for services but we should examine what goes into CLE production and whether we are getting fair value for what we pay the Bar.

Secretary/Treasurer Reiter described the Third District's 50th anniversary gala and how a group from the Dade County Bar Association established a non-profit entity to run that function separate from the DCBA. He explained that, after the gala was held, the entity was converted into a historical society for the district court.

EC member Brannock commented that these issues raise the concern of needing additional volunteer time from those who are active in the Section and that our Section's size should be a consideration.

Vice-Chair Conigliaro said that, for the benefit of those who have not paid close attention to our Section's finances, he would go over the big picture with a focus on the 2008-09 figures and the role CLE's play in the Section's financial situation. He discussed the financial information contained in the meeting materials for that day's Executive Council meeting.

EC member Musto commented that while the Bar does a lot for sections, it still uses sections to subsidize costs it wants subsidized, such as hotel rooms during meetings, which cost one rate for most attendees but are made complimentary for others.

Secretary/Treasurer Reiter moved the discussion to CLE programs. EC member Gyden suggested that perhaps we could link attendance at one program to a discount on another program. EC member Musto suggested that we create a sort of "season ticket" for our programs.

Section member Curry stated that he liked the idea of more telephonic seminars. Vice-Chair Conigliaro noted that telephonic seminars such as the monthly telephonic CLE programs present a different set of issues than normal seminars, since those calls are considered a section service project and are not part of the normal CLE structure.

EC member Musto suggested that we present a sort of "coming attractions" segment at our programs to advertise future programs. Section member Snapp suggested that we could offer to promote other sections' CLE's at our programs and ask other sections to promote our programs, as a form of cross-marketing. EC member Musto mentioned that the Bar used to offer an incentive for sections to co-sponsor CLE events, and while that no longer exists, there are still other sections that could naturally pair with our Section to promote our CLE programs.

Vice-Chair Conigliaro mentioned that one of the Section's strengths, and a good selling point in trying to pair with other sections, is the ability to attract appellate judges to CLE events.

Section member Snapp asked how often the Section holds half-day CLE seminars. Vice-Chair Conigliaro said that 2009's half-day family law CLE was the first such program he could remember from the Section. EC member Gyden added that the CLE committee is planning to hold webinars for paralegals in each district.

Secretary/Treasurer Reiter moved the discussion to hiring a professional fundraiser. He asked if such a hire would allow the Section to seek grants from foundations. Secretary/Treasurer Reiter mentioned that, according to EC member Hall, the national association of court clerks to which Hall belongs has amassed over \$250,000 largely by pursuing grants.

EC member Gyden asked if there is a particular grant program we would target. Section member Snapp said that a professional fundraiser could help us identify what funds are available and help us shape our own agenda on what programs to offer. Chair Easley mentioned that The Florida Bar Foundation gave our Section \$60,000 to create the Pro Se Handbook and that the pro se handbook committee and the pro bono committee will both be looking for funds in the future. Chair Easley added that our Section should look good in the Foundation's eyes because we came in under budget in publishing the Pro Se Handbook, after doing more work than we planned to do, and we returned the unused funds to the Foundation.

Secretary/Treasurer Reiter moved the discussion to working with law schools to hold seminars and, compared with holding events at hotels, reduce costs. He suggested using law school facilities. EC member Musto said he has discussed this possibility with St. Thomas and that the school would be receptive, but any events would need to be planned long in advance because the schools plan room usage long in advance. EC member Brannock added that the Section has precedent for working with law schools for the appellate workshop, which has been held at Stetson Law School and Florida Coastal School of Law. Secretary/Treasurer Reiter mentioned that Florida International University had expressed willingness to hold the Third District's 50th anniversary gala on its campus, and while that did not happen, the interest was positive.

At the meeting's conclusion, Secretary/Treasurer Reiter called for possible action in three areas:

(1) to explore potential professional fundraisers (Secretary/Treasurer Reiter suggested he might work with Section member Harvey Sepler)

(2) to explore the CLE suggestions made at this meeting (EC member Gyden volunteered to discuss with CLE Committee Chair Ceci Berman)

(3) to explore setting up a non-profit foundation (EC member Musto encouraged the Section to move forward with this idea)

### **Breakout Group No. 3 - E-Filing**

Our group's discussion caused us to conclude that we needed more information to resolve how our Section can assist the current ongoing efforts to create a statewide and uniform E-Filing system. We made the following information-gathering assignments:

2/21 Bryan Gowdy coordinate with Judge Hawks on status and breadth of 1<sup>st</sup> DCA's recently created E-Filing system, including use by other DCAs

2/21 Raoul Cantero check with Florida Bar regarding Bar's efforts to accomplish E-Filing, status of those efforts, and need for our Section's support or assistance

3/21 John Hamilton report on status of legislative efforts to create and fund E-Filing system

Once these reports are received, our group hopes to better determine how our Section can assist, if at all, in these efforts.

### **Conclusion of Breakout Session Notes**

At the conclusion of the various breakout sessions, Chair Easley again thanked everyone for their hard work and participation and requested that groups prepare and turn in reports by March to provide a status update on progress.

Chair Easley adjourned the meeting.

Here are my notes of the ideas that came out of the session leadership breakout:

1. To attract new members:

Add "Join" button to website

make a list of section benefits (Bretton Albrecht agreed to look into this)

2. Update bylaws and section operating manual, Steve Stark agreed to review this

3. Focus on Professionalism/ Training and Education of Younger lawyers

Shannon Carlisle would write an article or series on appellate ettiquette

Professionalism-related articles or writing topics were suggested by Robyn and V

Judge Webster suggested an article on "Top Ten Practices that Need to Stop"

Free or low cost CLE online covering the basics, make available to gov't attys or court appointed attys (Ivy Ginsberg would look into this)

More input from PDs & State Attys (Roberta Mandell agreed to look into this)

4. More involvement in JNCs -- recruit applicants

Possible legislation to return to old system of appointing JNCs (apparently this bill died in the session)

5. Improve outreach to local level -- Barbara Eagan agreed to look into this, but it appears Dorothy has already apptd local liaisons

Below please find the report of one-half of Susan Fox's "Leadership, Ethics and Professionalism" break out group from the mini-retreat held on January 21, 2010.

1. Attract new members to the Section – Bretton Albrecht will work with Betsy Gallagher and the outreach committee to put together a list of "selling points" on why people should join the Section. They will target three groups – local bar appellate sections, DCA staff attorneys, and law schools. Betsy will create a "bring a member" initiative in which each current member is asked to recruit one new member.
2. Update and clarify bylaws – Steve Stark volunteered to take responsibility for this project
3. Focusing on Professionalism (combined with # 6, training and education of younger appellate lawyers) - Peter Webster will write a Bar Journal article on the courts' perspective of professionalism on appeal, with examples of unacceptable behavior seen by the courts and an emphasis on the fact that the ethical rules are minimum requirements and that appellate practitioners should strike for higher aspirational goals. Judge Webster will ask Justice Lewis, who chairs the Commission on Professionalism, to co-author. I will work with them for publication. We are targeting to have this article completed by April or May. We also have commitments for Record articles on the appellate Inns of Court in the 1<sup>st</sup> and 3d DCAs, which are focused on professionalism. These will be completed by April for the May issue. Judge Webster also noted that the 1<sup>st</sup> DCA judges do a program at FSU with all the 1<sup>st</sup> year students in which they emphasize professionalism in the appellate courts, and suggested that perhaps the other law schools could benefit from a similar discussion with their local DCA judges. We suggest referring this to the CLE committee or our DCA judge representatives on the EC.
4. Become more involved in the JNCs – we need more qualified appellate lawyers to apply for the DCA JNCs, so that there is a better chance of someone with appellate expertise being appointed to the JNC. We will notify appellate section members of openings and encourage them to apply. Where appropriate, we will provide support for appellate specialists' applications to the DCA JNCs. The Florida Bar is currently accepting applications for the two attorney positions on each of the JNCs. I have sent you a draft of an email blast to members. Subject to your approval, this notice can be sent immediately.
5. Advocacy (relates also to #5) – the members of this break out group suggested that Tom Warner's advocacy committee should look into and support the current proposal to revert to the "old" JNC procedure, which many EC members believe provided a more balanced and better qualified commission.

# Exhibit B

	May 2010 Actuals	YTD 09-10 Actuals	Budget	Percent Budget
Total Appellate/Advocacy L =====				
31431 Section Dues	0	55,240	62,000	89.10
31433 Admin Fee to TFB	0	-24,188	-27,125	89.17
31435 Admin Fee Adj	0	0	-26,910	0.00
-----				
Total Dues Income-Net	0	31,052	7,965	389.86
-----				
32191 CLE Courses	-4,987	10,604	10,000	106.04
32293 Section Differential	1,200	5,143	10,000	51.43
32301 Course Materials	0	0	40	0.00
35201 Sponsorships	0	10,700	1,000	1,070.00
35202 Sponsor Reception	0	10,250	15,625	65.60
35700 Member Service Progr	375	14,531	12,400	117.19
36991 Allowances	0	0	144	0.00
38499 Investment Allocatio	-4,096	11,885	1,298	915.64
38506 Pro Se Appellate Han	0	4,660	0	*
-----				
Other Income	-7,508	67,773	50,507	134.19
-----				
Total Revenues	-7,508	98,825	58,472	169.01
-----				
36998 Credit Card Fees	5	120	176	68.18
51101 Employee Travel	0	844	1,356	62.24
71001 Telephone/Direct	71	663	745	88.99
84001 Postage	1	722	500	144.40
84002 Printing	0	1,957	60	3,261.67
84006 Newsletter	0	0	500	0.00
84007 Membership	0	0	100	0.00
84009 Supplies	0	18	0	*
84010 Photocopying	0	21	200	10.50
84051 Officers Travel Expe	0	0	1,700	0.00
84101 Committee Expenses	0	1,309	1,200	109.08
84102 Public Info & Websit	0	0	3,000	0.00
84200 General Meeting	0	2,939	1,400	209.93
84202 Annual Meeting	0	0	15,000	0.00
84204 Midyear Meeting	0	4,599	1,950	235.85
84205 Section Service Prog	235	18,756	7,000	267.94
84301 Awards	274	419	900	46.56
84422 Website	0	9,786	5,000	195.72
84503 Legislative Travel	0	0	200	0.00
84701 Council Of Sections	0	300	300	100.00
84998 Operating Reserve	0	0	5,021	0.00
84999 Miscellaneous	0	21	400	5.25
-----				
Total Operating Expenses	586	42,474	46,708	90.94
-----				
86431 Meetings Administrat	0	0	152	0.00
86543 Graphics & Art	316	3,748	8,375	44.75

	May 2010 Actuals	YTD 09-10 Actuals	Budget	Percent Budget
Total Appellate/Advocacy L =====				
Total TFB Support Services	316	3,748	8,527	43.95
Total Expenses	902	46,222	55,235	83.68
Net Operations	-8,410	52,603	3,237	1,625.05
21001 Fund Balance	0	100,195	64,894	154.40
Total Current Fund Balance	-8,410	152,798	68,131	224.27

	May 2010 Actuals	YTD 09-10 Actuals	Budget	Percent Budget
AP Pro Se Appellate Handbo ~~~~~				
Total Dues Income-Net	0	0	0	*
38506 Pro Se Appellate Han	0	4,660	0	*
Other Income	0	4,660	0	*
Total Revenues	0	4,660	0	*
84001 Postage	0	2,737	0	*
84002 Printing	0	1,924	0	*
Total Operating Expenses	0	4,661	0	*
Total TFB Support Services	0	0	0	*
Total Expenses	0	4,661	0	*
Net Operations	0	-1	0	*
Total Current Fund Balance	0	-1	0	*

	May 2010 Actuals	YTD 09-10 Actuals	Budget	Percent Budget
<b>Appellate/Advocacy Law</b> ~~~~~				
31431 Section Dues	0	55,240	62,000	89.10
31433 Admin Fee to TFB	0	-24,188	-27,125	89.17
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86543 Graphics & Art	316	3,748	8,375	44.75

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21001 Fund Balance	0	100,195	64,894	154.40
Total Current Fund Balance	-8,410	152,799	68,131	224.27

# Exhibit C

<b>Appellate Practice Budget Amendments</b>				
<b><u>Line Item</u></b>	<b><u>Description</u></b>	<b><u>Amount Budgeted</u></b>	<b><u>Amount Spent</u></b>	<b><u>Amendment Amount</u></b>
84001	Postage	\$500.00	\$721.00	\$221.00
84200	General Meeting	\$1,400.00	\$2,939.00	\$1,539.00
84204	Midyear Meeting	\$1,950.00	\$4,599.00	\$2,649.00
84205	Section Service Project	\$7,000.00	\$18,521.00	\$11,521.00
84422	Website	\$5,000.00	\$9,786.00	\$4,786.00
			<b>Total Amended:</b>	<b>\$20,716.00</b>

# Exhibit D

**The Florida Bar Appellate Practice Section Telephonic Seminar Registration**

*The seminar will generally take place on the third Tuesday of every month but June and December.  
1 Hour of CLE credit will be awarded for each seminar.*

**Please sign me up for the following date(s):**

- \_\_\_\_\_ Tuesday, July 20, 2010 (8020005)
- \_\_\_\_\_ Tuesday, August 17, 2010 (8020006)
- \_\_\_\_\_ Tuesday, September 21, 2010 (8020007)
- \_\_\_\_\_ Tuesday, October 19, 2010 (8020008)
- \_\_\_\_\_ Tuesday, November 16, 2010 (8020009)
- \_\_\_\_\_ Tuesday, January 18, 2011 (8020010)
- \_\_\_\_\_ Tuesday, February 15, 2011 (8020011)
- \_\_\_\_\_ Tuesday, March 15, 2011 (8020012)
- \_\_\_\_\_ Tuesday, April 19, 2011 (8020013)
- \_\_\_\_\_ Tuesday, May 17, 2011 (8020014)

\*\*\* Dates subject to change. Speakers and topics to be announced.

**Please sign me up for all 10 dates.**

All registration fees are non-refundable.

\$30.00 Members of the Appellate Practice Section per call

\$45.00 Non-section member per call

\$175.00 Members of the Section -All 10 calls if registration and payment received by August 31, 2010

\$275.00 Non-section members -All 10 calls if registration and payment received by August 31, 2010

**Payment Information**

---

\_\_\_\_\_  
Name  
\$ \_\_\_\_\_  
Amount

\_\_\_\_\_  
Bar Number  
\_\_\_\_\_  
Email Address

**Check**

Please print this form and mail with a check payable to **The Florida Bar** to:

Valerie Yarbrough  
The Florida Bar  
651 E. Jefferson Street  
Tallahassee, Florida 32399-2300

**Credit Card**

Please complete the form and send as an email attachment to [VYarbrough@flabar.org](mailto:VYarbrough@flabar.org); print this form and fax to Valerie Yarbrough at **850-561-5825**; or print this form and mail to the address above.

Master Card       Visa

\_\_\_\_\_  
Name on Card

\_\_\_\_\_  
Card Number

\_\_\_\_\_  
Signature

\_\_\_\_/\_\_\_\_ (mo/yr)  
Exp. Date

---

Billing Address including Zip Code

# Exhibit E



# The Florida Bar



**Jesse H. Diner**  
President

**John F. Harkness, Jr.**  
Executive Director

**Mayanne Downs**  
President-elect

May 17, 2010

## MEMORANDUM

To: Board of Governors and Selected Division, Section & Committee Chairs / Chairs-elect

From: Elizabeth May, Administrative Assistant 

Re: "Sunsetting" of 2008-10 Legislative Positions Within The Florida Bar

cc: Jesse H. Diner; Mayanne Downs; Scott G. Hawkins; Legislation Committee; John F. Harkness, Jr.; Rosalyn Scott; Selected Division, Section & Committee Liaisons / Lobbyists; Stephen W. Metz; Paul Hill

Consistent with the provisions of Standing Board Policy 9.20(d), all Florida Bar legislative positions for the 2008-10 biennium – to include those of committees, sections and divisions – are to be "sunsetting" at the July 23, 2010 meeting of the Board of Governors.

Attached is a current listing of recognized positions for your division, section or committee. The complete master list of all legislative positions within The Florida Bar is available online at this link: <http://www.floridabar.org/tfb/TFBLegNW.nsf/dc7ee304c562ed5b85256709006a26ee/e9db5ca1c9671a0385256b2f006cd0ce?OpenDocument>

By June 30, 2010 please review your group's existing positions for moot or stale issues, and advise us of those items you deem worthy of continued advocacy in the 2010-12 biennium which begins upon the legislature's organizational session next fall. For convenience, you may return a marked copy of this attachment to indicate those matters for which you intend to continue lobbying next year and beyond.

Existing section positions that are recommended by you for continued advocacy into the new biennium are typically rolled over by the Bar's governing board without any additional formality. Your prompt response should allow for timely action by the board at its July 2010 meeting without the lapsing of any current positions. However, any request for significant word changes to current positions or entirely new legislative positions must be tendered more completely, on the standard position request form.

Existing "Big Bar" positions and those of committees or divisions – which are supported by mandatory membership fees – are treated differently. Following the sunset of these particular positions in July, the Board of Governors typically leaves that slate blank until at least the next board meeting. Any legislative positions in these categories that are considered after this lapse (whether similar to previous positions or not) are reviewed *de novo* and treated as new in every respect – particularly for purposes of member dissent and potential fee rebates under R. Regulating Fla. Bar 2-9.3. Regardless, if you have recommendations for Florida Bar, division or committee advocacy in the new biennium, please share them with us.

The Governmental Affairs staff at The Florida Bar offers its assistance to you in complying with this request or for any other possible political activity. True legislative emergencies can be considered by the Bar's executive committee or president at any time. You may contact me by calling 800 / 342-8060, Ext. 5662. We look forward to working with you during the coming months. Again, please reply by June 30, 2010.

E.L.M.

Attachment

## **Appellate Practice Law Section**

July 25, 2008

1. Opposes amendment of Article V, Section 2(a) of the Florida Constitution that would alter the Supreme Court's authority to adopt rules for practice and procedure in all courts, or that would change the manner by which such rules may be repealed by the legislature.
2. Supports maintaining an independent judiciary.
3. Supports pay raises for appellate judges and support personnel consistent with the Supreme Court of Florida's budget requests.

# Exhibit F



## THE FLORIDA BAR

### Appellate Practice Section Official Ballot June 2010

#### Officers

Chair-elect

Matthew Conigliaro

Vice-chair

Jack Reiter

Secretary/Treasurer

Caryn Bellus

#### Executive Council

#### For a Three Year Term (ending in 2013)

Rebecca Creed

John Hamilton

Tom Warner

Robin Bresky

Kristin Norse

\_\_\_\_\_  Write In Candidate