

MINUTES OF THE APPELLATE PRACTICE SECTION EXECUTIVE COUNCIL and
ANNUAL SECTION MEETING
THURSDAY, JUNE 22, 2006
BOCA RATON RESORT & CLUB, FLORIDA

I. Call to Order – Tom Hall, Chair

II. Introductions

Alan Bookman, President of the Florida Bar came by and thanked the Section, for being the “guts” of the Bar, for the involvement of members of the Section in the Bar on behalf of the members of the Florida Bar. Supreme Court Justice Raoul Cantero attended as a member and former board member. Two newly board certified attorneys, Chris Carlyle and Gwendolyn Powell Braswell were recognized.

The following were present at the meeting:

Tom Hall
Steven J. Brannock
Honorable Raoul Cantero
Benedict Kuehne
Siobhan Helene Shea
Dorothy Easley
Celene Humphries
John Mills
Lucretia A. Pitts
Wendy Loquasto
Susan Fox
Betsy Gallagher
Tony Musto
Matt Conigliaro
Natalie J. Carlos
Jack J. Aiello
Jonathan M. Streisfeld
Chris Carlyle
Shannon McLin Carlyle
Tracy S. Carlin
Gwendolyn Powell Braswell
Honorable Rick Suarez
Honorable Kathryn S. Pecko
Jack R. Reiter
Honorable Mark E. Polen
Valeria Hendricks
Honorable Morris Silberman
Honorable Peter Webster
Paul Regensdorf

Florida Bar President Alan Bookman
John G. Crabtree
June Hoffman
Elizabeth Rodriguez
Josianne Deschamps Abel
Harvey Sepler
Mike Giel
Marianne Trussell
Roberta G. Mandel
Tracy Gunn

Executive Council Meeting

III. Approval of Minutes - approved unanimously (attachment A)

IV. Chair's Report

A. Today's Section Events – Tom Hall reported that later on the Section was hosting along with YLD the final rounds of the Moot Court Competition, followed by the Discussion with the Supreme Court. Later in the evening, the Section was hosting its Annual Dessert Reception and Awards Ceremony with a Rock and Roll theme.

B. Appellate Forum - Chair Hall thanked the participants of the first Annual Appellate Conference, which was a resounding success. (See below at VII.B.)

V. Treasurer's Report – Dorothy Easley reported a \$78,647 balance (see attached) Monthly Statement of Operations, attachment B)

VII. Old Business

A. Retreat - Susan Fox provided report from the DCA Workload Session, a report from the Section will be forthcoming. At the retreat dinner incoming Chief Justice Lewis presented a slide presentation on the importance of Appellate Law in Florida. The Saturday morning breakout emphasized key of personal recruitment of members. The Section set goals for the next two year. Public advocacy of the Independence of the Judiciary and court funding will be a primary legislative issue, with Tom Warner serving as Legislative Chair. Tony Musto will Chair a committee to explore independent funding for the Section. Henry Gyden will Chair the Website Committee, which will be improved including a forum and job opportunities. More information about leadership, including how to get involved will also be posted. The Leadership Committee under Committee Chair Angela Flowers, presented and had approved a by-law amendment to be presented to the entire Section to shorten the leadership track. Strong outreach to government lawyers will continue to be emphasized as a working goal of the Section. Marianne Trussell will serve as Chair of the Government Lawyers Committee. Outreach will include local outreach, to increase participation of government lawyers and other members not able to attend statewide meetings. Wendy Loquasto and Judge Padovano will start in early fall in September in Tallahassee. Central Florida is the next area, hopefully

to include the Fifth DCA, under the efforts of Chris Carlyle and Angela Flowers. Local volunteers are being sought to increase geographic diversity. Volunteers within Section are also sought to provide a presence and introduction to the Section at local appellate CLE. A Hospitality Committee was approved at the Retreat. Each participant or attendee at meetings will be greeted and asked to participate. All board members and leadership positions will be working positions and the process of nominations and becoming involved will be made more transparent.

B. Report from Appellate Justice Conference, which was a huge success. A follow up article is expected in the Bar News and it is hoped that this will continue as an annual Section Seminar. Program Chair, Celene Humphries, Harvey Sepler and John Crabtree were thanked for their involvement in planning on behalf of the Section.

VII. Ben Kuehne, a past Chair of APS, member of BOG, and Section liaison to BOG reported that Tom Hall's report to BOG at Key West meeting was very well received and that he has heard great feedback from members of the BOG about APS members' involvement in the Bar. Of ongoing concern is the understanding of appellate practice involvement to judicial appointments to the DCAs. The BOG will seek to educate JNC members and involve appellate lawyers in JNCs. Volunteers are also being sought for developing "white papers" in support of proposed legislation, consistent with the legislative policies of the Bar.

VIII. New Business

A. Job Search or Employment Opportunity – listings will soon be available on www.flabarappellate.org and in blast emails.

B. Federal Seminar (Keith Rizzardi) Keith Rizzardi of the Government Lawyers Section presented information on an upcoming Federal Seminar at U.S. Supreme Court in 2008 (see attachment D for information presented). Participants and speakers are being sought from the Section.

C. YLD Seminars – YLD has seminars which cover every area of practice, including appellate. Some Sections have complained that they are not being approached for speakers and content on subject matters relevant to their sections. Tom Hall is working with Jaimie Moses, President YLD, who will now contact sections for practitioners with more expertise in areas, including appellate. Matt Conigliaro has been contacted by YLD and has presented seminars on Appellate Law in the past.

D. Proposed Amendments to Rule 6-13 (Appellate Certification) – Comments were received at the Retreat. Angela Flowers led discussion and Tom received comments from Section members, which were included in packet circulated prior to Retreat. Angela Flowers reported that the comments are included in the report which is being provided to the BOG. Most questions related to the number and criteria for substantial involvement (clarifying how the rule is implemented), and allowing for a waiver of substantial involvement for attorneys who have been certified for a long period of time or going on to serve on the bench). Comments

can also be made to BLSE and BOG at the next level. Ben Kuehne also serves on the BLSE Committee and stated there is still opportunity for comment, if members request.

E. Eleventh Circuit seminar is being prepared for Atlanta in conjunction with the Georgia Bar and federal prosecutors in Atlanta. It should be a great opportunity for members. Sponsorship was sought by the Section on the level of \$1,500.00. A motion was made by Matt Conigliaro, seconded by John Mills for the Section to contribute \$1,500.00. Membership will be capped at 125. Dates are October 26th and 27th. Siobhan Shea stressed the importance of getting the word out and making sure Section members are made aware of the program and there is space to for them to attend if the Section provides funding. John Mills asked how participants and speakers will be selected, which is being done by sections of Florida and Georgia Bars. Motion passed unanimously.

F. Update on E-filing – the Supreme Court is about to unveil a new method which will hopefully be working next month. There is a 90 test period which will require paper follow up and there is a recommendation that e-filing be mandatory. The system is simple and training will be available on the website. There will be a follow up, most likely in the Fourth DCA to expand the e-filing program in the DCAs. Siobhan Shea suggested that the BOG needs to explore the use of electronic fund transfer from trust accounts to pay for filing fees electronically. Recommendation from DCA workload committee is to unify website for electronic filing in Supreme, DCA, and Circuit Courts. Some more rule changes will also be required, including for electronic signatures. Manatee approved, Sarasota and Duval are anticipated for Circuit Court electronic filings.

IX. Committee Reports (Standing)

A. Continuing Legal Education – Matt Conigliaro – Telephonic CLEs are the third Tuesday of every month 12:10 p.m., and continue to be a huge success. Just call in with your Bar number for CLE credit, which is usually also Appellate Certification qualified. An Appellate Practice Institute will be conducted in Atlanta October 26, 27. Marianne Trussell will Chair the Appellate Practice Certification seminar in South Florida. A Hot Criminal Topics Preservation Seminar Chaired by Calianne Lantz is anticipated in April. Ceci Berman is exploring a bankruptcy CLE. The CLE Committee is trying to put together a Fifth DCA seminar for fall 2007. (See also CLE Committee Report and Calendar, attachments E and F.)

B. Legislative – Deborah Marks was not present. For next year, Tom Warner will be Legislative Chair. John Mill suggested that court funding, including salaries for judges and staff members should be on the agenda. Tom Hall reported a slight structured pay increase is coming up. However, a study comparing other government branches (including local) found judges and staff members are comparatively very low. This will be referred to the Legislative Committee under the incoming Section Chair Susan Fox.

C. Programs – Celene Humphries reported that two programs are scheduled for today, the YLD and Supreme Court of Florida request APS members turnout for

the Moot Court final rounds and the open Discussion with the Court. The Dessert Reception and Award Ceremonies are this evening.

D. Publications – Steve Brannock reported a lively and productive meeting. Caryn Bellus will be Publications Chair next year. Jack Reiter will be Editor of the Record. Valeria Hendricks will be Editor of the Guide. Kristen Norse will be Editor of the Florida Bar Journal, assisted by Heather Lammers. Tracy Gunn gave an update and thanked Wendy Loquasto, Cory Eichorn, Roberta Mandell and Lucretia Pitts. Henry Gyden, will chair the Website assisted by Jonathan Streisfeld for Email Blasts.

1. Editor's Report for The Record – Betsy Gallagher gave a report from the Record. She is working on publishing the last issue. July 15th is the deadline for the next issue, which is being put together by her and the incoming Editor, Jack Reiter will be assisted by Roberta Mandel, Lucretia Pitts and Alina Alonso, among others. Steve Brannock and the Section thanked Betsy for her hard work on the Record.

2. The Guide – Caryn Bellus (reported by Angela Flowers). Authors are lined up for next year's production and Valeria Hendricks will be the next Editor.

3. Pro Se Handbook – Dorothy Easley reported the handbook is in final editing. The excellent assistant editors have already edited all the chapters once. Now, to provide consistency, further render the content into eighth grade reading level, remove instruction tone and create a glossary, Dorothy Easley, Caryn Bellus and Siobhan Shea are doing final edits. Bob Sturgess is creating a glossary of terms. Two chapters have been finished and will be presented by Tom Hall to the Florida Bar for approval for publication. By September the editing should be complete for approval by the Bar, funding for publication and to continue as an ongoing Section project.

4. Bar Journal – Tracy Gunn thanked Wendy Loquasto for her excellent job editing for the Section. An update of forthcoming articles was also presented and articles continue to be sought. Kristen Norse will serve as Editor, with Heather Lammers assisting. (See attachment G for a full Section Bar Journal report.)

E. Website – Celene Humphries reported for Henry Gyden, incoming Chair. Three subcommittees have been created: Forum Board (investigating educational dialogue, section information); Information Verification (addresses, information, spelling, accuracy); Format and Layout (whether to have job postings, reviewing page content, placement and layout, including potential advertisers, redesigning and making it more interactive, including onsite registration for membership and CLE registration, information on e-filing). It is anticipated a shadow website will be presented in January for the Executive Board to review.

F. Leadership Committee – Angela Flowers reported the Committee had developed a number of potential solutions to shorten the leadership track, which were presented and voted on at the Retreat. The solution, to combine the Treasurer and Secretary position was voted on and approved at the retreat, published to the membership, and will be voted on as a by-law change today.

The other proposal, to allow past chairs to serve on a board position, without taking up executive board seats, will be presented for vote. Tony Musto stated he had not received a copy, but Tom Hall stated they had been presented to the members by mail and email.

G. Mentor Committee – Jack Shaw was absent. Jack Aiello will serve as the next Mentor Committee Chair. The Mentor Committee will be revitalized and volunteers are being sought.

H. Outreach Committee – Shannon Carlyle reported that members are being sought. Austin Newberry was thanked for his hard work creating and publishing the five existing brochures. A link to order brochures from the website is anticipated. Federal, Criminal, Eminent Domain, Worker’s Compensation authors are sought.

I. Pro Bono – Tony Musto is looking for volunteers in the First and Third DCAs.

J. Sponsor / Advertising – Chris Carlyle reported that the last issue of the Record notified potential advertisers are being sought, but didn’t know if any advertisers had responded.

K Government Lawyer – Tom Hall reported they are a majority of the appellate lawyers in the State and the Government Lawyer Committee continues to be an important focus of the Section.

X. Next Meeting (Thursday afternoon, September 14, 2006 - Tampa Airport Marriott)

Susan Fox moved to adjourn, seconded by Judge Polen. Adjourned unanimously.

Section Meeting

XI. Election of Officers & Council Members – Ballots were circulated. John Crabtree moved the slate, including members of the council, seconded by Mills. Motion carried unanimously.

XII. Amending Section Bylaws – Angela Flowers previously presented and moved by the By-Laws Committee (thus no motion or second required from the floor under Robert’s Rules). Passed unanimously.

XIII. Remarks of Outgoing Chair – Tom Hall thanked the Section, his three main goals, a Retreat (thanked Susan Fox and Hala Sandridge), Government Lawyers active in Section, Pro Se Handbook publication (happening soon under Dorothy Easley). The Appellate Judge’s Conference, while not originally also desired at the first Retreat, turned out to be a tremendous success, which he hopes will continue as an annual event. Tom Hall thanked Program Chair Celene Humphries for the excellent Appellate Justice Conference; Dorothy Easley for Chairing the Pro Se Handbook, which she’s got really moving; and Chair Elect Susan Fox for the excellent job on the Retreat.

XIV. Remarks of Incoming Chair – Susan Fox thanked Tom Hall, with the record as most years in leadership, presented a plaque from the Section and a framed print of a Clyde Butcher photograph along with a gift certificate for framing, which he can use at

his photography exhibit upcoming at the Supreme Court, hopefully next fall. Her agenda for the Section will be the goals established at the Retreat. She asks for all members to be active and to support the Section.

XV. Adjournment