

Meeting Minutes
Appellate Section Executive Council
Mid-Year Meeting January 20, 2005, Miami, Florida

Attendance:

John Crabtree
Tom Hall
Siobhan Shea
Susan Fox
Steve Brannock
Dorothy Easley
Jack Aiello
Caryn Bellus
Shannon Carlyle
Matt Conigliaro
V. Hendricks
Wendy Loquasto
Tony Musto
The Honorable Kathryn Pecko
Harvey Sepler
Jack Shaw
Tracy Carlin
John Mills
Betsey Gallagher
Steven Stark
Jack Reiter
June Hoffman
Mike Richmond
The Honorable Mark Polen
Nancy Gregoire
Kathi Giddings
Marianne Trussell
Richard Rosenthal
Sorraya Solages
Christina Alonso
Randy Reder

Austin Newberry

I. Call to Order: Chair, John Crabtree, called the meeting to order at 2:10 p.m.

II. Approval of Minutes: The Executive Council approved the minutes of the October 13, 2004 telephone conference meeting of the Appellate Section Executive Council.

III. Treasurer's Report: Treasurer Siobhan Shea reported that the Section has \$102,663 on hand. There are now 1394 members in the Section. The council approved the treasurer's report.

IV. Appellate Practice Survey. Chair John Crabtree urged all of the members to complete the Appellate Practice Survey which has been circulated to all of the membership. Members were urged to respond electronically if possible.

V. The Budget. The 2005-06 budget of the Section was approved with one amendment. The Council voted to increase the line item relating to the Section's Telephone Conference Series to \$5,000 reflecting the actual operating costs of the Telephone Conference Series based on the first six months of the 2004-05 year. With this amendment, next year's budget was duly approved by the Executive Council. The Council also approved to budget amendments for the current year's budget to reflect the costs of the Section dinner at the Mid-Year Meeting in Miami and the Telephone Conference Series.

VI. Pro Bono. Tony Musto offered a report on the work of the Pro Bono Committee. The Committee has been working to ensure that pro bono assistance is available at every appellate court in Florida. The Committee's original thought was to set up the referral through the clerks of the various appellate courts, but after further review, the Committee has decided to coordinate with existing legal services programs in each appellate district. A list of appellate attorneys willing to provide pro bono assistance will be provided to legal service organizations in each district. The Committee is looking for a volunteer to coordinate pro bono services in the Florida Supreme Court and the First District. Nancy Gregoire has agreed to coordinate the Second District, Christina Alonso the Third, Mike Richmond the Fourth, and Shannon Carlyle the Fifth District.

VII. Privacy in Court Records. John Mills, the head of the Subcommittee on Privacy in Court Records submitted his report to the Council. The Florida Supreme Court has issued a moratorium on posting court files on the internet and has formed a special committee to come up with uniform rules to address the privacy issues raised by electronic court records. John Mills chairs a subcommittee of the Appellate Section formed to provide feedback to the special Subcommittee on Privacy. The Committee's recommendation was to allow access to electronic files by attorneys and pro bono litigants while restricting access from the general public. The Committee's major concern was the ease with which private information can be collected and then disseminated on the internet. Kathi Giddings expressed the opposing view concerning the difficulty of differentiating between access to electronic records and access to paper records. The Chair solicited additional input which resulted in the section sending its majority report along with the dissenting position to the Subcommittee on Privacy.

VIII. Section Survey. Tracy Carlin reported on the Appellate Section Survey. The Survey has been very well received. 200 responses were returned the first day. The Survey was published in The Record, and was sent by e-mail to the membership. The Survey also appears on the Appellate Section website. Government lawyers have noted that this Survey did not have questions tailored to their interests and Tracy Carlin is working with them to develop additional questions. John Crabtree praised the Survey and lauded Tracy for her excellent work in developing the survey.

IX. The Council of Sections Proposal. Tom Hall reported on the Big Bar's examination of the split of Section dues between the Section and the Bar. Tom reports that there is much controversy over whether the sections are fully paying their way. After much discussion at the Big Bar level, the Bar has determined that the various sections are in fact being subsidized by the Bar but not to the extent that was first thought. The Bar has asked a representative of the appellate section to appear at a meeting of the various sections to discuss the issue. After much discussion by the council, the council instructed our section representative, Shannon Carlyle to take the position that the appellate section favors no change in the dues structure. To the extent that a change in the dues structure appears inevitable, Shannon is to lobby for as little a change in the section split as possible up to a \$2.00 per member maximum change. If the Bar seeks an additional subsidy, the Section favors more discussion before such a change is imposed.

X. National Association of Appellate Court Clerks Seminar. Tom Hall also reported on an upcoming meeting of the National Association of Appellate Court Clerks in Key West in August. The August meeting is a week-long educational seminar for court clerks from around the country. Tom requested \$5,000 from the Section to help underwrite a reception for court clerks and court technology officers. In return, the Appellate Section will be listed as a sponsor of the reception. A motion to sponsor the reception at the level of \$5,000 was approved by the Executive Council.

XI. Appellate Section Retreat. Hala Sandridge, Susan Fox and Tom Hall have agreed to serve on a committee to organize the Appellate Section Retreat. The Committee is tentatively looking at Spring, 2006 for the Retreat in a location not yet determined. At least one of the issues for the Retreat will be to address the leadership and organization of the Section. Further topics will await the results of the Section Survey.

XII. Programs. June Hoffman reported on the programs at the Annual Meeting, the Dessert Reception went well and was extremely well received by the attendees. The Supreme Court was also pleased with the turnout for the Florida Supreme Court program. The Court floated the idea of consolidating next years' Meet the Court session with the Annual Moot Court Competition. The Executive Council voted to consolidate the two programs in accordance with the suggestion of the Court. The Executive Council also voted to hold next year's Dessert Reception from 9:00 to 11:30 p.m.

XIII. CLE Committee. Tracy Carlin reported on the activities of the Appellate CLE Committee. The Certification Review Course was held in Ft. Lauderdale in February. The Committee is looking at the possibility of hosting an Inside the 11th Circuit Seminar similar to the seminar presented every year at the Florida Supreme Court by the Government Lawyers Section. Other upcoming activities include the Preservation of Error Seminar, the Family Law Seminar and an Administrative Law CLE program.

XIV. Legislative Committee. Judge Polen reported that the issue of a possible Sixth DCA continues to be discussed and asked whether the Council had any input. The Council voted to defer any recommendation pending the report of the commission studying the problem.

XV. Publications. Susan Fox reported that Dorothy Easley is doing a wonderful job on The Record. Upcoming deadlines are February 15 and June 15th. The Guide is currently on schedule. Members having an interest in preparing an article for the Florida Bar should let Tracy Gunn know of their interest. Chair John Crabtree asked the Publications Committee to look at obtaining advertising for The Record. He also commended Dorothy Easley for her fine work on The Record.

XVI. The Website. Siobhan Shea, Chair of the Website Subcommittee, proposed creating a "members only" section of the website similar to the members only section being created in the Florida Bar's website. The members only section could contain the current issue of the Record, copy of the Appellate Guide, photos of events, and other relevant information. The Section voted to approve the creation of a members only section of the website.

XVI. The Leadership Committee. Angela Flowers is Chairing the Leadership Subcommittee. Its purpose is to examine proposals on restructuring leadership for the appellate section. The issue will be discussed at the next Retreat. The Subcommittee is considering, for example, whether to combine the Secretary and Treasurer positions, whether Council members should be required to take on a project for the section, and other issues relating to the operational committee structure of the Section.

XVII. Mentor Committee. Jack Shaw reported on the activities of the Mentor Subcommittee. The original concept was that a person with appellate questions could be referred to a panel of volunteers to answer those questions. The only problem is that we are not receiving any questions. The Subcommittee is looking to augment this program by developing a true mentoring process to give young lawyers the opportunity to speak with and seek guidance from more experienced lawyers. John Crabtree suggested that we advertise the availability of our mentors in The Record.

XVIII. The Outreach Subcommittee. The Outreach Subcommittee is chaired by Shannon Carlyle. Shannon reports that additional members are needed for this Subcommittee. The Subcommittee has prepared an article that is going to appear in an

upcoming edition of The Florida Bar Journal. The article is a handbook on how to use your appellate lawyer. Chris and Shannon Carlyle wrote the article which has already been published in Orange County. Shannon also suggested that the Section should trademark the phrase "who's your appellate lawyer." The Executive Council voted to authorize up to \$1200 to underwrite the expenses of trademarking the phrase. June Hoffman indicated that she may be able to get some pro bono assistance from her firm on the trademark issue. The motion was altered to authorize up to \$1200, subject to possible assistance from Fowler White. The Outreach Subcommittee is also working with the Family Law Section on presenting an appellate seminar to the family law section. The Family Law Section has always been very concerned about the split in CLE revenues. To get around this difficulty, Shannon proposed offering to put on the seminar on an expense-only basis, noting that the point of the program is outreach, not profit. It was pointed out that when two sections participate in the seminar, the total amount available to the Sections goes up. The Council asked Shannon to attempt to negotiate at least this additional revenue for the Appellate Section, if possible (thus, ensuring that the family law section does not lose any of the revenue it would have received had it done the seminar on its own. Shannon also discussed the preparation of the large banner to use for appellate and CLE events utilizing the "who's your appellate lawyer" phrase. The URL, "who'syourappellatelawyer.com" has also been reserved. The Outreach Subcommittee is also in the process of preparing users guides to appellate lawyers for particular specialties. The guide discusses how to hire and when to hire an appellate lawyer. Shannon is looking for volunteers to help with guides for administrative criminal law and other sub-specialties. The Council voted to approve an expenditure of up to \$500 to prepare the Who' Your Appellate Lawyer banner.

XIX. Pro Se. Tom Hall discussed the *pro se* handbook. The handbook is almost all written and is now in the process of being edited. The ultimate goal is to have the handbook ready for the '05-06 Bar year.

The meeting adjourned at 4:35 p.m.

The next meeting is scheduled for Orlando at the Orlando World Marriott on June 23, 2005.

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