

**MINUTES OF  
APPELLATE PRACTICE SECTION  
GENERAL MEETING AND EXECUTIVE COUNCIL MEETING  
JANUARY 10, 2002**

I. Call to Order

II. Introduction - New Members of the Section and Executive Council.

III. Approval of the Minutes. Minutes of the September meeting were approved without comment.

VII.A. Term Limits for Members of Rules Committees.

Judge Winifred Sharp, 5th DCA, reported on term limits for Rules Committees. The Appellate Rules Committee will lose 1/3 of its members this year and another 1/3 next year. Judge Sharp, as chair of the Rules Committee, requested the Bar to make the rule discretionary. The Board of Governors rejected the request. The Rules Committee is now considering different alternatives to reduce the impact of the change. The Committee is also considering whether to petition the Florida Supreme Court for an exemption. Deb Brueckheimer, past committee chair, noted that institutional memory of the Committee regarding rules changes will be very difficult to preserve. The term limits concept will be highly detrimental to the operations of the Rules Committee. Susan Fox, also a past chair, talked about keeping on the Committee longstanding members who remember reasons for past actions. She stated we should at least ask the Florida Supreme Court to exempt leadership positions because it takes a long time to work up the ranks. Allyn Giambalvo talked about the need to have lawyers specializing in different fields on the Rules Committee. Steven Stark suggested the section recommend a procedure whereby the section can appoint a certain number of members to the Committee.

Susan Fox moved that we advise the Supreme Court that five seats should be exempted from the term limits, who would come from past members of the Committee or appointed by the section. Steve Stark suggested that this section have the same right to appoint members to the Committee that the Real Property Section has to appoint members to the corresponding rules committee. Susan Fox withdrew her motion and adopted Steve Stark's suggestion as a motion. The Chair believed a consensus existed to support the Appellate Rules Committee, but not on specifics. The section would want to see what happens at tomorrow's Rules Committee meeting. Motion was withdrawn.

Susan Fox moved that the section chair write a letter to Tod Aronowitz, incoming Bar president, that exceptions to the rule be made for leadership positions. Motion seconded by Kathy Giddings. Motion failed 4-5. Tom Hall abstained.

VIII A.3. The Record. Susan Fox reported on incoming articles for the Record.

IV. Chair's Report

There will be a reception just after this meeting. Tonight a dinner will be held at Ben Kuehne's house for council members. The chair reported on the Council of Sections meeting in which low attendance at the discussion with the Florida Supreme Court was addressed.

V. Treasurer's Report

Tom Hall presented the report. The Section has more than \$100,000 in the bank. Tom moved approval of the budget. The budget was approved unanimously. The Council also voted to approve funds for the reception following the meeting.

VI. Old Business

A. Section Website

John Crabtree agreed to head the committee. The chair asked for volunteers interested in a section website to participate in the committee. The chair also wanted to establish a timetable to get the website running.

VII.B. Sponsorship of National Moot Court Competition.

Angela Flowers presented the report. She gave the background to the Section's involvement in helping to sponsor the Southeast regional competition in 1999. Angela moved that the Section sponsor the competition the next time it is available. Motion passed unanimously.

VII.C. Standard for Appellate Conduct.

No discussion on this issue.

VII.D. Annual Pro Bono Award for Section Member.

The Chair reported. Legal services organizations need help with appeals. She suggested that at some point a committee be established to assure that the pro bono appellate needs of the state are met. The Chair will appoint a committee to solicit nominations for an award.

VII.E. Amicus.

The Chair noted a case in the Florida Supreme Court in which the Section may want to file an amicus brief. The issue is whether an appellate court may reject an amicus brief even where the parties have stipulated to its filing. The case pending in the Florida Supreme Court is Florida Home Builders v. Orange County, Case No. SC01-2783.

- VIII.A. Publications.  
Jack Aiello reported. The Section can now have an article in every issue of the Florida Bar Journal. Re: Appellate Practice Guide, there has been delay in publication of this year's guide due in part to changes in some DCA's internal rules, which will be included in the new issue.
- VIII.B. CLE.  
Steve Brammock reported. The Board Certification Review Course will be held in Fort Lauderdale this year, February 1, 2002. Steve Stark suggested the Section co-sponsor a seminar on worker's compensation appeals. The Hot Topics Seminar will be held in Fall of 2002.
- VIII.C. Programs.  
Kim Mello reported. The discussions with the Florida Supreme Court will be held again at the annual meeting.
- VIII.D. Litigation.  
The Chair reported.
- IX. Informational.  
Request for comments and assistance on Multidisciplinary Practice and Auxiliary Business.
- X. Next Meeting.  
The next meeting will be held June 20 at the Boca Raton Resort and Club in conjunction with the Bar's annual meeting.
- XI. Adjournment.