

**APPELLATE PRACTICE EXECUTIVE COUNCIL MINUTES**  
**JANUARY 16, 2003**

- I. The Chair called the meeting to order at 3:45 p.m.
- II. The Council approved the minutes of the September 12, 2002.
- III. Chair's Report
  - A. Retreat Update: The 2003 Section Retreat is tentatively scheduled for May 1-2, 2003, at the Don CeSar Resort on St. Petersburg Beach. The Retreat would "warm-up on Thursday afternoon, and continue all day Friday. Tony Musto proposed a Saturday morning breakfast "wrap-up" to conclude the Retreat. The budget for the Retreat is \$10,000-12,000. The final details will appear in The Record and include a registration form.
  - B. Mentor Program: Siobhan Shea, updating the Council for Susan Fox, reported that the Mentor Subcommittee proposes forming an annual Mentor Committee to assist young lawyers and even more experienced lawyers who have specific questions on the appellate process. The exchange of information could be accomplished via e-mail. The subcommittee based its model on the YLD SCOPE Program. The discussion centered on the concern for malpractice liability, and raised the possibility for the Section and the panel attorneys to provide a disclaimer. The Council decided to withhold a vote on the Program until the June 2003 Annual Meeting.
  - C. Awards
    - 1. The Chair included in the agenda the criteria for the Section's annual Justice Adkins Award and Pro Bono Awards and asked the Council to consider nominations for the award, noting that such nominations had decreased in the last two years. The nominations will be received in May and the awards' recipients are announced at the Annual Meeting in June.
    - 2. The Chair presented a Service Award to Justice Raoul Cantero for his distinguished service to the Appellate Practice Section.
- IV. Treasurer's Report
  - E. Subject to the addition of line item expenses for (1) \$2000 scholarship fund for the Advanced Appellate Advocacy Seminar at Stetson University College of Law, and (2) \$2500 contribution to the Florida Bar Dignity in the Law Campaign, the Council approved the 2003-2004 budget. The Section's balance as of December 31, 2002, was \$112,290.

1. The Council also discussed whether it should track new Section members to welcome them and to encourage them to get involved.

V. The Record Report: Siobhan Shea

The current issue of The Record is at press and should be mailed by early February 2003. The next deadline was tentatively set for March 14, 2003. Articles scheduled for inclusion in the Spring issue are: Judge Schwartz piece, Pro Se Handbook status, Appellate Writing Workshop CLE at Stetson, Inside the 11th Circuit CLE, Preservation Seminar, and Asking for an Opinion under amended FRAP 9.330(a).

VI. Old Business

A. By-Law Amendments: Jack Aiello

The Council approved the proposed revisions to the Appellate Practice Section By-Laws attached to the Agenda at "C." There were two substantive changes included in the revisions: (1) creation of standing committee on the Section's Website, and (2) designation of Section Treasurer as the Chair of the Website Committee.

B. "Dignity in Law" Campaign

After a spirited discussion, the Council approved contributing \$2,500 to the Florida Bar Dignity in Law Campaign.

VII. New Business

A. Electronic Filing: Tom Hall

The Florida Supreme Court issued an administrative order providing that in addition to paper copies, all briefs, petitions, pleadings, responses, comments in rule cases, and other pleadings that the court may later designate shall be filed electronically on 3 1/2 inch diskettes formatted for DOS, and shall be contained in WordPerfect 5.1 file format, compatible in WordPerfect 10. The court exempted persons who certify an inability, on account of hardship, to comply with the administrative order. Tom Hall asked the Council for input on whether electronic filing additionally should be permitted in .pdf, Word, or WordPerfect format.

The Chair proposed establishing a special committee to investigate Mr. Hall's request and to report to the Council at the Section Retreat in May. The special committee members are: Jack Shaw, Siobhan Shea, June Hoffman, and Steve Stark, Chair.

## VIII. Committee Reports

### A. Publications: Jack Aiello

Tom Hall pitched a plea for articles for The Record and the Florida Bar Journal.

#### 1. The Guide: Caryn Bellus

The Chair, reporting for Caryn Bellus, advised that the Guide was being edited for publication.

### A. Continuing Legal Education: Steve Brannock

Mr. Brannock reported that attendance at the October 2002 Hot Topics Seminar was "great"—over 100 participated. At the time of the Mid-Year Meeting, there were 25 people registered for the Certification Review Course. The CLE Committee plans to again present Inside the Eleventh Circuit in late April 2003, and to join forces with the Trial Lawyers Section for the Preservation of Error Seminar in September 2003. The Committee has also had discussions with the Criminal Law and Workers' Compensation Sections about cosponsoring seminars.

The Chair asked Mr. Brannock to organize a subcommittee to develop criteria for awarding the scholarship to the Advanced Appellate Advocacy Workshop at Stetson University College of Law.

Tony Musto asked the Chair to write to the Bar regarding the CLE programs that award criminal appellate certification hours, but not appellate certification hours.

### C. Programs: June Hoffman

The Discussion with the Florida Supreme Court will be presented at the Annual Meeting in Orlando at 3:30 p.m. on Thursday, June 26, 2003. Ms. Hoffman asked for donations from law firms for the

Section's Dessert Reception at the Annual Meeting. In addition to reporting the events would be advertised in the usual media, Ms. Hoffman also asked for ideas for advertising these events.

D. Appellate Pro Se Handbook: Tom Hall

Mr. Hall reported that the Committee divided the handbook project into 16 sections, and already has preliminary drafts on 13 of those sections. The Committee hopes to have a working draft by the Annual Meeting in June.

E. Website Committee

No report

F. Pro Bono Committee: Tony Musto

Postponed until June Meeting

IX. Other:

The Council asked its officers to discuss the proposed joint venture agreement with Stetson for the Appellate Advocacy Workshop.

X. Next Meeting: June 26, 2003–Marriott World Center, Orlando

XI. The meeting adjourned at 4:45 p.m.