

APPELLATE PRACTICE SECTION

OPERATION MANUAL

2020-2021

This manual provides guidelines for operation of the Appellate Practice Section. As our Section grows, this operation manual will evolve. Please contact the Chair-elect with any comments you may have.

January 2021

TABLE OF CONTENTS

SECTION OFFICERS.....	3
CHAIR.....	3
CHAIR-ELECT	4
TREASURER.....	5
SECRETARY	5
IMMEDIATE PAST CHAIR	6
COMMITTEES	6
CLE COMMITTEE	6
COMMUNICATIONS COMMITTEE.....	10
DELEGATED RESERVE COMMITTEE	10
DIVERSITY & INCLUSION COMMITTEE.....	10
LEGISLATIVE	13
OUTREACH	13
Pro Bono Committee	15
PUBLICATIONS COMMITTEE	18
PROGRAMS	23
SECTION HISTORY.....	24

SECTION OFFICERS

CHAIR

- Serve as an ex-officio member of each Committee of the Section.
- Schedule at least three meetings of the Executive Council annually, generally to occur around time as the Bar's annual meetings. These meetings should be scheduled in accordance with the provisions of the Section bylaws.
- With the assistance of the Section Program Administrator, prepare agendas for Section meetings three weeks prior to the meeting date, including working with the Secretary/Treasurer to obtain the Financial Statements/Budgets and to obtain the minutes from the last meeting, and any other agenda exhibits.
- Preside at all meetings of the Section, and of the Executive Council.
- Plan and supervise the program of the Section at the annual meeting of the Section during the chair's term, subject to the directions and approval of executive council.
- Formulate and present at the annual meeting of the Section a report of the work of the Section for the preceding year.
- Oversee the performance of all activities of the Section.
- Keep the Executive Council duly informed and carry out its decisions.
- Perform such other duties as usually pertain to the office of Chair or as may be designated by the Executive Council.
- Preside over the ad hoc Award Committee, which is comprised of all Officers and which selects the Adkins and Section Pro Bono award recipients (April).
- With the assistance of the Secretary and the Section Program Administrator, submit an annual report on the activities and goals of the Section to *The Florida Bar Journal* in response to a written request for such from the Bar (Spring). The Section Program Administrator will help facilitate these submissions.

- Meet with Chair-Elect to ensure smooth transition and turnover of any materials for Section.
- Attend Bar leadership conferences, if any (July/August).
- Conduct business in accord with action items identified in the APS Planning Calendar.
- Work with the Outreach Committee to conduct a New Member Orientation during the Annual Meeting, as appropriate.

CHAIR-ELECT

- Serve as an ex-officio member of each Committee of the Section.
- Aid the Chair in the performance of the Chair's responsibilities in such manner and to such extent as the Chair may request.
- Perform such further duties and have such further powers as usually pertain to the office of Chair-Elect or as may be designated by the Executive Council or the Chair.
- Consult with the Officers and Committee Chairs to ensure that the Operation Manual remains updated and in use.
- With the consultation and aid of the other Officers, nominate the next slate of members for election to the Executive Council at the next annual meeting (April-May).
- With the consultation and aid of the other Officers, nominate the next Secretary/Treasurer from the members for election at the next annual meeting (April-May).
- Appoint any ad hoc and regular Committee leadership and representatives positions and members of all Committees of the Section who are to hold office during the next Bar year's term (April-May).
- In conjunction with the appropriate committees, develop and publish a committee preference form to recruit new membership to committees.

TREASURER

- Consult with and assist all the Officers of the Section as to the work of the Section generally, in such manner and to such extent as they may request.
- In consultation with the Florida Bar Section Administrator, Finance Committee, and the other Officers, prepare the Section's Budget for the following Bar year and for approval by the Executive Council. Budgeting process begins in late October and ends in December.
- Monitor all accounts, reports, and other documents prepared as to Section funds, revenues, and expenditures to make certain that all accounts, reports, and other documents are accurate, and confer with Florida Bar Section Administrator in the proper disbursements of Section funds.
- Report on the Section's present and projected financial condition upon request of the Chair or other members of the Executive Council.
- Serve as Chair and official member of the Finance Committee.
- In conjunction with the Chair, as authorized by the Executive Council, shall attend generally to the business of the Section.
- Serve as a member of the Delegated Reserves Committee.
- Monitor and maintain records of operation expenses and revenues for each Section event to ensure that costs do not exceed revenues.

SECRETARY

- Consult with and assist the Chair, Chair-Elect, and Immediate Past Chair of the Section as to the work of the Section generally, in such manner and to such extent as they may request.
- Act as a custodian of all books, papers, documents, and other property of the Section.
- Take minutes of the proceedings of all meetings of the Executive Council, whether assembled or acting under submission.

- Furnish the minutes of the meeting to the Executive Council, the Section Administrator, the Website Chair, and the Editor of *The Record* for inclusion in meeting agendas, on the website, and in *The Record* as necessary.
- In conjunction with the Chair, as authorized by the Executive Council, shall attend generally to the business of the Section.
- Official voting member of the Finance Committee.
- Assist the Section Program Administrator and Chair in the preparation of the Section's annual report submitted in the spring of each year for publication in *The Florida Bar Journal*, describing the activities and plans of the Section.

IMMEDIATE PAST CHAIR

- Aid the Chair and the Chair-Elect in the performance of their responsibilities in such manner and to such extent as either may request.
- Aid the Chair-Elect, as needed, in appointment of any ad hoc and regular Committee leadership and representatives positions and members of all Committees of the Section who are to hold office during the next Bar year's term (April-May).

COMMITTEES

CLE COMMITTEE

I. Function of CLE Chair

- Coordinate and develop Section sponsored, Section service, and joint-sponsored CLE programs.
- Meet in person (when able) with the Committee at the three annual meetings of the Section, set up Steering Committees to organize/develop each program, follow up with Chairs of Steering Committees to ensure that the established timetable is met with

respect to each program, and work with Section Administrator to coordinate the logistics and materials for each program

- Prepare a short report to the Section Chair after each of the three meetings for use in *The Record* and for the Section's review
- Report briefly to the Section's Executive Council at each of the three meetings regarding the status of programs

II. Meetings of the CLE Committee

- Meets in person three times each year at the three annual meetings of the Section.
- Steering Committees usually meet by telephone conference or virtual meeting to attend to the details of their respective programs, as scheduled by the steering Committee Chairs

III. CLE Programs of the Appellate Practice Section

The CLE Committee should plan 2-3 all-day live CLEs for the year. It is within the Chair's discretion which CLEs to conduct and whether new programming should be made. In addition, the CLE Chair, in his or her discretion, can schedule webinars and online webcasts.

The CLE Chair shall compile a list of past programs, save it for future reference, pass it down to the incoming Chair, and store it in the APS online database.

Some past programs include, but are not limited to:

- Hot Topics in Florida Appellate Practice: A full-day seminar where speakers are exclusively Florida appellate court judges, with a goal of one judge from each District Court of Appeal and one judge from the Florida Supreme Court. Extra effort made to include at least a few "hot" topics, e.g., new appellate rules.
- Appellate Certification Program: A full-day, advanced level course held bi-annually in January or February and aimed at assisting appellate certification applicants in preparation for the certification exam (exam usually held in March).

IV. Sources of Information for Guidance Re: Future Programs

- Course Development Forms from most recent installment of that program

- Section Administrator who, for example, can supply the schedule of all Bar programs to help choose an optimal date for each program
 - Information regarding other competitive local programs should be gathered from Committee members or others from various parts of the state

V. Functions of Section Administrator

- Logistics/scheduling/arranging video or audio-taping, live streaming
- Prepare and deliver notices to Committee members of upcoming meetings, if requested
- Arrange and/or join in Steering Committee's conference calls or virtual meetings to organize programs and answer questions
- Coordinate with other Sections when requested(e.g., for co-sponsorships)
- Communicate information to speakers regarding outline materials and deadlines
- Arrange distribution of registration links and course information when course development process is completed by Steering Committee
- Arrange for printing of booklets for distribution to attendees when materials are submitted by the speakers and requested for in-person distribution

VI. Ideal Timetable for Each Program

- Establish Steering Committee: one year before the program date
- Locate speakers/topics: eight months before the program
- Prepare Course Development and Registration Information: sixteen weeks before program
- Submit speaker materials to The Bar: twelve weeks before the program

VII. Co-Sponsorship Opportunities

- The Florida Bar currently provides differing schedules of revenue-sharing with Sections, depending upon whether the program is sponsored by a single Bar Section or more than one Section. See Section Administrator for current schedule.

- Presently, there is no requirement that each co-sponsoring Section of a program provide a speaker. One Section could provide all speakers while the other one lends only its name.
- Registration page and any other information connected with the program must identify all Sections sponsoring the program
- All sponsoring Sections can derive economic benefits. Any allocation that the participating Sections agree to is acceptable to The Bar.

- The Section, in the past, has utilized co-sponsorships to make additional revenues in several of its programs. On at least one occasion, it has joined with another Section (Family Law) to do a program in which each Section contributed speakers and as to which the Sections split all net revenues on a 50-50 basis.

VIII. Miscellaneous Matters

- The CLE Committee should endeavor to offer specialty credits required by The Florida Bar, such as professionalism, technology, etc., (preferably 1 hour) in each program, if possible.

COMMUNICATIONS COMMITTEE

I. Work with Section's web designer to design template

Meet with web designer if necessary.

Review contract annually to update, and if needed, obtain competitive bids from other vendors.

II. Update Officer Information at beginning of year (June)

III. Update Calendar

IV. Update with information relevant to upcoming and current events, meetings, CLE and current issues of the Record.

V. Manage social media efforts.

DELEGATED RESERVE COMMITTEE

Please review the Committee's bylaws, which are attached as Exhibit A.

DIVERSITY & INCLUSION COMMITTEE

I. Leadership:

- a. Two Co-Chairs – one Florida Appellate Judge, one practitioner
 - i. 2019/2020 – Chief Judge Stephanie Ray and Jared Krukar
- b. One Vice Chair
 - i. 2019/2020 – Laura Roe

II. Mission Statement

- a. The five-part mission of the Florida Bar Appellate Practice Section's Diversity and Inclusion Committee is:
 - i. to improve access to legal information and appellate education for a diverse cross-section of students and educators in the state of Florida in high schools, colleges, and law schools;
 - ii. to increase within our section awareness of issues related to systemic discrimination and implicit bias;
 - iii. to achieve greater diversity in our section and in our practice areas;
 - iv. to support diversity and inclusion efforts of other legal or educational organizations; and
 - v. to promote and facilitate programs to reduce barriers in the law and legal profession for all.

III. Duties

a. Chairs

- i. Develop programs that further the mission as stated above with assistance from the Vice-Chair and volunteers from Section Membership.
- ii. Identify and coordinate support, financial or otherwise, for programs offered by other Florida Bar sections, voluntary bar associations, and other organizations with similar goals and purposes.
- iii. Hold annual meetings as dictated below.
- iv. Appoint volunteer members to chair each Committee program.
- v. The practitioner committee chair, or someone appointed by the practitioner committee chair, shall serve as the Section's liaison to The Florida Bar's Standing Committee on Diversity & Inclusion and satisfy all requirements from that Committee.
- vi. The practitioner committee chair shall report to the Executive Council on the status and progress of the Committee at all Executive Council meetings.

b. Vice-Chair

- i. Maintain the Committee Listserv and ensure that all new members are added to the listserv shortly after each of the three annual meetings.
- ii. Prepare a short report following each meeting, to be approved by at least one of the two committee chairs, for publication in

the Record and to be sent to all committee members via the listserv.

- iii. Assist with the Chairs' duties as necessary or possible.

IV.Meetings

- a. Committee Meetings shall be held at least three times per year. Nominally, they will coincide with and be held during The Florida Bar Winter Meeting, The Florida Bar Annual Convention, and either The Florida Bar Fall Meeting or during a fall Section event such as an annual retreat or the District Court Judges' Conference.
- b. Other meetings may be called by the Co-Chairs as necessary or advisable.

V. Current Programs and Projects

- a. The flexible and wide-reaching mission of this Committee means that many projects will change on a yearly basis, adapting to opportunities as they arise throughout the state.
 - i. To date in 2020, we have collaborated with the Federal Bar Association to bring the gender-diversity-focused Staying in the Game program to our members, and with the Florida State University Summer Undergraduate Program to provide a diverse panel to speak on issues of law to students considering legal education.
- b. The Committee's main longstanding project is its Student Appellate Pipeline Project, an education and outreach initiative with a statewide target of high schools, colleges, and law schools.
 - i. This project, still in development in consultation with high school educators, college students, and law program administrators and professors, will hopefully have its initial step completed by January's winter meeting. That will include recording of an initial presentation on civics with a focus on appellate law. We will also start interviews of diverse appellate judges throughout the state to develop part two. Identification of briefs and oral argument for use in further sections, and the development of those educational modules, will follow in spring.

VI.Sources of Information for Guidance

- a. This committee will largely follow the lead and mission of the Florida Bar's Standing Committee on Diversity and Inclusion, and rely heavily on its resources and its members for advice and counsel. The ABA also provides significant information and presentations regarding diversity and inclusion in the law and will likewise be looked to for guidance.

LEGISLATIVE

The Legislative committee monitors issues and public debates that arise in Florida's legislative and executive branches, public forums, the media, and within The Florida Bar pertaining to the appellate judiciary, the judiciary in general, and appellate practice.

Members of the Legislative committee shall monitor proposed legislation and other governmental action on issues affecting the judiciary and appellate practice, inform section members and the public about those issues, and advise the Section when Section advocacy may be appropriate. The Chair(s) of the committee shall oversee and coordinate these efforts and maintain a list of Section members willing to reach out to elected representatives on such issues.

OUTREACH

Internal Operating Procedures for Appellate Practice Section Outreach Committee

The Outreach Committee of the Appellate Practice Section (APS) serves to advance the long-term goals of the Section by increasing awareness of the Section and of appellate practice as a specialty area of law. It accomplishes these goals by improving the visibility of the professional skills of the members of the Section and by establishing good working relationships and partnerships with other Florida Bar Sections and Committees, as well as with other lawyer-related organizations in Florida, through the efforts of its "Ambassadors" and committee members.

The Outreach Committee consists of a Chair (or Co-Chairs), a member of the APS Diversity & Inclusion Committee, all "Ambassadors," and any interested members at large.

- 1) The Chair (or Co-Chairs) of the Outreach Committee (a) convenes the Outreach Committee at regular intervals throughout the year to discuss

ongoing activities and delegate outreach assignments, including those involving other Bar Sections, Committees and Voluntary Bars, and (b) reports back to the Executive Council of the Section and the Section at large, as applicable.

- 2) The Chair (or Co-Chairs) may appoint members of the Outreach Committee to serve as “Ambassadors” to other Bar Sections, Committees, Voluntary Bars, or other lawyer-related organizations (“Entities”).
- 3) Each “Ambassador” will serve for the current leadership term and will be responsible for maintaining active membership in the Section during that time.

Ambassadors are encouraged to:

- a) Join and maintain active membership in the Entity they serve (if applicable);
- b) Contact the chair (or other leader of the entity) of the entity they serve to begin dialogue about the Section’s presence and to discuss how to best integrate appellate section work/members with the Entity’s events and CLEs;
- c) Attend and represent the Section at one or more of the Entity’s meetings;
- d) Determine upcoming CLE, events, and outreach potential within the Entity;
- e) Report back to the Outreach Committee on the above.

The Outreach Committee is also working on growing the Section. It is tasked with welcoming new or returning members into the Section and assisting them in finding opportunities to become active members. At the direction of the Appellate Practice Section’s Chair (or the Chair’s designee), the Outreach Committee will host a New Member Orientation in conjunction with annual meetings.

The Outreach Committee may also coordinate with the other APS Committees to provide networking opportunities, reach out to new and returning members of the Section, and help market APS CLEs and events open to other members of the Bar. The Outreach Committee is encouraged to develop or maintain a list of available speakers and topics for other sections from CLE components and also get outreach members active in promoting CLEs. Overall,

the Outreach Committee maintains the goal of increasing diversity within the Section, and it works with the Diversity & Inclusion Committee to expand the diversity of the membership within the Section and within its leadership base.

Pro Bono Committee

The Florida Bar Appellate Practice Section's Pro Bono Committee seeks to match its volunteer attorney members with pro bono appellate needs throughout the state. Working hand-in-hand with legal aid organizations and the court system, the Committee strives for 100% placement of all pro bono referrals it receives.

I. Membership

Members of the Committee must be members of The Florida Bar's Appellate Practice Section or Florida-based appellate court judges. All Committee members (excluding, for conflict purposes, members of the judiciary) are notified when the Intake Subcommittee (see below) receives notice of a pro bono opportunity that is ready to be placed with a volunteer. A volunteer who is interested in the opportunity is instructed to contact the referral source (or, sometimes, the Intake Chair) for additional information and to decide whether to undertake representation. All Committee members are encouraged to attend the Committee's meetings, which typically occur in conjunction with the Section's Executive Council meetings and annual meetings. Committee business takes place at these meetings and on an ongoing basis through subcommittee, liaison, and project work.

II. Scope of Pro Bono Services

The Committee accepts pro bono referrals from the court system, from all Florida legal aid organizations, from the Guardian ad Litem Program, and from pro se litigants. On a case-by-case basis, the Committee may facilitate the placement of a pro bono matter referred from other sources as well. The Committee's members provide pro bono appellate services including, but not limited to, appellate evaluations, direct appellate representation, and mentorship of attorneys at legal aid organizations.

III. Referral Sources

A. Legal Aid Organizations

The Committee receives referrals from legal aid organizations statewide. These referrals come through the Intake Chair and are disseminated to the Committee's

members by email.

B. Court System

The Committee receives requests for pro bono assistance from the Florida Supreme Court. These referrals come through the Committee Chair and are disseminated to the Committee's members by email. The Committee also occasionally receives referrals from Florida's District Courts of Appeal. The Committee is in the process of developing a more formal program that seeks to assist Florida's District Courts of Appeal and the United States Court of Appeals for the Eleventh Circuit with their pro bono needs.

The Committee is also working to raise awareness, through partnerships with the state circuit and appellate courts, of the resources that are available to victims of domestic violence. In addition, the Committee maintains a partnership with the Veterans Consortium Pro Bono Program, which arranges pro bono representation of veterans before the United States Court of Appeals for Veterans Claims, and with Catholic Legal Services, which represents asylum seekers in immigration court.

C. Guardian ad Litem Program

The Committee maintains a partnership with the Guardian ad Litem Program for cases that are part of its "Defending Best Interests" project. These referrals come through the Committee Chair and are disseminated to the Committee's members by email.

D. Other Sources

On a case-by-case basis, the Committee may facilitate the placement of a pro bono appellate matter at the direct request of a party seeking pro bono appellate representation or from another referral source not mentioned above. In such cases, the Intake Chair arranges for the financial screening of the potential client through a legal aid organization and, should the potential client meet legal aid eligibility standards, gathers and forwards all necessary information for an email request to the Committee's members. The Intake Chair then arranges for a letter to be sent to the party seeking representation, confirming that the request has been disseminated and outlining the limitations on the Committee's ability to provide legal services. Victims of domestic violence may be eligible for pro bono assistance notwithstanding financial eligibility.

IV. Committee Structure

A. Leadership

The Committee Chair is responsible for overseeing the business of the Committee, conducting Committee meetings, and providing reports to the Section's Chair and Executive Council. The Committee maintains several Coordinator positions (described below), which play a great role in carrying on the Committee's business. The Committee often employs a Vice Chair as well, who assists the Committee Chair in all aspects of the Committee's business.

B. Coordinators

1. Intake Coordinator

This person is the point of contact for all legal aid organizations referring pro bono matters to the Committee. The Intake Coordinator provides forms to the various legal aid organizations for their use in referring matters to the Committee. The Intake Coordinator also reviews the completed forms to ensure that they contain all information necessary to forward a request for pro bono assistance to the Committee's members and follows up to ensure that all possible efforts have been made to place the matter with a volunteer. The Intake Coordinator is responsible for outreach efforts with legal aid organizations statewide to ensure that the organizations are familiar with the Committee's services. Many of these responsibilities are often shared or undertaken by the Committee Chair and Vice Chair.

2. Mentoring Coordinator

The Mentoring Coordinator maintains a database of Committee members and Section members who are board-certified in appellate practice and who are available to assist fellow Committee members with questions they may have regarding their pro bono appeals. Mentors will be assigned to volunteers handling their first pro bono appeal for the Committee unless such volunteers are board-certified in appellate practice or, in the discretionary view of the Committee Chair or Vice Chair, otherwise have equivalent appellate experience and peer recognition.

3. Tracking Coordinator

The Tracking Coordinator maintains a database of Committee members, pro bono matters that have been handled through the Committee, and the hours spent handling such pro bono matters. On an annual basis, the Tracking Coordinator, or the Committee Chair, may request that Committee members provide information about the cases they have handled to ensure that the Committee's data is up-to-date and that Committee members are properly recognized for their pro bono service.

C. Court Liaisons

To ensure that the Committee is meeting the pro bono needs of the court system, the Committee may appoint a liaison to the Eleventh Circuit Court of Appeals, the Florida Supreme Court, and each of the five District Courts of Appeal. Court liaisons serve as a point of contact for judges and court representatives who are seeking information regarding the Committee's pro bono services. Court liaisons maintain a continuous effort to ensure that the pro bono needs of these courts are being filled and that the Committee is providing assistance to these courts to the fullest extent possible and practicable.

V. Funding

Committee volunteers donate their time and legal services, but they are not expected to pay for the legal costs incurred in connection with their pro bono representation.

Costs may include, but are not limited to, those for record preparation, transcripts, court fees, and limited travel expenses. While volunteers may, at their discretion, pay any or all of such costs and are encouraged to apply to have certain costs waived to the extent that option may be available, costs are generally expected to be paid by the legal aid organization that maintains jurisdiction over the region in which the pro bono client resides.

The Committee has, in the past, maintained a partnership with the Florida Bar Foundation to offer volunteers the opportunity to apply for reimbursement of any costs expended handling a pro bono appeal. This partnership is subject to the budgetary constraints of the Foundation and may not always be available. The Intake Coordinator is responsible for providing information regarding cost reimbursement.

PUBLICATIONS COMMITTEE

I. Duties of Publications Chair

- Oversee **all** of the Section's publications:
 - *The Record*
 - *The Florida Bar Journal* articles
 - *Pro Se Handbook*

- Coordinate with *The Record* editor and assistant editors all content and other matters related to publishing quality material in a timely manner (i.e., going over the schedule, the planned articles, features, columns, etc.)
- Coordinate with *The Florida Bar Journal* editor on submissions for publication in *The Florida Bar Journal*
- Enlist help of Section members to assist with **all** of the publications by writing articles - whether they be for *The Record* or *The Florida Bar Journal*, or by editing articles for all these publications, and for enlisting members to assist with editing the Pro Se Handbook, as needed.
- Hold regular Publications Committee meetings at all the Bar meetings and teleconference meetings when needed

II. **The Record**

A. EDITOR'S DUTIES

- Attends Section Meetings and works with Chair to suggest appointments of Assistant Editors as needed.
- Member of the Publications Committee and attends meetings.
- The Editor makes story assignments, and oversees all production aspects of the *Record*. The Editor should maintain an outline that contains several standing items (such as the chair's message and certain seasonal items that reoccur each year, eg. Annual Dessert Reception, CLEs, Committee preference forms, etc.) for publication. At each Meeting of the Publications Committee, the Editor should develop a list for the upcoming posts and then send emails reminding the authors of deadlines. The editor should work with the assistant editor to ensure each article is reviewed and edited prior to publication.
- The Editor should also recruit pictures from authors, subjects, and from members attending Section events.

B. DATES AND DEADLINES

- *The Record* is published on a rolling basis.

C. REGULAR FEATURES

- *The Record* typically publishes:

- Message from the Chair
Committee Reports
Minutes from the Executive Council Meeting
Case Law Update
Upcoming Section Programs and CLE
Judicial Profiles

- After the Annual meeting, the Record typically publishes a recognition of the Annual Meeting reception sponsors and our expression of thanks to them. It also contains an announcement of the new committee chairs for the upcoming year.

- The Record publishes a printout of the Appellate Practice Section Schedule for the upcoming Meetings. Other Section events, such as Retreats and Dinners should be publicized and covered in appropriate posts.

- The Record also regularly publishes profiles on appellate judges, and profiles on “Who is Your Appellate Lawyer?”

D. Retention and Archival of Past Issues.

- Past issues are maintained in Adobe Acrobat archives and posted to the Section Website with appropriate indexing for reference by membership.

III. Pro Se Appellate Handbook (Self-Represented Litigant Committee)

A. Mission: This Committee is responsible for updating and distributing “The Pro Se Appellate Handbook: Representing Yourself on Appeal,” a 22-chapter resource that aims to assist those unable to afford legal representation for an appeal.

- Committee Members are tasked with working on updates to the Handbook, coordinating attorney-volunteers for chapter updates, final review of proposed revisions, and/or assisting with publication and distribution to Florida's prison libraries, as well as online and other places where the public may access it and put it to greatest use. Available at: <http://prose.flabarappellate.org>

- The Handbook focuses on state appeals and the chief priority is getting print copies to state prisoners, who currently have no access to any internet or electronic legal resources or materials (unlike federal inmates). It is published in English, Spanish and Creole.

B. Historical & Vital Information: The Handbook was first published in 2007, with translations and print distribution completed in 2009. The original Handbook underwent rigorous review due to unlicensed practice of law (UPL) concerns.

UPL concerns must be considered in all future versions:

- The Handbook is written at roughly an 8th grade reading level and must continue to be presented as a resource (not a law treatise)
- It must use **passive language** to avoid UPL concerns or the appearance of giving legal advice (e.g., “a notice of appeal *is filed* within 30 days...”).
- Avoid purely stylistic changes

Total cost, funded by Bar Foundation Grant: \$40,136.51

- Costs break down: translations \$30,159; printing \$6,347.08; postage \$3,630.43 = \$40,136.51 (*Grant was \$67,443.75, so we gave money back*)
- Print Distribution: 594 total copies. Prisons and law schools (2 copies e/language), circuit and appellate courts (1 copy e/language).

C. The 2016 Edition and beyond -- Work began in 2012 and was expected to take 1-2 years. Near completion in 2014, significant rule amendments were issued. So we basically had to start over with just a few volunteers. To avoid this in the future, we recommend starting any “next” round of updates right before or right after issuance of a 3-year cycle of amendments.

Internal operating procedures for updating the Handbook:

1. All we can tell you is how we did it, so you can build and improve from there. Past Editors-In-Chief can answer questions and provide further information.
2. The 2016 Handbook is available in Word format from the past Editor-in-Chief. Save each chapter as a separate Word document so individual chapters can be sent to attorney-volunteers to review, edit and update.

3. Make a checklist to track status of updates for all chapters, including tracking who has volunteered to review/edit the chapter(s), deadlines and completion.
4. Find chapter editors who will reliably edit, update, and return chapters.
 - There were significant problems with volunteers (a) never returning chapters, or (b) returning them as “done,” when the info. or citations were still outdated
 - Still, many past chapter authors and editors were great, so start with them when securing volunteers (list available from past Editors-in-Chief).
 - Hold chapter editors to deadlines without endless extensions. After a reasonable time (a few months), provide a final extension stating if we do not receive edited chapter by date certain, we will find a different editor. (If they did not complete edits for at least one chapter, their name should not be added to the Handbook’s acknowledgments page).
5. Basic steps for updating: (a) send chapter in Word to chapter editor; (b) remind them of UPL concerns and requirements noted *supra*, and deadlines; (c) ask them to use the Word track-changes redlining tools to track and save proposed edits to the draft; (d) their task is to update any outdated information and citations in the chapter (not re-write it); (e) after redlined draft is returned, one of the Co-Editors should review, verify, and accept/reject the proposed changes, including verifying chapter was actually updated, and make any other edits needed.
6. Once all chapters are updated, they can be merged or copied into a single document, which then forms the updated Word version of the Handbook and which can then also be converted to PDF.
7. The PDF English version will be the first/fastest version of the updated Handbook ready to upload to the Handbook website. Since the foreign language PDF versions will then be outdated, an additional disclaimer under the links to those can be added until the updated foreign language versions are available (which may take another year or so to complete and upload).

8. Next priority is obtaining foreign language translations, followed by print copies to be distributed to the state prison libraries in all three languages, as well as copies to the DCAs and Florida Supreme Court libraries. (Contact Past Editors-In-Chief for further information).
9. After all that is done and foreign language PDF versions are updated, the next priority is updating the English HTML/ADA compliant version.
10. Lastly, all appellate and circuit courts (and/or clerks) should be contacted to ask them to post a link to the updated Handbook on their website.
11. It will also be helpful to keep a running list of ideas for improvements to the Handbook. For example, if in the future state prisoners receive electronic access to resources such as the Handbook, the need for print copies may become obsolete.
12. Total cost, 2016 Edition, funded by APS Section: \$31,604.41
 - Costs breakdown: translations \$19,898.10; printing/shipping \$4,456.31; updating English HTML/ADA compliant version on website \$7,250.00.
 - Print distribution: 493 total copies. The 67 state prison libraries received 7 copies each (3 English, 2 Spanish, 2 Creole each). The DCAs and Fla. Supreme Court received 4 copies each (2 English, 1 Spanish, 1 Creole).
 - Thus, we reduced the total costs and copies, while increasing the number of copies received by each prison library. We did this by not sending print copies to all Florida law schools and the 20 circuit courts. These issues, especially print copies to circuit courts or county jails can be revisited by future committees.

PROGRAMS

Development Chair – Work with committee to plan social events and other functions hosted by APS.

- a. Dessert Reception: Annual event at The Florida Bar Convention in June.
 - i. Work with venue to secure event space.
 - ii. Develop theme for reception.

- iii. Work with caterer to plan menu including desserts and drinks
 - iv. Accept bid proposals from event planners to provide décor and entertainment for the reception.
 - v. Work with The Florida Bar Liaison to secure contracts and develop promotional materials for the reception.
- b. Florida Conference of District Court of Appeal Judges Welcome Reception: APS members are invited to attend every other year in September.
 - i. Work with venue to secure event space.
 - ii. Work with caterer to plan menu for reception.
 - iii. Work with The Florida Bar Liaison to secure contracts and develop promotional materials for the reception.
- c. Appellate Practice Section Executive Council Retreat: Occurs once every two years, generally during the year the APS is not invited to attend the Florida Conference of District Court of Appeal Judges.
 - i. Work with retreat planning committee members, including the APS section chair, the section treasurer, and The Florida Bar liaison to select and secure a venue for the event. Historically, every other retreat is planned at a venue outside of Florida.
 - ii. Work with retreat planning committee members to plan events at destination and at surrounding venues for receptions, dinners, planning meetings, and other entertainment events.
- d. Miscellaneous: Help to plan other social events as requested by section chair including virtual events, chair's receptions, section anniversary celebrations, and other events in conjunction with The Florida Bar.

SECTION HISTORY

This Committee documents the history of the Section since its inception in 1993. Its work includes gathering history using Executive Council meeting minutes, issues of The Record, and photographs of Section events. The Committee is responsible for updating the history for future reference on the Sections' website.

EXHIBIT A

MEMORANDUM

TO: Appellate Practice Section Executive Council

FROM: Ad Hoc Committee on Section Reserves

DATE: June 19, 2017

RE: Proposal for creation of “Delegated Reserves Committee”

Appellate Practice Section leadership appointed this ad hoc committee to consider, and provide recommendations related to, what actions, if any, the section should take with respect to its sizeable operating reserves. At its June 16, 2016, meeting, the executive council tasked this committee with exploring an affiliated, but independent, foundation or subsection for purposes of receiving funds from the section and administering them in connection with appellate-related projects and spending requests. At the section retreat in September 2016, this committee solicited further input from section members on this topic.

This committee has completed its exploration. After much input from section members throughout the year, discussion among this committee’s members, and meetings with Florida Bar personnel, it is this committee’s recommendation that the section create a committee within the section, which will be known as the Delegated Reserves Committee. We will be prepared to discuss our recommendation in detail at the June 22, 2017, executive council meeting.

Below is the committee’s detailed proposal with our suggested parameters for the Delegated Reserves Committee:

I. Purpose

The Delegated Reserves Committee’s purpose is to utilize the experience of section leaders, many of whom helped build the section and grow its reserve funds, to make informed and consistent decisions regarding contributions made from the section’s reserves.

II. Creation

- A. The committee is to be created as an annual committee pursuant to article IX, section 3, of the section’s bylaws.
- B. Creation of the committee requires a majority vote of the executive council.
- C. A certain amount of section reserves will be delegated to the committee for administration. Section reserves that exceed a foundational amount of: i) 200%

of the past year's operating expenses; or ii) \$100,000.00, whichever of the two is greater, shall be delegated to the committee, such amount to be adjusted each year to remain in conformity with this provision.

III. Role

- A. Except for budgeted expenditures, the chair of the section shall refer to the committee any request seeking a contribution from the section in excess of \$500.00.
 - i. Where a referral is made at an executive council meeting, the referral shall be recorded in the official minutes of the meeting.
 - ii. Where a referral is made at any other time, it shall be made by electronic mail from the chair of the section to the chair of the Committee, with a copy to the secretary/treasurer of the section for inclusion in the agenda packet for the next executive council meeting.
- B. The term "contribution" is defined as any expenditure for which the section receives no commensurate benefit in return.
- C. Examples of contributions include gifts to charitable, philanthropic, educational, bar, legal aid, or judicial organizations.

IV. Membership

- A. The committee shall be comprised of exactly seven voting members. The seven voting members will consist of five past section chairs, the section vice-chair, and one at-large member.
- B. Each committee member shall be appointed by the chair of the section with the advice of the executive committee.
- C. The committee members who are past chairs of the section shall serve three-year terms, except that at the committee's inception, the chair of the section shall appoint five past chair members, one of whom shall be appointed to serve a one-year term, two of whom shall be appointed to serve two-year terms, and two of whom shall be appointed to serve three-year terms, thereby creating staggered terms.
- D. The committee member who is the section vice-chair shall serve a one-year term, during his or her tenure as section vice-chair. The committee member who is at-large shall serve a one-year term.

- E. Each year, after making the appointments necessary to maintain the seven members, the chair of the section shall appoint one of the committee's members to serve as chair of the committee.
- F. In the event a committee member does not complete his or her term, the chair of the section shall promptly appoint someone to fill the position and complete the term.
- G. Committee members are eligible for reappointment.
- H. Consistent with article IV of the section's bylaws, the officers of the section are ex officio (nonvoting) members of the Committee, entitled to participate in meetings.

V. Operation

- A. Upon referral of a request from the chair of the section, the chair of the committee shall cause the request to be acted upon within such time as is reasonable under the circumstances, but no more than 30 days from the referral date.
- B. The committee shall meet at such times as set by the chair of the committee, with reasonable notice to all committee members and other persons who have expressed to the chair of the committee an interest to participate in the meeting on a particular request.
- D. Committee meetings may be held in person, by telephonic conference call, or by other electronic means that permit all in attendance to participate at least by voice.
- E. Committee meetings may not be conducted by electronic mail.
- F. If a committee member made the request or has a substantial interest in the organization making the request, then he or she will be disqualified from voting. If two or more committee members have a substantial interest in the organization making the request, then the committee's final decision to make or not make the requested contribution operates as a recommendation to the executive council, which shall be notified by the committee of the circumstances and shall place the matter on the agenda for its next meeting.
- G. Five voting committee members are necessary for a quorum.
- H. Approval of a contribution, as originally proposed, at a reduced amount, or with conditions, requires at least four votes in favor of making the contribution.
- I. The committee may vote, by majority vote, to table a referral until a subsequent committee meeting, and such decision constitutes action on the request.

J. Effect of a committee decision:

- i. For requested contributions that would not exceed 10% of the section reserves delegated to the committee or \$25,000, whichever is less, the committee's decision to make or not make the requested contribution operates as the executive council's decision.
- ii. Otherwise, the committee's decision shall serve as a recommendation to the executive council, which shall place the matter on the agenda for its next meeting.

VI. Reporting

- A. At the chair's direction, minutes must be taken for each committee meeting, approved by the committee, and submitted to the executive council prior to the next executive council meeting.
- B. At each executive council meeting, the chair or the chair's designee shall report on the committee's actions since the last executive council meeting.