

APPELLATE PRACTICE SECTION EXECUTIVE COUNCIL MEETING

Thursday, June 22, 2023

10:00 PM – 12:00 PM

<https://us02web.zoom.us/j/84708013667?pwd=VjJaMW9ZbnRyNitqUjVjbFZVNINPQT09>

Meeting ID: 847 0801 3667

Passcode: 594556

AGENDA

- I. Call to Order – Hon. Carrie Ann Wozniak, Chair
- II. Introductions – Hon. Carrie Ann Wozniak

Kansas Gooden, Chair-Elect
Courtney Brewer, Treasurer
Joe Eagleton, Secretary
Kimberly Jones, Immediate Past Chair

Welcome, Brittany Baxter!
- III. Chair’s Report – Hon. Carrie Ann Wozniak
- IV. Approval of Minutes from January 2023 Meeting – Joe Eagleton (Exhibit A)
- V. Treasurer & Finance Committee’s Report – Courtney Brewer (Exhibit B)
 - A. Current Financial Statement
- VI. Old Business
 - A. High School Moot Court Project – Brandon Breslow and Mary Walter
 - B. DCA Judges Conference – Kansas Gooden
- VII. New Business
 - A. Leadership Training – Hon. Carrie Ann Wozniak
 - B. Website Updates – Joe Eagleton
- VIII. Liaison Reports
 - A. Appellate Court Rules Committee – Elaine Walter

- B. Appellate Practice Certification Committee – Duane Daiker
 - C. Board of Governors – Robin Bresky
 - D. Council of Sections – Nick Shannin
- IX. Section Committee Reports
- A. Continuing Legal Education Committee – Elaine Walter
 - B. Communications Committee – Dineen Wasyluk
 - C. Delegated Reserves Committee – Duane Daiker
 - D. Diversity and Inclusion Committee – Laura Roe and Hon. Stephanie Ray
 - E. Fellows Program Committee – Brandon Breslow and Jamie Billotte Moses
 - F. Advocacy Committee – Thomasina Moore and Karla Ellis
 - G. Outreach Committee – Mary Walter
 - H. Pro Bono Committee – Kimberly Berman
 - I. Programs Committee – Diane DeWolf & Lindsey Lawton
 - J. Publications Committee – Tom Seider
 - 1. *The Record* – Courtney Fernald
 - 2. *Florida Bar Journal* – Morgan Weinstein
 - 3. Self-Represented Litigant Committee – Chance Lyman
 - K. Section History Committee – Elaine Walter and Hon. Carrie Ann Wozniak
- X. Elections of 2023-2024 Officers & Representatives – Hon. Carrie Ann Wozniak (Exhibit C)
- XI. Closing Remarks and Passing of the Gavel – Hon. Carrie Ann Wozniak
- XII. Announce Next Executive Council Meeting
Florida Bar Fall Meeting – October 19, 2023

XIII. Adjournment – Carrie Ann Wozniak

EXHIBIT

A

**Appellate Practice Section
Executive Council Meeting**

January 19, 2023

**The Florida Bar Winter Meeting
Rosen Shingle Creek
9939 Universal Blvd.
Orlando, FL 32819
(And via Zoom videoconference)**

MEETING MINUTES

I. Call to Order – Hon. Carrie Ann Wozniak, Chair

Chair Wozniak called the meeting to order at 12:18 p.m. and welcomed everyone to the Section’s Executive Council meeting as part of the winter Florida Bar festivities.

II. Introductions – Hon. Carrie Ann Wozniak

Kansas Gooden, Chair-Elect
Courtney Brewer, Treasurer
Joe Eagleton, Secretary
Kimberly Jones, Immediate Past Chair

Welcome, Paige Dooley-Levy!

Everyone in attendance in Orlando introduced themselves. In total, more than 20 Section members attended the meeting live and many more attended virtually via Zoom.

Live attendees included: Kimberly Berman, Courtney Brewer, Brandon Breslow, Chris Carlyle, Alyssa Cory, Duane Daiker, Diane DeWolf, Chris Donovan, Joe Eagleton, Sara Finnigan, Judge Alan Forst, Kansas Gooden, Tom Hall, Sarah Lahlou-Amine, Chance Lyman, Erin Newell, Laura Roe, Sarah Roberge, Sam Salaro, Nick Shannin, Judge Morris Silberman, Elaine Walter, Dineen Wasylik, and Judge Carrie Ann Wozniak.

Some of those attending via Zoom were: Robin Bresky, Karla Ellis, Courtney Fernald, Bailey Howard, Thomasina Moore, Tom Seider, and Morgan Weinstein. This is an incomplete list that mostly captures only the virtual attendees who spoke. No formal attendance of the Zoom attendees was taken.

III. Chair's Report – Hon. Carrie Ann Wozniak

Chair Wozniak expressed her appreciation for everyone's attendance at the meeting. She reported that a lot has happened since the Section's last meeting as part of the London retreat: she's on a new court, she had a baby, and it's a new year! Chair Wozniak thanked everyone who made London such a success.

She then recapped a special APS Town Hall event held just prior to the Executive Council meeting. There was a lot of participation and many members shared their ideas about the Section. The Officers will be using the items raised in the Town Hall to plan for the Section's future at an upcoming Officers Retreat. Chair Wozniak encouraged anyone else with thoughts or suggestions about what the Section is doing well or what the Section can improve to reach out to her and to the other Officers.

Finally, she made a special introduction to the Section's new Florida Bar administrator, Paige Dooley-Levy. Paige replaces Cheri Wright.

IV. Approval of Minutes from October 2022 Meeting – Joe Eagleton

Eagleton reported that the minutes from the Section's last Executive Council meeting, held in October as part of the London retreat, were attached to the agenda as Exhibit A and were ready to be approved. Donovan moved to approve the minutes; Shannin seconded. The minutes were approved by unanimous consent.

V. Treasurer & Finance Committee's Report – Courtney Brewer

Brewer reported that the Section's finances remain in good shape, as demonstrated by the report attached to the agenda as Exhibit B. The only negative right now are the Section's investments, which anyone who has looked at their own 401k lately can surely relate to. If anyone has any questions or would like additional details about the Section's financial health, reach out to her.

VI. Old Business

A. Bylaw Amendments – Nick Shannin

Shannin reported that, due to the creation of the new Sixth DCA, the bylaws need to be amended. That is the primary purpose of the proposed amendments, attached to the agenda as Exhibit C.

But there are, in addition, five other amendments listed that have already been approved but that, due to a hiccup in the formal process for seeking

Board of Governors approval, were never formally incorporated into the Section's bylaws. Shannin suggested that the Executive Council vote to ratify those five amendments again, and then approve a new amendment that accounts for the new DCA. This new amendment changes the number of judicial liaisons from 5 to 6 and the number of at-large members on the Executive Council from 9 to 10 to keep the math working. The recommendation of the Bylaws Committee is to approve these amendments.

Tom Hall raised a question about the language of the proposed amendments because the Section also has a liaison from the Florida Supreme Court and from the Eleventh Circuit. But Shannin reported that the bylaws specify those liaisons separately, so it is not an issue.

Dineen Wasylik moved to approve the bylaw amendments as proposed. Sarah Lahlou-Amine seconded the motion. The proposal was then approved by unanimous consent.

B. High School Moot Court Project – Brandon Breslow

Breslow provided an update on this project, which is back again after a long hiatus. As of this week, 15 schools throughout the state had registered to participate, some with more than one team. The problem has been distributed and the students will submit briefs in February. APS is recruiting volunteers to help grade the briefs. Breslow encouraged anyone who is interested to reach out to Paige Dooley-Levy.

Because the number of teams is modest, Judge Ray agreed to host the preliminary rounds at the First DCA, rather than spread those around to different DCAs as has been done in the past. The final round will be held on May 3 at the Florida Supreme Court. The goal is to continue to have the other DCAs involved in the future.

VII. New Business

A. DCA Judges Conference – Kansas Gooden

Chair-Elect Gooden reported that the DCA Judges Conference will be held from January 9-12, 2024, at One Ocean in Jacksonville Beach. APS has historically sponsored a social on the first night of the conference and is responsible for one program during the educational component of the meeting. APS will also have its winter Executive Council meeting at the conference. This is a great way for members to get exposed to appellate judges and to enjoy a fantastic educational program.

VIII. Liaison Reports

A. Appellate Court Rules Committee – Laura Roe

Roe provided an update on the state of the Appellate Court Rules Committee (ACRC), which is catching up on the backlog of rules changes that were at various stages when the Florida Supreme Court amended the process for submitting proposals. This required ACRC to sort through the proposed amendments and to file them in related batches, which will be done this year. So look forward to lots of rule changes coming soon.

ACRC has proposed eliminating the requirement to serve writs in paper copy. ACRC is also proposing some changes in the rule on rendition, including changing “pursuant to” to “under.” And there are many interesting items nearing a final vote, including in the Stand Your Ground context.

Roe also suggested that anyone who has not been paying attention to it should check out the report of the workgroup on the improved resolution of civil cases. This report suggested a holistic overhaul of the rules, which would dramatically change the practice of law in Florida state courts. ACRC filed a comment in response to the report and appeared at the oral argument in which the Florida Supreme Court considered the proposal. The court ultimately declined to adopt the recommendations of the workgroup in total, but is referring these recommendations in batches, with recommended outcomes, to the individual rules committees. It is unusual, historically, that the court would give express instructions on what the rules committees should do with a recommendation, but that is what occurred here.

B. Appellate Practice Certification Committee – Duane Daiker

Daiker reported on the Appellate Certification Committee’s progress. If you are waiting to hear about eligibility to take the upcoming exam, those decisions are imminent. If you are waiting to hear about a recertification application, those are taking a little longer, but don’t panic because you remain certified until told otherwise.

The exam is complete, subject to BLSE approval. Daiker thinks it’s a good one. There are around 15 people sitting for the exam, which is on track with prior years.

C. Board of Governors – Robin Bresky

Bresky reported that the Board of Governors will be meeting in Tallahassee next week, with a legislative reception to follow. Let her know if there is

anything she can do for APS. There are a lot of details on the Bar website about what the BOG is up to right now. Of note, deadlines have been extended until February 24 to apply for the JNCs.

D. Council of Sections – Nick Shannin

Shannin reported that, at a meeting of the Council of Sections six years ago, APS was jealous of other section retreats and the great places everyone else was going. Then we did Key West, and D.C., and now London, and so everyone else is jealous of us.

Otherwise, Bar leadership continues to use this group to reach all the sections at the same time. So if there is something you want everyone in the other sections to know about, the Council of Sections is the way to spread the word.

IX. Section Committee Reports

A. Continuing Legal Education Committee – Elaine Walter

Walter reported that the CLE Committee had its annual brainstorming session last week to get ready for next year's webinar series. It also brainstormed ideas for other types of programs, like continuing the Practice Management Series.

Matt Conigliaro recently presented his ever-popular year in review. It was not particularly well-attended by past standards, but if you missed it, you have 90 days to view it. As always, he offered a great perspective on what's gone on with the courts in the past year.

In terms of upcoming events, the board certification bootcamp, which is a half day, is coming up at the end of the month. Initial planning is underway for Practicing Before the Second DCA, to be chaired by Chance Lyman. Practicing Before the Fifth DCA will take place sometime in the fall or winter and still needs a chair. Practicing Before the Sixth DCA will be chaired by Mary Walter and will take place sometime next year. Celene Humphries and Nancy Gregoire are also heading up the Van Nortwick advanced appellate workshop, to be held in 2024.

B. Communications Committee – Dineen Wasylik

Wasylik reported that the Communications Committee is still rocking and rolling with social media. It is also working with the ad hoc website committee on a revamp of the website. And soon, the committee is looking forward to having Tracey Eller on board to help get the website updated, in addition to her current work with the social media platforms.

C. Delegated Reserves Committee – Duane Daiker

Daiker reported that this Committee was formed five years ago because the Section Officers were inundated with requests for sponsorships. Ceci Berman headed it up for a while and did a lot of work. Since taking over, Daiker has had no requests. He will keep up the good work.

D. Diversity and Inclusion Committee – Laura Roe

Roe reported that she is still trying to round out this newer committee, including updating the membership list. Let her know if anyone is interested in joining. She continues to work on getting the word out about the committee, compiling a list of diversity-related topics for potential articles in *The Record*, and identifying contacts at the DCAs for possible court liaisons.

E. Fellows Program Committee – Brandon Breslow

Breslow reported that the Fellows Committee is ramping up to start the application process for next year. The program is working well—two Fellows attended the London retreat and are actively involved in APS activities.

F. Advocacy Committee – Thomasina Moore

Moore reported that she will be attending the Florida Bar's legislative reception next week. The only item on her list right now is the legislation in support of increased funding to build a Sixth DCA courthouse, which APS supports. Let her know if you have any ideas or connections so she can be sure she's talking to the right people and right legislators to garner support.

G. Outreach Committee – Mary Walter

Chair Wozniak reported, on Walter's behalf, that the Outreach Committee is doing a lot. From the high school moot court competition to working with other organizations, this committee is extremely active right now. Walter provided an email update to the Officers and looks forward to updating everyone at the next EC meeting.

H. Pro Bono Committee – Kimberly Berman

Berman reported about the very active Pro Bono Committee, which has fielded almost 100 requests since the last meeting. These include requests from the Defending Best Interests partnership with the Guardian ad Litem Program, the Injunction for Protection Project, and other sources. The

committee is screening all the cases and continuing to try to improve the intake form on the website. The committee is also trying to reach out to legal aid organizations across the state to remind them about the APS pro bono committee.

Berman thanked the Section leadership for supporting the fourth joint pro bono training with the GAL and for providing the lunch. There were many great presentations and a nice turnout in connection with the winter Bar meeting.

Berman also mentioned a recent pro bono initiative of the Third DCA, in which the court is considering its own program to appoint pro bono attorneys. She has been involved in discussions about APS's potential involvement.

Elaine Walter commented that she has also been involved in some of those meetings, in connection with the Miami-Dade appellate bar, and she is concerned about the judges identifying issues that they want practitioners to brief for them on behalf of pro se folks.

Sarah Lahlou-Amine responded that there is some precedent for programs like this. Although on the surface it might raise concerns, Sarah noted that the Florida Supreme Court, the Eleventh Circuit, and even some other DCAs have done this off-and-on over the years. There are workarounds, she said, so that it is not advocacy by the court but rather the appointment of lawyers where they need to be appointed.

Tom Hall added that the Third DCA has an opinion from the early 1980s addressing the subject, in which they rejected an argument that the court lacked authority to appoint an attorney in an individual case.

Berman concluded by reminding anyone who is not part of the pro bono listserv to contact her if they wish to be included.

I. Programs Committee – Diane DeWolf

DeWolf reported that there is not a lot to report on behalf of the Programs Committee. The committee is already working on the June dessert reception. Several possible themes have been discussed but the committee has not yet settled on one.

J. Publications Committee – Tom Seider, Courtney Fernald, Morgan Weinstein, and Chance Lyman

Seider reported on the most recent goings-on of the Publications Committee. Morgan Weinstein has taken over for Heather Kolinsky as editor of the *Florida Bar Journal* submissions. He has volunteers lined up through September but could use a more robust bank of topics.

The committee wants to encourage new members who are interested in helping as assistant editors or in writing for *The Record* to reach out. Fernald added that an article for *The Record* does not have to be extensive or time-consuming – it can be a profile of a new judge, an update on a recent case, a brief discussion of a rule change, or anything else appellate-related. Amy Dilday has volunteered to start a recent column on Florida Supreme Court cases.

Lyman reported on the Pro Se Handbook. He just assembled a team a week ago based on a referral of sorts from the Office of the State Courts Administrator to do updates related to the creation of the new Sixth DCA. These edits will be folded into the edits the committee is already doing for the next edition of the Handbook.

K. History Committee – Hon. Carrie Ann Wozniak (update)

Chair Wozniak reported that V. Hendricks, the longtime chair of the History Committee, has retired. The Section will miss her.

The Section Officers have talked for a while about what to do with this committee. She will be meeting next week to discuss combining the Outreach and Programs Committee and about perhaps having the History Committee become a subcommittee within that merged committee. She supports the general idea of capturing the Section's activities and remembering its past; there just needs to be a better, more efficient, more organized way to do it.

X. Announcements – Hon. Carrie Ann Wozniak

Chair Wozniak announced that the next Executive Council meeting will be held at the Florida Bar's annual convention, on Thursday, June 22, 2023, in Boca Raton. She is looking forward to seeing everyone there.

XI. Adjournment – Hon. Carrie Ann Wozniak

With that, Shannin moved to adjourn the meeting, and Daiker seconded the motion. The meeting was adjourned at 1:12 p.m. by unanimous consent.

EXHIBIT

B

THE FLORIDA BAR						
Appellate Practice Section						
For the Ten Months Ending April 30, 2023						
	April	YTD 2023	FY 22-23 Budget	YTD 2022	YTD/Prior YTD Variance (\$)	FYE Actual 2022
3001-Annual Fees	80	60,368	55,625	61,145	(778)	61,190
3002-Affiliate Fees	-	40	50	50	(10)	50
Total Fee Revenue	80	60,408	55,675	61,195	(788)	61,240
3301-Registration-Live	-	-	50,000	-	-	-
3331-Registration-Ticket	(1,000)	55,950	45,500	-	55,950	-
Total Registration Revenue	(1,000)	55,950	95,500	-	55,950	-
3351-Sponsorships	4,000	24,000	45,000	2,500	21,500	13,250
3391 Section Profit Split	3,843	60,535	85,000	54,591	5,944	50,040
3392-Section Differential	920	5,150	6,000	2,785	2,365	3,910
Other Event Revenue	8,763	89,685	136,000	59,876	29,809	67,200
3401-Sales-CD/DVD	-	-	5,700	-	-	-
3411-Sales-Published Materials	-	-	300	-	-	-
Sales, Rents & Royalties Revenue	-	-	6,000	-	-	-
3901-Eliminated InterFund Revenue	-	40	-	-	40	-
Other Revenue Sources	-	40	-	-	40	-
Total Revenue	7,843	206,082	293,175	121,071	85,012	128,440
4134-Web Services	1,137	4,057	29,000	12,801	(8,744)	13,721
4311-Office Supplies	-	60	150	116	(56)	184
Total Staff & Office Expense	1,137	4,117	29,150	12,917	(8,800)	13,905
5031-AV Services	-	-	4,500	-	-	-
5051-Credit Card Fees	102	221	1,210	529	(309)	2,572
5101-Consultants	400	400	-	-	400	-
5121-Printing-Outside	-	-	8,250	-	-	-
Total Contract Services	502	621	13,960	529	91	2,572
5501-Employee Travel	(706)	4,879	7,082	1,394	3,486	1,394
5531-Board/Off/Memb Travel	-	5,215	6,500	-	5,215	204
5561-Judges Travel	246	946	4,900	1,800	(854)	2,402
5571-Speaker Travel	-	-	10,000	-	-	-
Total Travel	(460)	11,040	28,482	3,194	7,846	4,000
6001-Post 1st Class/Bulk	-	40	220	236	(196)	236
6251-Promotion Sponsorship	-	2,390	5,500	1,290	1,100	1,290
6301-Mtgs TFB Annual Meeting	-	-	35,000	-	-	43,155
6311-Mtgs General Meeting	-	5,186	4,700	-	5,186	-
6319-Mtgs Other Functions	-	157,719	185,000	474	157,244	474
6321-Mtgs Meals	-	-	15,500	-	-	-
6331-Mtgs Room Rental	-	-	6,604	3,302	(3,302)	3,302
6451-Committee Expense	-	1,800	4,800	61	1,739	61
7001-Grant/Award/Donation	-	2,205	2,050	833	1,372	2,178
7999-Other Operating Exp	-	-	1,000	239	(239)	239
Total Other Expense	-	169,340	260,374	6,436	162,904	50,936
8021-Section Admin Fee	87	33,778	32,973	32,267	1,511	32,267
8101-Printing In-House	-	55	15	8	47	87
8141-Journal/News Service	-	-	850	-	-	-
8171-Course Approval Fee	-	-	-	150	(150)	150
8901-Eliminated IntEnt Exp	-	1,000	-	1,000	-	1,000
Total Admin & Internal Expense	87	34,832	33,838	33,425	1,407	33,504
9692-Transfer Out-Council of Sections	-	500	500	500	-	500
Total InterFund Transfers Out	-	500	500	500	-	500
Total Expense	1,266	220,450	366,304	57,001	163,448	105,417
Operating Income	6,577	(14,367)	(73,129)	64,070	(78,437)	23,022
3899-Investment Income (loss)	6,835	46,597	37,784	(60,151)	106,748	(88,466)
Total Nonoperating Revenue (Expenses)	6,835	46,597	37,784	(60,151)	106,748	(88,466)
Change in Net Position	13,413	32,230	(35,345)	3,919	28,311	(65,444)
Net Position						
2001-Beginning of the year, restated (Fund Balance)		793,159		858,603		
End of the Year Fund Balance (Current Month)		825,389		793,159		

EXHIBIT

C

APS EC MEETING

LOCATION: Grand Ballroom A

DATE: June 22, 2023

TIME: 10:00 am

2023-2024 Appellate Practice Section Officers and Executive Council Slate

POSITION/NOMINEE

CHAIR Kansas Gooden

CHAIR-ELECT Courtney Brewer

TREASURER Joe Eagleton

SECRETARY Elaine Walter

EXECUTIVE COUNCIL Brandon Breslow
Jay Yagoda
Sarah Roberge
Keith Upson
Dan Nordby

APS EC Committee Ballots
June 22, 2023

<u>Position:</u>	<u>Candidate:</u>	<u>Mark Here</u>
<u>Chair-Elect</u>	Courtney Brewer	<input type="checkbox"/>
<u>Treasurer</u>	Joe Eagleton	<input type="checkbox"/>
<u>Secretary</u>	Elaine Walter	<input type="checkbox"/>
<u>Executive Council</u> (Vote for one)	Jay Yagoda	<input type="checkbox"/>
	Brandon Breslow	<input type="checkbox"/>
	Sarah Roberge	<input type="checkbox"/>
	Keith Upson	<input type="checkbox"/>
	Dan Nordby	<input type="checkbox"/>

Your votes are appreciated!