

Meeting Minutes
Appellate Section Executive Council
Annual Meeting June 23, 2005, Orlando, Florida

Attendance:

John Crabtree
Tom Hall
Siobhan Shea
Susan Fox
Steve Brannock
Dorothy Easley
Jack Aiello
Caryn Bellus
Shannon Carlyle
Chris Carlyle
Matt Conigliaro
Wendy Loquasto
Tony Musto
The Honorable Kathryn Pecko
The Honorable Mark Polen
The Honorable Richard J. Suarez
The Honorable Edward LaRose
Jack Shaw
Tracy Carlin
Betsey Gallagher
Jack Reiter
June Hoffman
Nancy Gregoire
Marianne Trussell
Christina Alonso
Marilyn Kershner
Roberta Mandel
Roy D. Wasson
Celene Humphries
Rebecca Creed
Henry Gyden
Chrissy Davis
Cory Eichhorn

Excused: Harvey Sepler

Austin Newberry

I. Call to Order: Chair, John Crabtree, called the meeting to order at 10:30 a.m.

II. Approval of Minutes: The Executive Council approved the minutes of the January 20, 2005 meeting of the Appellate Section Executive Council.

III. Treasurer's Report: Treasurer Siobhan Shea reported that the Section has \$88,571 on hand. \$34,375 has been collected in dues. The council approved the treasurer's report. Siobhan also proposed a budget amendment, which was approved, to change funding for the Record from \$3,000 to \$5,500. Four beefy issues were published this past year which increased the printing expenses over the budget.

IV. The Record. Dorothy Easley reported that Betsy Gallagher will serve as editor and Cory Eichhorn, Mark Sussman, Shelly Stirratt, and Paul Avron will serve as assistant editors for the coming year. Chair John Crabtree and Betsy Gallagher praised Dorothy for her excellent work as editor.

V. The Section Split. Austin reported on the decisions made by the council of Sections concerning the split of dues between the bar and the section. The new policy will have little effect on the section. The bar's share of the dues will rise from \$12.50 to \$17.50, but some or all of the increase will be refunded to the section pursuant to a formula that takes into account how much money the bar spends to subsidize section activities. The appellate section fares very well under the new formula and should not see a significant impact.

VI. Retreat. Tom Hall reported that the retreat will be in the Spring of 2006. The top two choices for the location of the retreat as revealed by the appellate section survey are St. Augustine and Ponte Vedre. Susan Fox will be in charge of the substantive program and Hala Sandridge will run the social events. A full report will be forthcoming at the September meeting.

VII. Privacy in Court Records. Tom Hall, reported for John Mills, chair of the appellate section Subcommittee on Privacy in Court Records. According to Tom, the recommendations of the Privacy in Court Records Committee goes to the Florida Supreme Court on July 1. Generally the committee will recommend that court records be open and that electronic access should be offered efficiently with due regard for the protection of confidential information. For now, appellate briefs can still be posted to the web, but other appellate records are not being posted.

VIII. Section Survey. Dorothy Easley reported on the Appellate Section Survey. According to the membership, the section's publications are highly valued. Board certification is also considered very valuable. According to Chair, John Crabtree, the survey contains lots of useful data which will be the focus of an upcoming message from the chair.

IX. Request to Consider Rule Change. Tom Sasser has asked the section whether it would take a position on the issue of whether the appellate rules should be

amended to permit interlocutory appeals of rulings concerning the validity of pre-nuptial agreements. The issue was referred to an ad hoc committee that will be formed by Shannon Carlyle and Nancy Gregoire to study the issue and make a recommendation to the section.

X. Stetson Appellate Workshop. The issue was raised whether, in future years, the section should join with Stetson in providing a volume discount to firms that send 3 or more lawyers to the seminar. A motion was made, seconded, and approved to approve a discount of \$100 for the third, fourth, and fifth lawyer sent by a firm or agency and a \$200 discount for the sixth and every subsequent lawyer who attends in a year.

XI. Termination of Parental Responsibility (TPR) Appeals. Celene Humphries reported on the need for appellate attorneys to assist in resolving the backlog of TPR appeals. One problem is that the experience requirements are limiting the pool of qualified volunteers. There was discussion on the need to broaden the experience requirements to permit experienced family law or board certified appellate practitioners to qualify. There is also discussion of presenting a seminar on TPR appeals. Attendance at such a seminar might be one way to qualify for the work. The Chair asked Celene to work with the CLE and pro bono committees on the issue.

XII. CLE Committee. Tracy Carlin reported on the activities of the Appellate CLE Committee. The Certification Review Course was held in Ft. Lauderdale in February which did well. The next seminar is a preservation of error seminar to be presented on August 12, 2005 in Tampa at the Marriott Renaissance (not the airport Marriott). On October 6, 2005, the Committee will be hosting the next Inside the 11th Circuit Seminar at the Eleventh Circuit in Atlanta in a format similar to the seminar presented every year at the Florida Supreme Court by the Government Lawyers Section. The monthly lunchtime telephone seminars have been well-received and will be continued. Other upcoming activities include the Hot Topics seminar, a criminal law seminar, an Administrative Law CLE program, and a seminar on TPR appeals (see XI above). Tracy announced the Matt Conigliaro will take over as chair of the CLE Committee. The Chair praised Tracy's great work as Chair of the Committee.

XIII. Programs. June Hoffman reported on upcoming programs. The Section raised \$5500 from law firm sponsors in support of the dessert reception. The Key West themed reception will be from 9:00 PM to 11:30 PM. The money raised received from the sponsors reception should just about cover the expenses of the reception. June also reminded everyone of the discussion with the Supreme Court which will be combined with the finals of the moot court competition.

XIV. Legislative Committee. The Committee had nothing to report.

XV. Publications. Susan Fox congratulated Dorothy Easley for her wonderful work on The Record this year. Betsy Gallagher will take over as editor. Caryn Bellus

reported that updates for the Guide concerning the Second and Fourth DCA are about to be published as well as updated biographies for the Third DCA. Shannon Carlyle is working on the Fifth DCA and Tracy Carlin is working on the First DCA. Members of the Council discussed how to handle sponsorships now that the Guide is in loose-leaf form. The committee will continue to study the issue. Dorothy Easley initiated discussion about distributing the Record in electronic format noting that the Record actually looks much better in PDF format than it does in print. Electronic distribution would be a big money saver. After much discussion it was determined that the Record will continue to be sent by hard copy but will be available electronically as well.

XVI. The Website. Siobhan Shea reported concerning the website. Following along the discussion of electronic publication of the Record, it was moved and approved to publish each issue of the Record on the Appellate Section's 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. Specific proposals will be presented at the 2006 retreat.

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. An article for the Record will be prepared regarding mentoring opportunities. Jack is looking for additional volunteers and ideas.

XVIII. The Outreach Subcommittee. Shannon Carlyle reported on activities of the Outreach Subcommittee. The committee has purchased banners to be used at section events and in connection with a section booth to be manned at the next annual meeting. Several brochures are in the works on the topic of "Who is your Appellate Lawyer?" There is a general brochure as well as more specific brochures aimed at criminal, family, trial, administrative, bankruptcy and commercial lawyers. Much discussion ensued about whether sponsors or even the authors of the various brochures should be listed on the guides. It was agreed that the brochures would be available for sale and that listing any names on the brochures would significantly hamper their marketability. It was moved and approved for the outreach committee to spend \$10,000 to print brochures and to fund a booth at the next annual meeting with the proviso that the brochures would only be printed if it appeared there were sufficient demand to defray a substantial portion of the costs of the brochures.

XIX. The Pro Bono Committee. Tony Musto reported on the activities of the pro bono committee. The program is now up and running. The section has liaisons in each district to help match pro bono opportunities at each court with volunteers.

XX. The Election of Officers. The slate of officers and executive council members was presented to the council by the nominating committee. Chair John Crabtree reported that the slate is as follows:

Chair-Elect	Susan Fox
Vice-chair	Steve Brannock
Secretary	Siobhan Shea
Treasurer	Dorothy Easley

Executive Council, two-year term (ending in 2007): Celene Humphries
Executive Council, three-year term (ending in 2008): Tracy Gunn, June Hoffman, Wendy Loquasto, Harvey Sepler, and Jack Shaw.

The slate was elected by acclamation.

XXI. Awards. Outgoing Chair John Crabtree presented a plaque to Dorothy Easley in recognition for her significant contributions to the section including her work on the Record and the Section's website. John had high praise for Dorothy which was echoed by the rest of the Council. John also presented a plaque to Austin Newberry in recognition of his continued dedication and outstanding service as liaison to the section.

XXII. The Gavel is Passed. John then passed the gavel to incoming chair Tom Hall. Tom's first official act was to present an award to John for his outstanding service as chair of the section. Tom announced that his focus for the coming year will be the retreat (especially the leadership issues presented), the publication of the pro se handbook, and getting government lawyers more involved in the section.

The next meeting is scheduled for Tampa at the Airport Marriott on September 8, 2005 (assuming we have better luck dodging hurricanes this year).