

AGENDA
APPELLATE PRACTICE SECTION
EXECUTIVE COUNCIL MEETING
THURSDAY, JANUARY 19, 2006, 1:00 p.m. – 3:00 p.m.
HYATT DOWNTOWN – MIAMI, FLORIDA

I. Call to Order – Tom Hall, Chair

II. Introductions

Present:

Tom Hall
Susan Fox
Siobhan Helene Shea
Dorothy Easley
Calianne Lantz
June Hoffman
Steve Brannock
Wendy Loquasto
Jonathan Streisfield
Roberta Mandel
Betsy Gallagher
Marianne Trussell
Nancy Gregoire
Jack Reiter
Hon. Rick Suarez
Hon. Kitty Pecko
Tony Musto
Matt Conigliaro
Hon. Morris Silberman
Angela Flowers
Caryn Bellus
Harvey Sepler
Hon. Mark Polen
Steve Stark
John Crabtree
Austin Newberry

III. Approval of Minutes (A) The minutes presented from September 2005 were unanimously approved and adopted without correction.

IV. Chair ' s Report

A. Joint Conference with DCA Judges' Conference. The Appellate Practice Section and Florida Bar Foundation have agreed to support a conference on appellate jurisprudence initiated by the DCA Judges' Conference. John Crabtree, Celene Humphries, Harvey Sepler will be liasons from Section. Some money for Government lawyers will defray the expense. The Conference will tentatively occur at the Annual Meeting of the Florida Bar, on Wednesday. The Conference is an outshoot of the National Conference of Appellate Lawyers program in DC.

B. National Chief Justices' Conference – Chair Tom Hall attended the Conference on behalf of the Section. The Section contributed funds to host the Conference, which had to be changed from the original New Orleans location in the wake of hurricane Katrina. Chief Justices from all over the country met and discussed common goals and problems. The Section was thanked for its generous contribution to host this program.

C. Committee on DCA Workload and Jurisdiction. Report has been submitted to the Supreme Court of Florida suggesting a rule for how a new DCA would be created. The Court will be creating a new committee to address this and has asked the Section for input on the possible need for a new DCA and the process for determining and creating same.

V. Report from Board of Governor's Liaison – Section BOG Liaison, Ben Keuhne was not present. BOG and Section member, Nancy Gregoire reported that the biggest item addressed by the Florida Bar Board of Governors for the Section -- the change in revenue sharing - appears now to be settled.

VI. Treasurer's Report – Dorothy Easley/Austin Newberry
The current balance is \$84,779.00.

A. 2006/2007 Budget Approval (B). The proposed budget includes a five dollar increase for dues and increased projected CLE revenues. There is a ten percent operating reserve, as required. Based on the Section's past usage of Bar services, there will probably be a refund under the changed revenue share plan with the Bar. However, the budget contemplates a deficit which should leave a budgeted fund balance of a little over \$70,000.00. The Record and the Guide continue to be the biggest expenses for the Section not offset by income. A motion to approve the budget was made by Judge Pecko and seconded by Susan Fox. In discussion, Siobhan Shea stated that for future budgets the Section's policy should be to run a balanced and not a deficit budget. Tony Musto asked whether the increase in dues change was because of the increased Bar take. Chair Tom Hall suggested that the Section may want to revisit shared Section membership, especially with Criminal Law Section. The budget passed unanimously.

B. 2005/2006 Budget Amendment. The Executive Council approved amendments to include expenses for the Chief Justices Conference and the Joint Conference with DCA Judges. A motion to approve the budget amendment was made by Susan Fox and seconded by Tony Musto. The amendment to include these expenditures passed unanimously.

VII. Old Business

A. Section Retreat – Susan Fox/Hala Sandridge. Susan Fox reported the retreat will be at Hutchinson Island Marriott Beach Resort May 12th -14th, 2006. The retreat will begin with a discussion on the Committee on DCA Workload and Jurisdiction, from which a report will be made to the Supreme Court. A reception and dinner, followed by dessert and jam session are planned for Friday night. The Saturday program includes review of past retreats, Section goals, potential changes to the leadership structure, new initiatives, and informal evening networking. The current budget provides for \$12,000.00. The committee is requesting an increased amount of \$8,000.00, to defray registration costs, moved by Susan Fox and seconded by Dorothy Easley. Although the revenues may defray foreseen increased costs, the budget must provide for increased expenses, regardless of the ultimate net collected for the retreat. The budget amendment passed unanimously. An insert will be included in the next Record and in the blast email.

VIII. New Business – none.

IX. Committee Reports

A. Continuing Legal Education – Matt Conigliaro reported the monthly teleconferences continue. The Section's Appellate Certification Review will be in Tampa February 3rd, chaired by Marianne Trussell and V Hendricks. Judge Pecko and Marianne Trussell are co-chairing an administrative appeals CLE in Tallahassee on April 7. Let My People Go – or Not, a criminal appellate review will be held in Miami in October 2006. This October 26th and 27th there will be also be a resurrection of the Eleventh Circuit CLE, in the form of an Eleventh Circuit Appellate Practice Institute. The Institute will occur at the Georgia Bar's Atlanta office. It will hopefully become an annual event the Section will co-sponsor with its counterparts from the Alabama and Georgia bars. The Hot Topics Seminar will be in September, probably somewhere in the Orlando area. Next year, the Section hopes to partner with the Bankruptcy Section in April 2007, and later in 2007 to conduct a Worker's Compensation CLE. Judge Polen suggested a joint family law appellate seminar. Steve Brannock suggested promoting the Appellate Certification review course, which Tony Musto and Tom Hall agreed should be aggressively promoted, under the new guidelines that allow promotion of certification review courses.

B. CLE Committee – Chair Tom Hall attended this Bar meeting in lieu of Tracy Carlin. The split from CLE revenues will now be changed from 12 1/2 percent of the net to 80/20 percent (Section gets 20 percent, Bar gets 80). Still, some areas, such as joint sponsorship, still need to be addressed. The CLE committee will wait for the BOG to fine tune the splits.

- C. Programs – Celine Humphries. June Hoffman reported as Ms. Humphries was absent. June Hoffman, Celene Humphries, and Kara Rockenbach are planning the programs for the Annual Meeting. Justice Pariente has agreed that once again this June 22, there will be a Discussion with the Court combined with the moot court competition. For the dessert reception, a Rock and Roll theme and materials promoting the Section will be employed. Sponsorships last year entirely covered the costs and it is hoped they will again this year.
- D. Publications – Steve Brannock. The Record is out, Bar Journal articles are in the works for every issue of the Bar Journal, and Steve congratulated the editors of the Section's publications.
 1. The Record – Betsy Gallagher reported February 28th is the current deadline for the next issue. May 15th is the spring issue deadline. Although the publication schedule is currently behind, the regular four issues per year will be forthcoming. The Record is particularly seeking substantive articles, but will also include member news. More criminal law updates are anticipated. A new editor for the following year is being sought to be selected by the Executive Council.
 2. Pro Se Handbook - Dorothy Easley thanked assistant editors Ceci Berman, Tracy Carlin, Zachary Cohen, Maria Kayanan, Roberta Mandel, Kristin Norse, and Marianne Trusell for outstanding editing of the chapters of the handbook. Editors Siobhan Shea and Caryn Bellus will do the final editing. Next week there is a statewide conference on self-represented litigants. Several appellate lawyers and judges will attend and a rough draft of the Section's Pro Se Handbook will be distributed. The Florida Bar Foundation is anticipated to fund publication within the following year.
 3. Guide – Caryn Bellus reported that almost all of the sections on the DCAs and the Supreme Court will soon be done. Hopefully within the next two months the Rules and Court contact information will be done. The updates are circulated by email and mail (for those members without email or who prefer to receive printed updates). LEXIS was discussed as a potential advertiser. The biggest current obstacle for the Guide was just completing the sections.
 4. Bar Journal – Wendy Loquasto reported that Jack Reiter and Dorothy Easley are publishing the next articles for the Section in the Journal. She has scheduled a Section column for each edition of the Journal.
- E. Website – Dorothy Easley reported all the information is up to date. She thanked Austin Newberry for his diligence in updating the materials. The links of oral arguments and orders are being included, as are Section history (hopefully including photos) and events. Guide and Record updates are on the website and the Record is in color. Jonathan Streisfield is sending the Section email blasts, often with very little notice or turn around. Henry Gyden is doing the quarterly electronic updates. Dorothy Easley will double check to make sure the bylaws are included.
- F. Leadership Committee – Angela Flowers reported that the initiative to reduce the time of the leadership track, which originated at a Section retreat, is currently being discussed and will be finalized in discussion at the next retreat and presented in some form of bylaw change proposal. An outline of the possible changes will be submitted by Susan Fox for publication in the next issue of the Record. They will be finalized at the Retreat, published and voted on (hopefully) at the annual meeting in June. They will then be presented to the BOG and then occur in 2007.
- G. Mentor Committee – Jack Shaw – no report.
- H. Outreach Committee – Shannon Carlyle absent. John Crabtree reported the first two brochures (Family Law and Who is Your Appellate Lawyer) are in publication and Shannon Carlyle will distribute at the Family Law Certification Review course next weekend and invites anyone else from the Section to attend.
- I. Pro Bono – Tony Musto reported that all the major legal services groups in the bigger circuits have been contacted to assist with appeals, providing pro bono appellate lawyers. The committee is now working on contacting the smaller circuits and letting them know the service is there. There is also a pro bono list with the Supreme Court to appoint pro bono lawyers. Harvey Sepler and John Crabtree, along with Carlton Fields, have taken pro bono cases through this program.
- J. Sponsor / Advertising – Chris Carlyle was not present, but requested that a notice of advertising rates be listed in the Record. A proposal was made for the Section to charge 85% of the Bar's advertising rates. Authority is delegated to the Executive Council, by motion made by Tony Musto, seconded by Susan Fox, and unanimously passed.

K. Government Lawyer – Harvey Sepler reported his small, but energetic committee is investigating how to entice government lawyers to join and be active in the Section. The cost of joining and participating (including travel expenses) and the lack of government lawyer specific programming have been addressed as potential hurdles. The committee is working on identifying potential government appellate lawyers who should join, finding out why they have not, and identifying what programs or incentives would make them more likely to join and become active. The committee proposes government lawyer specific programs, in particular local CLEs at the DCAs, as a traveling program to be staffed by local government lawyers and clerks. The top employers in government law need to be contacted to bolster membership and involvement. Section Chair Tom Hall will be seeking a new chair of this subcommittee to continue Harvey Sepler's work as chair, so that he can focus his work on publishing the pro se handbook.

- X. Future Meetings
Retreat May 12-14, 2006, Hutchinson Island Marriott Beach Resort & Marina
The Florida Bar Annual Meeting, June 21-23, 2006 (Thursday meeting)
- XI. Adjournment.