

Meeting Minutes (by Telephone Conference)
Appellate Section Executive Council
October 13, 2004

Attendance:

John Crabtree
Tom Hall
Siobhan Shea
Susan Fox
Steve Brannock
Dorothy Easley
Jack Aiello
Caryn Bellus
Shannon Carlyle
Matt Conigliaro
V. Hendricks
Wendy Loquasto
Kim Mello
Tony Musto
The Honorable Kathryn Pecko
Harvey Sepler
Jack Shaw

Austin Newberry

I. Call to Order: The meeting was called to order by Chair, John Crabtree at 2:15 p.m.

II. Approval of Minutes: The minutes of the prior meeting were approved unanimously by motion duly moved, seconded, and approved.

III. Treasurer's Report: Treasurer Siobhan Shea reported that the section has \$102,663 on hand. Recent expenditures include the dessert reception at the annual meeting in Boca Raton. The section will not have to cover the costs of microphones at meetings of the Appellate Rules Committee as that cost will be covered by Nexis/Lexis. There are currently 1,394 members in the section. The treasurer's report was approved by motion duly moved, seconded, and approved.

IV. Editor's Report for the Record. Editor Dorothy Easley Reported on the Record. Fall is on schedule and ready to go out. Dorothy thanked Siobhan Shea and Austin Newberry for their assistance and thanked John Crabtree, Susan Fox, and Steve Stark for photos of the dessert reception. The winter issue is shaping up but the section still needs articles for spring. President John Crabtree thanked Dorothy for her work and noted that he received many compliments for the last issue. Dorothy thanked her Associate Editors for the fall issue, Paul Avaron, Betsy Gallagher, Mark Sussman, and Shelly Stirrat.

V. The Web. Dorothy continued her report by discussion the section's website. Dorothy noted that updates and CLE info has been submitted to Lisa Graham who is doing updates for the

section. The website now contains quarterly updates on upcoming CLE programs. The website also includes information on each month's telephone CLE series. She has assisted in sending out e-mail blasts to members concerning these programs. The section will add a link on its website to a history of the section that will include photos of past events. Chair John Crabtree praised the website and the direction it is going. Dorothy has done a wonderful job. Siobhan Shea added her thanks and praise as well.

VI. Council of Sections Inquiry. Tony Musto reported on the latest actions of the Council of Sections. Apparently, the Bar wants more money from the individual sections. The Council is thinking of going in one of two directions. One possible plan would be to change the dues split. The other plan would be to charge each section for their own printing expenses. Tony's view is that the Council will accept whatever solution the section comes up with so long as it increases the amount of money going to the Bar. Tony noted that a couple of large sections really dominate the costs. Discussion ensued concerning possible reaction to the Council's concerns. Several members expressed skepticism that the Bar is actually losing money. These members pointed out that the Bar is overlooking the benefits provided by the sections. Others pointed out that we should support a solution that staggers the costs so that bigger sections pay their fair share. It was suggested that an appellate section member with an accounting background could help us take a look at the issue.

VII. Pro se Handbook. Tom Hall reported that the pro se handbook is making good progress. Most of the core material is written. The handbook is now ready to move into the editing mode. Tom solicited volunteers to serve as overall editors of the project. Tom reported that Hala Sandridge had started some of the editing and recalled that Tracy Gunn had volunteered to assist. Shannon Carlyle and Caryn Bellus volunteered to assist Tom with the editing project.

VIII. New Business.

A. Section Dinner in Miami. The section dinner in Tampa at Sidebern's was cancelled due to the hurricane cancellation of the Bar meetings. On motion made by Harvey Sepler and seconded by V Hendricks, the Council moved to sponsor an Appellate Section dinner in Miami on Thursday night, January 20, 2005 at the mid-year meeting. Restaurant possibilities included Joe's Stone Crab, Pascals, Les Halles, Les Provencal, and the Capital Grill (which is within walking distance from Hyatt). Tony Musto, Harvey Sepler and Caryn Bellus will help out choosing the restaurant. On motions duly moved, seconded and approved, the Council decided to charge \$40 for each guest. Attendance will be limited to the first 50 members that respond. The dinner will be for members only, no spouses or guests unless they are members of the Appellate Section.

B. Judicial evaluation committee. It was requested that section members place a high priority on returning judicial evaluation forms. Dorothy Easley will put something in the record to promote compliance.

C. Restatement of Statutory Interpretation. The Appellate Section was asked to endorse a proposal that the ALI should develop a Restatement of Statutory Interpretation. After discussion, the Council, by motion duly moved, seconded, and approved, voted to endorse this proposal.

D. Electronic Access. There was a brief discussion of the issue of electronic access to court records. Medical privacy issues have been raised under HPPA concerning patient health information. Dorothy Easley reported on a recent case she had in the Fourth DCA where this sort of patient information was redacted before the record was submitted to the Court. John Mills is chairing a subcommittee on privacy issues.

E. Section Survey. The Section is preparing a survey of its membership to determine the needs of its members to be sure that the section is being responsive to its members. The survey would focus on the nature of the members' practice, their experience, the sorts of firms they practice with, and the extent of their appellate work. Tracy Carlin is working on the survey with assistance from Dorothy Easley. The survey will be distributed by e-mail and by the Record.

IX. Committee Reports.

A. Publications. Susan Fox reported that a full slate of articles is in the works for the Florida Bar news. Caryn Bellus reported on the Guide. The committee is working on updates for the First DCA and the Florida Supreme Court which will be out soon. A brief update of the Second DCA is ready to go to print (reflecting the new location for the Court's Tampa branch). Siobhan Shea is working on the update for the Fourth DCA. In the past these updates have been mailed to members. The council discussed whether to distribute the updates via e-mail and whether the update could be posted on a password protected page of the Appellate Section's website.

B. CLE. Steve Brannock gave a brief report in Tracy Carlin's absence. Steve discussed the upcoming telephone conference seminar on PCA's. The Hot Topics seminar is set for October 22 in Miami. The 2005 Stetson Appellate Workshop dates have been also been set. The workshop will be July 20-22, 2005.

C. Legislative. No Report.

D. Outreach. Shannon Carlyle reported that our outreach committee has been attempting to arrange participation at the Family Law Section's annual day-long seminar, but the hurricanes have made planning difficult if not impossible. A guide to using your appellate lawyer article is written and will go in Florida Bar Journal. The committee is working on an additional version for family law lawyers.

E. Programs. No Report.

F. Pro Bono. The council discussed the need for finding volunteer lawyers to assist in each appellate district. By motion duly moved, seconded, and approved, the council voted to go forward with such an effort.

The meeting was adjourned at 3:35 p.m.

The next meeting is scheduled for Miami at the downtown Hyatt, January 20, 2005.