

AGENDA

Labor and Employment Law Section Executive Council Meeting
Sawgrass Marriott Resort – Champions B
5:00 p.m. - 6:00 p.m., Friday, May 5, 2006

- I. **Call To Order** – F. Damon Kitchen, Chair
- II. **Secretary/Treasurer Report** – Eric J. Holshouser
 - a. Consideration of Minutes – February 23, 2006 (**attachment**)
 - b. Financial Statement – March, 2006 (**attachment**)
- III. **Committee Reports**
 - a. Membership Outreach Committee - tba
ABA Liaison Subcommittee – William P. Cassidy, Jr.
Law School Liaison Subcommittee – Jonathan W. Oliff
Local / Voluntary Bar Association Liaison Subcommittee – Greg Hearing
New Membership / Outreach Subcommittee - Shane Munoz
 - b. Long Range Planning Committee - Cary R. Singletary
 - c. Legal Education Committee – Stephen A. Meck (**attachment**)
Continuing Legal Education Subcommittee – Alan O. Forst
Current Legal Developments Subcommittee - Jill Schwartz
Judicial Outreach Subcommittee - David Linesch
Publications Subcommittee - Frank Brown (Journal) (**attachment**)
/ Scott Fisher, J. Ray Poole (Checkoff)
Website Subcommittee - Marc Snow (**attachment**)
 - d. Special Projects Committee - Michael Spellman
- IV. **New Business**
 - a. BOG Report – Grier Wells
 - b. Speaker Reimbursement
- V. **Chair's Report**
 - a. Advanced Labor Topics in Ponte Vedra Beach, May 5-6, 2006
 - b. Annual Meeting, Thursday, June 22, 2006
- VI. **Informational**
 - a. Reception – 6:00 p.m. – 7:00 p.m. (Cascades Deck)
 - b. Dinner – 7:00 p.m. – 8:30 p.m. (Cascades Deck)
- VII. **Next Meeting (2006-2007 tentative CLE Calendar Attached)**
Annual Meeting
Thursday, June 22, 2006– Boca Raton Resort & Club, Boca Raton
5:00 p.m. – Labor Executive Council Meeting
6:30 p.m. – Reception
Reservations: (\$155 group rate) / Cutoff date: May 22, 2006 / (800) 327-0101
- VIII. **Adjournment**

**MINUTES OF THE LABOR AND EMPLOYMENT LAW SECTION
EXECUTIVE COUNCIL MEETING OF THE OF THE FLORIDA BAR
February 23, 2006**

- I. Call To Order-**Damon Kitchen called the meeting to order at 5:04 p.m.
- II. Secretary/Treasurer Report**
- a. Consideration of Minutes-**Eric Holshouser moved to approve the minutes with the amendment that Susan Dolin's absence be listed as excused. The motion was seconded and passed.
- b. Financial Statement-**Eric noted that the current fund balance is up from the beginning of the year by almost \$20,000. He also noted that expenses and revenue were below budget at the end of 2005, but that since both are tied to seminars, that will likely change in the next few months.
- III. Committee Reports**
- a. Membership Outreach Committee-**Damon reminded all about Stan Kiszkiel stepping down as chair due to his wife's health.
- ABA Liaison Subcommittee-** Bill Cassidy reported that the ABA liaison committee has met by telephone several times, is still in the process of contacting ABA sections, and has succeeded in contacting all but two. In particular, there have been discussions with the EEO subcommittee. Damon brought up that his concern has been to coordinate calendars for CLE and perhaps put that on our website so we do not have conflicting seminars. Bill further reported that he would look into that, noting that our calendar for two years is published on our website.
- Law School Liaison Subcommittee-**Jonathan Oliff reported that our sections scholarships have been underutilized; only about half of the state's law schools have been using them. Jonathan will reach out and encourage the other law schools to use the scholarship. He also reported that several attorneys have expressed an interest in becoming adjunct professors at the law schools in Florida to teach a course or give a seminar.
- Local/Voluntary Bar Association Liaison Subcommittee-**Greg Hearing reported that Meg Zabijaka and he met this past Monday and set a goal that by the Advanced Labor Topics meeting, this committee would provide a list of all voluntary bar associations in the state with contact

information. Then, the plan is to coordinate with these associations and work on getting co-sponsorship of seminars.

New Membership/Outreach Subcommittee-Shane Munoz reported that a letter was sent to the NLRB and EEOC to generate interest in membership, but not much response was received, and the responses generally were to give a seminar or prepare an article for publication. We have started working with other sections to cross-pollinate and encourage cross membership and writing of articles. Shane said he thinks we ought to reciprocate and invite other section members to attend our meetings and encourage our members to join other sections. A discussion ensued about use of list serve, and Marc Snow reported that our new web administrator would be able to set that up correctly without the problems we have had in the past. Shane lastly reported that his committee will work to update the membership list to correct information and add e-mail addresses. Shane also invited all to make suggestions, and Marc said that a tab we put on the website was how to get involved in the section taken from the Checkoff of a few years ago. The tab also provides contact information for Shane and a link to a page on this committee.

- b. Long Range Planning Committee**-Cary Singletary reported that his committee has met and discussed pursuing the topic of what the future holds for labor and employment law. The committee has two speakers lined up for the next meeting, and we can discuss in June the outcome of that. Cary also said the committee discussed employment mediation and arbitration education and noted that we have not offered that in four years or so. A program on these topics is being considered. The idea would be that more mediators might want to learn more about labor and employment mediation and arbitration. Susan Dolin mentioned including traditional labor arbitration, and Frank Brown said that we had previously discussed doing a mediation/arbitration program on the off years from the Stetson trial practice seminar. Susan and Walter Aye have reported that Stetson has done away with much of its CLE program, and we need to look for another law school for support of the trial practice seminar. A discussion ensued on the timing of the trial skills seminar versus the employment litigation seminar held in September last year, but which will be in August this year. Damon summarized that we need to find a date for the trial skills seminar on the calendar and that July is logical given the timing of our other seminars. Cary expressed a concern over a summer seminar because of vacations.
- c. Legal Education Committee**-Steve Meck sent a written report. He noted that the bar is advertising many on-line seminars. He said that it appears this concept is continuing to grow. He reminded the Council that we found out that the Young Lawyers Division scheduled a competing a seminar during the PERL seminar. Steve attended a meeting in January

19, 2006 said that Michael Tartaglia and John Stewart of YLD apologized on the scheduling of the YLD seminar and proposed we coordinate in the future, advising that the Florida Bar determined the scheduling of the YLD seminar. John Stewart contended that he did not feel the sections were competing, but that they serve different markets. Damon reported that he went to the Council of Sections meeting to raise this concern. Damon's comments were put in the form of a motion, which motion was overwhelmingly defeated. Don Ryce asked who is teaching the basic skills courses for the YLD. Damon said five of the eight are members of our section, one was out of state, but two were not section members. Damon said the materials were good. The bottom line is that the Bar and the Council of Sections do not agree with our position and that this is a dead issue, except that we have received the promise from YLD to coordinate seminar schedules.

Continuing Legal Education Subcommittee-Alan Forst reported that 61 are registered and attending this certification seminar, and he thanked Karen Buesing and Alan Gerlach for their work in chairing it. He advised that our section should make money on this seminar. The next seminar, Advanced Labor Topics, is set for May 5 and should be a great seminar. The trial skills and employment litigation seminars are not yet set, but are in the works.

Current Legal Developments Subcommittee-Jill Schwartz said that since the last meeting we have talked with several members about articles which will be prepared. With additional articles, we may be able to cull some down for shorter articles in the Checkoff. Damon reported that he did not get any feedback from his e-mail seeking input for publications.

Judicial Outreach Subcommittee-No report

Publications Subcommittee

Journal-Frank Brown reported that the publications are doing very well and ours is the only section other than the tax section to publish for every issue of the Journal, and we have other articles in the works. Scott Fisher will serve as a liaison to the website to make sure that our articles are placed on the website. Next, we are putting together case notes to publish in the Checkoff. Frank further reported that we have had balanced articles and have two from the plaintiff's side. Damon lauded Frank for making sure that the articles have been timely, particularly noting that a recent article on FLSA issues relating to donning and doffing equipment was very timely.

Checkoff-Scott Fisher said we hope to get the next issue out in March, but we are in desperate need of articles. Damon encouraged

members to get associates to write as a good way to get them involved in the section.

Website Subcommittee-Marc Snow said that the website is coming along, and Damon noted that he is excited about the new site. We have given the website administrator what it needs to get the website going except for a few things. One piece that Marc wants to include is legislative updates and a student site to provide information on scholarship availability and what our section has to offer. Marc said that people do not seem to want to work on the substantive part of the website, and we are trying to include FAQ's. As a result, we may delete that page. Damon asked how often we can refresh the FAQ's, and Marc said that the web administrator had placed no limit on that. Damon then stated that he would commit someone from his firm to work on the FAQ's. Damon suggested that we refresh the FAQ's every two months with new information. Marc reported that the site will be able to search articles and will include a comment page. Finally, Marc advised that the website administrator is responsive and doing a good job.

d. Special Projects Committee-No report

IV. New Business

- a. BOG Report**-Grier Wells had no additional information beyond what Steve Meck reported and that efforts are being made to allocate revenue on web-based CLE seminars. For the remainder of the fiscal year, the section will receive 15% of the 60% profit that the Bar receives.
- b. Paralegal Regulation Update**-Shane Munoz reported that the latest proposal is a bifurcated approach on paralegal regulation whereby attorneys could decide who qualifies as a paralegal and how they are billed and to have a second certification process for paralegals to obtain a title and provide paralegal services. Shane said that the impetus behind this is from organized paralegal groups and perhaps some from those who feel the Florida Legislature should exercise more control over the legal profession. A meeting is upcoming on March 2 to discuss this further. Grier Wells opined that the concern is coming from paralegals who have set up shop on their own as well as from paralegal groups who want formalized certification.
- c. Stanley Kiszkiel Resignation and Replacement** – Damon does not think there is a need to replace Stan before June to act as chair of the Membership Outreach Committee. Marc Snow recommended that someone be named as acting chair, but Damon pointed out that the function of that chair is only to oversee other subcommittees so it does not

appear there is a need to fill that position before June. No action was taken to replace Stan in this capacity.

V. Chair's Report

- a. Advanced Labor Topics in Ponte Vedra Beach, May 5-6, 2006 –**
Nothing further to report
- b. CLE Issues Update-**Nothing further to report.

VI. Informational

- a. Reception-**Immediately following the Executive Council meeting in Salon 7.

VII. Next Meeting- May 5, 2006 – Sawgrass Marriott, Ponte Vedra Beach

VIII. Adjournment – meeting adjourned at 6:26 p.m.

Executive Council Members in Attendance:

Damon Kitchen
Cynthia Sass
Eric Holshouser
Stephen Meck
Alan Forst
Susan Dolin
Grier Wells (BOG liaison)
Walter Aye
David Block
Frank Brown
Sherril Colombo
Scott Fisher
Alan Gerlach
Gregory Hearing
Cecil Howard
Jeffrey Mandel
Robert Miles
Stuart Rosenfeldt
Ronald Rosengarten
Donald Ryce
Jill Schwartz
Cary Singletary
Marcus Snow
Michael Spellman

Leslie Stein
Courtney Wilson (Patrick Martin on his behalf)

Executive Council Members with Excused Absence:

None reported

Member guests:

William Cassidy
Shane Munoz
Jonathan Oliff

Labor & Employment Law Section

Overview – 2005-2006 Financial Statement

Beginning Fiscal Year Fund Balance	\$ 86,388
Total Revenue	\$38,681
Total Expenses	\$19,297
Current Fund Balance	\$105,772

Current Membership

Current Membership	2,251
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	March 2006 Actuals	YTD 05-06 Actuals	Budget	Percent Budget Spent
Labor Law				
31431 Section Dues	0	52,695	55,000	95.81
31432 Affilliate Dues	0	30	210	14.29
31433 Admin Fee to TFB	0	(26,490)	(27,640)	95.84
Total Dues Income-Net	0	26,235	27,570	95.16
32012 Sct Share Online CLE	0	268	0	*
32191 CLE Courses	0	338	10,000	3.38
32204 Audio Tape-Section S	788	6,756	10,000	67.56
32301 Course Materials	0	0	250	0.00
32395 Mat Sales-Sect Shr	0	0	250	0.00
35001 Registrations	0	0	7,000	0.00
35201 Sponsorships	0	0	1,500	0.00
35603 Bd/Council Mtg Regis	0	0	3,500	0.00
35700 Member Service Progr	0	0	3,500	0.00
37565 Trial Skills	0	0	300	0.00
38499 Investment Allocatio	2,036	5,084	7,417	68.55
39999 Miscellaneous	0	0	500	0.00
Other Income	2,824	12,446	44,217	28.15
Total Revenues	2,824	38,681	71,787	53.88
51101 Employee Travel	0	682	3,717	18.35
84001 Postage	22	606	1,500	40.40
84002 Printing	0	83	2,000	4.15
84006 Newsletter	19	954	7,500	12.72
84007 Membership	0	0	500	0.00
84009 Supplies	56	56	150	37.33
84010 Photocopying	2	155	500	31.00
84051 Officers Travel Expe	954	954	1,500	63.60
84052 Meeting Travel Expen	776	3,619	22,500	16.08
84053 Out Of State Travel	0	0	2,500	0.00
84054 CLE Speaker Expense	1,184	1,184	2,500	47.36
84101 Committee Expenses	0	77	1,500	5.13
84103 Cert Committee Exp	0	2,856	6,000	47.60
84201 Board Or Council Mee	0	2,290	2,500	91.60
84202 Bar Annual Meeting	0	0	5,000	0.00
84204 Midyear Meeting	0	(72)	0	*
84205 Section Service Prog	1	1	2,500	0.04
84260 Fl Labor Management	0	0	500	0.00
84276 Sect Membership Dire	0	0	9,500	0.00
84280 Gvnmnt Lawyer Dir	0	0	1,000	0.00
84301 Awards	0	1,383	6,000	23.05
84302 Scholarships	0	1,061	10,000	10.61
84422 Website	0	2,235	6,400	34.92
84531 SMU Speakers Expense	0	0	1,000	0.00
84532 Stetson Reception	0	0	1,500	0.00

	March 2006 Actuals	YTD 05-06 Actuals	Budget	Percent Budget Spent
Labor Law				
84534 SMU Conference	0	600	3,000	20.00
84535 Chairs Convention	0	0	400	0.00
84701 Council Of Sections	0	300	300	100.00
84998 Operating Reserve	0	0	10,312	0.00
84999 Miscellaneous	0	0	1,000	0.00
88252 Course Credit Fee	0	0	150	0.00
Total Operating Expenses	3,014	19,024	113,429	16.77
83718 Time-Labor & Em	36	5,230	10,000	52.30
86344 Mailing Overhead	8	67	0	*
86542 Printing	97	1,784	1,500	118.93
86543 Graphics & Art	132	2,212	2,137	103.51
86998 Refund Of Cost Alloc	(1,260)	(9,020)	(13,637)	66.14
Total General Fund Support	(987)	273	0	*
Total Expenses	2,027	19,297	113,429	17.01
Net Operations	797	19,384	(41,642)	(46.55)
21001 Fund Balance	0	86,388	105,964	81.53
Total Current Fund Balance	797	105,772	64,322	164.44

CLE COMMITTEE REPORT

I have some closure on the “open season” that we have been subjected to by the Young Lawyers’ Division. As you may recall, Damon Kitchen was at the mid-year meeting of the Council of Sections, where he essentially was given the impression that the YLD would continue to conduct business as usual. Notwithstanding this, the incoming Chair of the YLD, John Stewart, sent a letter to the Council of Sections a few weeks ago stating that the YLD would create liaisons with each of the Sections in each substantive area in which the YLD will have a conference to coordinate speakers and conference dates. This is what he said they would do at the big Bars CLE committee meeting, which I attended. Although less than we hoped for, it is certainly better than what occurred this year. The YLD will not have any conferences for labor or employment law next year. So, this promise cannot be forgotten by this Executive Council in future years when the YLD returns to fish in our waters.

Stephen A. Meck, Legal Education Chair

REPORT OF THE PUBLICATION SUBCOMMITTEE

April 5, 2006

The subcommittee met by teleconference on Wednesday, April 5, 2006 with seven members in attendance.

Frank Brown reported that Marc Snow has advised that the new section website is nearing completion and that the website plan is to have several years' history of issues of the *Checkoff* and *Journal* articles available in a searchable format as a resource to section members. Frank and Scott are working with Marc and bar staff to make sure the back issues are available to the webmaster.

Frank Brown and Scott Fisher gave brief reports on the *Journal* and *Checkoff*, respectively. An article is in press for the May issue of the *Journal* with another commitment for the June issue. The *Checkoff* still has space available for material for the next issue which should be ready to send to press within a few weeks. Shane discussed the possibility of writing an article on electronic discovery issues for one of the publications. Robin Midulla will submit a brief note for the *Checkoff* following up her October 2005 *Journal* article, reporting on the December 2005 enactment of the implementing law to the Minimum Wage Amendment.

Liz Gierbolini, liaison to the Current Legal Developments Subcommittee, attended the March 14, 2006 meeting of that committee. Liz will report to that committee on topics that are identified by our members and vice-versa.

The major project for our committee is the reviving of the casenotes for the *Checkoff*. Shane Munoz and his colleagues have assembled the list for Federal courts with jurisdiction over Florida; Scott Behren has assembled the case list for Florida courts; and Frank Brown is assembling the list for Federal courts outside Florida. Paul Lopez and Virginia Herrero Pagliery are completing the Florida casenotes, while Shane and Frank will handle the notes on their lists.

Scott Behren suggested that members circulate ideas for articles to each other. A email group list will be sent out to facilitate this communication. Members were asked to encourage other lawyers to write articles on topics that may be of interest. Anyone interested in writing an article should contact Frank Brown for the *Journal* or Scott Fisher or Ray Poole for the *Checkoff* to make sure the topic has not been committed to another author.

The next committee teleconference will be held in late May, 2006.

WEBSITE SUBCOMMITTEE REPORT

The Labor and Employment Law Section is pleased to announce that we have launched a new website. We have upgraded this website and would like to see it become a tool for your practice as well as a tool for you to stay up to date with developments in our Section. The website can be accessed at <http://www.laboremploymentlaw.org/>

The new website will provide you instant access to information regarding:

- A CLE calendar where you can download brochures for the Section's upcoming CLE offerings.
- Officers and Executive Council Members and their contact information.
- The Section's different committees and subcommittees, their current activities and contact information for committee and subcommittee members.
- A searchable archive of all past publications of *The Check Off* and the Section's articles in the *Florida Bar Journal*.
- Information regarding how to become involved in the Section's leadership.
- A Frequently Asked Questions (FAQ) feature for young attorneys.
- A student resource feature where we invite students to show their interest in the Section.
- A locate a Section member feature and a Section Directory that may be downloaded.
- Other features we would like you to examine and provide us your feedback

In the near future, we will be offering an "opt in" listserv where Section members can communicate about topics of interest and receive feedback from Section members regarding labor and employment issues. Additionally, we will soon be providing you announcements and CLE information via email to provide you more convenient access to these materials. We will also be adding to the FAQ database and updating the site as new issues need to be communicated to Section members.

After you have visited the website, please click on the area where we ask for your feedback. We would like to know what you would like to see added to the website. For example, are there other features you believe would be helpful to you? Is there a particular FAQ topic you would like to see added? Are there additional links that you believe should be included under our links to other resources area? Again, any and all feedback would be greatly appreciated

Sincerely,

Marc Snow
Chair, Website Subcommittee
msnow@unf.edu

2006-2007 Labor & Employment Law Section Seminars

Arbitration Seminar (tentative)

Summer

Litigating a Labor and Employment Law Dispute (0392)

August 11, 2006

Riverside Hotel (tentative), Ft. Lauderdale

31st Annual Public Employment Labor Relations (0404)

October 19-20, 2006

Rosen Centre Hotel, Orlando

7th Annual Labor & Employment law Certification Review Course (0396)

February 22-23, 2007

Rosen Plaza Hotel (tentative), Orlando

Advanced Labor Topics (0457)

May 4-5, 2007

Don Cesar (tentative), St. Petersburg