

**10/25/01 MINUTES OF LABOR & EMPLOYMENT LAW
SECTION'S EXECUTIVE COUNCIL MEETING**

I. Call to Order by Stuart Rosenfeldt at 5:30 p.m.

II. Secretary/Treasurer's Report

Meeting minutes from Executive Council Meeting of June 21, 2002, were presented for approval. David Linesch made a motion to approve the meeting minutes. Dave's motion was seconded and the motion was unanimously carried.

A financial statement was given by Damon Kitchen, who reported that the financial condition of the Section is quite good. Total revenues received year-to-date were \$26,749, whereas expenses year-to-date were \$5,343. The current fund balance as of October 25, 2001, was \$178,816 (which is up \$21,406 from the beginning of the year fund balance of \$157,410).

III. Committee Reports

A. CLE Committee Report Cathy Beveridge gave a report on behalf of the CLE Committee. As far as the PELR seminar is concerned, attendance is 46 and it appears that the program will break even from a financial standpoint.

Cathy reported that the Certification seminar is moving forward as planned and that the Advanced Labor Topics program is scheduled to take place in New Orleans, Louisiana on May 4-5, 2002. Cathy also reported that the Stetson Seminar is slated for July, 2002.

Cathy asked if the scholarship issue should be raised at this juncture or later during the meeting. Stuart Rosenfeldt asked her to table the issue until later in the meeting.

Stuart proposed to do the PELR program as the opening seminar next year. Cathy wanted to have a meeting in September, such as the Litigation program the Section used to put on past years, to get the Executive Council meeting earlier in the year. David Linesch agreed and said that if the Section term begins in June and the first meeting of the Executive Council is not until the October PELRA meeting, then almost half of the year is gone before the Executive Council convenes. Discussion on holding an earlier program and an executive council meeting ensued.

Stuart placed on the agenda for the November 8, 2002, Executive Council meeting to make a decision as to what meeting will open up the year in the 2002-2003 year.

Cathy Stutin suggested that the Section co-sponsor its CLE programs with the Young Lawyers Division for bridge-the-gap.

B. EEO Committee Report No report.

C. Employee Benefits A report on Committee developments was given by Frank Brown, who presented the Section with an action plan for the rest of the year. Frank announced that Committee Co-Chair, Becky Steele, will once again be a presenter at the Section's Certification Review Course. Frank also announced that some articles for publications in the Bar Journal and Check-Off will be forthcoming this year.

D. Federal Labor Standards Committee A report on Committee developments was given by Alan Gerlach. Alan reported that the Committee has contacted the U.S. Department of Labor in Orlando about coordinating a meeting or series of meetings with it. Alan also reports that the Committee is planning to have a joint meeting with the Orange County Bar Association.

E. Individual Rights Committee A report on Committee activity was given by Marcus Snow, who reported that this is the most enthusiastic Committee he has worked upon to date. Marc said the Committee is working on an article for the Check-Off and/or Bar Journal.

F. Labor Relations Committee Robbie Miles gave the report on behalf of the Committee. Robbie stated that the Committee has a meeting scheduled for next week. Robbie said the Committee is currently trying to schedule meeting with the NLRB.

G. Legislative Committee. Steve Meck reported that he anticipated no great matters of interest for the Section will be addressed by the Legislature this year, as he has noted nothing of significance in pre-filed bills thus far. Steve observed that this lack of legislation affecting the Section may be due to the re-districting issue, which has taken a lot of the Legislature's time and attention, as well as the fact that this an election year. Steve also reported, for informational purposes, that he's seen a large number of labor cases coming toward PERC recently.

H. Litigation/ADR Committee No report.

I. Long Range Planning Committee David Linesch and Cary Singletary jointly reported upon the Committee's activities and proposals. Dave proposed that the Section consider an idea of Jan Majewski's about holding a week-long CLE conference in Italy. Majewski's idea is to have the conference address topics of concern to practitioners in the fields of labor and employment, elder and bankruptcy law. Possible dates for the conference are 5/31-6/5, 2002; 6/7-12, 2002; and 8/2-7, 2002. The issue was presented for discussion.

Robert Sniffen expressed concern that attendance may be a problem, given the length of the program, the program expense and the fact that the program will be out of the United States and many United States citizens have concerns about traveling abroad in the wake of the September 11, 2001, terrorist attacks.

Richard McCrea asked if Majewski was seeking the Section to help underwrite the program. Dave said he did not believe that Majewski is looking for any financial commitment or organizational help from the Section. Dave asked for permission to use the Check-Off to write an article on the concept to determine if there is any Section interest. Stuart Rosenfeldt approved the use of space in the Check-Off for that purpose. Dave will report to Majewski the Section's interest in, and concerns about, the Italy conference.

Cary Singletary next addressed the possible implementation of a concept known as “collaborative law,” which he reported is fast developing in some areas of legal practice, such as domestic relations. According to Cary, under the collaborative law concept, lawyers for both sides in a pre-suit dispute sign an agreement stipulating that they will represent people in civil disputes up until the point of litigation. Under this concept, the parties and counsel provide full disclosure to the other side with an understanding that an effort will be made by all to resolve the dispute pre-suit via settlement. If no settlement is achieved, the lawyers, as per the agreement, cannot represent the parties in any litigation over the issue in dispute which may subsequently develop. Supposedly, the collaborative law concept is effective at keeping costs and fees down and is valuable in preventing unnecessary litigation. Cary and Dave wanted to know if the collaborative law concept would be workable in a labor and employment law practice.

Dave acknowledged that labor and employment law is different than domestic relations, and suggested that given the nature of a management practice it might not be feasible to require that an attorney representing a management client pre-suit to be barred from handling subsequent litigation if a settlement wasn’t achieved. However, Dave thought a model of some kind could be developed. He and Cary wanted permission to research and explore the issue to come up with a model.

Leslie Langbein stated that while a collaborative law model might be workable involving the Section attorneys at the meeting (given the collegiality of the Executive Council members), she didn’t think that this collaborative model would work effectively among labor and employment practitioners who do not know and/or deal with each other frequently.

Marc Snow and Leslie Langbein jointly moved to allow Cary and Dave to explore the Collaborative law issue. The motion was seconded and unanimously carried.

J. Pro Bono/Special Projects Committee Leslie Langbein reported that Ronald Rosengarten and Scott Rothstein are working on the judicial education committee to schedule a program for state court judges since more actions are now being filed in circuit court.

K. Publications Committee Damon Kitchen and Michael Spellman gave a joint report on Committee activity. Damon reported that he has a couple of articles ready for publication, but that individuals who are interested in getting an article published should contact him. Mike introduced Jennifer Fowler Hermes, who has recently published four articles in Section publications. Mike stated that he needed more articles for the Check-Off and that council members who had promised to submit articles needed to keep their commitments.

L. Stetson Trial Skills Committee No report.

K. Judicial Education Committee See discussion of Pro Bono and Special Projects Committee, above.

IV. Chair's Report

Stuart Rosenfeldt stated that he received a large package from The Florida Bar requesting information about what the Section has done to promote the Bar for last 18 months and what it plans to do to promote the Bar in the upcoming 18 months. Stuart asked for help in responding to this request.

V. New Business

Richard McCrea stated that he was disappointed that the Section has done away with the tradition of paying for the Chair's hotel bills for attending Executive Council meetings. The Section used to pay for the rooms for the Chair during the programs throughout the year.

Dave Linesch moved to reimburse McCrea for last year and reinstitute the policy. Robbie Miles seconded the motion. After discussion, Rich pointed out that several past Section Chairs (Sniffen and Linesch included) had not received this benefit and that it would be too costly and difficult to recreate these room charges and pay these bills. Accordingly, Rich asks that the Section only provide this benefit from this point forward, as opposed to reimbursing him and/or other past Section Chairs. Dave thereupon revised his motion to state that from this point forward, the Section pay for the Section Chair's hotel room expenses at Executive Council meetings.

Marc Snow asked for a friendly amendment to Dave's motion to pay for the hotel rooms of the program chairs too. Rob Sniffen made a further friendly amendment that the hotel rooms of the Section Chair, Chair Elect, Secretary/Treasurer, CLE Chair and Program Chairs be paid for out of Section funds. Dave Linesch further proposed modifying the motion to say that this Section "comping" of hotel room expenses, would not be a reimbursement, but an expense paid by the Section and that this "comping" would be in addition to the Section's policy to reimburse CLE expenses of Executive Council members up to \$150; however, Dave stated that if an officer or program chair obtains a "comped" hotel room and uses the \$150 Executive Council reimbursement, he or she can only use the reimbursement for his/her travel expenses. The motion was seconded and carried unanimously.

Based upon the passage of the above-referenced motion, Richard McCrea requested that the Executive Council members who are not using monies set aside to reimburse them for travel, to donate such reimbursement monies to the Certification Committee so that it could use these monies to purchase transcripts or investigatory information when complaints about candidates for certification arise during the peer review process.

David Linesch advocated that the Section fund the Certification Committee to pay for investigative information related to peer review; he also expressed a desire to give the Certification Committee a budget for it to use as it sees fit.

Robert Sniffen stated funds should be provided for peer review investigations, as well as to reimburse for meals of the Committee, if the meal expenses comport with The Florida Bar reimbursement guidelines.

Rich reiterated that he only wants funds to purchase documents related to the peer review process, not an open-ended budget for reimbursement. Despite Rich's statement, Dave asked for Rich's Committee to consider if it needs funds for other matters as well. Stuart Rosenfeldt asked Rich to report back at November 8, meeting.

Wendy Morris announced a dinner after the reception to honor Peter Hurtgen.

VI. Old Business None.

A motion to adjourn the meeting was made and seconded. This motion carried. The meeting was adjourned at 6:22 p.m.

Attendance:

Stuart Rosenfeldt
David Linesch
Robert Sniffen
Cathy Beveridge
Marc Snow
Leslie Langbein
Wendy Morris
Michael Spellman
Stephen Meck
Cary Singletary
Lorna Salomen
Cathy Stutin
James D. Stokes
Rudy Haidermota
Gerald A. Williams
Alan Gerlach
Allan H. Weitzman
Michael B. Stein (for Leslie Stein)
Robert Miles
Walter Aye
Susan Dolin
Richard McCrea
David Block
Damon Kitchen

Excused:

Alan O. Forst
Eric J. Holshouser
Kevin E. Hyde
Ronald M. Rosengarten
Cynthia Sass

F. Damon Kitchen
Secretary/Treasure