

EXECUTIVE COUNCIL MEETING MINUTES
June 26, 2003

I. Call to Order: Meeting called to order at: 3:15 p.m. by Cathy Beveridge, Section Chair Elect. Courtney Wilson, Section Chair, was detained by traffic.

II. Secretary/Treasurer's Report: Damon Kitchen reported that as of the beginning of the fiscal year, the Section's fund balance was \$146,611; it is now \$116,247. Total Section revenue for the year was \$36,395, whereas total section expenses were \$66,759.

Damon brought up the issue that for the first time in several years, the Section was losing money. This year alone, the Section had lost over \$30,000. Damon expressed concern that at this rate, unless measures to cut costs were implemented, the Section could exhaust its funds in under four years. Damon pointed out that the cost of Executive Council, Certification Committee and Speaker Reimbursements for 2002-2003 was \$17,187.62 (not including David Fram's expenses for the Advanced Labor Topics Program, i.e., \$5,035.42) which had not yet been processed. Damon also announced that in 2002-2003, the Section's CLE programs operated at a net loss of \$1,755. Damon noted that at the May Executive Council Meeting, the Executive Council had increased the Certification Committee Reimbursement amount up to \$300 from \$150. Damon stated that he believed that the Council should discuss freezing further increases in reimbursements, limiting the circumstances in which reimbursements are to be paid, and limiting the selection of speakers requiring honorariums.

David Linesch stated that he was not in favor of cutting any reimbursements.

Steve Meck agreed with David not to cut reimbursements.

Debbie Brown stated that the Certification Committee would revisit the reimbursement of costs issue with the Committee Members

Cathy Beveridge commented that as Members of the Executive Council, we all need to be good stewards of the Section's money. We could not count on the Section always making money and needed to take steps to conserve Section resources.

Steve Meck asked Angela Froelich what the costs of the receptions were at each meeting. Angela advised that these costs can range from \$1,300 to \$1,500.

Susan Dolin suggested raising money for the Section by permitting advertising at programs. Susan said this is something the new CLE chair should consider. Susan felt that top quality speakers are important. Steve Meck and Cathy Beveridge both agreed that quality speakers are important.

Cary Singletary observed that people are not leaving the office as much due to the economy and that he believed this fact had caused the Section's programs to operate at a loss this year. David Linesch echoed Cary's sentiment.

Cynthia Sass stated that she felt that the cost of the seminars for the attendants was high too

and that the Executive Counsel needed to get the costs down.

Marc Snow said that the State Universities had low cost seminars that were done via Netcast. Alan Forst observed that the use of Netcast would detract from the networking aspect of the Section's programs.

Damon moved to have meeting minutes from the May 9, 2003 Executive Council Meeting adopted as Amended. Alan Forst seconded the motion. The motion to approve the minutes carried unanimously.

Courtney Wilson arrived and assumed control of the meeting.

III. Committee Reports:

A. CLE Committee: Susan Dolin had no message.

B. EEO Committee: Greg Hearing reported that he had an article for publication on the FMLA for the Bar Journal.

C. Employment Benefits Committee: Frank Brown stated that he was turning in an article for publication in the Bar Journal too.

D. Federal Labor Standards Committee: Scott Fischer reported that he had an article for the Checkoff.

E. Individual Rights Committee: Jeff Mandel stated he was looking to partner with the ABA on a meeting.

F. Labor Relations Committee: Alan Gerlach reported that Steve Brown wrote an article to be published in the Check-Off

G. Legislative Committee: Steve Meck reported that there was a stalemate in medical malpractice reform and that another week of special session would take place soon. Steve said that Governor Bush was vetoing items. Steve stated that interested individuals could e-mail him if they wanted a print-out of these legislative developments.

H. Litigation/ADR Committee: Sherrill Colombo stated that enthusiasm was lacking due to the Committee being disbanded. No articles had been submitted.

I. Long Range Planning Committee: Dave Linesch reported that the Committee had a very successful year.

J. Pro Bono/Special Projects Committee: No report.

K. Publications Committee: Michael Spellman advised that the Check-Off was at

the printer now. Another Check-Off would be coming out after that. This latter Check-Off was dedicated to the late Gary Vause. Michael advised that Section members could submit articles or comments on Vause by July 28, 2003.

Stuart Rosenfeldt said that he was going to publish Greg Hearing's FMLA article in the Bar Journal.

L. Judicial Education Committee: Cynthia Sass reported that the May 23, 2003 meeting was postponed because of a lack of interest by the judiciary. Alan Gerlach suggested having U.S. federal judges teach the state court judges.

IV. Chair's Report:

A. Nominating Committee. Stuart Rosenfeldt nominated Cathy Beveridge for Chair, Susan Dolin for Chair Elect, Damon Kitchen for Legal Education Chair, and Alan Forst for Secretary/Treasurer. Stuart further nominated Stan Kiskiel, Don Ryce and himself as incoming Executive Council Members to replace Wendy Morris, Rob Sniffen and Alan Forst. The composition of the Executive Council Members to be voted on for approval for 2004 were as follows: David Block, Neil Chonin, Sherrill Colombo, Greg Hearing, Alan Gerlach, Marilyn Holifield, Jeff Mandel, Steve Meck, Leslie Stein, Stan Kiszkiel, Stuart Rosenfeldt and Don Ryce. The motion to approve all officers and Executive Council members was seconded and passed unanimously.

B. Recognition. Alan Forst and Damon Kitchen received plaques for chairing the Litigation Program. Steve Meck received a plaque for chairing the Public Employees Labor Relations Program. Leslie Langbein and Stan Kiszkeil received plaques for chairing the Certification Review Course Program. Walter Aye and Archie Thomas received plaques for chairing the Advanced Labor Topics Program. Special awards (i.e., clocks) were also given to: Michael Spellman for running the Check-Off; Susan Dolin for serving as CLE Chair; and Cary Singletary, for running the Long Range Planning Committee. Courtney Wilson also presented Angela Froelich with a gift for her services as Section Administrator.

Cathy Beveridge presented Courtney Wilson with an award. Cathy then assumed control of the meeting as the new Section Chair.

V. New Business:

A. By-Law Amendment Courtney Wilson suggested that a succession plan be implemented for officers and members of the Executive Council along the line he had previously proposed at the Advanced Labor Topics Program's Executive Council Meeting (i.e., Executive Council Members "move up or out" and have limited unexcused absences each year). Courtney stated that he and Cathy Beveridge had talked about this issue and that he was more comfortable discussing it and adopting something as a resolution instead of enacting a by-law change on succession due to the change in the Committee structure.

Dave Linesch suggested appointing a special committee to look at making a by-law change before the Section went forward with making an alteration to the existing succession plan. This special committee would report to the Section on its findings before action would be taken.

Stuart Rosenfeldt said if the succession plan is not broken then the Section should not fix it. Stuart said that the Section needed to enforce the attendance policy it already had as opposed to adopting something new. He said the primary issue was attendance, not succession.

Alan Forst said the by-laws talk about excused and unexcused absences; however, there is no explanation as to how these kinds of absences differ. Alan said the Nominating Committee should take attendance into consideration when making nominations.

David Linesch said the current attendance system provides flexibility. Dave pointed to Neil Chonin as an example of someone who did not attend many Executive Council Meetings but who had run the Stetson Trial Skills program year after year.

Alan Forst asked if anyone had asked to be on the Executive Council. Cathy said no one had approached her to be on the Executive Council. Cathy Beveridge said she was going to explore whether the people who had self-nominated themselves to be on the Executive Council were serious about committing to serve. Courtney Wilson said that he did explore these self-nomination forms when he was Chair; however, he was not sure if anyone responded to his overtures. Rob Sniffen said he did the same thing when he was the Chair and got no response.

Neil Chonin said that only 10% of the Section was interested in Executive Council membership; everyone else was interested in making a living.

Frank Brown moved to appoint a special committee to look at amending the by-laws to implement a different succession plan. No one seconded the motion.

Debbie Brown said she heard about the proposed by-law amendments. She said she was fine with the restructuring of the Committees, but she was concerned about the by-law amendment because of the "up or out" mentality and term limits expressed in these proposals. All of the requirements that are proposed might be discouraging to new lawyers who might otherwise want to become involved. She was against term limits. She said term limits adversely impacted the Plaintiff's bar more significantly. She was also concerned about the loss of governmental council members. When she was Chair of the Section, the Executive Council had members of the NLRB,

EEOC and FCHR, in addition to PERC. Debbie wanted to have some modification to keep the governmental lawyers on the Section. According to Debbie, these government lawyers brought something to the Section that had been lost.

Courtney Wilson said his goal in suggesting the by-law amendment was to create opportunities, not to eliminate them. He wanted to get people who were not serving off the Executive Council in order to get new people involved.

Stuart Rosenfeldt said that it would be a good idea to have automatic seats for the NLRB, EEOC, FCHR and PERC. Robbie Miles agreed that it's a good idea to have a slot available for these agency people. Stuart moved to appoint a committee to look at all of these issues (i.e., by-law amendment/term limits/and automatic seats for government agency attorneys). This motion was never seconded.

Stuart withdrew his motion and moved table the discussion of by-law amendments at that time. Dave Linesch seconded the motion to table by-law amendment.

Ron Rosengarten suggested that the Section use Courtney's by-law amendment as a draft for taking action in the future, such that it would not be cast in stone and that some discretion would be involved.

Alan Forst asked if Ron's proposal was not, in reality, a movement back toward adopting Courtney's original proposal. Ron said no, that it was is just a guideline or draft, which wasn't definitive. David Linesch said he was concerned that using draft proposals may scare people off.

Alan said that what was now being proposed amounted to "back-tracking" from what the Executive Council agreed to do in the February retreat. He proposed appointing a special projects committee to look into the by-law amendment issue and give a report at the October 2003, Executive Council meeting. Cathy said that the October Meeting was too soon to address this issue because these problems might actually abate themselves through the implementation of the new committee structure. Cathy suggested that the Executive Council defer these issues until the February Executive Council Meeting.

Robbie Miles said that the by-law amendments suggested by Courtney were too regimented and were not flexible enough. Robbie felt that the structured nature of the proposal might intimidate people from serving.

Frank Brown opposed the motion to table the by-law amendment and supported his original motion to appoint a special committee to look at it.

Debbie Brown stated that Stuart Rosenfeldt's motion, as amended, was to defer the succession planning/term limit issue until it could be discussed at the February Meeting.

Steve Meck asked why the Executive Council was not letting special projects consider the succession planning/term limit issues. Debbie Brown replied that this was being done

in order to let the current leadership see if this problem abated as a result of the recent committee restructuring.

Courtney Wilson agreed with Alan Forst's observation that Stuart's motion, as amended, seemed to be counter to the movement established at the retreat to get more structure.

David Linesch moved to give the Chair discretion to appoint a special committee to determine if the succession planning/term limits issues required resolution by the Executive Council prior to the February Executive Council Meeting. This motion is not seconded.

Neil Chonin stated that he was against tabling the voting on the by-law amendment/succession/term limit issues. Neil said this was his last term and he wanted his perspective considered.

Stuart withdrew his motion to table these issues.

David Linesch moved to have the Executive Council reaffirm the Chair's discretion to appoint a committee to explore the term limits/succession issues. This motion was seconded. Neil Chonin asked what would be the considerations of the committee that is exploring the succession planning.

David Linesch's motion passed with two no votes (i.e., Neil Chonin and Ron Rosengarten).

Jeff Mandel stated that he had an issue for new business. He has lined up Chris Anderson (Ethics Speaker) for the PELRA Program and has asked for reimbursement at state per diem rate. Peter Hurtgen had also agreed to be a luncheon speaker. Jeff wanted approval to get Peter Hurtgen a gift. Walter Aye moved to approve \$200 to get a gift for Peter Hurtgen; Neil seconded the motion. The motion carried unanimously.

Neil Chonin asked the Executive Council to consider the peer review process which can reject lawyers for Certification because they are rejected for peer review. The rejected lawyer cannot find out why he or she was rejected or what the peer review consisted of. Neil said he thought that the rejection due to peer review can be a denial of due process.

Susan Dolin said she appreciated his views, but she thought that this was the wrong forum to discuss that issue. Neil Chonin disagreed. Neil asked the Executive Council to speak to the Florida Bar BLSE representatives about the problems in this process.

VI. Old Business: None.

VII. Adjournment: A Motion to adjourn was made by Stuart Rosenfeldt. The motion is seconded by Ron Rosengarten and carried unanimously at 5:15 p.m.

Members in Attendance

Cathy Beveridge
Jeff Mandel
Alan Forst
Steve Meck
Cary Singletary
Cynthia Sass
Michael Spellman
Marc Snow
David Linesch
Marilyn Holifield
Sherrill Colombo
Frank Brown
Susan Dolin
Neil Chonin
Walter Aye
Leslie Stein
Robbie Miles
Cathy Stutin
Courtney Wilson
Stuart Rosenfeldt
Rob Sniffen
Greg Hearing
David Block
Ron Rosengarten
Damon Kitchen

Members with Excused Absences

Eric Holshouser

Members Absent Without Excuse

Guests in Attendance

Scott Fisher
Debbie Brown