

**MINUTES OF THE LABOR AND EMPLOYMENT LAW SECTION
EXECUTIVE COUNCIL MEETING OF THE OF THE FLORIDA BAR
September 8, 2005**

- I. Call To Order**-Damon Kitchen called the meeting to order at 5:05 p.m. and took roll call.
- II. Secretary/Treasurer Report**
- a. Consideration of Minutes**-Stan Kiszkiel moved to adopt the minutes of the prior Executive Council meeting. Cynthia Sass seconded the motion, and the motion passed.
- b. Financial Statement**-Eric Holshouser gave a brief review of attachment B showing limited numbers fiscal year-to-date and a fund balance at the beginning of this fiscal year of \$86,381.
- III. Committee Reports**
- a. Membership Outreach Committee**-Stan Kiszkiel requested input on what this committee is tasked to do, and Damon Kitchen explained that he had put together a set of aspirational goals that he wished each committee to strive to achieve and that he would be e-mailing that list of goals.
- b. ABA Liaison Subcommittee**-No report
- Law School Liaison Subcommittee**-Damon Kitchen explained that one of the items discussed was to give the chairs more than one year to serve to allow for continuity, but the current chair wishes to resign. Damon advised that Jonathan Oliff will be asked to co-chair this subcommittee.
- Local/Voluntary Bar Association Liaison Subcommittee**-No report
- New Membership/Outreach Subcommittee**-Shane Munoz reported that this subcommittee will have its first meeting by telephone and is undertaking efforts to contact governmental agencies to see if attorneys there are interested in attending. Shane also asked what his subcommittee could do to use the website more to solicit new members. Damon discussed updating the section directory which is now quite outdated. Shane brought up the idea of soliciting new members via e-mail, and Marc Snow discussed reactivating the listserve and placing the section directory in PDF format on the section's website which could be printed out. Alan Forst advanced the idea of selling advertising to defray the printing and mailing costs of the section directory. Angela Froelich advised that the tax section has a sponsorship committee to obtain advertisers for its

directory. Shane opined that members could pay if he or she wanted a hard copy, but Marc pointed out that members might balk at having both to pay dues and pay for a directory as well. David Block came up with the idea of printing a limited number of section directories and giving it out for free to members who show up at section sponsored events. It was determined that at least the section would develop a directory which will be placed in PDF format.

Shane also reported on a Special Committee relating to paralegal certification and involvement in the practice of law that The Florida Bar created. Proposed guidelines are being developed to regulate this, and Shane encouraged our section to provide input into that process. An October 7 telephone meeting is tentatively scheduled with follow up meetings later in October and on November 11. Damon encouraged section members to provide input to Shane on this issue before October 7.

c. Long Range Planning Committee

- d. Legal Education Committee**-Damon Kitchen read Steve Meck's report which is attached to these minutes.

Continuing Legal Education Subcommittee-Alan Forst reported that the first CLE event is tomorrow's seminar with 63 registered for this full day affair. The PERL conference is scheduled for the Rosen Centre Hotel on October 27 and 28 and that Jeff Mandel from our section is co-chairing that. Next is the Certification seminar at the Rosen Plaza. The Advanced Labor Topics is at the Sawgrass Marriott on May 4 and 5, 2006. Then, we are sponsoring the Stetson trial practice seminar in late July. We are also meeting at The Florida Bar annual meeting in Boca Raton in June and discussed the possibility of a luncheon speaker at that.

Current Legal Developments Subcommittee-Jill Schwartz reported that she has a number of committee members who want to serve again this year. She is working with individuals on three articles for either the Journal or Checkoff.

Judicial Outreach Subcommittee-Cynthia Sass reported that all the CLE certification books and CD's were given to the circuit judges, and Cynthia was then asked to give a seminar on the Florida Civil Rights Act. Cynthia said that this seminar was well-accepted, and she is looking into setting up additional seminars for judges.

Publications Subcommittee

Journal-Shane Mattox advised that the first meeting of this subcommittee will be held soon. There is an article on the new minimum wage law and the effect of the *Wal-Mart* case on class actions in Florida.

Checkoff- Scott Fisher reported that his committee is currently working on the format for the next Checkoff issue which will go out shortly. He reported that the hopper is pretty empty for the December issue. Scott also suggested placing the approved minutes of the Executive Council meetings in the Checkoff. Damon mentioned that we are planning on placing these on the website as well.

Website Subcommittee-Marc Snow reported that the company we were using for the website has ceased doing business so our account is being turned over to one of its former employees who was responsible for the listserv matter a couple of years ago. Marc is recommending we find a new company and that we revamp our website completely. Marc further recommended that we look to the market for pricing both as to development of the website and administration of it and is looking for recommendations on that. Marc moved that we terminate the former administrator and shop for a new administrator with three or four options. Eric Holshouser seconded the motion. Alan Forst asked whether Marc has found an administrator that splits advertising revenue to pay for the administration. Cynthia Sass suggested a provider that has serviced NELA's website for a very reasonable fee. Sherril Columbo asked what other sections are doing and whether we have access to whomever the Florida Bar uses for its website. Damon reported that we had previously looked at that. Scott had a question that if we fire the administrator, what happens until we get a new administrator. Marc suggested he get the bids first and withdraws his motion. Mike Spellman offered that the website be designated as "Under Construction" because it is so stale. Marc then moved that he be authorized to instruct the current administrator to designate the website "Under Construction" while obtaining bids as soon as possible for a new administrator which motion Eric Holshouser seconded. Ron Rosengarten suggested that we review the contract first. The consensus was that Marc could proceed to review the contract, get bids and advise the administrator as above without a motion.

d. Special Projects Committee

IV. New Business

a. BOG Report-Damon introduced Grier Wells, our section's board liaison. Grier advised that on the board held a retreat with section leaders which was "carthartic" recognizing that the relationship between the board and the sections is not what it should be. He opined that the new Bar President, Allen Bookman, is committed to improve that relationship. Grier offered to carry messages from this section and, where appropriate, advocate for our section. He also indicated he would promptly look into the Bar's assistance in website development.

V. **Chair's Report**

- a. **Timeliness of CLE brochures**-Damon reported that this problem he thinks has been resolved. He said that in the past, the sections did not share in any losses for economically unsuccessful CLE programs, but now will making it more important that ever to insure that CLE brochures are timely distributed. We had a situation in the past where the brochures went out after the room discount had expired.
- b. **BOG Meeting with Sections Report**-Damon said the most useful result of the meeting was that he found that other sections have been highly creative in working with board liaisons very closely.
- c. **Council of Sections Meeting**- Damon also reported that this weekend he and Cynthia are going to the Council of Sections retreat. Sometimes the Council has a different view from the Bar, and Damon pointed to the budget concessions the Bar made after input from the Council. Damon also brought up the possibility of having sponsors at section programs. The real estate, probate and trust lawyers section made between \$200,000 and \$300,000 from sponsorships which is not run through the Bar. Alan Forst mentioned several types of businesses which would be logical sponsors for our programs.
- d. Damon reported that SMU is now charting a new course and is no longer sponsoring the program this section's leaders have attended. He said that ABOTA had picked up this program last year, but it was not as successful. Dave Richeson said that Tulane may become the sponsor, but that is currently up in the air. Once that is determined, we can revisit whether the section should continue to support the program as before.

VI. **Informational**

- a. **Reception**-The section is sponsoring a reception for its members immediately after this meeting in the meeting room next door.

VII. **Next Meeting**-October 27, 2005 at 5:00 p.m. at the Rosen Centre Hotel, Orlando.

VIII. **Adjournment** Alan Forst moved to adjourn; Ron Rosengarten seconded the motion. The motion passed at 6:20 p.m.

Executive Council Members in Attendance:

F. Damon Kitchen, Chair

Cynthia Sass, Chair-elect

Eric Holshouser, Secretary/Treasurer

Alan O. Forst, CLE Chair
S. Grier Wells, Board Liaison
David E. Block
Scott A. Fisher
Gregory A. Hearing
Stanley Kiszkiel
Jeffrey E. Mandel
Ronald M. Rosengarten
Jill Schwartz
Cary R. Singletary
Leslie Stein
Courtney B. Wilson

Executive Council Members with Excused Absence:

Steven A. Meck, Legal Education Chair
Walter Aye
Frank E. Brown
Alan M. Gerlach, Jr.
Cecil Howard
Leslie Langbein
Robert A. Miles

Member guests:

Angela Froelich, Program Administrator
J. Ray Poole
Shane Munoz
Nadia Sullivan
Patrick Martin
Tom Santora
Marguerite Longoria