

**MINUTES OF THE LABOR AND EMPLOYMENT LAW SECTION EXECUTIVE  
COUNCIL MEETING OF THE OF THE FLORIDA BAR  
October 27, 2005**

**I. Call To Order-** The meeting was called to order at 5:00 p.m. as a joint meeting of the Executive Councils of the Labor and Employment Law and the City, County and Local Government Sections of the Florida Bar. Congratulations were given on the PERL seminar, and it was reported that 70 have registered for the seminar, with 62 in attendance. Damon Kitchen asked the Chair of the City, County and Local Government Section, Kaye Collie, if she had anything to say before we ended the joint meeting. Kaye brought up the issues both sections were having with the Bar and Board of Governors on CLE scheduling and expenses/revenues, which were then discussed out of order on the agenda.

**II. Chair's Report/New Business (Partial) –**

a. **BOG Report/CLE Issues with BOG and YLD** - Damon Kitchen reported that under the new Budget Rules passed by the BOG last June, the section is held responsible for 80% of the profit or loss of any seminar, and in addition, the Florida Bar is selling CLE program tapes on-line with the Bar retaining all profits. Damon discussed that programs from other sections have intruded on our area and that has impacted attendance at our seminars. For example, the Young Lawyers Division has scheduled a basic seminar on labor and employment law at the same time the PERL seminar is scheduled. Grier Wells, the Board of Governors liaison to our Section, pointed out that our attendance at the PERL seminar is up, and the YLD seminar attendance is down. Damon responded by noting that the end result is to diminish our seminar revenue. He also suggested that the recommendation to refer this to the Professional Education Committee was a good one, and Grier, who is on that committee, concurred. Grier confirmed that all in our Section are invited to the committee meeting, and Damon asked that we be apprised of when this is placed on the PEC's agenda. It was also discussed that to insure a unified approach by all the substantive sections, the matter be addressed by the Council of Sections as the problem of overlap is not unique to our Section. Damon asked about the procedure for changing the YLD authority to allow that section to conduct seminars in substantive areas. Grier observed that although changing the rules is one approach, the better and more expeditious tact may be to work through the Council of Sections on this issue. Damon asked whether the YLD is bound by the limitations on CLE splits; Grier said he thought the YLD was not subject to the BOG's new Budget Rules, but was subject to some sort of arrangement concerning apportionment of profits and losses for its CLE programs, but he did not know the details. Damon asked that Grier find out this information and for the Bar to provide an accounting of the proceeds from seminars and CLE sales. Grier said that issue is not dead, but was just not addressed due to time constraints. The Local Government section was asked its position, and Mike Grogan confirmed

that Local Government takes the same position and requested more coordination between sections on scheduling competing seminars. Grier agreed that it needs to be addressed. Grier asked about attendance at other seminars; Alan Gerlach observed that attendance figure for this year's PERL seminar needs to be compared to past PERL seminars, not the other seminars we sponsor. Damon pledged cooperation, but urged that our questions be answered. The Local Government section was then excused, and the joint meeting ended at 5:45 p.m.

### III. Secretary/Treasurer Report –

- a. **Consideration of Minutes-** the following edits to the minutes of the last meeting were discussed: on page 2 changing “Shane Mattox” to “Shane Munoz,” on page 3 changing “Allen Bookman” to “Alan Bookman,” clarifying in section V.d. on p. 4 that Tulane University is now the sponsor of the seminar ABOTA sponsored last year, on page 2 correcting the date of the Advanced Labor Topics seminar from May 4 and 5 to May 5 and 6, 2006, adding Michael Spellman as having attended the meeting and correcting the spelling of Stephen A. Meck’s name. With those changes the minutes were approved.
- b. **Financial Statement-** Eric J. Holshouser advised that the financial report is not much different than at the last Executive Council meeting as we are not far into the fiscal year. Damon Kitchen pointed out that our fund balance is about \$29,000 higher now than at the beginning of the fiscal year.

### IV. Committee Reports

- a. Membership Outreach Committee (Stanley Kiszkiel) – no report.

ABA Liaison Subcommittee (William P. Cassidy, Jr.) – written report is attached.

Law School Liaison Subcommittee (Jonathan W. Oliff) – Jonathan Oliff reported that he has been in the position of subcommittee chairman for about a month. He said he has been in touch with law school representatives to discuss use of the Section’s scholarships and to promote interest in the Section among law school members as one goal. As a second goal, Jonathan said his subcommittee is trying to encourage relationships between faculty and members of the Section and perhaps get Section members to teach labor and employment law courses at the law schools in the state.

Local/Voluntary Bar Association Liaison Subcommittee (Joe Curley) – no report.

New Membership/Outreach Subcommittee (Shane Munoz) – Shane reported that his committee is continuing with the initiatives mentioned in his previous report.

- b. Long Range Planning Committee (Cary R. Singletary) – Greg Hearing reported for Cary Singletary and advised that he, Cary and Walter Aye, discussed setting up a retreat and working with Alan Forst on the CLE Committee.
- c. Legal Education Committee (Stephen A. Meck) - written report is attached. Steve further reported that he went to the CLE chair of the Florida Bar and asked that the CLE issue discussed above be placed on the agenda for the Florida Bar CLE Committee. Steve also contacted Bill Sundberg of the Young Lawyers Division to have this issue placed on the YLD agenda as well.

Continuing Legal Education Subcommittee (Alan O. Forst) – Alan Forst gave praise to Steve Meck and Jeffrey Mandel for the success of the PERL seminar with 70 registered and 62 in attendance. He also noted that we decided to have the current CLE chair do the first program of the next fiscal year in August 2006 and keep that program in South Florida.

Current Legal Developments Subcommittee (Jill Schwartz) – Jill Schwartz said that her committee is working on a Fifth DCA overview on the *Dupont* harassment case. She said that she has plenty of volunteers who want to write articles, but the subcommittee is looking for topics, and she is asking the other subcommittees for input. Damon Kitchen said he will send an e-mail to the subcommittee chairs asking for topics.

Judicial Outreach Subcommittee (David Linesch) – David Linesch e-mailed his report which is attached. Jill Schwartz advised she spoke with David and reminded him of Cynthia Sass' presentation to judges and to follow up on another program for judges. Cynthia Sass also brought up that the judges have asked for jury instructions on employment discrimination to propose to the Florida Supreme Court.

Publications Subcommittee -

Journal (Frank Brown) – Written report is attached. Frank Brown also advised that anyone who wants an article published should submit it by December 15.

*Checkoff* (Scott Fisher, J. Ray Poole) – No report.

Website Subcommittee (Marc Snow) – Written report is attached. Damon Kitchen added that we had voted to hire Elyk Innovations as it was time to make a change. It was also discussed that Marc

Snow's two motions were voted upon by electronic mail and that the motion to allow for a longer term for the website subcommittee chair has been tabled. Damon also said that we do not need to amend the Section by-laws to have a longer serving chair, but the Section chair can just reappoint the subcommittee chair. Steve Meck pointed out that the motion on this issue was withdrawn by Marc. Frank Brown asked that for the website, we include a non-interactive list to serve only. Mike Spellman suggested a message board, but not an e-mail service where everyone gets the e-mail. Alan Forst proposed that we set up a website now and bring a proposal on that to the next meeting. Mike Spellman agreed with that, and Damon confirmed that the plan is to get a website up before the next meeting.

- d. Special Projects Committee (Michael Spellman) – Mike Spellman's written report is attached. Regarding a policy for contributions for memorials, Alan Gerlach responded by stating that the issue of comparing deceased members was the reason we should have a policy. Mike Spellman indicated there were so many different categories of members, making a policy difficult to create. Damon suggested a monetary amount be established for a memorial and then the Executive Council can approve whether or not to make a memorial contribution in that amount to a deceased member. Alan Forst moved that in the event of a passing, the Executive Council have a memorial set at \$250 donated in that individual's name on a scholarship to that individual's law school. Steve Meck amended the motion to take out the requirement the memorial go to the law school, but leave it to the family's choice. Alan Gerlach further amended the motion to add that if the Executive Council does not approve of the charity, then the memorial would go to the decedent's law school. Steve Meck seconded the motion, and the motion passed.

## V. Chair's Report

- a. **Review of FCHR** – Damon Kitchen received a call from Rashada Houston from the Office of Program Policy Accountability and Governmental Analysis asking the Executive Council to weigh in on whether the Florida Commission on Human Relations should be abolished. Jill Schwartz suggested that the question be published in the *Checkoff* so that members of our section could respond. Cecil Howard reported on the status of OPPAGA'S review of the agency and mentioned that public comment is requested by December 31, 2005. Cynthia Sass moved that the section disseminate a summary of the e-mail on this issue and post the survey question on the Section's website. Alan Forst seconded the motion, and the motion passed.
- b. **Printing Rebate** – Damon Kitchen reported that the Board of Governors has eliminated the printing rebate for the sections. Last year, our section

received \$1,085 in printing rebates. Damon asked whether we want to continue to use the Florida Bar for printing services or outsource that function. He advised that we need to make a decision today because the deadline is December 31, 2005. Steve Meck and Mike Spellman reported that Mike looked into printers in the Tallahassee area and determined that it was much less expensive to use the Florida Bar. Damon reported that he also looked in Jacksonville and found the same. No action was taken on outsourcing printing for the section.

- c. **Meeting Sponsorships** – Damon brought up the issue of advertising on the section's website to raise revenue. The matter was deferred to the Special Projects Committee.

## **VI. New Business –**

- a. **The Florida Bar's Special Committee to Study Paralegal Regulation** – Shane Munoz reported that regarding paralegal regulation, a public hearing is scheduled for tomorrow, and our section was asked for its input on this topic. Damon Kitchen pointed out that there is a letter from the Florida Bar on this issue attached to the agenda, but Shane noted that the scope of what has been discussed has been broader than the issues outlined in that letter. Shane expressed that to the extent paralegals operate under the supervision of a lawyer, the Florida Bar should regulate paralegal conduct, but outside of that, it may not be a Bar function, but subject to regulation by the Florida Legislature. He also reported that a couple of individuals have raised how to define paralegal services in terms of fee petitions. Grier Wells said that the Bar was essentially advised that the Legislature would regulate paralegals if the Bar did not step in and do so and that there was a concern about those holding themselves out as paralegals. Grier also indicated that there was a move to place lawyers under the jurisdiction of the Bureau of Professional Regulation and not the Florida Bar, and taking regulation of paralegals away from the Florida Bar is one way the Legislature is attempting to exercise control over the legal profession. Kevin Johnson, a member of the Executive Council of the Practice Management Section of the Florida Bar, said that the issue of paralegal regulation is coming out of paralegal organizations to regulate those included in that profession. He said that one effect of this may be that an attorney would not be able to promote a legal secretary to a paralegal position and then bill for the paralegal services. Shane Munoz confirmed that this is a motivation behind the push for paralegal regulation. Damon pointed out that the Florida Bar rules cover those qualified by training and experience. Kevin and Shane both commented that our Section has an interest in not excluding those qualified by training, instead of formal education. Jill Schwartz advised that she has been unimpressed by those coming out of the paralegal training programs and would like the Section to oppose the more restrictive definition of paralegal. Damon asked for a show of hands, and Alan Forst raised a concern that this should not be an issue for our section as it has

nothing to do specifically with labor and employment law. Damon observed that it does not appear to be a violation of our by-laws to take a position. Alan Gerlach pointed out that a show of hands is not an official position of the Section. Damon asked those on the telephone for their position on the restrictive definition of paralegal and asked for another show of hands. All but one favored a less restrictive definition of paralegal. (Alan Forst opposed the Executive Council taking a position on this issue.) Damon asked whether the Florida Bar's definition of paralegal training is sufficient and asked for a show of hands on that issue as well as polling those on the telephone. A majority agreed with the Florida Bar's current definition of paralegal. Shane Munoz asked whether the Executive Council agrees with the current position of the Florida Bar that attorneys should determine whether or not an individual has sufficient training to act as a paralegal. Again, those polled at the meeting and on the telephone agreed that this determination could be made by an attorney. (After the meeting, Shane Munoz made a proposal for the Section's position on this issue which was voted via electronic mail. November 8 and 9, 2005 e-mails reflecting the Executive Council's positive vote on Shane's proposal are attached.)

**VII. Adjournment** - The meeting adjourned at 6:45 p.m.

**Executive Council Members in Attendance:**

Damon F. Kitchen	Cynthia Sass	Eric J. Holshouser
Stephen A. Meck	Alan O. Forst	David E. Block
Frank E. Brown	Sherril M. Columbo	Alan M. Gerlach, Jr.
Gregory A. Hearing	Cecil Howard	Jeffrey E. Mandel
Ronald M. Rosengarten	Jill Schwartz	Michael P. Spellman

**Executive Council Members with Excused Absence:**

Cary R. Singletary	Robert A. Miles
Walter E. Aye	Scott A. Fisher
Marilyn J. Holifield	Stuart A. Rosenfeldt
Donald T. Ryce	Leslie K. Reicin Stein
Marcus L. Snow, Jr.	

**Member guests:**

S. Grier Wells	William P. Cassidy, Jr.
Shane Munoz	Jonathan Oliff
Mary Jean Navaretta	Catherine Kahle
Jason Odom	Kevin D. Johnson
Youndy C. Cook	

## **ABA Liaison Subcommittee**

William P. Cassidy, Jr.

On October 12, 2005, the ABA Liaison Subcommittee held its first telephone conference. We discussed that purpose of the committee is to raise awareness of the Florida Bar's Labor and Employment Section within the ABA. We agreed that this can be accomplished through a number of avenues, including helping the ABA put on presentations in Florida, helping to secure Florida presenters at ABA events, opening doors for Florida attorneys to provide articles in ABA publications and getting ABA presenters to Florida Bar events. In short, everyone understood that we are charged with making the inroads and opening up dialogue with the Labor and Employment Section of the ABA.

## Steve Meck's Report of the September 8, 2005 Meeting of the Bar's CLE Committee

As all of you know, I attended the Bar's CLE meeting in Tampa on September 8, and consequently missed the meeting in Hollywood. These are my notes of that meeting. Tom Hall, Clerk of the Florida Supreme Court, discussed rule 6.31. This provision was recently amended to change the split on CLE programs as follows. It used to give the section 12.5% of the profit/loss for a single section seminar or 20% for dual sponsored ones to be split as agreed upon by the sections. It now provides for the section to retain 80% of the p/l, but does not address so-sponsored programs. Tom Hall proposed a CLE section recommendation to the Board of Governors and he is chairing a subcommittee to make a recommendation to the CLE committee at the next meeting.

Yvonne Sherron, Director of Professional Development, discussed the CLE Committee requirement that each member review a course, and told us to register now at no cost. Concerning technology, a budget amendment was passed that allows for development of programs in CD and DVDs, in approximately two years. Also, on the web, a private company is providing every program online. (I messed with the Bars website-Go to "CLE" at the top, then "Legal Catalogue of Courses" then "Online Seminars.") It was suggested that this be given much more press, as hardly anyone knows about it. Booter Imhof, Chair, proposed that we send out notice of programs over the internet, like WestLaw does.

It was proposed that the CLE committee begin its past practice of having a workshop for Program Chairs, which was largely endorsed. It was also noted that speaker training material is now available in DVDs. It was also suggested that the CLE committee should have a retreat. I and the other CLE Chairs from other sections then each gave a report. Meeting adjourned.



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October 27, 2005

F. Damon Kitchen, Esq.  
Constangy, Brooks & Smith LLC  
200 W. Forsyth Street, Suite 1610  
Jacksonville, FL 32202-4349

**Re: Judicial Outreach Committee**

Dear Damon:

Please allow this correspondence to offer our report for the Judicial Outreach Committee.

We hope to direct our efforts this year towards two specific categories: (1) further attempts at educating state court judges on basic labor and employment law principles; and (2) Section funding of certain events with state and federal judges to further enhance the exposure and positive interaction of Labor and Employment Law Section members with the judiciary.

We will have a subcommittee spearhead our efforts to procure a slot at the state Judicial Conference for labor and employment law education. Although it has proved difficult in previous years to get into this seminar conference, we will continue to effectuate a successful result this year.

Secondly, with regard to other Judicial Outreach opportunities such as Inns of Court, Federal Bar Association, county and local bar associations, we would like Executive Council direction with regard to event requests by Section members. Additionally, further communication with Section members with regard to the availability of Section dollars toward funding lunches, cocktail parties, etc. as Judicial Outreach Committee members may propose to the Executive Council as opportunities arise.

I look forward to working with you and the Executive Council.

Sincerely,



**DAVID J. LINESCH**

DJL/cam

## REPORT OF THE PUBLICATION SUBCOMMITTEE

October 27, 2005

On Wednesday, October 26, 2005, we held a meeting of the Publication Subcommittee by teleconference. Despite the inability of several of our South Florida members to participate due to storm-related disruptions, we had five members in attendance.

The purpose of the meeting was to outline the plans for publications for the remainder of the Bar year, and to solicit volunteers of the subcommittee members to assist in certain tasks. Shane Munoz and Robin Midulla agreed to assist in the editing of the Bar *Journal* articles as necessary. Ray Poole agreed to serve as liaison between the Publication Subcommittee and the Website Subcommittee, in order to facilitate publication of *Journal* articles and issues of the *Checkoff* on the website when it was reestablished.

Additionally, Scott Fisher requested that the subcommittee members assist in the writing of case notes summarizing significant cases or agency decisions involving labor and employment topics. After discussion on the method of preparing the notes, it was agreed that Shane Munoz would identify and prepare a list of cases from the federal jurisdictions over Florida and that Frank Brown would identify a list of federal cases outside the State of Florida and 11<sup>th</sup> Circuit. The remainder of the committee members indicated their willingness to assist in the writing of case notes as needed.

The subcommittee still needs one volunteer to identify cases from Florida state courts for inclusion in the case notes, and an individual to serve as liaison to the Current Legal Developments Subcommittee.

The next meeting of the Publication Subcommittee will be scheduled for December, 2005 or January, 2006.

## Website Subcommittee

Marc Snow

The website subcommittee met on 10/25 to discuss plans for the new website and overall thoughts on how to make the website a tool for the Section. I updated the committee on all the recent changes with the site and how this was an opportunity to begin anew. Unfortunately, only 2 of my 5 committee members were able to make the call (1 was traveling, 1 was a no show and 1 is M.I.A.), but we had a good initial discussion. One suggestion, that I believe we have covered, was to have all the past Check Off publications placed in a searchable database. Assuming we have in fact decided to go with Elyk Innovations as our administrator, our contact has advised us we can do that. The subcommittee felt that this would not only be a benefit to our membership, but also draw our members to use the website. The three of us talked about the anticipated collaborative efforts with the publications and outreach committees to use a listserv from our site to send information to Section members. We discussed our previous poor experience with using a listserv to contact members, but hoped that with the Bar's new website and the ability for individual attorneys to log on to the site and correct and update their e-mail and other information, we should be able to reach a larger percentage of our members via e-mail. Further, our contact at Elyk explained how the technology has changed so we shouldn't experience the malfunctions we had when we attempted to launch the listserv a couple of years ago. This initial listserv would not be "interactive", but only a method for the Section to send information to our membership. There was a discussion of whether an interactive listserv, even on an "opt in" only basis would be welcomed by the Section, but agreed we were a ways from working to develop that as our first priority, once we get everything finalized from a contractual standpoint, was to work with the administrator to develop a good "mock up" of the new site to circulate to the Executive Council for comment and/or input. Hopefully everything regarding the administrator will be addressed at the meeting and we will have the "go ahead" soon.

## **Special Projects Committee Report**

Michael Spellman - October 2005

The Special Projects Committee was asked to review, discuss and, if appropriate, submit a proposal of a policy for the section's handling of contributing money or otherwise memorializing or commemorating the passing of a former section member. All four committee members were contacted via letter and email and most responded. As a result, we polled how other sections within the Bar, as well as other legal organizations (such as the Florida Defense Lawyers Association) have handled this, and, specifically, whether any of these groups has a policy on the subject. We discovered that not a single group polled has such a policy, and addresses each such situation on a case-by-case basis.

There does not appear to be a standardized way to address this issue. For example, how can the section or anyone within it compare the lives of or the contributions to the section by Dean Vause and Judge Latimer, which are two recently-deceased persons for whom this Section discussed making some kind of contribution/recognition? We submit that the Section should address these issues on a case-by-case basis, and, therefore, a policy is not appropriate.

**Eric J. Holshouser**

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**From:** Kitchen, Damon [DKitchen@constangy.com]  
**Sent:** Tuesday, November 08, 2005 2:41 PM  
**To:** cnsass@tampabay.rr.com; Eric J. Holshouser; steve.meck@perc.state.fl.us; patricia.perry@perc.state.fl.us; sdolin@rrdplaw.com; alan.forst@awi.state.fl.us; ayelaw@tampabay.rr.com; FEB@macfar.com; sfisher@fowlerwhite.com; cehoward2@comcast.net; langbeinpa@aol.com; Robert.Miles10@verizon.net; rosengartenr@gtlaw.com; employerlawyer@yahoo.com; jschwartz@schwartzlawfirm.net; msnow@unf.edu; mspellman@cmadslaw.com; cwilson@littler.com; blockd@jacksonlewis.com; nchonin@earthlink.net; scolombo@shb.com; AGerlach@ahss.org; ghearing@tsg-law.com; marilyn.holifield@hkllaw.com; sklaw@bellsouth.net; JMandel@akerman.com; srosenfeldt@rra-law.com; carysingletary@aol.com; lstein@specialdata.com  
**Cc:** Shane Munoz  
**Subject:** FW: Paralegal Committee  
**Importance:** High

Hello everyone:

Attached is Shane Munoz's proposal concerning the stance the Section should take at the upcoming meeting of the Florida Bar's Special Subcommittee to Study Paralegal Regulation on November 11, 2005. At this point, we need to get a vote from the Executive Council Members as to whether you agree or disagree with the proposal Shane has crafted. In other words, a vote of simply "yes" or "no" is preferred. Assuming there is a majority vote in favor of the proposal, I will authorize Shane to make the proposal. If the majority vote is "no," or if there is no clear majority, I will instruct Shane to refrain from making a proposal on behalf of the Section. However, Shane will be free to express his own personal views on this issue, should he choose to do so. As time is of the essence, please respond to this e-mail as quickly as possible. Thank you.

Damon

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**From:** Shane Munoz [mailto:smunoz@zmlaw.com]  
**Sent:** Tuesday, November 08, 2005 1:40 PM  
**To:** Kitchen, Damon  
**Subject:** Paralegal Committee

Damon:

Please see the message below from the Paralegal Committee Chair.

Unless you suggest otherwise, I plan to oppose any new regulation. Assuming there is a vote in favor of regulation, I plan to propose: (1) that The Bar take the position that regulation should be in the form of rules promulgated by The Bar and approved by the Supreme Court, and not by legislation; (2) regulation be limited; (3) any definition of "paralegal" be broad enough to permit anyone to be designated as a paralegal upon a supervising attorney's determination that he or she is qualified by education, training or experience to perform substantive legal work under the supervision of an attorney; (4) that there be no express requirement for CLE, testing or certification, the need for same being obviated by 3, above; and (5) that there be no new limitations on billing for services of assistants, the current ethical guidelines for lawyers and court review of fee petitions being adequate for that purpose.

Please let me know if you have any other or different thoughts.

Very truly yours,

Shane T. Munoz

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11/23/2005

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**From:** lholcomb@flabar.org [mailto:lholcomb@flabar.org]

**Sent:** Tuesday, November 08, 2005 12:02 PM

**To:** jamos@fisherlaw.com; louis.conti@hklaw.com; susandemers@hotmail.com; elsons@gtlaw.com; susanfox@flappeal.com; rgonz@barrswilliamson.com; rgoodman@uwf.edu; jhume@humejohnson.com; zjordan@legalaid.org; kmclead@pinchapenny.com; Shane Munoz; bpowers@fowlerwhite.com; michelle@videoflorida.com; dmrogero@dmrpa.com; j\_roulhac@fpl.com; srubin@fogelrubinfogel.com; virglaw@bellsouth.net; tstringfellow@foley.com; linzie\_bogan@oag.state.fl.us; johnna@chesserbarr.com; Julieth.Cure@myfloridahouse.gov; mbateman@flabar.org; jharkness@flabar.org; abookman@esclaw.com; hmc@bedellfirm.com; phill@flabar.org; pab@estatelawflorida.com; tboggs@flabar.org

**Subject:** Friday's meeting

This is from Ross Goodman:

At our meeting on November 11 in Tampa, I am hoping that the Committee can reach a consensus on (1) whether there should be regulation and (2) if so, what form it should take. I am not planning a formal agenda. Rather, I want there to be an open discussion of the first question. Then, I would invite a motion from the Committee. After the vote on the motion, we will either be "done" (a vote that there should not be regulation) or we will move on to the next question of what form regulation should take (and, again, I will invite a motion from the committee to focus debate). Please review the written materials, the hearing transcript, and the additional materials provided at the hearing or since, and come prepared to address the two issues we will be focusing upon.

(from Lori) I will be bringing written testimony which was received after the hearing. Please let me know whether you will be attending the meeting which is scheduled to begin at noon and end at 3 pm. Lunch will not be served but there are several places to eat in the Tampa airport as well as a restaurant in the Tampa Airport Marriott hotel. As a reminder, the bar's offices are on the office level which is one level down from the lobby.

See you Friday.

Lori S. Holcomb  
UPL Counsel  
The Florida Bar  
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Tallahassee, Florida 32399-2300  
phone -- 850-561-5840  
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11/23/2005

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**Eric J. Holshouser**

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**From:** Kitchen, Damon [DKitchen@constangy.com]

**Sent:** Wednesday, November 09, 2005 11:09 AM

**To:** cnsass@tampabay.rr.com; Eric J. Holshouser; steve.meck@perc.state.fl.us; patricia.perry@perc.state.fl.us; sdolin@rrdplaw.com; alan.forst@awi.state.fl.us; ayelaw@tampabay.rr.com; FEB@macfar.com; sfisher@fowlerwhite.com; cehoward2@comcast.net; langbeinpa@aol.com; Robert.Miles10@verizon.net; rosengartenr@gtlaw.com; employerlawyer@yahoo.com; jschwartz@schwartzlawfirm.net; msnow@unf.edu; mspellman@cmadslaw.com; cwilson@littler.com; blockd@jacksonlewis.com; nchonin@earthlink.net; scolombo@shb.com; AGerlach@ahss.org; ghearing@tsg-law.com; marilyn.holifield@hklaw.com; sklaw@bellsouth.net; JMandel@akerman.com; srosenfeldt@rra-law.com; carysingletary@aol.com; lstein@specialdata.com

**Cc:** Shane Munoz

**Subject:** Paralegal Regulation Vote

By my calculation, Shane's proposal has carried the day. Thus far, a total of 19 members and officers of the 29 person Executive Council have voted. The vote tally is as follows: 14 Yea; 2 No; 3 Abstain. Even if the remaining 10 outstanding votes are cast as "No," they would not be sufficient to surpass the 14 "Yea" votes.

Shane, you are authorized to make the recommendation outlined in your e-mail to medated November 8, 2005.

Damon

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