

**MINUTES OF THE LABOR AND EMPLOYMENT LAW SECTION
EXECUTIVE COUNCIL MEETING
THE FLORIDA BAR ANNUAL MEETING
SEPTEMBER 8, 2006**

- I. Call to Order** – Cynthia Sass called the meeting to order at 5:00 p.m.
- II. Secretary/Treasurer Report**
- a. Consideration of Minutes** – Jill Schwartz moved to approve the minutes from the last meeting. Eric Holshouser seconded and the motion was passed.
 - b. Financial Statement** – Jill Schwartz reported that a fund balance for 2006-2007 is not yet available. Revenues have increased from \$86,388 to \$95, 904 during the last calendar year. Starting on July 1, 2006 each section is paying for services from the Florida Bar. Sections have the ability to keep 90% of their dollars.
- III. Committee Reports –**
- a. Membership Outreach Committee** – No report presented at the meeting.
 - b. ABA Liaison Subcommittee** – Shane Munoz reported that the first meeting of the ABA Liaison Subcommittee was held on September 5, 2006. A mission statement has been requested for the November 10, 2006 seminar to take place at Stetson Law School. Karen Buesing is assisting with coordination of the seminar. The ABA will provide the marketing and cover costs. The seminar location has a capacity for up to 104 people. Hopefully, the joint venture will facilitate other opportunities for members to speak at ABA seminars. A motion was made by Shane Munoz to jointly present the seminar with the ABA. The motion was seconded by Michael Spellman. After discussion was held, there was a unanimous vote to jointly present the seminar. A discussion took place regarding an initiative to obtain enhanced name recognition with the ABA and better communicate with ABA sections. The committee will explore ways to advance the mutual mission statements, as well as publication opportunities with the ABA Publication Committee.
 - c. Law School Liaison Subcommittee** – Alan Gerlach reported that plans were discussed to have committee members meet to define objectives with Jonathan Oliff, who will take the lead in the next few months.
 - d. Local/Voluntary Bar Association Liaison Subcommittee** – Gregory Hearing has contacted committee members, but was not available for this meeting.

- e. **New Membership/Outreach Subcommittee** – No report presented at the meeting.
- f. **Long Range Planning Committee** – Cary Singletary reported that one of the issues that the committee is discussing are guidelines for sponsorship/advertising for the Checkoff and seminars. Damon Kitchen and Cary Singletary discussed the need to define the parameters for the sponsors. Cary Singletary noted that we do not want to rely on streams of sponsorship money and we want to be cautious in this endeavor. The Special Project Committee will work with the Long Range Planning Committee and prepare a proposal for the October meeting. There was also a discussion regarding scheduling long range planning every three (3) years at a desirable resort. It was discussed that we want to invite plaintiff lawyers and government lawyers to join the section. There was also a discussion regarding the committee contributing an article to the Checkoff. Cary Singletary proposed the section purchase an LCD projector for use at section seminars. He stated that it costs the section approximately \$600 per day to use the hotel's LCD projector. He argued that the projector would pay for itself after one meeting. The motion was seconded and passed.
- g. **Legal Education Committee** – Patrick Martin and Margerite Longoria reported that 47 people registered for the seminar and 40 attended. 42 people are expected to attend the arbitration seminar on September 9th with Cary Singletary, chair. Congratulations and appreciation was expressed by Cynthia Sass. Alan Forst proposed a yearly seminar in South Florida and expressed his satisfaction with the Renaissance Hotel. Alan Forst also discussed a future conference with Stetson Law School. Lexis contributed of \$1,500 and will be present at three (3) seminars. Cynthia Sass reported that the hotel worked with the Labor and Employment Law Section on reduced rates and congratulated everyone on a great seminar. Damon Kitchen asked for information on seminar financials to be included in the minutes. Angela Froelich was not sure if the data will be available, but will try to compile information for the Executive Council to review.
- h. **Continuing Legal Education Subcommittee** – A CLE History for the 2005 - 2006 was distributed with the Agenda, including the upcoming 31st Annual Public Employment Labor Relations Forum on **October 19th and 20th**, the 6th Annual Labor and Employment Law Certification Review to be held on February 23rd and 24th, 2007 and the Advanced Labor Topic Seminar to be held on May 5th and 6th, 2007. Eric Holshouser reported that all seminars made money with one exception, the PERL seminar. The next seminar for PERL will be organized by co-chairs Jeff Mandel and Mike Grogan. Alan Gerlach and Susan Dolan have agreed to chair the Certification Seminar again and are inviting plaintiff and defense counsel to participate in the program. Dave Linesch has agreed to chair the Advanced Labor Topics and potential

co-chairs have been contacted. To date, a Federal Magistrate has committed to speak at the Advanced Labor Topic Seminar.

- i. Current Legal Developments Subcommittee** – Archibald Thomas, III, chair, will prepare a report for the Checkoff on current developments. Archie Thomas also discussed whether the website would be an appropriate way to disseminate information re: current developments or explore other electronic means (i.e. listserv, as they are more regular than publications). Archie Thomas also talked to Marcus Snow, but does not know how regularly the website can be updated. The Checkoff is linked to the website per Eric Holshouser. Damon Kitchen indicated that our website administrator can get information on the website, and that we can create a listserv through the website. Cynthia Sass agreed that this was a good idea because it will encourage people to view the website. It was also noted that some committee members are interested in writing articles.
- j. Judicial Outreach Subcommittee** – No report presented at the meeting.
- k. Publications Subcommittee** – Frank Brown and Ray Poole circulated a report and noted that they have articles through November. Last year the Publications Subcommittee had a good year, which was reflected in the written report. There was a joint meeting held on September 6, 2006 between the Bar Journal and Checkoff Publications Subcommittee via teleconference. The committee discussed the mission of the subcommittee, the outline for publications, soliciting volunteers and deadlines for future publications. Melissa Horwitz, Leslie Schultz-Kin and Alex Delrusso agreed to assist in editing the Bar Journal articles and Ray Poole agreed to serve as liaison between the subcommittees to facilitate publication of the Bar Journal articles and issues for the Checkoff on the website. Ray Poole also agreed to contact Eric Holshouser to discuss the use of written seminar materials in the Checkoff. Eric Jones agreed to serve as liaison to the Current Legal Developments Subcommittee. Subcommittee members will assist in writing of case notes, Dan Williams agreed to identify and prepare a list of cases of the State Supreme Court and District Court of Appeals, while Melissa Horwitz agreed to identify and prepare a list of cases from the U.S. Supreme Court, Eleventh Circuit and District Courts sitting in Florida. Frank Brown agreed to identify and prepare a list of federal cases from other circuits. Dan Williams volunteered to write an article for the Checkoff concerning a recent opinion issued by Florida's Fifth District Court of Appeal. The next joint meeting will be held on October 17th. Ray expressed the challenge of obtaining articles and possibly converting CLE materials into articles and the need for input from the Current Legal Developments subcommittee.

- l. Website Subcommittee** – Cynthia Sass congratulated Marcus Snow on the great job he has done and encouraged him to keep up the good work.

- m. Special Projects Committee** – Michael Spellman and co-chair Rob Sniffen presented a report. The committee had a conference call to discuss the sponsorship issue. Shane Munoz expressed concerns that advertisements on the website might appear to endorse the lawyers that are advertising. Rob Sniffen stated that he was envisioning Lexis court reporters, not lawyer-advertising on the website. Cynthia Sass requested a proposal from both committees by the October meeting. There was discussion that the Sponsorship Committee should be its own committee and liaison with the other committees. Leslie Stein is reviewing sponsorships for luncheons. The co-chairs will review guidelines used by the tax section that has been very successful. Damon Kitchen stated that the tax section has sponsorship packages (i.e. platinum, gold and silver) and the model may have to be scaled back for our section. Rob Sniffen discussed the website being a good place to start the advertising as it is a stable medium and the Checkoff is not always consistent. Marcus Snow will review advertising rates and “hits” on the site. Marcus Snow will present information at the October meeting. Shane Munoz stated the website may be a more public and less innocuous place to start.

Michael Spellman also looked at reimbursement issues such as advanced Labor Topics Seminar that draw the highest reimbursement because of outside speakers. We reviewed two options: (1) a \$250 cap (except for special circumstances) with approval by officers and; (2) give a budget to chairs of CLE programs. The Advanced Labor Topics Seminar would then command a greater amount of money. Cynthia Sass discussed the issue of hotel and travel reimbursement. Alan Gerlach agreed with reasonable travel expense reimbursements. Marilyn Holifield and Jill Schwartz discussed the need to reimburse expenses to attract quality speakers. Alan Forst indicated that the Florida Bar Book gives guidelines to follow and the Secretary/Treasurer should review the requests for reimbursement. Michael indicated that several members of the council do not request reimbursement and he is concerned that the honorarium should be the exception and an officer level decision. It was concluded that it should be kept “status quo” regarding reimbursement for reasonable expenses.

III. New Business -

- a. BOG Report** – Cynthia Sass introduced new Board members Rick Johnson and Archie Thomas.

- b.** Cary Singletary moved to purchase a projector in order to save seminar expenses. Don Ryce seconded the motion and it was passed unanimously.

- c. Cynthia Sass indicated that Angela Froehlich does not have a cell phone/blackberry and proposed buying her a phone/blackberry together with the International Law section. Rick Johnson seconded the motion to purchase a cell phone/blackberry.

IV. Chair's Report –

- a. Cynthia Sass provided a report from Carl Zahner, Director of the Center for Professionalism on the Proposed Professionalism Rule 3-5.4 concerning the Judicial Sub Committee of the Supreme Court Commission on Professionalism which drafted the proposed rule concerning imposing fines and referrals to professionalism enhancement programs. Rick Johnson indicated that he supported giving the opportunity to improve behavior without going through the disciplinary process. Rick Johnson suggested that the proposal should be amended so opposing counsels cannot collect instances of fines or referrals and use in a negative manner. Walter Aye feels that it is a bad idea and opposes the proposed rule. Cary Singletary feels there are enough layers of discipline. Cynthia Sass indicated that the discussion should be continued to the next meeting. Eric Holshouser moved to table the discussion, Don Ryce seconded the motion to continue and the motion was passed.

V. Chair's Sanction Committee –

- a. Cynthia Sass reported that the Honorable Katherine Rogers, from the Northern District, along with Janet Wise, Rick Johnson, Kenneth Knox, Stuart Rosenfeldt, and Kathy Beveridge will participate on the committee. The Southern District Judges said they were not available. The Middle District will provide a Judge.

VI. Labor/Tax Telephone Seminar – Cynthia Sass reported that the Tax section is interested in doing a series of seminars on taxation of settlements and related issues. The Special Projects Committee may also work on this program.

VII. Informational

- a. Reception to be held from 6:00 p.m. – 7:30 p.m. in Tampa Room.

VIII. Next Executive Council Meeting

Thursday, October 19, 2005 – Rosen Centre Hotel, Orlando

5:00 p.m. – 5:15 p.m. – Joint Council Meeting with City, County & Local Government Section.

5:15 p.m. – 6:00 p.m. – Labor & Employment Law Executive Council Meeting.

6:00 p.m. – 7:30 p.m. – Reception.

IX. Adjournment – a motion was made, seconded and passed to adjourn at 6:20 p.m.

Executive Council Members in Attendance:

Cynthia Sass, Chair
Jill Schwartz, Secretary/Treasurer
Alan Forst, Legal Education Chair
Eric Holshouser, CLE Chair
Damon Kitchen, Immediate Past Chair
Grier Wells, Board Liaison
Walter Aye
David Block (on phone)
Frank Brown (on phone)
Alan Gerlach
Marilyn Holifield
Cecil Howard (on phone)
Rick Johnson
Robby Miles (on phone)
Shane Muñoz
Ray Poole
Don Ryce
Cary Singletary
Michael Spellman
Archie Thomas
Courtney Wilson

Committee Chairs/Program Administrator in Attendance:

Jonathan Oliff (on phone)
Marguerite Longoria
Patrick Martin

Member guests:

Angela Froelich, Section Administrator
Professor Don Spero
Rob Sniffen

Requested Excused Absence:

Sherril Colombo
Scott Fisher
Greg Hearing
Joan Vecchioli