

**MINUTES OF THE LABOR AND EMPLOYMENT LAW SECTION
EXECUTIVE COUNCIL MEETING
March 1, 2008**

I. Call to Order – Steve Meck called the meeting to order at 12:10 p.m. The meeting followed the Section’s 2008 Long-Range Planning Session which lasted from 10:00 a.m. – 12:00 p.m. Mr. Meck thanked the Program Chairs, Cary Singletary and Damon Kitchen, for a very successful Long-Range Planning Session.

II. Secretary/Treasurer Report

A. Consideration of Minutes – Greg Hearing moved to approve the Minutes from the October 18, 2007, meeting. Eric Holshouser seconded the motion and the Minutes were approved unanimously without the need for discussion. Greg Hearing moved to approve the Minutes from the Special Meeting of the Executive Council held on January 30, 2008, which was held to approve the Section budget. Shane Muñoz seconded the motion and the Minutes were approved unanimously without discussion.

B. Financial Statement – Angela Froelich reported that the current Section Fund Balance is \$199,306.00. She also reported that the Section currently has \$2,120 members. There were no questions regarding the Section financials.

III. Committee Reports

A. Membership Outreach Committee – No formal report was given.

1. ABA Liaison Subcommittee – No formal report was given.

2. Law School Liaison Subcommittee – Jonathan Oliff provided the report. Based upon a suggestion made at the Long-Range Planning Session, Mr. Oliff stated that he would be inclined to leave the Section’s scholarship amounts at \$1,000 and not reduce such scholarships to \$500 with 5 years membership. He expressed interest in possibly adding 1-2 years free Section membership to the \$1,000 scholarship. Angela Froelich pointed out that the student section dues are \$20.00, of which The Florida Bar takes all. Cary Singletary questioned about whether the Section offers scholarships at all 10 Florida law schools. Mr. Oliff indicated that the Section previously voted to provide scholarships for all 10 law schools but only currently offers scholarships at 9 of them. Alan Forst made a motion that each of the 10 Section scholarships be named after a present/former member of the Labor & Employment Law Section who has accomplished something outstanding in their career and who has some affiliation with the law school where the scholarship is offered and/or the locality of the law school. As part of the motion, Mr. Forst added that the Law School

Liaison Subcommittee and the Special Projects Committee should get together and come up with names/proposals for naming the scholarships by the next meeting of the Executive Council. Alan Gerlach seconded the motion. During discussion of the motion, Mr. Meck indicated that he had concern regarding language in the motion that the person for whom the scholarship would be named would have had to have accomplished something special as being too subjective. Robbie Miles and Damon Kitchen provided some history regarding the naming of scholarships in the past. Leslie Stein stated that she did not believe it would be a good idea to name all of the scholarships now and that we should not name a person to a scholarship unless they did something special for the law school so that the association would have some meaning. The motion was called to question and a vote was taken. The motion failed. As a final note, Eric Holshouser suggested that interested Executive Council members bring forth potential names for scholarships to the next Executive Council meeting.

3. Local/Voluntary Bar Association Liaison Subcommittee – Don Ryce provided the report. Mr. Ryce reported that the Subcommittee’s draft seminar “Lawyers as Employers,” was so well liked that The Florida Bar took over the seminar for use in the Presidential Showcase at The Florida Bar annual meeting. Accordingly, the Section seminar is on hold so as not to overlap The Florida Bar’s Presidential Showcase.
 4. New Membership/Outreach Subcommittee – Patrick Martin provided the report. Mr. Martin reported that the subcommittee had received a copy of the membership survey and will provide a report on its contents by the next meeting of the Executive Council.
- B. Long Range Planning Committee – Cary Singletary provided the report. Mr. Singletary indicated that, because of concerns regarding overrunning the time allotted for the Long-Range Planning Session, the Committee will look to the Executive Council to assign tasks for completing the goals identified during the Long-Range Planning Session at a future Executive Council meeting so that inertia does not set in. Mr. Meck commented that the comments he heard about the Long-Range Planning Session were all positive and everyone appreciated the abbreviated format.
- C. Legal Education Committee –Eric Holshouser provided the report. He stated that he attended the Bar’s CLE Committee meeting in January 2008. A large part of the discussion at the meeting revolved around the move to Webinars/Video Conferencing as future CLE programs. He indicated that it was reported that The Florida Bar needed to consider moving to these types of CLE programs in order to be able to compete better. Mr. Holshouser indicated that he believes that the Labor & Employment Law Section needs to look at alternative programs while

still maintaining its current schedule of in-person seminars so that the Section can continue to promote collegiality amongst its members. Mr. Holshouser also indicated that during the January CLE meeting it became apparent to him that The Florida Bar does not wish to promote the use of PowerPoint presentations at CLE events because of the potential for them to be distracting as well as the increasing practice of speakers to only provide a PowerPoint presentation, rather than more thorough written materials. Mr. Meck indicated that he agreed with the Bar's sentiment and believed that our Section should continue to provide thorough written materials in support of CLE programming. Jill Schwartz indicated that she likes to see PowerPoint presentations to assist those in the audience that are both visual and verbal learners. Mr. Holshouser then deferred the rest of his report to his subcommittee chairs.

1. Continuing Legal Education Subcommittee – Jill Schwartz provided the report. Ms. Schwartz thanked the speakers for presenting at the Certification Review Course on February 28 and 29, 2008. She indicated that the event was well attended – 56 attendees even though only 2 of the attendees were sitting for the certification exam. She indicated that the next CLE event is the Advanced Labor Topics which is set for May 9 and 10th at Marco Island. Some discussion was had regarding that being Mother's Day weekend but all agreed that, due to the locale, it would be a nice venue for a Mother's Day retreat weekend. Ms. Schwartz indicated that the next seminar after Advanced Labor Topics would be the June 19th Presidential Showcase Seminar as well the September 12, 2008, Employment Discrimination Seminar. Angela Froelich reported that she had a concern that she wanted to report to the Section. She indicated that the Bar is selling CLE programs over the web on Legal Span and making money and has learned that Bar members are less apt to buy 2-day programs if they are only on CD, rather than on video. She indicated that the Section should be considering moving to offering DVDs as well as CDs in order to be able to continue to compete with its programs. Alan Forst questioned whether the Section should eliminate books and just go with the CDs. Jill Schwartz indicated that she believed that the books were a good tool and should be kept. Angela Froelich indicated that the Section could email the program materials to those that sign up for the programs and then let those individuals download the materials themselves. Jill Schwartz indicated that she did not believe that would be a good idea because of feedback she received at a recent NELA conference where they tried that and the attendees expressed frustration that it just created more work for them. No motions or resolutions were made. Mr. Meck indicated that he and Mr. Forst were recently contacted by The Florida Bar regarding the lack of seminars on the ADA. Mr. Forst indicated that the ADA is a subtopic in the certification review course. Mr. Forst indicated that he expected ADA Titles II & III to be addressed at the forthcoming Advanced Labor Topics seminar. Mr. Meck indicated

that, in the next program year, the Section should make a CLE presentation on the ADA as well as non-competition issues.

2. Current Legal Development Subcommittee – Shane Muñoz provided the report. He stated that the subcommittee recently submitted case summaries for The Checkoff plus an article for the most recent edition of The Checkoff. He indicated that the subcommittee already has another article for the next edition of The Checkoff. Mr. Muñoz raised some concerns for the Section’s consideration. Specifically, he questioned whether the Section should allow links from the Section website to law firm newsletters. He indicated that he thought that the Section could take advantage of the synergies of such relationships, however, there could be concerns regarding cluttering up the website because many firms may seek to participate. Mr. Meck indicated that the subcommittee should discuss these issues with Marc Snow and the website subcommittee. Mr. Muñoz also raised the issue of whether we should allow individuals to post updates to the Section website and a question of whether there is any such interest. Debbie Brown (making a special guest appearance!) pointed out that the ABA Labor & Employment Law Section allows BNA to post highlights from the Daily Labor Report to its website. She questioned whether our Section could do that. All thought that that would be a good idea to look into.
 3. Judicial Outreach Subcommittee – No formal report was given.
 4. Publication Subcommittee –Mr. Meck pointed out that the Section provided a fine article for inclusion in The Florida Bar Journal that was recently published. He thanked Frank Brown and Sherril Colombo for their efforts and making sure that the Section produced high quality articles.
 5. Website Subcommittee – No formal report was given.
- D. Special Projects Committee – Leslie Stein provided the report. She indicated that the Committee is still looking for local speakers.
- E. Sponsorship Committee – Cynthia Sass provided the report. She indicated that the Section had two sponsors for the certification review and has lined up three sponsors for the Advanced Labor Topics Seminar collectively adding \$5,000 to the Section coffers.

IV. New Business

- A. Debbie Brown wanted to raise a concern for the Executive Council's consideration. She reported that electronic education is growing fast and is the future. As an example, she indicated that Stetson now offers one full-time degree program is offered entirely on line. She pointed out that the Society for Human Resource Management also offers Webinars and that law firms are offering Webinars more and more frequently. She indicated that the Executive Council should explore the technology and take a leadership role especially since the Section fund balance is at approximately \$200,000. Alan Gerlach agreed that it is the wave of the future. He indicated that he has attended these Webinars and he has been impressed by them. Mrs. Brown questioned whether The Florida Bar is making the technology available to the Sections. She reiterated that, if not, the Section should consider spending some of its fund balance to look at this issue. Leslie Stein indicated that American Corporate Counsel offers Webinars to its members that are put on every business day. Mr. Meck suggested that Alan Forst work with the special projects subcommittee to look into this issue and report back to the Section. Alan Gerlach questioned how the Section would coordinate with making sure that CLE hours are assigned for such Webinars as obtaining CLE credits is a primary goal of CLE event attendees. Damon Kitchen indicated that he saw no need to eliminate any of the current Section CLE programs, rather look into offering both so we can maintain the opportunities for Section members to get together and establish collegial relationships.
- B. Alan Forst made a motion to increase the reimbursement amount for attendance at Section Executive Council meetings for the current \$150.00 a meeting to \$250.00 a meeting. A call for a second was made but there was none. Mr. Meck commented that that subject should properly be noticed in advance at any future meeting for further consideration and deliberation.

V. Chair's Report

Mr. Meck reported that Michael Spellman has resigned from the Section. Mr. Meck reported that he had great regrets that Mr. Spellman made that decision to resign but certainly supported his right to do so. Mr. Meck pointed out that Mr. Spellman has performed a great deal of work for the Executive Council over the years and the Executive Council was fortunate to have him as a member. Alan Forst questioned whether the Section would have to fill his vacancy before the next Bar year. Mr. Meck indicated that he would look into that. A suggestion was made for the Section to provide Mr. Spellman a plaque in recognition of his dedicated service to the Executive Council. All agreed that that would be a good idea and Mr. Meck indicated that Mr. Spellman would be provided a plaque at the Annual Meeting.

- VI. Adjournment** – Shane Muñoz moved to adjourn the meeting. Don Ryce seconded the motion. The motion passed unanimously. The meeting adjourned at 12:55 p.m.

Executive Council Attendance:

Stephen A. Meck, Chair
Alan O. Forst, Chair-Elect
Gregory A. Hearing, Secretary/Treasurer
Eric J. Holshouser, Legal Education Chair
Jill Schwartz, CLE Chair
Cynthia Sass, Immediate Past Chair
Alan M. Gerlach, Jr.
Leslie W. Langbein
Marguerite Longoria
Patrick Martin
Robert A. Miles
Shane T. Muñoz
Jonathan Oliff
Donald T. Ryce, Jr.
Cary R. Singletary
Leslie K. Reicin Stein

Committee Chairs (not members of the Executive Council):

Jonathan W. Oliff (via conference call)

Guests:

Angela Froelich
Debbie Brown, Past Chair
John Robinson, Past Chair
Damon Kitchen, Past Chair
Kathy Beverage, Past Chair
Terry Connor, Past Chair
Timothy O. Schranck

Requested Excused Absence

David E. Block
Walter Aye
Sherril M. Colombo
Scott Fisher
Cecil Howard
J. Ray Poole, Jr.
Ronald M. Rosengarten
Marcus L. Snow, Jr.

Unexcused Absences:

S. Grier Wells

Frank E. Brown

Richard E. Johnson

Cathleen Scott

Michael P. Spellman

Archibald J. Thomas, III