

**MINUTES OF THE LABOR AND EMPLOYMENT LAW SECTION
EXECUTIVE COUNCIL MEETING
May 9, 2008**

- I. **Call to Order** – Steve Meck called the meeting to order at 5:05 p.m. The meeting followed the first day of the Section’s Advanced Labor Topics Seminar at the Marco Island Marriott. Mr. Meck thanked the Program Co-Chairs, Cynthia Sass and Greg Hearing, for a successful Advanced Labor Topics program. Mr. Meck also thanked Jill Schwartz for her involvement in putting together the program.
- II. **Secretary/Treasurer Report**
- A. **Consideration of Minutes** – Cynthia Sass moved to approve the Minutes from the March 1, 2008, meeting. Don Ryce seconded the motion and the Minutes were approved unanimously without further discussion.
- B. **Financial Statement** – Greg Hearing deferred to Angela Froelich regarding the current financial statements. Angela Froelich reported that the Section started the year with a Fund Balance of approximately \$141,000.00 and is about to end the year with a Fund Balance of just over \$199,000.00. She also reported that the Section currently has 2,134 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. He indicated that the Committee has yet to finalize law student scholarships as several schools were waiting until near the end of the school year to identify the recipients. Greg Hearing questioned how many scholarships were being given out. Mr. Oliff indicated that all 10 scholarships would be given out. Alan Forst noted that only 10 scholarships are authorized by the Section but that there is now an eleventh law school. Alan Gerlach suggested that the Section did not need to give an award out at the newest law school yet. All in attendance agreed. Finally, Mr. Oliff indicated that the Subcommittee wanted to disseminate more information about the Section at law schools and will be working on that project next year.
3. **Local/Voluntary Bar Association Liaison Subcommittee** – Don Ryce provided the report. Mr. Ryce indicated that not much had changed since his last report regarding The Florida Bar taking over the “Lawyers as

Employers” seminar for use in the Presidential Showcase at The Florida Bar Annual Meeting.

4. New Membership/Outreach Subcommittee – Patrick Martin indicated that there was no additional report from this Subcommittee.

B. Long Range Planning Committee – Cary Singletary provided the report. Mr. Singletary referenced the Long Range Planning Session held on March 1, 2008. Mr. Singletary pointed out that Lisa Gunther from Facilitation Solutions, Inc. prepared an outcomes report from the Long Range Planning Session which was attached as C-1 to the meeting agenda. At page C-3 of the outcomes report, Ms. Gunther included a “planning for the future” section listing action items by bullet point. Mr. Singletary requested that Mr. Meck allow him to proceed through each bullet point and have the Executive Council discuss what goals the Executive Council would pursue and/or assign to appropriate committees/subcommittees. Mr. Meck agreed.

Mr. Singletary started with the first action item which provides:

- Reinstigate interaction with government agencies who regulate labor/employment issues-local lunches.

Mr. Singletary indicated that he believed it would be good for the Section if the Executive Council would restart such interaction with government agencies. Alan Forst noted that his proposed amended By-Laws (included as attachment G-1 to the agenda) included reinstating subcommittees for government agencies such as the EEOC. Mr. Meck pointed out that the By-Laws could not be changed at the current meeting and could not be changed until The Florida Bar authorized such a change. Mr. Meck also noted that Mr. Forst’s proposed changes to the By-Laws had great merit but it would take a great deal of time to consider them at this time. Damon Kitchen proposed a workshop on the By-Laws and proposed that the Executive Council hold a workshop on the proposed amendments. Mr. Forst noted that it would be prudent for the Executive Council to move forward on amendment of the By-Laws and the sooner the better. Mr. Meck indicated that he remembered that, at the Long Range Planning Session, everyone thought it would be a good idea to reinstitute outreach to government agencies and suggested that this action item be moved to the Membership Outreach Committee for further consideration and/or action. Mr. Singletary and others agreed.

The second action item provides:

- Give scholarship recipients a personal invitation to the next Executive Council meeting for introductions and meet and greet.

Eric Holshouser moved that the Chair of the Section send a letter to scholarship recipients personally inviting them to the next Executive Council meeting for introductions and a meet and greet opportunity. Walter Aye seconded the motion. Without any further discussion, the motion passed unanimously.

The third action item provides:

- Hold one-hour telephone and webinar programs.

Mr. Singletary commented that he believed that this action item had a lot of merit. Cynthia Sass pointed out that the Section did have a webinar program last year which was well attended and that the Section made money on the program. Eric Holshouser suggested that the next CLE Chair should look at this issue and commented that the Section needs to conduct these types of seminars or the Section will not be able to remain competitive. However, Mr. Holshouser stressed that he believed that the Section still needed to have in-person seminars to foster collegiality. Many in attendance agreed. Walter Aye indicated that webinars are usually well received programs. Cathleen Scott asked whether it would be prudent to reduce the cost for smaller firms so that we could boost attendance at larger CLEs. Cynthia Sass opined that she did not necessarily think that was a good idea. A great deal of debate was had amongst many members of the Executive Council. Ultimately, Mr. Meck stated that he needed to curtail the discussion in the interest of time and asked Alan Forst and the incoming CLE Chair to address these issues.

The fourth action item provides:

- Increase meeting travel reimbursement of Section members to \$250.

Alan Gerlach commented that he thought an increase from the current reimbursement amount of \$150 to \$200 per meeting would be better than to increase it to \$250. Alan Forst indicated that he believed \$250 would be more appropriate. Angela Froelich indicated that other Sections do provide reimbursement to Executive Council members for attendance at Section meetings but indicated that it was not as much as \$250. A question was asked about how often people seek reimbursement. Greg Hearing commented that he, as the Secretary/Treasurer, regularly approves approximately \$1,500 in reimbursements per Section meeting. Eric Holshouser moved that the Section increase the reimbursement of Section members for attendance at Executive Council meetings to a maximum of \$250 per meeting. Rick Johnson seconded the motion. The motion passed with only one member voting against it.

The next action item provides:

- Orientation of new Executive Council members.

Mr. Singletary indicated that he is not aware of anyone sitting down with new Executive Council members and providing them an orientation as to what their responsibilities would be as Executive Council members. Patrick Martin commented that he did not think that such an orientation would take very long. Don Ryce suggested that a letter be sent to new members identifying the requirements of membership on the Executive Council. Mr. Singletary questioned whether it would be appropriate for the Executive Council to start a mentor program. Eric Holshouser commented that he believed that such an issue should be left up to the Chair's discretion to delegate to appropriate members of the Executive Council or to do it himself/herself. Mr. Singletary suggested that new Executive Council members be provided the Minutes all of the prior year's Executive Council meetings. All agreed that was a good idea. Susan Dolin suggested that a Past Chair of the Section in the same geographic area of the new Executive Council member should contact and have an orientation lunch with the new member. Margaret Longoria suggested that it would be helpful to provide new Executive Council members a statement about how the Section relates to the big Bar. No resolution was reached on this action item.

The next action item provides:

- Send The Checkoff via email instead of having to access it; improve look/readability of The Checkoff.

It was noted that a soft copy of The Checkoff is available to all members and is available via the Section website. The issue of improving the look/readability of The Checkoff was not one that could be resolved at this meeting but the suggestion would be passed along to the Publication Subcommittee of the Legal Education Committee.

The next action item provides:

- Select law student representatives from each school to participate in a more ongoing, consistent manner; increase law student membership.

Jonathan Oliff indicated that he would look into this action item and report back on it at a future meeting.

The next action item provides:

- Emphasis on trial and discovery skills.

It was noted that the CLE Chair should note this action item in coming up with new CLE programs. Greg Hearing inquired about the status of the Stetson Trial Skills Seminar. Walter Aye reported that the Stetson CLE program is no longer operational. Leslie Langbein commented that the five day trial skills seminar was too long and should only be 1-2 days because anything longer would operate as a deterrent for attendance. Alan Forst indicated that it may be a good idea to look at a one day seminar with a civil trial emphasis. No resolution was reached regarding this action item.

The next action item provides:

- Use synergies with other Sections, Local Bars, YLD, non-compete CLE.

Most agreed that this action item had great merit. For instance, Jill Schwartz commented that she recently invited Cary Singletary to speak at the Orange County Bar Association and the program was a great success. Steve Meck commented that a webinar on non-competition issues would be a good program. Don Ryce indicated that the Local/Voluntary Bar Association Liaison Subcommittee would look further into this action item and report back on it.

The last action item reported by Ms. Gunther is as follows:

- Require each EC member to chair a committee, subcommittee, write article, be a program chair or serve on certification committee during 2-year term.

Mr. Meck pointed out that the Executive Council was already doing that. Mr. Singletary indicated that we should verify that all Executive Council members are contributing in this manner. All agreed that that was a good idea.

Mr. Meck thanked Mr. Singletary and Mr. Kitchen for their thorough report and for a very successful Long-Range Planning Session.

- C. Legal Education Committee –Eric Holshouser provided the report. Mr. Holshouser thanked Jill Schwartz, Cynthia Sass and Greg Hearing for putting together the Advanced Labor Topics program. He commented that he believed the family dinner is a good idea and should be well received.

1. Continuing Legal Education Subcommittee – Jill Schwartz provided the report. Ms. Schwartz thanked the Program Chairs and the speakers for the Advanced Labor Topics. She indicated that the next seminar would be the Presidential Showcase at The Florida Bar’s Annual Meeting on June 19. Several members of the Executive Council are speaking. The next CLE event will be held on September 12th in south Florida. Ms. Schwartz indicated that Marguerite Longoria and Dan Levine have agreed to serve as Program Co-Chairs for that program. Alan Gerlach was recognized. He stated that the Multi-State Labor & Employment Law Seminar is set for June 18 – June 21 at the Keystone Resort in Colorado. He noted that the Section is again a co-sponsor and thanked the Section for being involved.
2. Current Legal Development Subcommittee – Shane Muñoz provided a written report which was attached to the Agenda. Therein, Mr. Muñoz reported that the subcommittee met on April 17, 2008. The members in attendance agreed that they would try to bring important developments to Section members in a more timely manner by sending them for publication directly on the website. They opined that this would result in important developments being available for publication in periodic editions of The Checkoff and The Florida Bar Journal. The subcommittee agreed that Mr. Muñoz would investigate the possibility of partnering with The Daily Labor Report or a similar publication to have selected developments, or links, posted on the Section’s webpage. The subcommittee also discussed the possibility of having a blog, either for use by Section members or for general use by anyone else. Concerns were raised about the possibility of misuse of the blog to improperly advance personal interests or otherwise and, ultimately, the subcommittee agreed to investigate the possibility further. Mr. Muñoz has written to Marc Snow, the Website Subcommittee Chair, requesting his input concerning these issues. Finally, the subcommittee reported that two articles were submitted for publication in the March 2008 edition of The Checkoff and another article has been submitted for publication in the upcoming edition of The Checkoff.
3. Judicial Outreach Subcommittee – No formal report was given.
4. Publication Subcommittee –Sherril Colombo provided the report. She indicated that The Checkoff will be coming out in June. Mr. Meck noted that he believed the last The Checkoff was exceptionally good and thanked all involved for their efforts in making sure that the Section produced high quality articles.
5. Website Subcommittee – No formal report was given.

- D. Special Projects Committee – No formal report was given.
- E. Sponsorship Committee – Cynthia Sass provided the report. She indicated that the Section had several sponsorships for the Advanced Labor Topics Seminar and that she believed that the sponsorship money would be enough to cover the dinner provided in the cost of the attendance at the Advanced Labor Topics Seminar.

IV. New Business

- A. Alan Forst noticed numerous items on the Agenda for discussion. However, due to time constraints, only the following were specifically discussed. First, Mr. Forst pointed out that he proposed a motion to increase the meeting travel reimbursement for Executive Council members to \$250 per meeting. It was noted that this motion was actually made in response to an action item from the long-range planning session and no longer needed action.
- B. Mr. Forst noted that he proposed a motion to reduce the amount of Section scholarship money provided to law students from \$1,000 to \$500 (or \$800) plus five years of dues in the Section. Mr. Forst suggested that this issue be referred to the Law School Liaison Subcommittee for further consideration and development.
- C. Mr. Forst brought up another motion which he referenced in the meeting Agenda to offer reduced (by 20%) CLE seminar registration for government lawyers and law school faculty. Mr. Forst indicated that he would be working on presenting this motion at a later meeting or via email.
- D. Mr. Forst noted that he also included in the meeting Agenda a motion to phase out the Section reimbursement of expenses for members of the Labor and Employment Certification Committee. Again, due to time constraints, Mr. Forst indicated that he would bring this motion via email.
- E. Finally, Mr. Forst noted that the Agenda included a motion to amend the Section By-Laws with attached redrafted By-Laws. Mr. Forst briefly highlighted the proposed amendments to the By-Laws and indicated that he will send out an email requesting input from the members regarding the proposed amendments.

V. Chair's Report

Mr. Meck indicated that, due to Michael Spellman's resignation from the Executive Council, he named Damon Kitchen as the interim replacement for Mr. Spellman's slot on the Executive Council. Mr. Meck also indicated that Ms. Sheron from The Florida Bar sent him an email in her capacity as the Coordinator for the Council of Sections asking if our Section would be willing to participate in the Leadership Conference. Mr.

Meck indicated that he attended the Leadership Conference last year and that it was very productive. Mr. Meck indicated that he forwarded Ms. Sheron's email to Alan Forst and Eric Holshouser and asked them to attend on behalf of the Section. In the interest of the time, Mr. Meck concluded his report.

- VI. Adjournment** – Eric Holshouser moved to adjourn the meeting. Robbie Miles seconded the motion. The motion passed unanimously. The meeting adjourned at 6:15 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 (via conference call)
Cynthia Sass, Immediate Past Chair
Alan M. Gerlach, Jr.
Leslie W. Langbein
Marguerite Longoria
Patrick Martin
Robert A. Miles
Shane T. Muñoz
Jonathan Oliff (via conference call)
Donald T. Ryce, Jr.
Cary R. Singletary (via conference call)
Leslie K. Reicin Stein (via conference call)
Damon Kitchen (via conference call)
David E. Block (via conference call)
Walter Aye
Sherril M. Colombo
Richard E. Johnson
Cathleen Scott
J. Ray Poole, Jr. (via conference call)

Committee Chairs (not members of the Executive Council):

Jonathan W. Oliff (via conference call)

Guests:

Angela Froelich
Timothy O. Schranck

Requested Excused Absence

Scott Fisher

Unexcused Absences:

Ronald M. Rosengarten
Marcus L. Snow, Jr.
Cecil Howard
Frank E. Brown
Archibald J. Thomas, III