

**MINUTES OF THE LABOR AND EMPLOYMENT LAW SECTION
EXECUTIVE COUNCIL MEETING
THURSDAY, FEBRUARY 25, 2010
ORLANDO, FL**

I. **Call to Order** – Chair Eric Holshouser called the meeting to order at approximately 5:00 p.m.

II. **Secretary/Treasurer Report**

A. **Consideration of Minutes** – The Minutes of the October 22, 2009, Executive Council meeting were presented. It was moved by Marguerite Longoria and seconded by Damon Kitchen that the minutes be approved and the motion carried. The Minutes of June 25, 2009, Executive Council meeting were not attached to the instant agenda. Accordingly, consideration of the Minutes from the June 25, 2009, meeting was tabled again until the next Executive Council meeting.

B. **Financial Statement** – Mr. Holshouser noted that the current financial statement was attached to the agenda. The current fund balance is \$208,501.00 with current membership at 1,997 members. Our Secretary/Treasurer, Greg Hearing, had an excused absence. No formal report was given.

III. **Committee and Subcommittee Reports**

A. **Outreach Committee** – Scott Fisher is currently working on a contract for the Directory Guide and anticipates the final specifications of the contract by February 26, 2010. In the next 59 days the directory will be finished. Also, please give your thoughts and prayers to John Roberts.

A.1. **ABA Liaison Subcommittee** – No formal report was given. Subcommittee Chair Bill Cassidy is continuing efforts to coordinate with Edelise Lebeau, the ABA chair, to discuss interfacing with the Section for potential joint presentations and to help the Section become more active in the ABA.

A.2. **Law School Liaison Subcommittee** – Jonathan Oliff discussed that with the help of Stephanie Ray, he sent an email to the ABA regarding a panel at the FSU College of Law to promote scholarship, and discuss career development program. This was also discussed at prior meetings. Steve Meck discussed that the purpose of the program is to put law students in touch with labor & employment law practitioners, but the ABA has not responded. Jason Vail discussed that he has commitments from FAMU, FIU, Nova Southeastern, Stetson, and FSU for this type of program. Jonathan Oliff asked if anyone was interested in sitting on a sexual harassment panel in Miami during the first week of March. He will send a follow up email as well. This would be a good opportunity to promote the Section as well as promote scholarship.

- A.3. Judicial Outreach Subcommittee – Zascha Abbott reported that she is in the process of coordinating an informational lunch for state court judges in Miami. The date likely will be March 9, 2010.
- A.4. Local/Voluntary Bar Association Liaison Subcommittee – No formal report was given.
- A.5. EEOC and FEPA Liaison Subcommittee – Patrick Martin reported that Carla Von Grieff from the EEOC will be participating in Advanced Labor Topics in April. Bruce Minnick had no formal report, but continues to work with the FCHR to work on ways to be of use to them and help solve problems because they are inundated with work right now.
- A.6. NLRB / PERC Liaison Subcommittee – Damon Kitchen reported that the announcement went out for the webinar scheduled for April 7, 2010 from 11:30 a.m. to 1:30 p.m. Nick Ohanesian will make the PowerPoint presentation and will attend the webinar if possible. If he is unable to attend, the Tampa Board will cover in his place.
- A.7. Wage and Hour Administration Liaison Subcommittee – Alan Gerlach and Marguerite Longoria reported that there was a recent conference call with committee members. Michael Young was supportive of an in-person meeting or a webinar. There is also a plan in place for an additional seminar in South Florida in May. This seminar would involve local bar associations from West Palm Beach, Miami, etc. as part of a larger meeting. Department of Labor attorneys are planned to speak at that meeting. There was additional discussion that this area represents a “hot” area for section involvement, due to significant developments in case law. The Committee is targeting relationships with local bar associations and enforcement agencies. Additional activities are being planned and may extend into the next bar year, including possible webinars.
- A.8. Membership/Outreach Subcommittee – No formal report was given.
- B. Long Range Planning Committee – No formal report was given. Deborah Brown reported that all work from the last retreat has been accomplished. Ms. Brown suggested that perhaps the Section should consider a survey to find out if we are producing the seminars and programs the members want, as an alternative method of gauging success rather from attendance only. Mark Garcia would need to approve or be involved with any survey proposed.
- C. Communications Committee – No formal report was given.

- C.1. Publications Subcommittee – Shane Muñoz reported that he now has three articles for the next issue of The Checkoff. He thanked those who submitted articles. Mr. Muñoz initiated a discussion on ideas and ways to encourage those working for government agencies to write articles. Ideas discussed included providing free seminar attendance for writing an article, increasing awareness of the current incentives, and re-evaluating the incentives for all those who submit articles. Mr. Muñoz suggested that different government agencies be “targeted” for article submissions on a rotating basis. Everyone would like to see broader participation in the submission of articles. The current submission incentive is \$150.00 off a seminar for an article selected for The Checkoff, and \$250.00 off a seminar for writing an article selected for The Florida Bar Journal.
- C.2. Website Subcommittee – Mark Snow reported, as part of the discussion on article submission incentives, that currently there is nothing on the Section website about the incentives or The Checkoff. Mr. Snow also requested that chairs of seminars take three to four pictures of the event to include on the website, as the photo gallery is currently empty. He also suggested that the webinar schedule and CLE schedule should be on the front page of the website.
- C.3. Special Projects Committee – Leslie Langbein reported that, on January 27, 2010, she sent a letter to nine law schools regarding a possible clinical program for unemployment compensation hearings. She has not yet received any responses and will be following up next week with a phone call or letter to the program directors. Alan Forst reported that law students would have an opportunity to help people who do not understand the legal system. Currently, the appeals commission has an extremely high level of appeals, triple the normal amount, and 2010 looks like it will remain at this high level.

IV. New Business

- A. CLE Report – Sherril Columbo expressed thank you to the coordinators of the Board Certification Seminar. There was a higher level of attendance this year than last year and all of the materials were in on time. Overall a great job. Upcoming events include the Advanced Labor Topics seminar in Captiva on April 23 and 24. The location is very nice and the resort price is only \$179.00. The program will be \$340.00 for members and \$365.00 for non-members and the price includes dinner. The seminar is two half-days and the topics are interesting. The Section will be co-sponsoring the Tulane conference. Damon Kitchen and Alan Gerlach will be in charge of our co-sponsorship of that conference. The conference will be held at the Don CeSar Resort from May 19 to May 22. Eric Holshouser and Jill Schwartz will be speaking at the event which will be a resort format. Attendance was down at the last seminar in Texas so please try and attend

in May, especially since we are the host bar association. It is important for the Section to help keep this seminar going. There will be networking opportunities with lawyers from other states. A discussion involved the pricing and attendance of webinars. Currently, the price is \$75.00 to \$100.00 which is competitive with the pricing for other CLE programs. There was a drop in price for the first webinar but there was not much change in attendance level. Webinars cost us \$37 per person including technical costs.

- B. Debbie Brown initiated a discussion by suggesting that written materials from seminars and conferences be available on the Section website after they are no longer available for sale. Using NACUA as an example, members have the ability to look at materials from past years to compare the law from year to year. The quality of the materials is high and this would be an excellent member benefit. This type of benefit may induce individuals to join the section. A discussion centered on concerns of lack of attendance and the administration of a password protected system and the size of the files. Ease of use would be key to success. Mark Snow commented this would not be hard to do and he would report back with some ideas at the next meeting.

V. Chair's Report

- A. Mr. Holshouser reported that we were not chosen for the Showcase CLE at The Florida Bar Association meeting this year. He noted that this year has resulted in excellent seminars including a federal judge speaking at Advanced Labor Topics, home turf for the Tulane conference, and the webinars look great. Mr. Holshouser thanked everyone for their hard work on CLE.
- B. Mr. Holshouser reported that the reception would follow in the Lake Highland Room.

VI. Adjournment – Mr. Holshouser adjourned the meeting at approximately 6:00 p.m.

Executive Council Attendance:

Eric J. Holshouser, Chair
Jill S. Schwartz, Chair Elect
Alan O. Forst, Immediate Past Chair
Zascha Blanco Abbott (via conference call)
Walter E. Aye (via conference call)
Deborah C. Brown
Sherrill Columbo
Susan Dolin
Scott Fisher (via conference call)
Alan M. Gerlach, Jr.
Richard Johnson (via conference call)

F. Damon Kitchen
Leslie Langbein (via conference call)
Daniel Levine (via conference call)
Marguerite Longoria
Patrick Martin (via conference call)
Stephen A. Meck (via conference call)
Robert A. Miles (via conference call)
Bruce Minnick (via conference call)
Shane Muñoz
Jonathan Oliff (via conference call)
Kelly Parsons (via conference call)
J. Ray Poole
Stephanie Williams Ray
Cynthia Sass (via conference call)
Cathleen Scott (via conference call)
Cary Singletary (via conference call)
Marcus Snow (via conference call)
Leslie K. Reicin Stein (via conference call)
Robert S. Turk (via conference call)
Jason Vail (via conference call)

Bar Liaison:

Angela Froehlich

Guests:

David Adams
Lisa Barclay
Stan Khomenko
Kimberly Isner Monticello
Rob Sniffen

Excused Absences

Gregory A. Hearing, Secretary/Treasurer
John S. Trimper