



MINUTES

*Labor and Employment Law Section Executive Council Meeting
JW Marriott Hotel, Hollywood • Friday, May 16, 2014
5:00 p.m. - 6:00 p.m CST • St. Jerome Room*

I. Call To Order – Robert S. Turk, Chair

Chair Bob Turk called the meeting to order. A quorum of the Executive Council was present either in person or by telephone.

II. Secretary/Treasurer Report – Frank E. Brown

a. Consideration of Minutes – March 13, 2014

There being no questions or additions or corrections to the minutes, Rick Johnson moved approval of the minutes for the March 13, 2014 Executive Council meeting. The motion was seconded by Sherril Colombo. The minutes were approved unanimously by voice vote.

b. Financial Statement – April 2014

Frank Brown reported that the Section financial statement as of the end of April 2014 showed a current fund balance of \$256,211, a drop of only \$12,000 since February 2014 despite significant additional expenditures. Current Section membership is 2,080, an addition of 12 members since last meeting.

II. Committee and Subcommittee Reports

a. Outreach Committee –

ABA Liaison Subcommittee – Jennifer T. Williams

No report

Law School Liaison Subcommittee – Jonathan Oliff/Debbie Brown

The Subcommittee provided written materials identifying the scholarship recipients for the current bar year. The Subcommittee also provided a set of proposed suggestions to law schools on processes for identify candidates in awarding scholarships. Debbie Brown reported briefly on these materials. Frank Brown asked whether the any of the law schools awarded the scholarships as a “book award” for students who had achieved the highest grade in labor and employment-related classes. Debbie Brown responded that that she was not aware of any of the schools using the scholarships as a “book award,” which term is usually associated with the Matthew Bender awards. However, she stated that some of the schools do award the scholarships to students who have received the highest grade in a relevant class, without any formal connection between the class grade and the scholarship.

Judicial Outreach Subcommittee – Zascha Blanco Abbott/John D. Hoffman

Zascha Abbott reported that the Subcommittee is conducting Judicial programs in Miami on May 20 and in Hillsborough County in conjunction with the HCBA on June 20.

EEOC and FEPA Liaison Subcommittee – Marquis Heilig / Kristen Foslid

Following up on a discussion from the March Executive Council meeting about further involvement with EEOC, Bob Turk discussed a conversation he had with Malcolm Medley, EEOC District Director. Director Medley inquired about the possibility of the Section financially supporting a community outreach event in Miami on July 2, 2014, celebrating the Fiftieth Anniversary of the passage of the Civil Rights Act, and asked if the Section could provide \$7500 in support. Bob stated that while he felt \$7500 was more than the Section should spend, he could recommend \$2500 as potential contribution of behalf of the Section. Scott Atwell moved to authorize a contribution of \$2500 from the Section to support the program, and Rick Johnson seconded. There was extensive discussion about the nature of the event, including questions as to who would be participating, whether the event would be broad-based in appeal and neutral in tone. There was concern that, based on the description of the event, it might be limited in appeal to civil rights advocacy groups, and that supporting such a program might be seen as partisanship on behalf of the Section. There was also some concern as to whether the Section would receive appropriate recognition and whether Section members would be allowed to attend. Based on these concerns, Frank Brown proposed a friendly amendment to Scott Atwell’s motion that, instead of authorizing the Section to pay \$2500, the Section authorize Bob Turk to commit the Section to \$2500 in support if, after further discussion with Malcolm Medley, Bob was satisfied that the Executive Council’s various concerns had been resolved. The friendly amendment was accepted by Scott Atwell and Rick Johnson, and the amended motion passed by voice vote unanimously.

NLRB and PERC Liaison Subcommittee – Nick Karatinos / Stephen A. Meck

Bob Turk reported on the Section event hosted by his firm on April 9, 2014 with NLRB Regional Director Margaret Diaz and Miami Resident Officer Pam Scott. The event drew between 55 and 60 attendees, with a cost to the Section of about \$450. Due to the success of the meeting, Nick Karatinos reported that the Subcommittee will work on a similar meeting for Tampa in the fall.

Steve Meck provided a written report for the agenda. He noted that the Commission is moving next month and their new address will be Suite 300, 4708 Capital Circle NW, Tallahassee, FL 32303.

Wage and Hour Administration Liaison Subcommittee – Joseph G. Santoro

No report

Membership Outreach Subcommittee – Leslie Reicin Stein/Robyn Rosignuolo

The Subcommittee remains interested in new toolkits being prepared, especially for mediating labor cases, arbitrating labor cases, and collective bargaining. Anyone interested should contact Leslie Stein or Robyn Rosignuolo.

Social Media / Advertising Subcommittee – Cathleen Scott / Brian L. Lerner

The Subcommittee provided a written report for the agenda.

b. Long Range Planning Committee – Robert L. Kilbride

No report

c. Communications Committee – Cathleen Scott / Hon. Stephanie W. Ray

Publications Subcommittee – Jay Lechner / Zascha Blanco Abbott / Rob Eschenfelder

Zascha Abbott reported that the Checkoff had recently been published. That the Section has released an *e-alert* every month this year. The next Checkoff is expected for publication in June.

Website Subcommittee – Hon. Stephanie W. Ray / Brian L. Lerner

The website Subcommittee provided a written report for the agenda.

d. Special Projects Committee – Robert S. Turk

Bob Turk's report on the April 9, 2014 event with the NLRB is contained under the NLRB and PERC Liaison Subcommittee report above.

e. Certification Standards Review Subcommittee – Sherril Colombo

Sherril Colombo reported that the results of the certification survey were attached to the agenda. She noted there seem to be a fairly strong consensus among the respondents for some change to the standards. The results will be provided to the LEL Certification Committee. Bob Turk proposed a possible joint meeting between the Certification Committee and the Long Range Planning Committee to review the results and discuss potential changes.

III. New Business

a. Labor Section Hall of Fame – Judge Richard Harlan Frank

The nomination and biographical materials for Hall of Fame candidate Judge Richard Harlan Frank were included in the agenda. Debbie Brown introduced Ron Meyer of Meyer, Brooks, Demma and Blohm, P.A., the nominating attorney, to provide some additional information regarding Judge Frank. Ron Meyer summarized Judge Frank's career as a labor lawyer, including his working for the NLRB in appellate litigation, until he moved to Florida 1962. For 23 years he practiced employee and union side labor law in an era when traditional labor practitioners were fairly rare in Florida. Judge Frank was appointed to the Second DCA 1985, where he served until his retirement in 1999. Mr. Meyer also discussed the public reprimand Judge Frank received at the end of his career from the Florida Supreme Court for his actions surrounding a high-profile divorce case involving his daughter, a copy of which was provided as part of the nomination materials.

The Executive Council discussed the nomination at some length. Steve Meck commented about Judge Frank's military service, including his participating in the Normandy landings and liberation of the Dachau concentration camp in Germany. Frank Brown commented that while Judge Frank was nominated primarily for his career as a practicing labor lawyer, Judge Frank also contributed as a jurist to the development of employment law in Florida, including covenants not to compete.

Shane Munoz commented that while Judge Frank's service as a lawyer was more than sufficient to qualify him for the Hall of Fame, he could not personally support the nomination because of the incident that resulted in the public reprimand. He noted that in his opinion Hall of Fame membership should be limited to those who have consistently demonstrated the highest ethical and professional standards of behavior. As result, Shane express his intention to abstain from voting.

In response to Shane Munoz's comments, Frank Brown remarked that since Hall of Fame members have a short biography placed on the website, a passing mention of the reprimand might be appropriate so that it was clear that the Executive Council was aware of the incident, but felt that Judge Frank merited induction nonetheless.

Leslie Stein move the induction of Judge Frank into the Labor And Employment Law Section Hall of Fame. Steve Meck seconded the motion. The motion passed by voice vote with no votes against and two abstentions. There was discussion about advising Judge Frank's family of his induction so that someone could attend the June meeting where this year's inductees would be honored. Debbie Brown mentioned that her firm represented the Hillsborough Clerk's office, and that she would contact Pat Frank, Judge Frank's widow, to notify and invite her to the June meeting.

b. Scholarship Recipients

Debbie Brown discussed the law school scholarships for the current bar year. As noted in the listing provided in the agenda, eleven students have been awarded Section scholarships. Debbie explained that the scholarship recipients have been invited to attend the annual meeting in June and she moved to have the Executive Council approve reimbursements for any of them who wish to attend on the same basis as Executive Council members. Steve Meck seconded the motion.

Leslie Langbein expressed concern about the potential cost to the Section of a full \$350 reimbursement per attendee, and suggested possibly approving a lower amount. Judge Alan Forst also agreed that the cost might be significant, that the Section should be careful in its commitments despite its current fund balance in consideration of more limited resources in years past, and suggested instead offering a scholarship to a Section CLE which might be more useful for students. There was extensive discussion about the pros and cons of the motion, including potential cost, whether it was feasible for law students who may not yet be employed to travel to the annual meeting without reimbursements, whether a Section CLE scholarship would be useful to students who have Basic Skills CLE requirements to meet, and the significance of the cost in lieu of the Section's current balance. Finally, Steve Meck commented that while the reimbursements might result in a few thousand dollars in expenses, the scholarship award recipients are individuals who show promise in the practice of labor and employment law, might become the Section's leadership in future years.

Bob Turk called the question on the motion which passed by voice vote, with two votes against.

- c. *Advanced Labor Topics 2014 (1693R), May, 2014, New Orleans, LA – Leslie Langbein*

Rick Johnson reported on the Advanced Labor Topics Seminar. There were 22 paid registrations as of the date of the seminar. Speakers were excellent.

IV. Chair's Report And Miscellaneous

Scott Atwell reported that the Section's board liaison Grier Wells lost his reelection campaign for The Florida Bar Board Of Governors and suggested that we present an award to Grier recognizing his many years of service to the Section. Bob Turk approved the idea and there was discussion about ensuring that Grier was present at the annual meeting so that he might be recognized.

There being no additional business, the meeting was adjourned.

V. Attendance:

Officers/Executive Council/Committee Chairs

In person:

Robert Turk
Shane Munoz
Hon. Frank Brown
Sherril Colombo
Zascha Abbott
Scott Atwood
Eric Holshouser
Rick Johnson
Steve Meck
Hon. Stephanie Ray
Angie Froelich

Phone:

Leslie Langbein
Debbie Brown
Hon. Alan Forst
Kristen Foslin
Robert Kilbride
Nick Karatinos
Brian Lerner
David Spalter
Leslie Stein

Section Members/Guests

Present:

Excused:

Grier Wells
David Adams
Robert Eschenfelder
Robyn Hankins
Patrick Martin
Marlene Quintana
Cathleen Scott