

**LABOR & EMPLOYMENT LAW SECTION  
EXECUTIVE COUNCIL MEETING MINUTES  
Hyatt Regency Pier 66, Ft. Lauderdale  
September 26, 2002**

**I. Call to Order:** Meeting called to order at 5:10 p.m. by Courtney Wilson, Section Chair.

**II. Secretary/Treasurer's Report:** Damon Kitchen reported that as of July 1, 2002, the Section had an account balance of \$162,269. Total Section revenue as of July 1, 2002 was \$21,153, whereas total section expenses as of July 1, 2002, were \$7,221.

Walter Aye moved to have meeting minutes from the June 20, 2002 Executive Council Meeting adopted.<sup>1</sup> David Linesch seconded the motion. Minutes approved unanimously.

**III. Committee Reports:**

**A. CLE Committee:** Susan Dolin reported that the PERL Conference is almost set. She stated that her focus is now on Certification Review and Advanced Labor Topics CLE programs. Stan Kiszkiel and Leslie Langbein are the Program Co-Chairs for the Certification Review Course. Susan announced that they have invited one speaker from California to speak on the NLRA at the Certification Review Course in Orlando, Florida. Walter Aye and Archie Thomas are co-chairing the Advanced Labor Topics Program in Amelia Island, Florida.

Susan announced that the September 27, 2002, Litigation Seminar has 56 people registered as attendees.

Steve Meck provided an update of the PERL Seminar. Steve reminded everyone that this year, the PERL Seminar is in Orlando. To date, 24 people have signed up.

**B. EEO Committee:** The Committee plans to have Franklin Delner Thomas of the EEOC interact with it in the future.

**C. Employment Benefits Committee:** No report

**D. Federal Labor Standards Committee:** This Committee plans to set up a meeting with the federal and state DOL to discuss interplay between the agencies.

**E. Individual Rights Committee:** No report

**F. Labor Relations Committee:** No report

**Exhibit A**

**G. Legislative Committee:** Ronald Rosengarten stated that this Committee will keep the members informed of bills as they wind through the legislative process. Ron vowed to continue to fight for the Section to take a stance in favor of lobbying and providing guidance to the Florida Legislature on laws related to employment.

Steve Meck commented that there is a study underway to merge DOAH, PERC, FCHR, the Retirement Commission and the UAC into one agency. Steve said that presently, it looks like UAC will not be merged, but its unsure if the other agencies will merge.

**H. Litigation/ADR Committee:** Sherril Colombo e-mailed Courtney Wilson her Committee report. Sherril advised that she's a member of DRI and the Committee is interested in setting up a message board/chat room for discussion of litigation and ADR issues for the benefit of the Section. This could be done in connection with the Section's website.

**I. Long Range Planning Committee:** Cary Singletary advised the Section to refer to his hand out concerning the Committee's meeting on September 24, 2002. Cary then stated that the Committee recommended that an Executive Council retreat be scheduled for Saturday, February 22, 2003, following the Certification Review Course. The Committee recommended using the same facilitator as previously used, if possible.

Cary further advised that the Committee also recommended re-instituting the Long Range Planning dinners. These would be themed and run by the Chair and/or Chair Elect. These dinners would be "dutch treat" except for any guest participants -- the Section would pay for the guests' meal expenses.

Cary advised that the Committee also recommended the institution of a subcommittee of the Publications Committee to determine and oversee the content of the Section's website. Cary advised that it was the Committee's recommendation to appoint no more than 5 people to serve on this subcommittee.

Cary also reported that it was the Committee's recommendation to continue the prospect of exploring collaborative law concepts for use in the practice of labor and employment law.

Finally, Cary reported that the Committee committed to meet its expectations to the Check-Off and Bar Journal.

Discussion was then held on the various recommendations of the Committee.

Dave Linesch suggested that the Executive Council Meeting prior to the Certification Review Course be moved to after the Firm Retreat on Saturday, Feb. 22, 2002, so any goals reached in the retreat can be acted on in the Executive Council Meeting. Discussion ensued as to when the reception should be held. Dave made a motion to hold an Executive Council retreat on Saturday, February 22, 2003, following Certification Review Course, that we keep a Certification Review Course reception on Thursday and hold a separate reception for the retreat attendees on Saturday.

Attendees for retreat would be all Section members. Cynthia Sass seconded the motion. The Motion passed.

Cary then raised the need for a budget amendment to pay for the retreat. Cary stated that he thought the facilitator will cost at least \$1,500, plus cost of a hotel conference room and lunch. Cary further stated that he thought a budget of about \$5,000 would be appropriate. Any excess would be returned to the section.

Dave Linesch suggested that in addition to paying for the room, lunch and facilitator, the Section reimburse retreat attendees for their travel, meal and lodging expenses. This suggestion sparked a debate as to whether the Section should limit retreat attendance to the Executive Council, or whether it should be open to all Section members. Courtney Wilson advised that he felt that the Executive Council could be criticized for spending Section monies on itself if anything less than the entire Section membership was invited to attend the retreat. Steve Meck and Ron Rosengarten stated that the issue was not about the cost of having an unknown number of retreat attendees paid for out of the Section's coffers, but rather about having unknown persons participating in the retreat and providing input on matters without having any previous involvement in the Section or knowledge of the unique challenges which the Section faces. Cathy Beveridge pointed out that the likelihood that a significant number of Section members who do not even attend the Executive Council Meetings might attend an all day retreat, was quite slim. Damon Kitchen stated that irrespective of who might possibly attend, he envisioned the retreat to be an exercise associated with the Long Range Planning Committee of the Executive Council, not an outreach function open to the entire Section Membership. Damon expressed concern that the results of the retreat might be of no practical utility if attendance was opened up beyond the Executive Council and members of the Section's Committees.

Ron Rosengarten moved to modify Dave Linesch's previous motion on the retreat to exclude attendees from retreat except for members of the Executive Council, Officers, Committee members & past Chairs. Discussion was held on this motion. Steve Meck said that Ron's motion was not going to result in spending Section monies on the Executive Council uselessly; however, Courtney stated that the Section members who want to attend should be allowed to do so. Cynthia Sass suggested inviting all of the Section members to attend, but requiring them to pay for themselves. Leslie seconded Ron's motion to exclude attendees from the retreat who are not members or officers of the Executive Council, present committee members, or past Section Chairs the motion. After more discussion, the motion passed.

Dave Linesch moved to have a line item budget amendment authorizing reimbursement of up to \$300 per retreat attendee, as well as authorizing \$5,000 for cost of room for the retreat, lunch, a facilitator and a cocktail reception for retreat. Rob Sniffen seconded the motion. This motion carried unanimously.

With respect to the Long Range Planning dinners, Dave Linesch moved that such dinners be "dutch treat," except for invited guests and that these dinners be listed on the brochures for all upcoming CLE programs. This Motion was seconded by Susan Dolin and passed unanimously.

Dave Linesch moved to make a line item budget amendment to set aside \$2,500 for Executive Council dinners. This motion was seconded by Rob Sniffen and passed unanimously.

Courtney suggested the first of these dinners be held at the PERL meeting.

Courtney made an executive decision to defer the Website subcommittee issue until the Chair's Report.

**J. Pro Bono/Special Projects Committee:** Leslie Langbein reported that this Committee intended to collaborate with the Judicial Education Committee. Leslie didn't know what Jill Schwartz had done with the Judicial Education Committee thus far. Leslie asked for suggestions from the Council for ideas or goals for the Committee.

**K. Publications Committee:** Courtney advised that Michael Spellman had reported to him that the next edition of the Check-Off would be going out by the end of October.

**L. Judicial Education Committee:** Cynthia Sass advised that the Committee has plans to have seminars for judges in four regions throughout the state. She reported that the Committee is working on putting those seminars together now.

#### **IV. Chair's Report:**

**A. Section Website:** Courtney turned the program over to Walter Aye. Walter stated that the Section's goal should be to create a good looking, but substantive website. Walter stated that he envisioned a site which will promote our CLEs and also have teasers from West, LEXIS, the Daily Labor Report and/or Thompson legal publication services. The site would have several links which would be subject to oversight by the subcommittee proposed by Cary. Walter also suggested the creation of a chat room.

Dave Linesch raised the deferred recommendation of the Long Range Planning Committee of making a website subcommittee and specifically moved to continue operation of the existing website creation subcommittee, by transferring it under the authority of the Publications Committee. Under this motion, the subcommittee would monitor and oversee the content of the website and report back to the Executive Council. Leslie Stein seconded the motion. The Motion passed unanimously.

**B. Diversity Outreach.** Courtney stated that he got a call from Karen Buesing wanting to attend Executive Council meetings by telephone. Courtney stated that he was in favor of telephonic attendance and stated that the next meeting, arrangements will be made to permit Section members to attend telephonically.

**C. Scholarships for New Law Schools.** Courtney advised that JimBramnick had expressed concern about giving scholarships to unaccredited law schools. Discussion of Jim's concern ensues. The Executive Council's general consensus was that accreditation should not be a basis for withholding scholarships and that the interests of diversity warranted providing such scholarships even in the absence of accreditation.

Dave Linesch moved to add FAMU, FIU, Berry and Florida Coastal School of Law to the list of schools receiving scholarships from the Section. Steve Meck seconded the motion. The motion passed unanimously.

Angela Froelich pointed out that a budget amendment was required to fund the four new scholarships. A budget amendment was thereupon made and passed to set aside another \$4,000 for funding scholarships for the four new law schools

**V. New Business:** None.

**VI. Old Business:** None.

**VII. Adjournment:** Dave Linesch made a motion to adjourn the meeting. This motion was seconded by Susan Dolin. The Motion passed and the meeting was adjourned at 6:47 p.m.

**Members in Attendance**

Courtney Wilson  
Walter Aye  
Cathy Beveridge  
Cynthia Sass  
Leslie Stein  
David Linesch  
Damon Kitchen  
Steve Meck  
Leslie Langbein  
Alan Forst  
Susan Dolin  
Frank Brown  
Cathy Stutin  
Ron Rosengarten  
Cary Singletary  
David Block  
Marilyn Holifield  
Deborah Lumpkin for Jeff Mandel  
Rob Sniffen  
Angela Froelich, Program Administrator

**Members with Excused Absences**

Alan Gerlach  
Michael Spellman  
Stuart Rosenfeldt  
Eric Holshouser  
Alan Weitzman  
Greg Hearing  
Robbie Miles

**Members Absent Without Excuse**

Sherril Colombo  
Marcus Snow  
Neil Chonin  
Wendy Morris

**Guests in Attendance**

Bill Rossi

Scott Fisher

Marlene Rodriguez

<sup>1</sup> The Executive Council Meeting Minutes for June 20, 2002 have been amended to reflect that Marilyn Holifield was absent with excuse.