

MINUTES OF THE LABOR AND EMPLOYMENT LAW SECTION
EXECUTIVE COUNCIL MEETING
Peabody Hotel Orlando, October 16, 2008

I. Call to Order – Alan Forst called the meeting to order.

II. Secretary/Treasurer Report.

A. Consideration of Minutes – Damon Kitchen moved to approve the minutes. Gregory Hearing seconded the motion. The minutes were approved unanimously without further discussion.

B. Financial Statement – The financial statement was reviewed. The current fund balance is \$211,000. There were no questions regarding the financials.

III. Committee and Subcommittee Reports:

A. Membership Outreach – Report from Scott Fisher. Don Ryce put together an outline for the seminar. The St. Petersburg Bar will use the seminar material. The Employment Litigation handbook for the ABA is requesting volunteers (plaintiff and defense).

B. ABA Liaison – There was no report. Alan Forst stated the ABA has requested our membership list. The ABA will not compete with our conferences. A proposal will be sent with Bill Cassidy.

C. Law School Liaison – John Oliff gave the report. Jason Vail will serve as the Co-Chair of this committee. They want a program to be distributed to the law schools introducing the Labor & Employment Section. John proposed allowing law school students to join the Section at no charge. Alan Forst stated that, pursuant to SBP, sections are required to pay the Florida Bar \$20 for each affiliate member.

The University of Miami is awarding our Section's scholarship on October 30, 2008. Patrick Martin will attend the award ceremony.

D. New Membership/Outreach – Chelsea is the Young Lawyers Division liaison to our Section. For the outreach committee, they need to meet with Patrick Martin and Scott Fisher. They are in the process of arranging to meet.

E. Legal Education – Greg Hearing spoke about reimbursement for speakers. The Section Treasurer authorizes the reimbursement for the meetings. There is a Program Chair hand-out available for Florida Bar CLEs, which discusses reimbursement allowances.

Greg mentioned some of the guidelines, such as, no first class for air-fare and mileage at the IRS rate. Any extraordinary costs must be approved by the Chair and discussed in advance. There is a 30 day time frame for seeking

reimbursement for travel-related expenses. Alan wants this policy sent out to the speakers in advance. He also wants the cost effective measures taken when signing up speakers for events. Jill Schwartz mentioned they are trying to keep quality high and the problem tends to arise for the out-of-state conferences.

Alan reported that December 9th is the first Webinar. The plan is for six Webinars every second Tuesday of the month. The scheduled Webinars include: Emerging Employer Issues after the Presidential Election; FLSA Exemptions; Employee Free Choice Act; FMLA, Issues Concerning Diversity. Next year's goal is for a monthly Webinar. There was discussion about opening the attendance at the Webinars to HR/SHRM members.

Greg stated that there are speakers for most of the upcoming seminars. Alan reported that for the January 2009 public employment issues seminar, Ray Poole and Stephanie are working on that seminar. It is not cost effective to travel to Tallahassee so the Section is bringing a seminar to Tallahassee. There will be a 5-6 hour seminar for a low rate. The charge for the seminar is \$90 and the attendees will also receive a membership to the L&E Section. This is an Outreach effort for the government lawyers. Alan also wants to reach out to CABA and to generally provide more diversity to the Section.

Susan stated that the Certification seminar is held the end of February at the JW Marriott. Bob, Cynthia and Alan are working on the Advanced Topics seminar for May.

F. Current Legal Developments – Shane Munoz and Scott Atwood are working on the Check-Off. They are looking for case summaries to be prepared. Email alerts will be sent out concerning changes to the law, such as the ADA Amendments. Alan stated the Current Legal Development committee will work with the Check-Off and Marc Snow for the Website.

An article was just submitted by Marguerite Longoria regarding the Motor Carrier Act under the FLSA. Shane stated that Patrick Martin will prepare an article on the ADA Amendments. They will coordinate with the second Webinar program on the ADEA article.

G. Long Range Planning – Carey Singleton stated they had a meeting with the committee on October 6th. The planning retreat and goals for the future were discussed: (1) the Webinars are moving forward; (2) there is an interest in having local lunches with the Government lawyers and (3) the scholarship recipients should be invited to the next Section meeting from their respective law schools.

Alan stated that if the Bylaws are approved, as amended, the Section will go back to having substantive law subcommittees. Also, Terry Connor is trying to have the new EEOC attorney introduced to our Section and to speak at an event.

H. Special Projects – Damon Kitchen reported back on the agenda items provided earlier by Alan.

1. Employee benefits will not be broken off from labor and employment with respect to certification

2. Coordinating with law school and developing Unemployment Compensation Appeals clinic for third year law student: A designated clinic would provide law students experience and there is no requirement to have a lawyer handle the appeals. Leslie Langbein is looking into this issue. This item was tabled or not completed.

3. Prepare a hard copy of the Section Directory: The list is currently 87 pages long and is old. Flagship stated that to recreate the Directory would cost \$5,000. Flagship will obtain the advertising for the new directory to cover the cost. Adding pictures to the names in the directory will be more difficult because of the additional costs. The options are: The Section creates the updated Directory and pays all associated costs; Flagship does the Directory and the Section pays nothing if Flagship obtains \$5000 worth of sponsorships—the Section pays the difference; or the Section does the production, obtains the sponsors and keeps the proceeds. Scott inquired if we can obtain contingent sponsors. He also suggested that we set-up a website and update it with a link to the Bar online directory. He inquired whether this can be done for a lot less money. Damon stated we should keep in mind that this is a working document. He will explore Scott's suggestion. Alan stated that every year there is a budget for a hard-copy of the Director and that the directory provides an outlet for law firms to advertise to the Section. Shane stated we can link with the Bar Directory to update our lists. There was a discussion regarding making one pdf document that can be down-loaded. Alan stated that the Directory helps provide the members an additional perk for their membership. Damon will put Scott Fisher in touch with Annette Harris at Flagship.

Alan moved to assign to Membership the task of negotiating with Flagship for the Directory and to define the parameters of the Section's costs. Susan Dolin seconded the motion and it passed unanimously.

4. Tulane Multi-State Conference: There was discussion on whether or not the Section should continue with this conference. Damon stated the Chair-Elect is always invited as a speaker and that the seminar is excellent. There are some states not involved, so law firms have stepped-in as contributors. Damon feels this is a valuable outreach for the Section. It requires 2 nights of lodging. There is an allowance of \$50 per day for food with two days covered by the seminar. Damon stated it is a good idea to attend, but we need reimbursement parameters. Ali G Gerlach reported that it is a unique seminar for the South and West L&E sections and that our Section has co-sponsored since 1985. The last couple of years the scheduling has not been good. Susan Dolin stated that she

spoke at two conferences and has attended two other conferences. Susan stated it provides networking opportunities with other Bar associations. We can use the same Guidelines as proposed for our seminars as to reimbursement. Historically, our Section has only paid for transportation costs. The Section will continue its involvement in the Conference was both a sponsor and participant.

5. Reimbursement for Certification Review members: Damon stated that each member is reimbursed \$300 for each meeting and proposed we continue the reimbursements. He spoke with Tad Delegal and said if no reimbursement was provided, he would not serve as a member. Recently, there was an effort by the Certification Review members to avoid a meeting with the Bar sending the materials to review via pdf. The Bar refused to do so; consequently, the members were required to attend a meeting. The decision was to continue with the reimbursements.

6. YLD Committee: No action needs to be taken to amend the Bylaws to add an YLD subcommittee.

7. Stetson program: Debbie Brown stated they trying to start an unemployment program for law students and she will look into the issue with other law schools. She will help with the trial skills program. Damon stated the problem with the program is the location, price and instructors. Debbie will work with the Legal Education Chair to explore the possibility of holding a trial skills program along the lines of the previous Stetson program.

8. Two-Day Trial Advocacy Program: This program may be reduced.

9. Working to develop a better relationship with SHRM/HR Florida, NELA and AFMA: Damon stated this issue should be addressed by the Voluntary Bar Liaison Subcommittee. This item was not completed or was tabled.

10. Whether the L&E Certification mandate of 50% CLE credits be obtained from L&E seminars: Damon stated we would harm our Section and alienate members. The Section will not push the BLSE to mandate that 50% of CLE credits come from Section courses.

11. Partnership and sponsorship possibilities with BNA Daily Reporter: Damon stated we probably cannot obtain a discount from the BNA for our members. This item was tabled or not completed.

12. The attraction of Sponsors and Advertisers: Cynthia Sass is working on this project. This issue was tabled or not completed.

13. Developing a Mentoring Program for new labor and employment practitioners: This item was tabled or not completed.

IV. Chair's Report

There is talk that the Bar could be increasing its administrative fee of \$17.50. Alan, however, is hesitant to raise our Section dues. There was disagreement with raising our dues from \$25.00 to \$40.00. Alan wants to be fiscally conservative and to cut costs of seminars. The Webinars are a good way to cut costs. Alan stated that for affiliate membership, other sections do have such memberships for non-lawyers. There must be a structure to work with for the non-lawyers. Alan stated our programs can be priced well and it would provide a wider audience by including these attendees at our events. This item was again tabled.

Budget would be discussed separately at a conference call arranged by Angela.

VI. Adjournment - Gregory Hearing moved to adjourn and Damon Kitchen seconded. The meeting was adjourned.

VII. Executive Council Attendance:

Alan Forst
Sherril M. Colombo
Jill Schwartz
Greg Hearing
Susan Dolin
Scott Fisher
Damon Kitchen
Shane Munoz
Jonathan Oliff
Ray Poole, Jr.

By Phone:

Alan Gerlach
Daniel Levine
Patrick Martin
Robby Miles
Cary Singletary
Bob Turk
Debbie Brown
Leslie Stein
David Block
S. Grier Wells
Cynthia Sass
Frank Brown
Jill Schwartz

Guests:

Angela Froelich
Jason Vail (on phone)
Jeannette Albo (on phone)
Zascha Blanco Abbott
Scott Atwood
Chelsie Roberts
Lynne Wagner
Stephanie Williams
Rob Eschenfelder (on phone)
Bill Cassidy (on phone)

Excused Absences:

Eric J. Holshouser
Walter Aye
Donald Ryce, Jr.
Marcus Snow

Note:

Marguerite Longoria (I don't have her on the sign-in sheet)
Richard Johnson (I don't have him on the sign-in sheet)
Dennis Caregy (I don't have him on the sign-in sheet)
Bob Kilbride (I don't have him on the sign-in sheet)