



**LABOR AND EMPLOYMENT LAW SECTION  
ANNUAL EXECUTIVE COUNCIL MEETING  
BOCA RATON RESORT & CLUB, BOCA RATON  
THURSDAY, JUNE 27, 2013, 5:00 P.M.**

**MINUTES**

Section Chair Sherril Colombo called the meeting to order. The Chair took a roll call of those attending by telephone.

Rob Eschenfelder moved to approve the minutes of the April 5, 2013 meeting. Alan Gerlach seconded the motion. The motion passed unanimously.

Secretary/Treasurer Shane Muñoz provided a brief financial report, commenting that the Section's balance case up from last year, and membership was approximately the same as last year. Mr. Muñoz suggested that some of the healthy balance might be used to again fund prominent guest speakers for Section seminars.

There was a brief discussion of the importance of making sure we have a consensus and protocols in place before committing to expenditures for guest speakers, particularly at locations that are difficult to get to and therefore potentially more costly for speakers. Continuing Legal Education Director Frank Brown recounted that the Executive Council had addressed these issues in advance of the Advanced Labor Topics seminar, established protocols, advised the speakers of the protocols, and that as far as he knew all speaker reimbursements were consistent with the protocols.

The Chair commented that while the Advanced Labor Topics seminar was at a remote location, the quality was high, and in her view it was worth the money we spent. Mr. Brown commented that, by coincidence and not by planning, some of the speakers elected to travel to Key West rather than staying at Duck Key – on their own dime – resulting in some cost savings.

The Chair expressed her agreement that there is enough money in the budget to pay for out of state speakers for Advanced Labor Topics in the coming Bar year. Also, some speakers had commented that they thought the location was a treat.

The Chair suggested that rather than call on committees one-by-one, those who have reports could simply present them.

Co-chair of the Wage and Hour Subcommittee, Alan Gerlach, reported that the subcommittee has had phone calls but no meeting subsequent to the March 28 call with Wage and Hour Division personnel. Mr. Gerlach mentioned that he intends to step down from his

position as subcommittee Co-chair, but is willing to continue to serve as a member of the subcommittee.

The Chair thanked Mr. Gerlach for his service, noted that the subcommittee has run “like clockwork” during his tenure, and complimented Mr. Gerlach the success of his work with the Wage and Hour Division on the Section’s behalf. The Chair commented that the teleconferences with the Wage and Hour Division have been “first class” and a great benefit to the Section. The Chair hopes that Mr. Gerlach’s successor will continue the teleconferences.

Membership Outreach Subcommittee Co-chair Leslie Stein reported that the subcommittee had submitted an information packet concerning toolkits and reminded the Council that some have promised toolkits but not yet submitted them. Ms. Stein commented that the FMLA toolkit has been posted on the Section’s website and subcommittee Co-chair Robin Rusignuolo noted that it is also posted on FaceBook. Social Media/Advertising Co-chair Brian Lerner commented that the FMLA toolkit is also available through LinkedIn.

Law School Liaison Subcommittee Co-chair Debbie Brown reported that Ms. Froelich has a biography on Hall of Fame Inductee Bowden.

Ms. Brown noted the mixed reaction to the nomination of Theo Hamilton. The Chair expressed what appears to be a consensus view that the reaction to Mr. Hamilton’s nomination was a function of unfamiliarity with Mr. Hamilton due to the length of time that has passed since his active practice (and the closeness of his nomination to this meeting), and not a reflection on his qualifications for election as a member of the Hall. Ms. Brown indicated that a more detailed submission of his accomplishments will be provided in the future.

Ms. Brown also indicated that the subcommittee is in the process of updating biographies on our website of Hall of Fame members.

Law School Liaison Subcommittee Co-chair Jonathan Oliff noted that the subcommittee now has information on most of the Florida law schools indicating which professors are involved in labor and employment law offerings. He is hopeful that with this information we can expand relationships with the schools, including speaking opportunities.

NLRB and PERC Liaison Subcommittee Co-chair Steve Meck reported that he has handed off responsibility for co-chairing the annual PERLF seminar to Gregg Morton.

Mr. Morton was in attendance, and reported that the seminar is tentatively scheduled for October 24 and 25, at the Hyatt in Orlando. Debbie Brown has agreed to speak on social media, and financial urgency will be on the agenda as well.

The Chair inquired as to whether the seminar is still being presented jointly with the Local Government Section. Mr. Morton responded affirmatively. Mr. Meck commented that it has been a joint seminar for 39 years, longer than any other joint seminar by sections of The Florida Bar, and also that this year is our turn to take the lead.

Judicial Outreach Subcommittee Co-chair Zascha Blanco Abbott reported that the subcommittee is putting together a program for Collier County judges, scheduled for August.

Publications Subcommittee Co-chair Rob Eschenfelder commented that the subcommittee had provided a written report. We are on track for four Florida Bar Journal articles this year. They are soliciting offers for an article for January 2014.

The Chair commented that the Section's opportunity to publish in the Journal affords a great opportunity for a volunteer, and that the articles are also published on the Section's website.

Publications Subcommittee Co-chair Leslie Langbein commented that the subcommittee hopes to publish the next edition of the Checkoff in July.

Publications Subcommittee Co-chair Jay Lechner reported that we have six articles lined up for the Checkoff, including articles addressing recent U.S. Supreme Court decisions.

The Chair commented that we had published 12 e-updates during the year, and thanked Ms. Langbein, Mr. Lechner and contract editor Mimi Hobbs for their services.

The Honorable Alan Forst inquired about dates and places for additional seminars and Executive Council meetings.

Continuing Legal Education Director Frank Brown commented that the "litigation" seminar for this fall is still in development. It will likely focus on alternative dispute resolution. Substantial work will be required in coordinating the agenda and presenters, because we will hope to have a high percentage of the best neutrals. Mr. Brown suggests early December, to avoid being too close to the PELRF seminar.

Mr. Brown commented that it may be appropriate to schedule the certification review/legal update seminar to coincide with The Bar's mid-year meeting, which will take place in January or February 2014, but that the decision will be for the incoming CLE Director.

There were no other verbal committee reports.

The Chair asked Mr. Lerner to comment on FaceBook, including the possibility of inviting FaceBook users to join our FaceBook page.

Mr. Lerner noted that our e-mail blasts link to FaceBook. We could send an invitation through LinkedIn to join FaceBook, but the invitation would appear to be from the individual who sent it, not from the Section. There is no effective way to use FaceBook to send a message to all of our members.

The Chair commented on the certification standards review process. The survey has been sent to The Bar for approval. The plan is to get responses, develop consensus, and if there is a consensus is for change, to develop a proposal for consideration by BLSE. We don't have a timeline for approval of the survey and circulation to members.

Special Projects Committee Co-chair Marlene Quintana commented that based on her experience as a member of BLSE, the fact that we took on this process is much different than other sections. Some others have just had a few people make a suggestion to BLSE without any

effort to identify or build a section consensus. Our efforts will distinguish us, and lend more weight a credibility to any proposal we may make.

The Chair commented that removing the requirement of expertise in traditional labor law is a dead issue for now. Doing so would require Florida Supreme Court approval. So, our focus now is on standards.

The Chair proffered candidates for election as new or renewing members of the Executive Council, including Ms. Langbein as Legal Education Director, Mr. Lechner and Ms. Abbott and Checkoff Editors, and Mr. Lechner, Mr. Lerner, Erika Rotbart and David Spalter as new Executive Council Members.

Judge Forst nominated the slate of candidates listed in the attachment to the meeting agenda.

Judge Forst also commented that Mr. Brown had been selected as Chair of the Reemployment Assistance Appeals Commission. General discussion of this honor was had, and congratulations extended.

Judge Forst's motion was seconded simultaneously by both Outreach Committee Chair Eric Holshouser and Mr. Eschenfelder. The motion was carried unanimously.

The Chair presented the following awards:

To Mr. Meck for service as Program Co-chair of the 38<sup>th</sup> PELRF;

To Ms. Rusignuolo for service as Program Co-chair of the Litigating Employment Claims Seminar;

To Mr. Kilbride for service as Program Co-chair of the Litigating Employment Claims Seminar;

To Mr. Brown for service as CLE Director and for the webinar series;

To Mr. Eschenfelder for service as Editor of the Section's submissions to the Florida Bar Journal;

To Ms. Langbein for service as Co-editor of the Checkoff;

To Mr. Lechner for service as Co-editor of the Checkoff;

To Greg Hearing for service as Immediate Past Chair;

To Mr. Muñoz for service as Secretary/Treasurer;

To Mr. Turk for service as Chair-elect;

And to others not in attendance, specifically,

To Mary Ruth Houston for service as Program Co-chair of the 13<sup>th</sup> Labor and

Employment Law Certification Review Seminar;

To David Spalter for service as Program Co-chair of the 13<sup>th</sup> Labor and Employment Law Certification Review Seminar;

To Marguerite Longoria for service as Program Co-chair of the Advanced Labor Topics 2013 Seminar;

To Scott Silverman for service as Program Co-chair of the Advanced Labor Topics 2013 Seminar; and

To Robyn Hankins for service as Program Co-chair of the Litigating Employment Claims Seminar.

The Chair passed the gavel to incoming Section Chair Bob Turk.

Mr. Turk thanked Ms. Colombo for her service as Section Chair during 2012-2013. Mr. Turk, echoing a widely-held sentiment (despite piano bars, etc.), commented that the most fun he has had this year is watching Ms. Colombo's daughter dance. Mr. Turk presented a gift to Ms. Colombo in recognition of her service.

Ms. Colombo thanked the Section, noted that she had enjoyed and loved serving as Chair, and thanked a for being tolerant and receptive.

Several motions and seconds were made to adjourn; all agreed.

**Present:**

**Sherril Colombo  
Bob Turk  
Shane Muñoz  
Frank Brown  
Grier Wells  
Zascha Blanco Abbott  
Scott Atwood  
Robert Eschenfelder  
Karen Evans  
The Honorable Alan Forst  
Alan Gerlach  
Robyn Hankins  
Robert Kilbride  
Leslie Langbein  
Jonathan Oliff  
Marlene Quintana  
The Honorable Stephanie Ray  
Cary Singletary  
Leslie Stein  
Jay Lechner  
Brian Lerner  
Angela Froelich**

**By Phone:**

**David Adams  
Debbie Brown  
David Block  
Greg Hearing  
Damon Kitchen  
Patrick Martin  
Steve Meck  
Ray Poole  
Tom Santoro  
Cynthia Sass  
Jill Schwartz**

**Excused Absence:**

**Marguerite Longoria**

**Guests:**

**Susan Dolin  
Gregg Morton**