

## Minutes

January 29, 2015 Executive Council Meeting  
Loews Portofino Bay Hotel, Orlando, FL

### **I. Call to Order**

President Shane Munoz called the meeting to order at 5:07. A quorum of the Executive Council was present either in person or by telephone. The meeting began with a request to approve the minutes of the November 13, 2014 meeting. Brian Lerner so moved and David Adams seconded the motion.

### **II. Secretary/Treasurer Report**

Frank Brown presented the financial report. He noted that CLE revenue continues to improve. The Section earned \$7000.00 since November from aftermarket sales of CLE materials, \$6000 of which resulted from sales of materials from the Advanced Topics Seminar in New Orleans.

Frank Brown also reported on his attendance at the recent Council of Sections meeting. He explained that the Bar is changing the manner in which it will calculate administrative costs to bill to each Section. The Bar's largest expenditure is section management fees, which for our Section accounts not only for the services provided by Angela Froelich but other Bar staff as well. The Council discussed a proposal to change the way the Bar to change the way the Bar calculates this figure. The Council's proposal will be to calculate overhead based simply on time provided by the Bar in direct support of the Section. If this proposal were adopted, it is expected to result in significant savings to the Section. The Council of Sections will continue to address the issue at its next meeting but the final decision will be made by the Board of Governors. Mr. Brown noted that the Section might have to re-address the budget passed at the last Council meeting since changes were expected to be implemented during the 2015-2016 Bar year. Shane Munoz suggested that before budget amendments are considered the Section needs to obtain a better idea of how the change will affect its revenue and operations. He suggested the Section lobby the Board of Governors and its liaison.

### **III. Committee Reports**

#### **a. ABA Liaison Committee - Cynthia Sass/Jennifer T. Williams**

None.

**b. Law School Liaison Committee - Debbie Brown/Freddy Perera**

Debbie Brown referred the Council to her Committee's written report attached to the meeting agenda. She noted her committee had completed and sent out all the scholarship letters. Two law schools have not responded. She noted that this is the second year that Florida Coastal Law School has not participated. Freddy Perera thanked the committee members for their participation in the project. Debbie Brown reminded the Council that Stetson Law School is holding a symposium on diversity on 3/6/15. The Section has not co-sponsored or contributed to the symposium other than a promise to promote the event via a link on the Section's website.

**c. Judicial Outreach Committee - Zascha Blanco Abbott/John D. Hoffman**

Zascha Abbot reported that members continued to work on programs for Palm Beach and Hillsborough County judiciaries.

**d. Local/Voluntary Bar Association - Scott Atwood/Sacha Dyson**

Scott Atwood reported that he hoped his committee will have some substantive progress by next meeting.

**e. EEOC and FEPA Liaison Committee - Kristen Foslid/Marquis Heilig**

Mark Heilig reported that the Director of the EEOC's Tampa office has agreed to participate in a Section CLE and networking event.

**f. NLRB and PERC Liaison Committee - Nick Karatinos/Stephen A. Meck**

Nick Karatinos reported that the NLRB has issued numerous decisions regarding use of email and deferral to arbitration. Another recent decision concerned whether religiously based universities are exempt from NLRA. Mr. Karatines suggested the Section may want to include more presentations on the NLRB during CLEs. Shane Munoz noted that the Section ought to publishing more about NLRB matters on the website and in Check-Off and that a journal article on use of email might be of interest to general bar members.

**g. Wage and Hour Admin. Liaison Committee - Joseph G.Santoro/David Spalter**

David Spalter and Joe Santoro reported that the Committee met on February 16, 2015. The Committee is attempting to develop a dialog with the WHD offices in Florida about their interest a project regarding cooperation in investigations.

**h. Membership Outreach Committee - Leslie Reicin Stein/Lindsay Wagner**

Leslie Stein reported that her committee had met last week. She has obtained more commitments to work on tool kits, including for DOL investigations and mediation.

**i. Bar Leadership Outreach Committee - Sherril Colombo/Marlene Quintana**

Sherril Colombo reported that she and Marlene Quintana had spoken to the Section's BOG liaison and that he was not aware of anything forthcoming that may affect our section. Among the issues being considered by the Bar are use of social media by lawyers, representations regarding specialization and the need for local counsel by out of state practitioners. Shane Munoz asked if the Section could have any influence on the issues. Rob Eschenfelder mentioned that the Bar's concern is local counsel are held responsible to a court but may have little knowledge about the case due to the out of state law firms performs the work. Scott Atwood commented that the Out of State Section opposes this initiative and especially limitations on the ability to apply for pro hac vice appearances. Scott Atwood also mentioned that this many multi-jurisdictional law firms are concerned looking at the issue. Greg Hearing commented that the Bar Examiners are very concerned about non-members of the Florida Bar practicing without licensure in the State of Florida.

**j. Long Range Planning Committee - Hon. Alan Orantes Forst/Robert Kilbride**

Judge Forst reported that the Section has been selected as part of the President's Showcase at the annual Bar meeting. Shane Munoz commented that our section has been chosen for 4 out of 7 years and recognized Judge Forst, Greg Hearing and Sacha Dyson for their role in this achievement.

**k. Communications Committee - Cathleen Scott / Hon. Stephanie W. Ray**

*Publications Subcommittee - Jay Lechner /Rob Eschenfelder*

Rob Eschenfelder reported there is an upcoming article in the Florida Bar Journal on NLRB issues and the Section also will be publishing a two part article on judicial estoppel. Shane Munoz expressed his belief that the articles continue to bring recognition to our Section.

*Website Subcommittee - Hon. Stephanie W. Ray /Brian L. Lerner*

Shane Munoz thanked Judge Ray and Brian Lerner for their efforts in posting on the website and sending out email blasts for tomorrow's seminar. Approximately 30 more people registered for the seminar after the notifications were sent out.

*Social Media/Advertising Subcommittee - Cathleen Scott/Brian L Lerner*

Cathleen Scott reported that Stearns Weaver had purchased advertising on the Section's website and urged others to also do so.

**I. Special Projects Committee - Marlene Quintana/David Spalter**

David Spalter noted that the Committee has made proposals for judicial seminars and that there would be balanced representation between plaintiff and defense bar.

*Certification Standards Review Subcommittee - Sherril Colombo/Frank E. Brown*

Sherril Colombo reported that proposals for changes will not be discussed until after the upcoming examination. She anticipates the time frame will be March when the Committee can meet. There are 13 lawyers eligible to take the examination who are registered for the seminar tomorrow.

*FLSA Procedure Subcommittee - David Spalter/Marlene Quintana*

Marlene Quintana reported that her Subcommittee had begun its inquiry into adopting a set of uniform procedures for FLSA cases and how to approach the judiciary about the project. There was discussion about previous Section efforts.

**IV. New Business**

**a. Listserv**

Bob Kilbride discussed formulating a listserv for the Section. Members would be invited through an email blast sent by our section administrator. Brian Lerner has agreed to act as the listserv moderator. Mr. Lerner discussed draft guidelines that have been formulated for use of the listserv. Cathleen Scott inquired about the searchability of entries on the listserv.

Shane Munoz asked about terms that would be negotiated with a provider to maintain the listserv. Mr. Kilbride stated that the probable initial term would be one year at a \$100 monthly fee. A discussion ensued about whether the Section should establish a panel to determine violations of the listserv. Bob Turk made a suggestion that a subcommittee be appointed for this purpose. It was agreed there should be some type of appeal process for violations. A motion was made by David Adams and seconded by Rob Eschenfelder to amend the Section's budget and allocate \$2000 for the project. Motion carried by a majority of voice vote.

## **Chair Report**

Shane Munoz thanked everyone for their continued dedication and hard work.

## **Informational**

Zascha Abbott reminded Council members of two upcoming webcasts and noted that Advanced Topics will be held 5/29-5/30/15 at Ritz Carlton in Sarasota.

**A Motion to Adjourn was made and seconded and the meeting concluded at 6:05 p.m.**

**V. Attendance:**

**Officers/Executive Council/Committee Chairs**

**In person:**

Shane T. Munoz  
Hon. Frank E. Brown  
Zascha Blanco Abbott  
Robert S. Turk  
David W. Adams  
Thomas A. Delegal III  
Sacha Dyson  
Robert M. Eschenfelder  
Hon. Alan O. Forst  
Robyn Hankins  
Robert L. Kilbride  
Brian L. Lerner  
Patrick Martin  
Jill S. Schwartz  
Cathleen Scott  
David H. Spalter  
Lindsay Wagner  
Angela Froehlich

**Phone:**

Leslie W. Langbein  
Scott E. Atwood  
Deborah C. Brown  
Sherril M. Colombo  
Kristen Foslid  
Gregory A. Hearing  
Marquis Heilig  
Eric J. Holshouser  
Nick Karatinos  
Freddy Perera  
J. Ray Poole, Jr.  
Joseph G. Santoro  
Leslie Reicin Stein

**Section Members/Guests**

**In Person:**

Michelle Jernigan  
Peter Mavrick  
Ernesto Major, Jr.  
Amanda L. Neff  
Lauren Robertson  
Kimberly Sands

**Excused:**

Steve Meck  
Stephanie Ray  
Cynthia Sass