



MINUTES

*Labor and Employment Law Section Executive Council Meeting
Rosen Shingle Creek Resort • Thursday, January 30, 2014
5:00 p.m. - 6:00 p.m. • St. Johns 23*

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 – June 27, 2013

The minutes of June 27, 2013 meeting were forwarded to the Executive Council by Shane Munoz in October, 2013 and by Frank Brown on January 30, 2014. The minutes were approved by an email vote beginning on February 19, 2014. All requested modifications were adopted.

b. Consideration of Minutes – October 24, 2013

Frank Brown circulated a draft of the minutes of the October 24, 2013 meeting via email on January 30, 2014, and requested that any additional comments be provided by February 7, 2014. The minutes were approved by an email vote beginning on February 19, 2014. All requested modifications were adopted.

c. Financial Statement – December 2013

The Section financial statement as of end of December 2013 showed a current fund balance of \$272,595. Current section membership is 2,048, an addition of 91 members since last meeting.

II. Committee and Subcommittee Reports

a. Outreach Committee –

ABA Liaison Subcommittee – Jennifer T. Williams

Bob Turk mentioned that the entire NLRB would be attending the midwinter meeting of the Practice And Procedure Under The NLRA Committee on February 26-28, 2014.

Frank Brown mentioned that the Federal Labor Standards Committee was also holding its midwinter meeting the week before in Miami and that several section members will be in attendance.

Law School Liaison Subcommittee – Jonathan Oliff/Debbie Brown

Jonathan Oliff reported that he has made contact with most of the law school deans and was planning to have the scholarships awarded to each of the state's law schools during the bar year. He mentioned that Shane Munoz had talked to associate dean of the Cooley Law School regarding their taking advantage of the scholarship opportunity.

Debbie Brown was a late addition to the law school liaison subcommittee as cochair. She reported that she will be assisting Jonathan in networking with the relevant law school deans.

Bob Turk commented that one of his firm's associates had received a Section scholarship at a point in his law school career where he really needed it. Bob mentioned that the associate proudly displays the award he received on his office wall.

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

Zascha Abbott and John Hoffman reported that the subcommittee has had two conference calls this bar year. One of their members has reached out to the Broward County Bar Association regarding joint activities and they have put together a seminar on the Federal Arbitration Act with the Hillsborough County Bar Association. The subcommittee also gave a presentation for the judges in Miami.

EEOC and FEPA Liaison Subcommittee – Marquis Heilig / Kristen Foslid

Kristen Foslid reported that the subcommittee has a conference call next week. Their current goals are to set up a luncheon series between members of the bar and EEOC staff.

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

Steve Meck and Gregg Morton provided a written report for the agenda for PERC activities including a number of cases involving financial urgency. The latest edition of PERC News has just been released and was available on the Commission website. The newsletter has a feature article on financial urgency issues as well as a summary of significant cases decided by the Commission during the prior quarter.

Nick Karatinos had also provided a written report for NLRB activities.

Wage and Hour Administration Liaison Subcommittee – Joseph G. Santoro

Joe Santoro reported that he had made contact with an official in the Wage and Hour Division in order to try to arrange activities, but the official has since left the agency and Joe is having to start from scratch in terms of identifying a liaison.

Membership Outreach Subcommittee – Leslie Reicin Stein/Robyn Rosignuolo

Leslie Stein reported that several toolkits have been posted on the website and they asked that those that have promised toolkits to please send them to Leslie or Robyn so that the website can be kept fresh.

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

Cathleen Scott and Brian Lerner filed a written report for the agenda. Brian commented that the subcommittee is requesting that members not only join the Section's Facebook page but also to post or link things on the page as they are always looking to add things to the page.

b. Long Range Planning Committee – Robert L. Kilbride

Robert Kilbride reported that he and Bob Turk had reviewed the goals established in the 2011 retreat to see the Section's progress. They prepared a written report that summarized the progress to date.

The Committee met to discuss the recommendations established and look at action items that remain. The Committee identified four areas for action items to address this year, including both older and newer items:

- (1) Executive Council – two issues. First, addressing an old item, which is to discuss the potential for term limits for council service; Second, discussing the possibility of developing an orientation session or program for new members on the council.

- (2) CLE – two items. First, developing better coordination with local bar associations for co-sponsored events; Second, discuss appointing a “technology czar” to work with webinars, live seminars and the website to introduce a comprehensive approach to technology for the Section and to better integrate our offerings.
- (3) Member Service – consider hiring a part time or full time editor for various Section activities
- (4) Practical Training – developing a training program for new lawyers on case analysis and assessment

Any proposals developed will be presented to the Council during the year.

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

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

Jay Lechner noted that the Checkoff had been published in December 2013 and that another issue was expected in March 2014.

Rob Eschenfelder gave a recap of the number of *Journal* articles published in the past calendar year and works in progress. The *Journal* will be publishing an article by Donald Spero on recent developments in the law of arbitration agreements.

Leslie Langbein commented that she thought there might need to be coordination between the various education programs of the Section. Her concern was that the arbitration article was being published right before the March ADR CLE seminar and might diminish interest in the seminar since there was some amount of overlap. Other members felt that the article might actually stimulate interest in the Seminar, especially if a note could be included in the article mentioning it. Rob Eschenfelder noted that his directive was to get as many worthy articles published as possible, but that if the Section wanted him to screen articles based on CLE offerings he would do that. The Council did not reach any consensus that doing so would be needed, as the majority thought was to see if the article had any impact on attendance.

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

The website committee provided a written report for the agenda.

d. *Special Projects Committee – Robert S. Turk*

Following up his discussion in October about building a closer relationship with the NLRB, Bob Turk has talked to Margaret Diaz in Tampa and Pam Scott in Miami

about putting together 1 hour CLEs in Tampa and Miami. They expressed an interest in doing so.

Bob also mentioned his “perfect day” article in the website Chairman’s column and that it had drawn a number of favorable comments. He encouraged other council members to think about and post articles about their “perfect day” as practitioners.

Certification Standards Review Subcommittee – Sherril Colombo

Sherril Colombo gave an update regarding the certification survey to members. The Florida Bar Bureau of Legal Specialization and Education advised that the survey had to be approved before going out to the membership, so the subcommittee had provided to it to BLSE who then advised that the Labor and Employment Certification Committee had look at it. That review has been completed and the Certification Committee has made provided comments. In particular, the Certification Committee wanted section member comments as to the “catchall” provision for substantial involvement activities. Robyn Hankins, who served on the Certification Committee, was concerned that it may be too broad. The scope of rule subsection (3)(f) is the primary concern at this time.

Bob Turk proposed, and the Council approved by consent, the distribution of the survey to the memberships as revised after input from the Certification Committee.

III. New Business

- a. *14th Labor and Employment Law Annual Update and Certification Review(1662R), January 30-31, 2014, Rosen Shingle Creek, Orlando – Leslie Langbein*

David Spalter and Erin Jackson are co-chairing this year’s seminar, which is being held earlier than typical this year. The seminar had 57 advance registrants and 52 in attendance on the first day. Leslie Langbein commented that given the difficulty in getting dates for seminar, causing a later than normal completion of the brochure and advertisements, the attendance is good.

- b. *ADR (1619R), March 13-14, 2014, Seminole Hard Rock Hotel & Casino, Hollywood – Leslie Langbein*

Leslie Langbein and Marlene Quintana will be the co-chairs for this seminar. The agenda for the ADR seminar has been finalized and is available this time. The seminar will cover a half day of mediation and a full day of arbitration, and will contain a mix of legal and practical issues. Karen Evans has arranged for the ADR section to sponsor the reception at the seminar.

A comment was made regarding giving consideration to hosting events at the Seminole Hard Rock Hotel due to the smoking issue, since the hotel is attached to the casino where smoking is permitted and pervasive.

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

Leslie Langbein reported that the date for this labor topics in New Orleans has been set as May 16 and 17th, 2014. Rick Johnson is one of the co-chairs and he advised that they are currently picking six presentations from a pool of ten potential topics. The seminar will be held at the New Orleans Marriott Hotel.

- d. *Audio Webcast Series*

Leslie Langbein reported that she is finalizing the webcast series is underway this year. Michael Farrell presented a fabulous seminar on Developments in LGBT Rights in January. Other webinars this year include A Primer on the Railway Labor Act presented by Terrence Connor and A Primer On ERISA For The Labor Practitioner presented by Ivelisse J. Berio-LeBeau.

IV. Chair's Report And Miscellaneous

Shane Munoz mentioned that the Hillsborough County Bar Association was holding a seminar presented by the local wage and hour division assistant director.

V. Attendance:

Officers/Executive Council/Committee Chairs

Present:

Robert Turk
Shane Munoz
Frank Brown
Zascha Abbott
David Adams
Walter Aye
David Block
Thomas Delegal
Hon. Alan O. Forst
John Hoffman
Eric Holshouser
Rob Kilbride
Brian Lerner
Jill Schwartz
Cathleen Scott
David Spalter

By Phone:

Leslie Langbein
Sherril Colombo
Scott Atwood
Debbie Brown
Rob Eschenfelder
Karen Evans
Kristen Foslid
Robyn Hankins
Marquis Heilig
Greg Hearing
Rick Johnson
Damon Kitchen
Patrick Martin
Steve Meck
Jonathan Oliff
Ray Poole
Marlene Quintana
Hon. Stephanie Ray
Erika Deutsch Rotbart
Cynthia Sass

Section Members/Guests

Present:

Sacha Dyson
Amanda Hunter
Erin Jackson
Gregg Morton
Lindsey Wagner

Excused Absence:

Grier Wells (BOG Meeting)

Joe Santoro
Leslie Stein