



BUSINESS LAW SECTION
OF THE FLORIDA BAR

EXECUTIVE COUNCIL MEETING AGENDA

Thursday, February 6, 2020 from 3:30 to 5:30 PM
Hyatt Regency Orlando

I. Call to Order and Introduction of Executive Council Members – Jay Brown, Chair (Exhibit A)

II. Commitment to Pro Bono Service

The Section reaffirms its goal to achieve 100% participation in pro bono service by Business Law Section members and attorneys in their firms.

The Section proudly acknowledges the following Executive Council members who have pledged at least \$1000 to The Florida Bar Foundation Endowment Trust to become Fellows of The Florida Bar Foundation: Michael Chesal, Jay Brown, Kacy Donlon, Stephanie Lieb, Hon. Catherine McEwen, James “Scott” Curry, Carlos Sardi, Woodrow “Woody” Pollack, Paige Greenlee, Hon. Caryl Delano, Adina Pollan, Douglas Bates, Mark Stein, Jodi Cooke, Manuel Farach, Detra Shaw-Wilder, Philip Schwartz, Hon. Laurel Isicoff, Ron Rosenwasser, Hon. Gill Freeman (Ret.), Gary Teblum, Dineen Wasylik, Irwin Gilbert, Deborah Baker-Egozi, Donald Workman and John Macdonald. Special thanks to John Macdonald for your tireless and inspiring efforts in this regard. Sincere apologies to any member who may have been inadvertently omitted from this list.

Brief Report - Donny MacKenzie, Executive Director, The Florida Bar Foundation

III. Recognition of Sponsors

The Section acknowledges the generous contribution of all its sponsors, including the following Diamond (\$10,000), Sapphire (\$7,500) and Emerald (\$5,000) sponsors.

Diamond Sponsor:

Michael Moecker & Associates

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IV. Approval of Minutes of September 18 , 2019 Telephonic Meeting – Doug Bates, Secretary (Exhibit B)

V. Treasurer’s Report – Kacy Donlon –Treasurer

(EXHIBIT C)

VI. Reports of Substantive Law Committees and Legislation Committee

- A. Bankruptcy/UCC – John Hutton, Chair; Hon. Catherine McEwen, Judicial Chair; Prof. Jeffrey Davis, Academic Chair
- B. Business Litigation – Keith Bell, Chair; Hon. Ed LaRose and Hon. Darrin Gayles, Judicial Chairs
- C. Computer Law & Technology – Steven Blickensderfer, Chair
- D. Corporations, Securities & Financial Services – Andrew Schwartz, Chair; Prof. Stuart Cohn, Academic Chair
- E. Intellectual Property Law – Jacqueline Tadros, Chair; Hon. Mary Scriven, Judicial Chair; Prof. Jake Linford, Academic Chair
- F. Legislation – Mark Stein, Chair; Prof. Jeffrey Davis, Academic Chair; Aimee Diaz Lyon, Legislative Consultant

VII. Old Business

VIII. New Business

- A. Report of Cannabis Law Study Group – Alan Howard, Study Group Chair – Cannabis Law Study Group Report (**EXHIBIT D**)

IX. Reports of Special Committees and Task Forces

- A. Amicus Brief Guideline Subcommittee – Dineen Wasyluk, Chair
- B. Antitrust and Trade Regulation Subcommittee – Dee Dee Fischer, Chair
- C. Blockchain and Cryptocurrency Task Force – Woody Pollack, Chair
- D. Business Courts Task Force – Jon Polenberg and Hon. Gill Freeman, Co-Chairs
- E. Chapter 607 Sub-Committee – Philip Schwartz and Gary Teblum, Co-Chairs
- F. Financial Literacy Task Force – Amanda Finley, Chair
- G. Health & Wellness Task Force – Dineen Wasyluk and Irwin Gilbert, Co-Chairs
- H. Proposed Amendments to the Fla. R. Civ. P. Task Force – Bart Valdez, Chair; Hon. Ralph Artigliere, Judicial Chair
- I. Proposed Amendments to the Rules for Certified and Court-Appointed Mediators Task Force – Peter Valori, Chair
- J. Proposed Revisions to Chapter 48 (Services of Process) Task Force – Giacomo Bosso, Chair
- K. Scholar and Fellows Retention Task Force – James Moon and Jason Burnett, Co-Chairs
- L. Uniform Commercial Real Estate Receivership Act (UCRERA) Task Force – Amanda Fernandez and Kenneth Murena, Co-Chairs
- M. Uniform Voidable Transfers Act (UVTA) Task Force – John Hutton, Chair

X. Reports of Permanent and Other Committees

- A. Bankruptcy Judicial Liaison – Stephanie Lieb, Chair; Hon. Roberta Colton, Judicial Chair
- B. Budget Committee, Kacy Donlon, Chair
- C. Communications – Matthew Hale, Chair; Hon. Paul Hyman, Judicial Chair
- D. Continuing Legal Education – Matthew Horowitz, Chair; Hon. Caryl Delano, Judicial Chair
- E. eDiscovery Committee – Darren Spielman, Chair
- F. Inclusion/Mentoring/Fellowships – Sara Paris, Chair; Hon. John Olson, Judicial Chair (Federal); Hon. Virginia Norton, Judicial Chair (State)

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- G. Labor Day Retreat –Russell Landy, Chair (2018-19), Paige Greenlee (2019-2020)
- H. Long Range Planning – Greg Yadley, Chair; Hon. Michael G. Williamson, Judicial Chair
- I. Marketing, Promotions and Sponsorship – Stefan Rubin, Chair
- J. Membership – Dyanne Feinberg, Chair; Hon. Karen Specie, Judicial Chair
- K. Opinion Standards – Robert Barron, Chair
- L. Pro Bono – Lynn Sherman, Chair; Hon. Laurel Isicoff, Judicial Chair
- M. State and Federal Courts Liaison – Amir Isaiah, Chair; Hon. Lisa Walsh, Judicial Chair (State); Hon. Thomas Smith, Judicial Chair (Federal)

XI. Reports of Section Liaisons

- A. The Florida Bar Board of Governors – Greg Weiss
- B. The Florida Bar Council of Sections – Leyza Blanco and Phil Schwartz
- C. The Florida Bar Diversity & Inclusion Committee – Marianne Dorris
- D. The Florida Bar Real Property, Probate & Trust Law (RPPTL) Section – James Marx
- E. The Florida Bar Young Lawyers (YLD) Division – Cherine Valbrun
- F. The Florida Institute of CPAs (FICPA) – Donald Workman
- G. The Out-of-State Division of The Florida Bar – Lawrence Kunin
- H. The Working Group on Legal Opinions (WGLO) – Philip Schwartz

XII. Other Reports

- A. Chair’s Report – Jay Brown
- B. Chair-Elect’s Report – Leyza Blanco

XIII. Good and Welfare

XIV. Future Full Section Meeting Dates

- A. Executive Council Retreat – Cape Sounio Resort, Outside of Athens, Greece, Main Trip Wednesday, April 29 to Sunday, May 3, 2020, Pre-Trip (Santorini) April 25-28, 2020
- B. Annual Meeting – Hilton Orlando Bonnett Creek, June 17-20, 2020
- C. 25th Annual Labor Day Retreat, Ritz Carlton, Naples, Florida September 4-7, 2020

XV. Future Section CLE Dates

- A. 38th Annual Federal Securities Institute – February 13th-14th, 2020, Hotel Colonnade Miami, Florida
- B. 11th Annual IP Symposium – April 16th-17th, 2020 The Biltmore Hotel Miami, Florida
- C. View from the Bench – November 5th, 2020 CAMLS, Tampa, Florida
November 6th, 2020 TBD Miami, Florida

XVI. Adjournment

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EXHIBIT A

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The Florida Bar Business Law Section Executive Council 2019-2020

BLS OFFICERS/EXECUTIVE COMMITTEE			
Position	Name	Email	Phone
*Chair	Jay Brown	jacob.brown@akerman.com	904-798-3700
*Chair-Elect	Leyza Blanco	lblanco@sequorlaw.com	305-372-8282
*Treasurer	Kacy Donlon	kdonlon@wiandlaw.com	813-347-5104
*Secretary	Doug Bates	dbates@clarkpartington.com	850-434-9200 x117
*Immediate Past Chair	Michael Chesal	mchesal@pch-iplaw.com	305-341-3002 x20
*Chair, Long Range Planning	Gregory Yadley	gyadley@shumaker.com	813-227-2238

SUBSTANTIVE LAW COMMITTEES

Bankruptcy/UCC			
*Chair	John Hutton	huttonj@gtlaw.com	305-579-0788
*Vice Chair	Jennifer Morando	jennifer@morandolegal.com	407-720-6200 C: 239-340-6929
Second Vice Chair	James Moon	jmoon@melandrussin.com	305-358-6363
*Judicial Chair	Hon. Catherine McEwen	cmcewen@flmb.uscourts.gov	813-301-5082
Academic Chair	Prof. Jeffrey Davis	davis@law.uf.edu	352-273-0956

Business Litigation			
*Chair	Keith Bell	kbell@clarkpartington.com	850-320-6838 C: 850-261-0932
*Vice Chair	Giacomo Bossa	gbossa@anmpa.com	305-559-1600
Second Vice Chair	Allison Leonard	aleonard@dvllp.com	305-371-3960
*Judicial Chair (State)	Hon. Edward LaRose	larosee@flcourts.org	813-272-3430
*Judicial Chair (Federal)	Hon. Darrin Gayles	gayles@flsd.uscourts.gov	305-523-5170
Academic Chair			

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Computer Law and Technology			
*Chair	Steven Blickensderfer	sblickensderfer@carltonfields.com	305-539-7340
*Vice Chair	Peter James Maskow	pmaskow@mcglinchey.com	954-356-2509
Second Vice Chair	Joshua Marks	jmarks@focal-point.com	561-319-8070
Judicial Chair			
Academic Chair	Prof. Vincenç Feliú	vfeliu@nova.edu	954-262-6210

Corporations, Securities & Financial Services			
*Chair	Andrew Schwartz	andrew.schwartz@akerman.com	954-468-2452
*Vice Chair	Willard Blair	wblair@shumaker.com	813-227-2356
Second Vice Chair	Stephen Sandiford	stephen.sandiford@hkllaw.com	305-789-7472
Academic Chair	Prof. Stuart Cohn	cohn@law.ufl.edu	352-273-0925

Intellectual Property			
*Chair	Jacqueline Tadros	jtadros@intellectualpropertynow.com	954-351-7479
*Vice Chair	James Matulis	Jim@MatulisLaw.com	813-451-7347
Second Vice Chair	Michele Moss	mgmoss@johnsonmosslaw.com	407-273-7027 C: 407-476-1971
*Judicial Chair	Hon. Mary Scriven	chambers_flmd_scriven@flmd.uscourts.gov	813-301-5710
Academic Chair	Prof. Jake Linford	jlinford@law.fsu.edu	850-644-3449

PERMANENT AND OTHER COMMITTEES

Bankruptcy Judicial Liaison			
*Chair	Stephanie Lieb	slieb@trenam.com	813-227-7469
*Judicial Chair	Hon. Roberta Colton	roberta_colton@flmb.uscourts.gov	813-301-5118

Budget Committee			
Chair (Treasurer)	Kacy Donlon	kdonlon@wiandlaw.com	813-347-5104
Immediate Past Chair	Michael Chesal	mchesal@pch-iplaw.com	305-341-3002 x20
Long Range Planning	Hon. Michael Williamson	mwilliamson@flmb.uscourts.gov	813-301-5520

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At-large Member (Retreat)	Paige Greenlee	paige@greenleelawtampa.com	813-802-8215
At-large Member (Sponsorship)	Stefan Rubin	srubin@shutts.com	407-835-6735
Secretary (<i>ex officio</i>)	Doug Bates	dbates@clarkpartington.com	850-434-9200 x117

Communications

*Chair	Matthew Hale	mhale@srbp.com	813-229-0144
*Vice Chair	Adina Pollan	apollan@pollanlegal.com	904-475-2187
Second Vice Chair	Chris Thompson	crthompson@burr.com	407-540-6652
*Judicial Chair	Hon. Paul Hyman	paul_hyman@flsb.uscourts.gov	561-514-4125

Continuing Legal Education (CLE)

*Chair	Matthew Horowitz	mhorowitz@cozen.com	305-397-0813
*Vice Chair	Robert Charbonneau	rpc@agentislaw.com	305-722-2002
Second Vice Chair			
*Judicial Chair	Hon. Caryl Delano	cdelano@flmb.uscourts.gov	813-301-5190

Electronic Discovery and Digital Evidence

*Chair	Darren Spielman	dspielman@complexip.com	954-768-9002
*Vice Chair	Zachary Catanzaro	zachary@zlclaw.com	561-807-1830
Second Vice Chair	Chioma Rucshana Deere	cdeere@wlclaw.com	561-615-5666
*Judicial Chair	Hon. William Matthewman	matthewman@flsd.uscourts.gov	561-803-3440

Inclusion/Mentoring/Fellowships

*Chair	Sara Paris	receivershiplawfirm@gmail.com	305-606-6846
*Vice Chair	Michelle Suarez	msuarez@floridaentrepreneurlaw.com	954-361-4238
Second Vice Chair	Christina Taylor	ctaylor@lseblaw.com	407-481-5800
*Judicial Chair (State)	Hon. Virginia Norton	nortonvb@coj.net	904-255-1300

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*Judicial Chair (Federal)	Hon. John Olson	john_k_olson@flsb.uscourts.gov	954-769-5772
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Labor Day Retreat			
*Chair	Paige Greenlee	paige@greenleelawtampa.com	813-802-8215
*Vice Chair	Amanda Fernandez	afernandez@dvllp.com	305-371-3960
Immediate Past Chair	Russell Landy	rlandy@dvllp.com	305-371-3960

Legislation			
*Chair	Mark Stein	mark@marksteinlaw.com	305-356-7550 C: 786-280-2870
*Vice Chair	Manuel Farach	mfarach@mcglinchey.com	954-356-2501
At-large (Bankr/UCC)	Jennifer Morando	jennifer@morandolegal.com	407-720-6200 C: 239-340-6929
At-large (Business Litigation)	Giacomo Bossa	gbossa@anmpa.com	305-559-1600
At-large (Computer Law)	Josh Saltz	jsaltz@pch-iplaw.com	305-341-3000
At-large (Corporations)	Willard Blair	wblair@shumaker.com	813-227-2356
At-large (I.P)	James Matulis	Jim@MatulisLaw.com	813-451-7347
At-large	Jodi Dubose	jdubose@srbp.com	850-637-1836
At-large	Detra Shaw-Wilder	dps@kttlaw.com	305-372-1800
At-large	Woodrow "Woody" Pollack	wpollack@shutts.com	813-463-4894
At-large	Bart Valdes	bvaldes@dsklawgroup.com	813-251-5825
At-large	Stephanie Lieb	slieb@trenam.com	813-227-7469
At-large	Robert Barron	rbarron@bergersingerman.com	954-712-5145
At-large	Robert Kain	rkain@complexip.com	954-768-9002 C: 954-768-9002
Academic Chair	Prof. Jeffrey Davis	davis@law.ufl.edu	352-273-0956
Academic Chair	Prof. Stuart Cohn	cohn@law.ufl.edu	352-273-0925

Long Range Planning			
*Chair	Gregory Yadley	gyadley@shumaker.com	813-227-2238

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*Judicial Chair	Hon. Michael Williamson	mwilliamson@flmb.uscourts.gov	813-301-5520
*Parliamentarian	Philip Schwartz	philip.schwartz@akerman.com	954-468-2455 C: 305-790-3536

Marketing, Promotions & Sponsorships

*Chair	Stefan Rubin	srubin@shutts.com	407-835-6735
*Vice Chair	Brett Lieberman	brett@elrolaw.com	954-400-1499 C: 305-710-9483
Second Vice Chair	Jacqui Calderin	jc@agentislaw.com	305-722-2002

Membership

*Chair	Dyanne Feinberg	def@kttlaw.com	305-372-1800
*Vice Chair	Terry Sanks	tsanks@bwsmiplaw.com	407-926-7707
Second Vice Chair	Andrew Layden	alayden@bakerlaw.com	407-649-4000
FAMU Liaison			
FSU Liaison	Prof. Manuel Utset, Jr.	mutset@law.fsu.edu	850-644-4759
NSU Liaison	Prof. Marilyn Cane	canem@nova.edu	954-336-7179
UF Liaison	Prof. Jeffrey Davis	davis@law.uf.edu	352-273-0956
UM Liaison	Prof. Andrew Dawson	adawson@law.miami.edu	305-284-8446
*Judicial Chair	Hon. Karen Specie	karen_specie@flnb.uscourts.gov	850-521-5030

Opinion Standards

*Co-Chair	Robert Barron	rbarron@bergersingerman.com	954-712-5145
*Co-Chair	Gary Teblum	gteblum@trenam.com	813-223-7474 C: 813-227-7457

Pro Bono

*Chair	Lynn Sherman	ls Sherman@trenam.com	727-820-3980
*Vice Chair	Carlos Sardi	carlos@sardilaw.com	305-697-8690
Second Vice Chair	Amanda Finley	afinley@sequorlaw.com	305-372-8282 C: 239-699-4186
*Judicial Chair	Judge Laurel Isicoff	laurel_m_isicoff@flsb.uscourts.gov	305-714-1750

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State & Federal Courts Judicial Liaison			
*Chair	Amir Isaiah	aisaiah@gjb-law.com	305-913-6679
*Vice Chair	Zach Hyman	zhyman@bergersingerman.com	954-525-9900
*Judicial Chair (State)	Hon. Lisa Walsh	lwalsh@jud11.flcourts.org	305-349-7029
*Judicial Chair (Federal)	Hon. Thomas Smith	thomas_smith@flmd.uscourts.gov	407-835-4305

TASK FORCES AND SUBCOMMITTEES

Amicus Brief Guideline Subcommittee			
*Chair	Dineen Wasylik	dineen@ip-appeals.com	813-778-5161
*Judicial Chair	Hon. Edward LaRose	larosee@flcourts.org	813-272-3430

Antitrust and Trade Regulation Subcommittee			
*Chair	Dee Dee Fischer	deedee.fischer@akerman.com	305-982-5570
Vice Chair			
*Judicial Chair	Hon. Edward LaRose	larosee@flcourts.org	813-272-3430

Blockchain & Cryptocurrency Task Force			
*Chair	Woodrow “Woody” Pollack	wpollack@shutts.com	813-463-4894
*Vice Chair	Jude Cooper	jcooper@beckerlawyers.com	954-985-4160
Second Vice Chair	Robert Kain	rkain@complexip.com	954-768-9002 C: 954-768-9002

Business Courts Task Force			
*Co-Chair	Hon. Gill Freeman (ret.)	gfreeman@jamsadr.com	305-371-5267
*Co-Chair	Jon Polenberg	jpolenberg@beckerlawyers.com	954-987-7550

Chapter 607 Subcommittee			
*Co-Chair	Philip Schwartz	philip.schwartz@akerman.com	954-468-2455 C: 305-790-3536
*Co-Chair	Gary Teblum	gteblum@trenam.com	813-223-7474 C: 813-227-7457

Financial Literacy Task Force			
*Chair	Amanda Finley	afinley@sequorlaw.com	305-372-8282

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			C: 239-699-4186
*Vice-Chair	James Murphy	jbmurphy@gmail.com	813-416-3706
*Judicial Co-Chair	Hon. Laurel Isicoff	laurel_m_isicoff@flsb.uscourts.gov	305-714-1750
*Judicial Co-Chair	Hon. Karen Specie	karen_specie@flnb.uscourts.gov	850-521-5030

Health & Wellness Task Force			
*Co-Chair	Dineen Wasyluk	dineen@ip-appeals.com	813-778-5161
*Co-Chair	Irwin Gilbert	igilbert@conradscherer.com	954-462-5500 C: 561-818-7201
*Judicial Chair	Hon. Jerry A. Funk	jerryala@comcast.net	904-301-6560

Proposed Amendments to the Fla. R. Civ. P. Task Force			
*Chair	Bart Valdes	bvaldes@dklawgroup.com	813-251-5825
*Judicial Chair	Hon. Ralph Artigliere	artiglierer@gmail.com	706-851-4121

Scholar and Fellows Retention Task Force			
*Chair	Mariane Dorris	mdorris@lseblaw.com	407-481-5800
*Vice Chair	Kimra Major-Morris	kimra@majormorrislaw.com	407-230-0540
*Judicial Chair	Hon. Mindy A. Mora	mamora@flsb.uscourts.gov	561-514-4130

Uniform Commercial Real Estate Receivership Act (UCRERA) Task Force			
*Co-Chair	Kenneth Murena	kmurena@dvllp.com	305-371-3960
*Co-Chair	Amanda Fernandez	afernandez@dvllp.com	305-371-3960

Uniform Voidable Transfers Act (UVTA) Task Force			
*Chair	John Hutton	huttonj@gtlaw.com	305-579-0788
*Vice Chair	David Slenn	dslenn@slk-law.com	813-229-7600

LIAISONS			
*TFB BOG	Greg Weiss	gweiss@mrachek-law.com	561-655-2250
TFB CLE	Matthew Horowitz	mhorowitz@cozen.com	305-397-0813
Council of Sections	Leyza Blanco	lblanco@sequorlaw.com	305-372-8282
*RPPTL Section	James Marks	james@marxrosenthal.com	305-577-0276

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*Out-of-State Division	Lawrence Kunin	lkunin@mmmlaw.com	404-233-7000
*YLD Section	Cherine Valbrun	cvalbrun@kvllaw.com	954-527-1115
*FICPA	Donald Workman	dworkman@bakerlaw.com	202-861-1602 C: 703-400-3637
TFB Diversity and Inclusion	Mariane Dorris	mdorris@lseblaw.com	407-481-5800
Working Group on Legal Opinions	Philip Schwartz	philip.schwartz@akerman.com	954-468-2455 C: 305-790-3536

AT-LARGE MEMBERS OF EXECUTIVE COUNCIL			
*At-large Member	John Macdonald	john.macdonald@akerman.com	904-798-3700
*At-large Member	Russell Landy	rlandy@dvllp.com	305-371-3960
*At-large Member	Peter Valori	pvalori@dvllp.com	305-371-3960
*At-large Member	Marisa Rosen Dorough	mdorough@bakerdonelson.com	407-422-6600
*At-large Member	Jason Burnett	jason.burnett@gray-robinson.com	904-598-9929

* Member of Executive Council pursuant to Section 4.2 of Amended and Restated Bylaws of the Business Law Section.

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EXHIBIT B

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Executive Council Meeting 9.18.2019

Attendance

Jay Brown
Leyza Blanco
Kacy Donlon
Doug Bates
John Hutton
Hon. Catherine McEwen
Keith Bell
Giacomo Bossa
Allision Leonard
Hon. Edward LaRose
Hon. Darrin Gayles
Steven Blinkensderfer
Peter James Maskow
Andrew Schwartz
Jaqueline Tadros
James Matulis
Michele Moss
Hon. Mary Scriven
Prof. Jake Linford
Stephanie Lieb
Hon. Roberta Colton
Matthew Hale
Adina Pollan
Chris Thompson
Hon. Paul Hyman
Matthew Horowitz
Hon. Caryl Delano
Darren Spielman
Zachary Catanzaro
Sara Paris
Hon. Virginia Norton
Paige Greenlee
Mark Stein
Manuel Farach
Jodi Dubose
Philip Schwartz
Dyanne Feinberg
Terry Sanks
Prof. Jeffery Davis
Hon. Karen Specie
Gary Teblum
Lynn Sherman
Carlos Sardi
Zach Hyman

Hon. Thomas Smith
Woody Pollack
Robert Kain
Hon. Gill Freeman
James Murphy
Hon. Karen Specie
Bart Valdes
Hon. Ralph Artigliere
Mariane Dorris
Kimra Major-Morris
Hon. Mindy Mora
Kenneth Murena
James Marks
Lawrence Kunis
Donald Workman
John Macdonald
Russell Landy
Jason Burnett
Aimee Diaz
Russell Blain
Andy Laiden

**MINUTES OF THE FLORIDA BUSINESS LAW SECTION
SEPTEMBER TELEPHONIC MEETING**

Wednesday, September 18, 2019
(Telephonic Meeting)

I. Call to Order– Mr. Jay Brown, Chair

Jay Brown, Chair of The Florida Bar Business Law Section, duly called the 2019 September telephonic meeting of Section to order at approximately 5:02 p.m. (est).

The September 18, 2019 telephonic meeting was scheduled due to the cancellation of the Business Law Section’s annual Labor Day Retreat, which cancellation occurred as a result of Hurricane Michael. In lieu of introductions, Chair Brown requested a roll call by telephonic appearance to confirm the presence of a quorum. (A copy of the telephonic appearance attendance list is attached hereto as Exhibit A.)

II. Commitment to Pro Bono Service – Mr. Jay Brown, Chair

Chair Brown began the meeting by reaffirming the Section’s commitment to Pro Bono activities on behalf of the Bar. In addition, as included in the meeting agenda, Chair Brown acknowledged the Executive Council members who have pledged at least \$1000 to The Florida Bar Foundation Endowment Trust to become Fellows of The Florida Bar Foundation: Michael Chesal, Jay Brown, Kacy Donlon, Stephanie Leib, Hon. Catherine McEwen, James “Scott” Curry, Carlos Sardi, Woodrow “Woody” Pollack, Paige Greenlee, Hon. Caryl Delano, Adina Pollan, Douglas Bates, Mark Stein, Jodi Cooke, Manuel Farach, Detra Shaw-Wilder, Philip Schwartz, Hon. Laurel Isicoff, Ron Rosenwasser, Hon. Gill Freeman (Ret.), Gary Teblum, Dineen Wasylik, Irwin Gilbert, Deborah Baker-Egozi, Donald Workman and John Macdonald.

III. Recognition of Sponsors – Mr. Jay Brown, Chair

As included in the meeting agenda, Chair Brown acknowledged and recognized the generous contribution of all its sponsors, including the following Diamond (\$10,000), Sapphire (\$7,500) and Emerald (\$5,000) sponsors.

Diamond Sponsor:

Michael Moecker & Associates

Sapphire Sponsors:

Berger Singerman

Eisner Amper

Buchanan Ingersoll & Rooney PC

Morgan & Morgan

Emerald Sponsors:

Akerman

CompuMark

Kaufman, Rossin

Messana, P.A.

Ankura

Sequor Law

Shutts & Bowen

Petrucelli, Piotrowski

SunTrust

IV. Approval of Minutes of the June 27, 2019 Annual Meeting – Mr. Douglas Bates, Secretary

Mr. Douglas Bates, Secretary, presented the Minutes of the June 27, 2019 Annual Meeting which took place in Boca Raton. (A copy of the Minutes was attached to the Agenda as Exhibit B.) Upon motion duly made by Mr. Jon McDonald, which motion was seconded by Mr. Michael Chesal, the Minutes were unanimously approved as presented.

V. Report of Legislation Committee – Mr. Mark Stein, Chair of Legislation Committee

Mr. Mark Stein presented a brief report on behalf of the Legislation Committee, and reminded the Executive Council of the “early” January 2020 legislative session in Tallahassee, Florida. Mr. Stein requested that all Committees within the Business Law Section be prepared to address new legislation during the legislative session, and reminded the Executive Council of the weekly Legislation Committee telephone calls that occur during Florida’s annual legislative session.

Mr. Stein referenced certain “pro-active” legislation and Mr. Gary Teblum provided an update regarding Chapter 607 Glitch Bill. Mr. Teblum advised that the Chapter 607 bill was in bill drafting to address certain items that became necessary following the passage of the Chapter 607 bill during the 2019 legislative session.

Mr. Stein indicated that the Legislative Committee would be presenting two “triple motions” for consideration by the Executive Council during the telephonic meeting, and noted that both forms of proposed legislation and related white papers were attached to the meeting agenda. The first triple motion was presented by Mr. Stein as follows:

To support legislation to enact the Uniform Commercial Real Estate Receivership Act (UCRERA) as developed by the National Conference of Commissioners on Uniform State Laws (NCCUSL) and as revised by the UCRERA Task Force of the Business Law Section.

Mr. Stein’s triple motion was seconded by Mrs. Kacy Donlon. There being no discussion, the motion passed unanimously.

Mr. Stein proceeded to present his second triple motion as follows:

To support legislation to update and clarify Section 55.205, F.S., Effect of judgment lien, to explicitly cross-reference section 319.27, F.S.

Mr. Stein’s triple motion was seconded by Mr. Jeff Davis. There being no discussion, the motion passed unanimously.

Following the presentation of the triple motions by Mr. Stein, Chair Brown provided some general overview regarding work being done in connection with certain foreclosure notice related legislation. Chair Brown requested that any new issues regarding legislation be raised. No issues were presented.

VI. New Business

Chair Brown raised for discussion the issue of whether the Section should conduct a compressed Labor Day Weekend meeting in Tampa, Florida on November 5-6, 2019. After Chair Brown noted that all Committee chairs had been surveyed regarding the need for such a make-up meeting, some discussion ensued. After discussion, Chair Brown determined that no make-up meeting would take place in Tampa,

Florida. Chair Brown encouraged all Committees to work together and arrange necessary telephonic meetings in order to continue to advance the mission and work of the Section.

VII. Good and Welfare

Chair Brown reported that refunds related to the Labor Day Retreat are in process, and reported that the Wine Tasting previously set to take place at the Labor Day Retreat would be rescheduled to take place at the mid-year meeting of The Florida Bar in February of 2020. Mr. Chesal inquired as to efforts being made with respect to sponsor refunds, and Chair Brown provided a brief overview of the process being employed in that regard.

VIII. Future Meeting Dates

Chair Brown reminded everyone of The Florida Bar mid-year meeting set to take place at the Hyatt Regency in Orlando, Florida, from February 5th through February 8, 2020. In addition, Chair Brown reminded everyone of the 2020 Executive Council Retreat set to take place in Greece. Chair Brown provided some details regarding dates, all of which were included in the meeting agenda. Chair Brown concluded by reminding everyone that the Annual Meeting of The Florida Bar Business Law Section will take place at the Hilton Orlando Bonnett Creek in Orlando, Florida from June 17th through June, 20, 2020.

IX. Adjournment

Chair Brown requested a motion to adjourn. Upon such motion being made by the Honorable Mindy Mora, which motion was seconded by Mr. Amir Isiah, and such motion receiving no objection, the meeting was adjourned.

I. Reports of Substantive Law Committees and Legislation Committee

- A. Bankruptcy/UCC - Stephanie Lieb, Chair, John Hutton, Vice Chair, Jennifer Morando, Second Vice Chair, Hon. Catherine McEwen, Judicial Chair, Prof. Jeffrey Davis, Academic Chair

Stephanie Lieb, Chair of the Bankruptcy/UCC Committee, reported that the Committee reviewed the successful legislative session and the bills supported by the Committee. The Committee has also set up a study group to review the 2018 amendments to sections 9-406 and 9-408, as well as group to examine whether any amendments are needed for the judgment lien statute. Finally, the Committee discussed federal house bill 2938/senate bill 679 Honoring American Veterans in Extreme Need Act of 2019 (“the HAVEN ACT of 2019”) which would exempt from the monthly income calculations in bankruptcy certain benefits paid by the Department of Veteran Affairs and the Department of Defense. After its discussion, the Committee moved by triple motion as follows:

That the Business Law Section support the Honoring American Veterans in Extreme Need Act of 2019 (“HAVEN Act”) or any similar subsequent legislation.

Upon vote taken, the Executive Council voted to adopt this triple motion (with all judges abstaining).

- B. Business Litigation – Zachary Hyman, Chair, Keith Bell, Vice Chair, Giacomo Bossa, Second Vice Chair, Hon. Edward LaRose Judicial Chair (State), Hon. Darrin Gayles, Judicial Chair (Federal)

Zachary Hyman, Chair of the Business Litigation Committee, reported that the Committee discussed the proposed UCRERA legislation as well as the work being done on the non-compete legislation. The Committee also moved for the creation of a committee to review and make recommendations to the Executive Council regarding the submission of amicus briefs on behalf of the Section. The proposed committee would have 3 to 5 members, serving 3 to 5 year terms and be appointed by the Chair. Upon the motion being made and duly seconded, the Executive Council voted to approve the creation of the subcommittee with three nays recorded (all judges abstaining).

- C. Computer & Technology Law Committee – James “Scott” Curry, Chair, Steven Blickensderfer, Vice Chair, Josh Saltz, Second Vice Chair, Prof. Vincenc Feliu, Academic Chair

Steven Blickensderfer, on behalf of Scott Curry, Chair of the Computer & Technology Law Committee, reported that the committee worked diligently to put together more CLEs this past year. In April, the Committee organized an online CLE presentation in April regarding the ADA’s application to websites, which was conducted by Susan Stephan, Associate Dean and Adjunct Professor at Nova Law. The Committee is planning a live CLE on data privacy laws for the Labor Day Retreat committee meeting.

The Committee discussed various bills that were filed this past legislative session, including the new law that creates a blockchain taskforce to study the technology and make proposals. The Committee also discussed surprising bills that were introduced but failed to pass, including the biometric privacy and social media bills. Members of the Committee authored whitepapers on these bills that are available and can be used for position papers in the future if the bills are reintroduced.

The Committee also discussed its name and there was debate whether the words “new” or “emerging” should be added to reflect the group’s expanding and expansive subject area expertise. The matter was tabled for future consideration. After the Committee meeting, the Committee hosted a successful CLE titled “Blockchain for the Florida Lawyer.”

D. Corporations, Securities & Financial Services – Andrew Schwartz, Chair, David Tobin, Vice Chair, William Blair, Second Vice Chair, Prof. Stuart Cohn, Academic Chair

Andrew Schwartz, Chair of the Corporations, Securities & Financial Services Committee, reported that the Committee was very pleased with the passage of the Chapter 607 legislation this session. The Committee discussed next steps including a possible glitch bill, any amendments to chapter 605 in light of the 607 legislation as well as any CLE and/or publication opportunities related to the new legislation.

E. Intellectual Property – Terry Sanks, Chair; Jacqueline Tadros, Vice Chair, James Matulis, Second Vice Chair, Hon. Mary Scriven, Judicial Chair, Prof. Jake Linford, Academic Chair

Terry Sanks, Chair of the Intellectual Property Committee, reported that the Committee’s 10th Annual IP Symposium, held April 11-12, had the best attendance to date (77 people). Six attorneys sat for the IP Certification exam in May. The IP certification exam is changing in 2020 where the format will be a unified test. Since the last time the IP Committee developed certification examination preparation material was 2007, a task force has been established to develop updated material. The Committee has also created a subcommittee to review and update the Committee’s brochure, and look into getting the brochure posted online through the Section and The Florida Bar. This subcommittee is also going to work at developing a brochure/publication tailored for in-house decision makers. The intent is to let in-house decision makers know that Florida has a strong, organized IP legal community as represented by the BLS IP Committee.

F. Legislation – Doug Bates, Chair; Mark Stein, Vice Chair, Prof. Jeffrey Davis, Academic Chair, Prof. Stuart Cohn, Academic Chair

Doug Bates, Chair of the Legislation Committee, thanked our legislative consultants Aimee Diaz Lyon and Doug Bell and Vice Chair for all of their help during a very busy legislative session. He also moved that the Executive Council approve the consulting contract for Metz Husband & Daughton to continue as our legislative consultants for the upcoming bar year. The contracted amount, \$80,000, as well as the language of the agreement is the same as last year. Upon the motion being made and duly seconded, the Executive Council unanimously voted to approve the contract for bar year 2019-2020.

II. Old Business

A. Judge William Van Nortwick memorial recognition – Michael Chesal

Chair Michael Chesal reported that the Executive Committee had decided to honor Judge VanNortwick by naming the annual winetasting, held during the Labor Day Retreat, in memory of him.

III. New Business

A. Proposed establishment of a Cannabis Law Committee – Jay Brown

Jay Brown, Chair-Elect of the Section, moved to create a Cannabis Law committee. The motion was seconded and the floor open for discussion. Prior to any discussion, Phil Bates moved to table the

motion indefinitely. The motion to table was seconded and carried by a vote of 23-17 (all judges abstaining). There was further discussion regarding the creation of a study group on the topic with the Chair to appoint the members of that study group. It is anticipated that the Study Group will come back to the Executive Council with a recommendation at the Labor Day Retreat.

B. Proposed establishment of Financial Literacy Task Force – Jay Brown

Jay Brown, Chair-Elect of the Section, moved to create a Financial Literacy Task Force to help implement the new legislation passed related to high school requirements to offer financial literacy courses. Amanda Finley will be asked to lead the new task force. Upon the motion being made and duly seconded, the Executive Council unanimously voted to approve the creation of the task force.

IV. Reports of Special Committees and Task Forces

A. Antitrust and Trade Regulation – Ron Rosenwasser, Chair, Hon. Edward LaRose, Judicial Chair

No report.

B. Blockchain and Cryptocurrency Task Force – Woody Pollack, Chair, Jude Cooper, Vice Chair, Robert Kain, Second Vice Chair

Woody Pollack, Chair of the Blockchain and Cryptocurrency Task Force, reported that the Task Force discussed the new law establishing a statewide committee on BlockChain Technology which will have 13 members appointed by the Governor. The Task Force hoped to have at least one of its members appointed to this committee. In any case, the Task Force will support and hopefully guide the statewide committee and (B) monitor proposed blockchain bills. The latter effort may require input from various other substantive committees since the Task Force knows about technology side issues but will need help on the interaction of blockchain technology in other legal fields.

C. Business Courts Task Force – Hon. Gill Freeman and Jon Polenberg, Co-Chairs

Jon Polenberg, Co-Chair of the Business Courts Task Force, reported that the Task Force continues to work diligently to make a recommendation to the Section as to how to proceed regarding business courts. Currently there is a three part approach through (1) amend the Rules of Judicial Administration; (2) an Administrative Order from the Supreme Court regarding how business courts manage cases; and (3) statement appropriations bill. The Task Force hopes to make a recommendation to the Executive Council at the Labor Day Retreat.

D. Chapter 607 Subcommittee – Phil Schwartz & Gary Teblum, Co-Chairs

Phil Schwartz, Co-Chair of the Chapter 607 Subcommittee, reported that the Governor signed the new chapter 607 legislation into law on June 7th. The Subcommittee is working on ways to publicize and educate lawyers regarding the new legislation.

E. Health & Wellness Task Force – Dineen Wasyluk and Irwin Gilbert, Co-Chairs

Dineen Wasyluk, Co-Chair of the Health & Wellness Task Force, reported that the Task Force is working on programming for the Retreat and increase awareness through social media regarding health and wellness efforts of the Section.

F. UCRERA Task Force – Kenneth Murena, Chair, Amanda Fernandez, Vice Chair, Stephanie Lieb, Second Vice Chair

Ken Murena, Chair of the UCRERA Task Force, reported that the Task Force worked with representatives of the Business Litigation and Bankruptcy/UCC committees regarding the proposed legislation to address any concerns. He will be attending the RPTL meeting at the Breakers in July to discuss any issues that Section may have the proposed legislation.

G. Proposed Amendments to the Fla. R. Civ. Procedure Task Force – Bart Valdez, Chair, Hon. Ralph Artigliere, Judicial Chair

Bart Valdes, Chair of the Proposed Amendments to the Fla. R. Civ. Procedure Task Force, reported on the status of the proposed amendment to Rule 1.380 and the drafting of a proposed amendment to Rule 1.010 to harmonize the Florida Rules with the Federal Rules. The Task Force also discussed amendments to Rule 1.200 and 1.201 to provide a mandatory meet and confer in certain circumstances as well as potential amendments to Rule 1.280 and other related rules to consider proportionality and cost-shifting provisions. Last, the Task Force examined adding a requirement to the Florida Rules to state objections to discovery with specificity versus the use of boilerplate objections.

H. Proposed Amendments to the Rules for Certified and Court-Appointed Mediators Task Force – Peter Valori, Chair

Peter Valori, Chair of the Proposed Amendments to the Rules for Certified and Court-Appointed Mediators Task Force, reported that the Task Force had prepared a white paper opposing the proposed mediation rules which required that all mediators be certified. That rule was withdrawn and a new proposed rule would require that mediators follow parts 2 and 3 of the mediation rules. The Task Force is reviewing this new proposal and is considering revising its white paper.

I. Proposed Revisions to Chapter 48 (Service of Process) Task Force – Giacomo Bosso, Chair

Giacomo Bossa, Chair of the Proposed Revisions to Chapter 48 (Service of Process) Task Force, reported that the Task Force is continuing its work but will not be ready to propose legislation for the 2020 legislative session. Additionally, the Task Force is reaching out to the International Law Section for input on its work product.

J. Scholar and Fellows Retention Task Force – James Moon and Jason Burnett, Co-Chairs

Mariane Dorris, on behalf of James Moon, Co-Chair of the Scholar and Fellows Retention Task Force, reported that the Task Force had sent out surveys to past Fellows. The Task Force is retooling that survey and is starting an exit interview process.

K. UVTA Task Force – John Hutton, Chair, David Slenn, Vice Chair

John Hutton, Chair of the UVTA Task Force, reported that other states, including Pennsylvania and New York, have adopted this uniform law. However, the Task Force is likely to table the legislation again this year.

V. Reports of Permanent and Other Committees

A. Bankruptcy Judicial Liaison – Carlos Sardi, Chair; Hon. Roberta Colton, Judicial Chair

Judge Roberta Colton, Judicial Chair of the Bankruptcy Judicial Liaison Committee, reported that the meeting was well attended. The Committee received reports from all Chief judges and Clerks of Court for each of the three districts. Filings appear to be steady or slightly up all across the board in the State. Judges are still experiencing a high volume of pro se filings, ranging between 5% to 12%. Finally, Judge Colton led a discussion regarding discharge and violations of a discharge injunction as well as began a CLE on application of privileges in bankruptcy which will be continued at the Labor Day Retreat.

B. Budget Committee – Leyza Blanco, Chair

No report.

C. Communications – Matthew Hale, Chair, Mark Nichols, Vice Chair, Adina Pollan, Second Vice Chair, Hon. Paul Hyman, Judicial Chair

Adina Pollan, on behalf of Matthew Hale, Chair of the Communications Committee, reported that the Committee has started a new Instagram page, is working on updating the website, and is looking for more contributions to the Section's blog. Also, the Committee is continuing its efforts to gather and archive white papers created by Section members.

D. Continuing Legal Education – Paige Greenlee, Chair, Corali Lopez-Castro, Vice Chair, Matthew Horowitz, Second Vice Chair, Hon. Caryl Delano, Judicial Chair

Judge Caryl Delano, Judicial Chair of the Continuing Legal Education Committee, reported that the Committee has added a CLE Calendar to the Section website. Also, the Committee needs help from the CLE program chairs for each substantive committee in getting information to populate the calendar which in turn will help to market these CLEs. Also, the Committee thanked Section members for contributing to the Florida Bar Journal on behalf of the Section. Due to their work, the Section had articles in all six issues. Finally, the Committee is waiting to get bar year-end financial information before it can make any recommendations on fee splitting as it relates to CLEs. The Committee will revisit this issue at the Labor Day Retreat.

E. eDiscovery Committee – David Hazouri, Chair, Darren Spielman, Vice Chair, Chioma Rucshana Deere, Second Vice Chair

Darren Spielman, on behalf of David Hazouri, Chair of the eDiscovery Committee, reported that the Committee is continuing to review ediscovery rules and any need for amendments and is presenting a four hour CLE at the Annual Convention that is very popular. Finally, the Committee continues its mission to educate in this area by offering and presenting both CLEs and CJs.

F. Inclusion/Mentoring/Fellowships – Mariane Dorris, Chair, Sara Paris, Vice Chair, Michelle Suarez, Second Vice Chair, Hon. Virginia Norton, Judicial Chair (State), Hon. John Olson, Judicial Chair (Federal)

Mariane Dorris, Chair of the Inclusion/Mentoring Fellowships Committee, reported that the Committee has chosen eight new fellows to join the six fellows from last year. The Committee is planning to participate in diversity events in central Florida and Hillsborough County. Finally, the Committee is still working to make a connection with FIU law school to increase the Section's relationship with that school.

G. Labor Day Weekend Retreat – Russell Landy, Chair, Paige Greenlee, Vice Chair, Adina Pollan, Immediate Past Chair

Russell Landy, Chair of the Labor Day Weekend Retreat Committee, continued its discussions concerning planning the upcoming retreat. The retreat will be returning to the Naples Ritz Carlton, and the committee plans to incorporate the Bar’s focus on health and wellness into this year’s retreat programming.

H. Long-Range Planning – Greg Yadley, Chair; Hon. Michael G. Williamson, Judicial Chair, Phillip Schwartz, Parliamentarian

No report.

I. Marketing, Promotions and Sponsorships – Manuel Farach and Woodrow “Woody” Pollack, Co-Chairs, Stefan Rubin, Vice Chair, Brett Lieberman, Second Vice Chair

Woody Pollack, Co-Chair of the Marketing, Promotions and Sponsorship Committee, reported that the Committee is actively seeking each Executive Committee member’s participation in the sponsorship of the Section. If you have any questions regarding sponsorship opportunities, contact either Woody Pollack or Steph Rubin.

J. Membership & Law School Relations – Allison Leonard, Chair, Dyanne Feinberg, Vice Chair, James Moon, Second Vice Chair, Hon. Karen Specie, Judicial Chair

Allison Leonard, Chair of the Membership & School Relations Committee, reported that membership has increased by over 400 members since August. The Committee is working on choosing Scholars at each of Florida’s law schools. Also, the Committee has made inroads toward new faculty liaisons with Stetson and Cooley law schools.

K. Opinion Standards – Robert Barron, Chair, Giacomo Bossa, Vice Chair

Robert Barron, Chair of the Opinion Standards Committee, reported that the Committee continues its work on the First Supplement to the Opinions Standards Report. The Committee is aiming to have its work done on the supplement by Labor Day or the Mid-Year meeting at the latest.

L. Pro Bono – Marisa Dorough, Chair, Lynn Sherman, Vice Chair, Hon. Laurel Isicoff, Judicial Chair

Marisa Dorough, Chair of the Pro Bono Committee, reported that the Committee is still promoting the Pro Bono Pledge wherein Section members pledge to complete at least 20 hours of pro bono work each year. Also, the Committee continues its work through three subcommittees: (1) website efforts; (2) updating the Pro Bono Best Practices Guide for law firms; and (3) communications within the Section, including recognition of pro bono efforts.

M. State/Federal Courts Liaison – Amir Isaiah, Chair, Peter Valori, Vice Chair, Hon. Lisa Walsh, Judicial Chair (State), Hon. Thomas Smith, Judicial Chair (Federal)

No report.

VI. Reports of Section Liaisons

A. The Florida Bar Board of Governors – Deborah Baker-Egozi

No official report. However, the Executive Council heard remarks from outgoing Bar President Michelle Suskauer as well as individuals considering their candidacy for Bar President 2021-22 – Renee Thompson and Michael Tanner. Finally, it was reported to the Council that Manny Farach was receiving the Florida Bar’s Anstead Award for the Board Certified Lawyer of the Year.

B. The Florida Bar Council of Sections – Jay Brown

Kacy Donlon, on behalf of Chair-Elect Jay Brown, reported that she and Philip Schwartz attended the Council of Sections meeting on behalf of the BLS. The Council of Section reported that the streamlined process it proposed to the Big Bar for the amendment of section bylaws had been well received and was expected to be approved.

C. The Florida Bar Diversity & Inclusion Committee – Mariane Dorris

Chair-Elect Jay Brown announced his reappointment of Mariane Dorris as the Section representative to the Florida Bar Diversity and Inclusion Committee.

D. The Florida Bar Real Property, Probate & Trust Law (RPPTL) Section – James Marx

No report.

E. The Florida Bar Young Lawyers (YLD) Division – Cherine Valbrun

No report.

F. The Florida Institute of CPAs (FICPA) – Donald Workman

Donald Workman, Liaison to the Florida Institute of CPAs, reported that there was a face to face meeting with FICPA representatives in June and there would be a reception in Ft. Lauderdale in September. He encouraged greater participation from Section members in growing this relationship.

G. The Out-of-State Division of The Florida Bar – Lawrence Kunin

Donald Workman, on behalf of Lawrence Kunin, Liaison to the Out-of-State Division of the Florida Bar, reported that the Out-of-State Division continues to grow. The Division networked with the Board of Governors at its meeting in Washington D.C. and was looking forward to meeting with the YLD in Nashville. The Division extended its thanks to Judge McEwen for continuing to contribute newsletter articles for the Division.

H. The Working Group on Legal Opinions (WGLO) – Philip Schwartz

Philip Schwartz, Liaison to the WGLO, stated that WGLO was established by the ABA and 5 state bars and now has 120 law firm members and representatives from 38 state or local bars examining third party legal opinions. At the next meeting of the Executive Council at the Labor Day Retreat, he will provide further information about WGLO and why the Section supports its efforts.

VII. Other Reports

A. Chair’s Report – Michael Chesal

Michael Chesal, Chair, extended his thanks to his fellow Executive Committee members as well as Section Administrator Stephanie Svisco for their help in making this year run so smoothly. In recognition of his stellar work during a busy legislative season, the Chair named Legislation Chair Doug Bates as the Member of the Year.

B. Chair-Elect's Report – Jay Brown

Jay Brown, Chair Elect, thanked everyone who was able to attend the Section luncheon with guest speaker Donna Orender, commending her message and her book to those who were unable to attend.

In appreciation for Mr. Chesal's service to the Section, Mr. Brown presented Mr. Chesal with a number of gifts including kayaking equipment and a plaque with pictures from the Executive Council Retreat to Israel.

Mr. Brown then reported on his plans for the upcoming Executive Council Retreat, which is scheduled for Athens, Greece April 29th through May 3rd, with an optional pre-trip to Santorini April 25th through April 28th.

VIII. Good and Welfare

IX. Future Meeting Dates

Mr. Chesal announced the following future meeting dates:

- A. Labor Day Weekend Retreat – The Ritz Carlton, Naples, Florida (August 30 – September 2, 2019)
- B. Winter Meeting – Hyatt Regency, Orlando, Florida (February 5-8, 2020)
- C. Executive Council Retreat – Greece – April 25-May 3, 2020

X. Motion to Adjourn

With all reports being heard, Mr. Chesal entertained a motion to adjourn. The motion was duly made, seconded and passed unanimously at approximately 5:45 p.m.

Katherine C. Donlon

Katherine C. Donlon, Secretary 2018-19

EXHIBIT C

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THE FLORIDA BAR

Business Law Section

For the Six Months Ending Tuesday, December 31, 2019

	December	YTD 2020	FY 19-20 Budget	Prior Year December	YTD 2019
3001-Annual Fees	\$300	\$269,760	\$276,000	\$300	\$268,080
3002-Affiliate Fees	\$30	\$2,030	\$2,000	\$20	\$1,470
Total Fee Revenue	\$330	\$271,790	\$278,000	\$320	\$269,550
3301-Registration-Live	\$4,435	\$14,984	\$118,000	\$6,981	\$96,662
3321-Registration-Webcast				\$570	\$2,418
3331-Registration-Ticket	\$26,045	\$38,757	\$70,000	\$4,735	\$4,735
Total Registration Revenue	\$30,480	\$53,740	\$188,000	\$12,286	\$103,814
3351-Sponsorships	\$13,000	\$137,000	\$165,000	(\$1,500)	\$148,500
3391 Section Profit Split	(\$26,739)	\$84,159	\$60,000	(\$769)	\$82,154
3392-Section Differential	\$2,160	\$13,500	\$16,000		\$9,240
Other Event Revenue	(\$11,579)	\$234,659	\$241,000	(\$2,269)	\$239,894
3401-Sales-CD/DVD		\$800			\$820
Sales, Rents & Royalties Revenue	\$	\$800	\$	\$	\$820
3699-Other Operating Revenue					\$405
Other Revenue Sources	\$	\$	\$	\$	\$405
3899-Investment Allocation	\$11,798	\$28,611	\$28,453	(\$33,126)	(\$47,576)
Non-Operating Income	\$11,798	\$28,611	\$28,453	(\$33,126)	(\$47,576)
Total Revenue	\$31,029	\$589,600	\$735,453	(\$22,789)	\$566,908
4131-Telephone Expense			\$500		\$241
4133-Internet Service			\$150		
4134-Web Services	\$1,619	\$6,749	\$24,000	\$88	\$10,328
4135-Social Media	\$500	\$1,500	\$6,000		\$2,000
4301-Photocopying			\$100		\$460
4311-Office Supplies	\$36	\$57	\$500		\$330
Total Staff & Office Expense	\$2,155	\$8,306	\$31,250	\$88	\$13,359
5051-Credit Card Fees	\$698	\$2,289	\$5,180	\$380	\$3,399
5101-Consultants		\$36,000	\$125,000	\$20,000	\$40,000
Total Contract Services	\$698	\$38,289	\$130,180	\$20,380	\$43,399
5501-Employee Travel		\$948	\$6,477		\$600
5561-Judges Travel	\$257	\$3,949	\$46,000		\$13,267
5599-Other Travel		\$4,871	\$7,000		
Total Travel	\$257	\$9,768	\$59,477	\$	\$13,866
6001-Post 1st Class/Bulk		\$467	\$200		\$7
6021-Post Express Mail		\$4			\$3
6231-Promotion Item/Giveaway		\$445			
6301-Mtgs TFB Annual Meeting		\$	\$15,000		(\$1,012)
6311-Mtgs General Meeting	\$29	(\$872)	\$50,000		\$6,444
6319-Mtgs Other Functions		\$575	\$30,000		
6321-Mtgs Meals		\$4,773	\$180,000		\$131,335
6325-Mtgs Hospitality	\$119	\$1,853	\$39,000		\$53,029
6341-Mtgs Equip Rental			\$20,000		\$23,173
6361-Mtgs Entertainment		(\$603)	\$12,450		\$7,241
6401-Speaker Expense		\$1,840	\$2,500		
6451-Committee Expense	\$208	\$2,758	\$10,000		\$1,797
6531-Brd/Off Special Project			\$5,000		
7001-Grant/Award/Donation	\$4,419	\$5,542	\$12,000		\$517
7011-Scholarship/Fellowship		\$1,655	\$55,000	\$886	\$9,157
7999-Other Operating Exp		\$60	\$21,000		\$930
Total Other Expense	\$4,774	\$18,499	\$452,150	\$886	\$232,620
8021-Section Admin Fee	\$123	\$94,763	\$91,514	\$98	\$87,224
8101-Printing In-House	\$100	\$2,117	\$100		\$16
8121-Graphics & Arts		\$25			\$
8131-AV Services					\$21
8141-Journal/News Service		\$425		\$425	\$850
8171-Course Approval Fee		\$150			\$150
Total Admin & Internal Expense	\$223	\$97,481	\$91,614	\$523	\$88,261
9692-Transfer Out-Council of Sections		\$300	\$300		\$300
Total InterFund Transfers Out	\$	\$300	\$300	\$	\$300
Total Expense	\$8,108	\$172,642	\$764,971	\$21,876	\$391,805
Net Income	\$22,921	\$416,958	(\$29,518)	(\$44,666)	\$175,103
2001-Fund Balance, Beginning		\$382,591			\$409,102
Fund Balance, Ending	\$	\$799,549	\$	\$	\$584,205

THE FLORIDA BAR
Business Law Section (Total)
Budget/Financial Operations

DO NOT EDIT THIS SHEET

Description	2018 Actual	2019 Actual	2020 Budget	20-21 Proposed Budget
3001-Annual Fees	271810	269940	276000	\$270,000
3002-Affiliate Fees	1280	1520	2000	\$1,400
Total Fee Revenue	273090	271460	278000	\$271,400
3301-Registration-Live	117685	142331	118000	\$62,000
3321-Registration-Webcast	3557	4266		\$0
3331-Registration-Ticket	55543	25817	70000	\$284,400
Total Registration Revenue	176785	172414	188000	\$346,400
3351-Sponsorships	153032	182000	165000	\$232,000
3391 Section Profit Split	44894	89326	60000	\$70,000
3392-Section Differential	11520	11340	16000	\$11,200
Other Event Revenue	209446	282666	241000	\$313,200
3401-Sales-CD/DVD	4860	3220	0	\$0
Sales, Rents & Royalties Revenue	4860	3220	0	\$0
3699-Other Operating Revenue		405		\$24,000
Other Revenue Sources	0	405	0	\$24,000
3899-Investment Allocation	28593	26063	28453	\$28,000
Non-Operating Income	28593	26063	28453	\$28,000
Total Revenue	692774	756228	735453	\$983,000
4131-Telephone Expense	359	241	500	\$0
4133-Internet Service			150	\$0
4134-Web Services	26251	29407	24000	\$25,000
4135-Social Media	6000	6088	6000	\$6,000
4301-Photocopying		460	100	\$0
4311-Office Supplies	596	730	500	\$500
Total Staff & Office Expense	33206	36926	31250	\$31,500
5031-A/V Services	9040	9456		\$17,500
5051-Credit Card Fees	8233	7166	5180	\$11,030
5101-Consultants	80000	104000	125000	\$152,000
Total Contract Services	97273	120622	130180	\$180,530
5501-Employee Travel	4829	6908	6477	\$9,865
5561-Judges Travel	30895	43942	46000	\$47,000

5571-Speaker Travel	2101	6449		\$6,500
5599-Other Travel	3353	12284	7000	\$5,000
Total Travel	41178	69583	59477	\$68,365
6001-Post 1st Class/Bulk	49	14	200	\$100
6021-Post Express Mail	15	15		\$0
6231-Promotion Item/Giveaway	3330			\$0
6301-Mtgs TFB Annual Meeting	15948	65232	15000	\$40,000
6311-Mtgs General Meeting	61048	10875	50000	\$30,000
6319-Mtgs Other Functions	39732	21924	30000	\$0
6321-Mtgs Meals	186303	193899	180000	\$280,000
6325-Mtgs Hospitality	38858	80009	39000	\$81,500
6341-Mtgs Equip Rental	20017	24298	20000	\$21,200
6361-Mtgs Entertainment	12303	7241	12450	\$16,000
6399-Mtgs Other		474		\$0
6401-Speaker Expense	4466	2440	2500	\$0
6451-Committee Expense	5602	4595	10000	\$5,500
6531-Brd/Off Special Project			5000	\$2,500
7001-Grant/Award/Donation	11678	12089	12000	\$15,000
7011-Scholarship/Fellowship	25275	13567	55000	\$60,000
7999-Other Operating Exp	1527	3427	21000	\$69,500
8901-Eliminated IntFund Exp		1250		\$0
Total Other Expense	426151	441349	452150	\$621,300
8011-Administration CLE	16500	18150		\$0
8021-Section Admin Fee	86298	87848	91514	\$94,205
8101-Printing In-House	39	491	100	\$2,700
8131-A/V Services	5955	6171		\$0
8141-Journal/News Service	425	850		\$2,400
8171-Course Approval Fee	150	450		\$300
Total Admin & Internal Expense	109367	113960	91614	\$99,605
9692-Transfer Out-Council of Sections	300	300	300	\$500
Total InterFund Transfers Out	300	300	300	\$500
Total Expense	707475	782740	764971	\$1,001,800
Net Income	(\$14,701)	(\$26,512)	(\$29,518)	(\$18,800)

EXHIBIT D

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BUSINESS LAW SECTION
OF THE FLORIDA BAR

**Report of the
Cannabis Law Study Group**

September 2, 2019

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Additional materials can be found on the webpage of the Cannabis Law Study group:
<http://www.flabizlaw.org/committees-task-force/task-forces/cannibis-law-study-group/> (cited to herein as Webpage).

Introduction

At the June Annual Meeting of the Business Law Section (the “Section”), incoming Chair Jay Brown made a motion for the Section to form a Cannabis Law Committee. After the motion was seconded, but prior to any discussion, a motion to table was made and passed. Following the Annual Meeting, Chair Brown appointed a study group to evaluate the positives and negatives of formally associating an interested group of cannabis law practitioners with the Section.

The 18-members of the Cannabis Law Study Group (the “Study Group”) include six former chairs of the Section, eight members of the Section whose practice focuses on the cannabis industry, and other members of the Section. Attached as Appendix 1 is a list of the Study Group members together with a summary of their cannabis practice, if any.

The charge given by Chair Brown to the Study Group was to:

1. Evaluate options to provide cannabis law practitioners participation in, access to and benefits of the Business Law Section including but not limited to full committee standing, task force, or subcommittee/joint subcommittee within existing standing substantive committees;
2. Consider negative and positive impacts of such participation and access, including concerns over Section reputation, membership enhancement or detracting, and use of proceeds from potential sponsors or from events involving cannabis law practitioners being inappropriate under both Federal and Florida law;
3. Outline proposed initial scope of any formed group’s activities within the Section and correspondingly any initial limitations; and
4. Report back and make recommendations to the Executive Council as to the foregoing and any related matters at the Labor Day Retreat.

The Study Group held eight telephonic meetings between the Annual Meeting and the Labor Day Retreat. The Study Group engaged in spirited discussions around the issues of adding a cannabis law practice group to the Section. The Study Group surveyed members of the judiciary who are active in the Section to ascertain whether adding a cannabis practice group would adversely affect their participation in the Section. The Study Group surveyed sponsors of the Section and asked whether adding a cannabis practice group would adversely affect their support of the Section. The Study Group also reviewed whether other state bar associations have formed cannabis practice groups.

Study Group members Phil Schwartz and Don Workman each prepared summaries of the various issues presented and discussed by the Study Group. Large portions of this final Study Group report borrow heavily from their work product and the Chair is indebted to them for their efforts.

Organizational Efforts of Cannabis Practitioners in Florida

Since Florida's adoption of Amendment 2¹ in 2016, there has been tremendous growth in the cannabis industry in Florida. Accompanying that growth has been a commensurate growth in the number of attorneys in Florida providing legal counsel to the cannabis industry.

A group of Florida attorneys who provide representation to businesses in the cannabis industry (the "Cannabis Law Committee in Formation") began organizational efforts in 2017 – 2018 with a goal of establishing a committee of The Florida Bar (the "Bar"). The Bar's Program Evaluation Committee (the "PEC") appointed a subcommittee in 2018 to evaluate the proposal to form a new cannabis committee of the Bar. Although the subcommittee recommended formation of a cannabis committee of the Bar, the full PEC declined the recommendation of the subcommittee and instead recommended the Cannabis Law Committee in Formation seek to affiliate with an existing section. Although not cited in the report, according to members of the PEC and Board of Governors, one of the primary concerns was the risk to the Bar posed by the recent U.S. Supreme Court decision in *Janus v. AFSCME*, 138 S. Ct. 2448 (2018).² At its May 24, 2019 meeting, the Bar's Board of Governors received the report of the PEC recommending the formation of a cannabis committee within an existing section instead of as a Bar committee.

The *Janus* case dealt with public employees who were forced to subsidize a union, even if they chose not to join and strongly objected to the positions the union took in collective bargaining and related activities. The U.S. Supreme court found that the nonmembers' free speech rights were violated by compelling them to subsidize private speech on matters of substantial public concern. There is dicta in this case to support the position that a non-voluntary organization (such as the Florida Bar), which requires members to pay dues, cannot advocate positions its members may not agree with, as to do so will violate the free speech rights of those members. To avoid running afoul of the *Janus* decision, it appears that the Board of Governors has adopted an unwritten policy to not form any standing committee of the Bar if that committee could create controversy among Bar members.

Therefore, the Board of Governors suggested that the Cannabis Law Committee in Formation look for a home as a committee in an established section. Since Bar sections are voluntary and collect their own dues, creating a substantive law committee that might create controversy among Bar members would not run afoul of the *Janus* decision. Bar sections are independent of the Bar, and the Bar cannot dictate what a section does, so *Janus* is not implicated.

The Board of Governors was not asked to consider adding a Cannabis Law **section**, nor did it undertake an investigation to determine the feasibility of doing so. The Board of Governors did not formally suggest which section or sections would be the best fit(s) for a new cannabis law committee. There were reportedly informal discussions as to which sections might be good fits,

¹ The Florida Medical Marijuana Legalization Initiative, commonly known as Amendment 2, was approved by Florida voters on November 8, 2017 by a vote of 71%. The constitutional amendment went into effect on January 3, 2017. Enabling legislation was passed by the Florida House and Senate in 2017 and is codified at Section 381.986, Florida Statutes. However, the First DCA recently found portions of the statute unconstitutional. See Florida Dept. of Health et al. v. Florigrown, LLC, 1D18-4471 (Fla. 1st DCA July 9, 2019). The text of Amendment 2 can be found on the Webpage at Tab 1.

² Webpage, Tab 12.

but there was no “recommendation” by either the Board of Governors or the PEC that a particular section be approached. The Cannabis Law Committee in Formation agreed to pursue affiliation with the Business Law Section due to the wide-ranging areas of law impacted by cannabis, many of which are represented by substantive committees of the Section, including bankruptcy, securities, intellectual property and banking.

Growth of the Cannabis Industry in General and in Florida

Cannabis sativa is cultivated for both marijuana and hemp and includes two active chemicals: cannabidiol (CBD) and tetrahydrocannabinol (THC). Marijuana includes CBD and up to 30% of the psychoactive chemical THC. Marijuana is specifically cultivated for THC content and flowers. In contrast, hemp contains low concentrations of THC. Hemp is typically cultivated to maximize the overall size of the plant and the CBD content of the plant.

Thirty-three states, the District of Columbia, Guam and Puerto Rico have legalized some use of marijuana. Of those, eleven states and the District of Columbia have legalized marijuana for adult recreational use. And twenty-six states and the District of Columbia have decriminalized the possession of small amounts of marijuana. However, marijuana remains illegal under Federal law, classified as a Schedule I illegal substance.

Under both Federal law (effective in 2018) and many state laws the cultivation of hemp and sale of hemp products is legal. Effective July 1, 2019 it became legal to grow hemp in Florida with a special permit issued by the Dept. of Agriculture.³

The cannabis industry in Florida is recording explosive growth which is projected to continue. In Florida, the sale of marijuana is restricted to persons holding a state-issued card. As of May 30, 2019, Florida had 225,000 card-carrying medical marijuana patients, 14 licensed marijuana license holders (with 8 more licenses approved), and 126 dispensaries. An estimated 10,000 new patients are signing up in Florida each week. In addition, the Florida Dept. of Agriculture has estimated that as much as 100,000 acres of hemp could be planted in Florida in the coming years.⁴

Practice Area Considerations

Cannabis law is a cutting-edge and growing practice area. Some members of the Section object to adding a cannabis law group on the basis that historically the Section has not had industry-specific committees.⁵ For example, we do not have a citrus committee or a theme park committee. Some members of our Section have objected to supporting select industries. Others argue that as a Section we should consider including practice groups that focus on discrete

³ See Webpage, Tab 5, for the text of the Florida Hemp Act.

⁴ “*Prepare for Cannabis Growth, Not Green Rush,*” Miami Herald, May 30, 2019.

⁵ The Section has previously had a Banking Law Committee and a Savings and Loan Committee, both of which were later merged into a Financial Institutions Committee, which was in turn eventually subsumed within the current Corporations, Securities and Financial Institutions Committee.

industries that would bring new areas of business law into our orbit. Our Section's growth could be limited unless we are willing to embrace the concept of bringing new groups of business lawyers under the BLS tent.

Several sections of the Bar revolve around or include participants in a particular business area. A potential area of growth for our Section is the addition of industry specific practice areas to our committee mix to bring lawyers to the table that work in specific industries where our substantive committees practice. In addition, many larger law firms have practice groups that focus on substantive areas of the legal practice, as well as industry focused groups. This allows the firm to group its lawyers who practice in a particular area while also focusing on industry groups that are interdisciplinary. It should work the same way in our Section if we organize things properly (allowing members to participate in both types of activities).

Cannabis law is one of many industry focused areas where permanent committees that are established would allow participants to focus on their particular substantive Section committees while at the same time focusing on their industry group. The Section has already formed a blockchain and cryptocurrency task force (which cuts across quite a number of our Section's substantive law committees). There are likely other substantive business-focused areas where this would allow our Section to get more lawyers involved.

Our Section could consider a similar approach to expand the areas where lawyers interested in our activities can get involved in our Section.

This would not be the first time that our Section has brought a new area of practice into our orbit. Several years ago, when the Bar decided that the computer law committee should no longer be a separate committee, the Section embraced that group (which really didn't want to affiliate originally). However, over time the members of the Computer Law Committee have discovered the benefits of successfully being part of the BLS and it has resulted in a win-win for all involved.

Law Firm Involvement in this Practice Area

Many large and small law firms around the United States⁶ and in Florida have openly embraced the cannabis practice area, and many other firms that don't have a dedicated practice group in this area actively participate in transactional and litigation over cannabis-related issues. The cannabis practice area was virtually unknown ten years ago; today it is a very popular practice area around the country. There appears to be a national trend in this direction.

However, many of the nation's largest firms have chosen to avoid a formal cannabis practice for a variety of reasons. Among the AmLaw 200, more than two dozen firms have formal cannabis practices, but very few of the AmLaw 50 firms have established a formal cannabis practice

⁶ Some of the firms that have a dedicated practice group in the cannabis space include Akerman, Seyfarth, Duane Morris, Fox Rothschild, McDermott Will & Emery, Greenspoon Marder, Goodwin Procter, Wilson Elser, Dykema, Husch Blackwell, and Sheppard Mullin (Broad & Cassel). Further, many other firms that don't have a dedicated cannabis practice group actively practice in this practice area.

(although anecdotal evidence suggests many of those firms are representing clients in cannabis-related transactions).⁷ In fact, one member of the Study Group reported that his firm (an AmLaw 100 firm) was advised by a consultant that there was a “low risk of federal indictment” if the firm formed a cannabis practice.

Morality Concerns about this Practice Area

Some have argued that the cannabis practice area is an unseemly area of law to practice in because it involves marijuana, and some of our Section's members may have a moral view on the appropriateness or inappropriateness of any involvement in marijuana. However, the trend among the U.S. population nationally and the Florida population specifically (as evidenced by the 2016 vote on Amendment 2 regarding the use of marijuana for debilitating medical conditions that was adopted by a vote of more than 71% of the voters in Florida) is strongly supportive of the concept of legalizing marijuana⁸ in one fashion or another.

Even though the trend towards legalization is undeniable, it is not absolute, and this topic is likely to remain one that causes deep philosophical or emotional divisions among some segment of the membership of the bar in general and our Section in particular.

Some members of the Study Group questioned why the Section should form a cannabis committee if the Board of Governors would not make cannabis a standing committee of the Bar because it is deemed a matter of controversy and conflict among members. Those members also expressed an opinion that cannabis would not be a “good fit” for the Section. They argue that the cannabis practitioners would be a better fit for the Health Law Section given that only medical marijuana is legal in Florida.

Legality Concerns About this Practice Area

Under federal law, marijuana is a Schedule I controlled substance and therefore the possession, sale, use, etc. of marijuana is illegal under federal law without exception. Pursuant to constitutional amendment, the State of Florida recently joined other states in enacted legislation that makes the possession, sale, and use of marijuana, for medical purposes, legal under the laws of the State of Florida. Nevertheless, the fact that marijuana remains illegal under federal law weighs heavily in the minds of certain members of the Study Group and members of the Section.

Because marijuana is illegal under federal law, some take the position that anyone involved in this practice area (including those who advise businesses that are, in one way or another, involved with marijuana) is breaking the law. They extend this argument to attorneys who advise ancillary service providers – businesses that might be vendors to the cannabis industry but

⁷ “*Cannabis has Big Law Seeing Green, but the AmLaw 50 are Skipping the Party*,” Patrick Smith, *The American Lawyer*, July 28, 2019.

⁸ For example, in a recent NPR/PBS News Hour/Marist poll taken in mid-July, 2019, 63% of U.S. adults think that legalizing marijuana is a good idea. This view is supported by democrats and independents by wide margins and even by about 41% of republicans and those who self-identify as conservatives or white evangelical Christians. It is supported in all regions of the country, by both men and women by wide margins, and by all age groups except senior citizens.

don't "touch the plant." The theory is that those ancillary service providers and possibly even attorneys who facilitate the sale of marijuana could be criminally liable under theories of conspiracy or aiding and abetting.

Others argue that lawyers who advise clients in this business are doing what lawyers do, advising clients about the law and about how to operate their businesses, including the risks and legality of those businesses. In fact, this is not the only area where it can be argued that federal law and state law are in direct conflict and arguably federal law makes the conduct illegal that is permissible under state or municipal law.⁹

In new practice areas there are often questions of legality. For example, in the cryptocurrency area, there are substantial questions about the legality of certain types of initial coin offerings under federal and state securities laws and about the legality of cryptocurrencies under federal and state commodities laws. On the other hand, blockchain technology (which is the technological platform of cryptocurrencies) offers great promise and may, as it develops, become a useful technology that offers benefits for many types of business. The fact that some uses of the technology may be illegal does not prevent lawyers from advising clients about this emerging business area.

Ethical Considerations

There are ethical rules that apply to lawyers who practice in the cannabis practice area:

- Rule 4-1.2 provides that a lawyer may not counsel a client to engage or assist the client in conduct that the lawyer knows or reasonably knows is criminal. However, a lawyer's representation of a client does not constitute an endorsement of the client's political, economic, social, or moral views or activities.
- Rule 4-2.1 provides that in representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law, but to other considerations such as moral, economic, social and political factors that may be relevant to the client's situation.

Obviously, a lawyer cannot engage in unlawful conduct and cannot advise their client to engage in unlawful conduct.

In 2014, the Board of Governors adopted a policy that the Bar will not prosecute a Florida Bar member solely for advising a client regarding the validity, scope, and meaning of Florida's statutes regarding medical marijuana or for assisting a client in conduct the lawyer reasonably believes is permitted by Florida statutes, regulations, orders, and other state and local provisions implementing them, as long as the lawyer also advises the client regarding related federal law and policy.¹⁰

⁹ For example, sanctuary city laws adopted by states, cities, or municipalities that prohibit local officials from refusing to participate with federal immigration officials are considered by the federal government to be illegal.

¹⁰ Webpage, Tab 3.

Further, the state bar associations in more than 20 states have adopted guidance (either in the form of comments to their ethical rules or ethics opinions) that allow a lawyer to advise a client in this practice area. Most of these state ethics comments or opinions take a consistent position with the policy adopted by the Board of Governors.

Notwithstanding the ethical pronouncements by the Bar, marijuana remains illegal under federal law and there is no guarantee a lawyer will not be prosecuted for aiding and abetting, or conspiracy. Based on this risk, some members of the Study Group argue the Section should not be affiliated with an activity that can expose a lawyer to criminal prosecution.

Membership and Reputation of the Section

Some argue that bringing into the Section a group of lawyers who focus on cannabis-related business law activities will add to the membership of the Section, since this is a fast-growing practice area. They also argue that lawyers who practice in this area will help educate other Florida lawyers about the laws and regulations that affect this practice area. Further, they argue that the lawyers in the cannabis practice area will benefit from participation in the wide-ranging substantive areas of law that our Section touches.

Others believe that a cannabis law committee will sully the reputation of the Section and thereby detract from membership because the cannabis practice involves marijuana¹¹. They worry that our reputation with the legislature, with business groups, with our Section's sponsors, and with members of the judiciary who participate in the Section's activities, will be sullied by this relationship. They also argue the existing members may leave the Section if a cannabis committee is added and that adding a cannabis practice does not add to the credibility or reputation of the Section.

Section Legislative Activities

The Section has a long history of proposing legislation for consideration by the Florida legislature. The Section also often provides technical advice to the legislature to make sure that legislation on issues within the Section's substantive areas works as intended and does not have unintended consequences. The Section enjoys a reputation with the legislature as being an "honest broker" and a proponent of laws that are good for Florida businesses. This capital was acquired over a long period of time and the Section needs to confirm adding a cannabis practice group would not jeopardize our good standing with the legislature.

Many members of the Study Group believe that the creation of a cannabis law committee could allow our Section to advise the legislature to make sure that cannabis-related legislation works as intended and does not have unintended consequences. In that regard, members of that practice area could be a great resource for legislators.

¹¹ The cannabis practice also involves hemp, and hemp is not illegal in Florida.

One of the primary concerns discussed by the Study Group is whether cannabis practitioners would seek to leverage the Section's reputation and contacts with the legislature to pursue an expansion of cannabis laws. There is protection against legislative activities of any cannabis committee in the form of the Section's historical use of the "triple motion" with respect to Executive Council approval of legislative initiatives. And it was agreed that the Section will likely not be in a position to advocate for expansion of the laws in Florida on the use of cannabis, since that is an area that would cause deep philosophical or emotional divisions among some segment of the membership of our Section.¹² Thus, members of the Study Group who practice in the area of cannabis law were asked to confirm that the members of their group would be willing to commit to a legislative policy of not seeking to expand Florida's cannabis laws in their capacity as members of the Section.¹³ The cannabis practitioners so agreed and provided the following statement:

The Cannabis Committee would conduct itself just as any other committee conducts itself with respect to proposing legislation and interacting with the Business Law Section legislative team. The committee's only legislative agenda would be to serve as a resource in furtherance of legislative changes that are deemed necessary in order to make existing laws, rules and regulations work more effectively and efficiently for businesses in the industry. The committee has no intention or desire to serve as an "advocacy group" in favor of expanding existing cannabis laws and it trusts that its members would use proper discretion in this regard and would avoid making representations that their own personal views constitute the views of the Cannabis Committee or the Business Law Section. Further, the Cannabis Committee is comfortable with the concept that any proposed cannabis legislation be subject to the Business Law Section's triple motion process.

Some members of the Study Group expressed a concern that if the Section were to form a cannabis committee with such a restriction on their legislative activities, there is nevertheless a risk that such members might testify in the legislature wearing the "epaulets" of the Section. The cannabis practitioners included assurances against such action in their statement above. Moreover, it was pointed out that this is a risk with any member of the Section speaking to the legislature on any topic.

¹² Thus, it will likely not be possible for the Executive Council to pass a triple-motion on those topics to support any such legislation. The Section's ability to take a position on a legislative matter is governed by the Standing Board Policies of the Board of Governors of The Florida Bar. For the Section to lobby on a particular legislative matter, the matter must meet all of the criteria listed in Section 9.50(a) of the Standing Board Policies: the issue is within the Section's subject matter jurisdiction, the issue is beyond the scope of permissible legislative activity of The Florida Bar, and the issue is not one that carries the potential of deep philosophical or emotional division among a substantial segment of the Bar's membership. The "triple motion" is a shorthand procedural device used by the Business Law Section for many years to evidence agreement by the Section that the proposed position meets each of the criteria in Section 9.50(a). Webpage, Tab 13.

¹³ Members of the Study Group who practice in the cannabis area noted that they might still advocate for changes in and possibly expansion of cannabis laws on behalf of clients.

The Study Group also reached out to the Section’s legislative consultants (Aimee Diaz Lyon) and, through her, to key legislators, including Sen. Simmons, Sen. Passidomo and Rep. Renner. These legislators were asked whether their opinion of the Section would change if it were to add a cannabis committee. Each of the legislators responded no, it would not change their opinion of the Section. Rep. Renner stated that he did not believe the Section should be advocating for an expansion of cannabis laws but understood that there are several issues presented by the intersection of cannabis laws and business laws. Ms. Diaz-Lyon stated that 10 years ago she would have absolutely told the Section to not add a cannabis committee, but that the world has changed and cannabis issues have become so mainstream that she did not foresee the addition of a cannabis committee having any adverse impact on the Florida legislature’s view of the Section and its positions on proposed legislation.

Notwithstanding the foregoing, some members of the Study Group believe that the inclusion of a cannabis group will detract from the Section’s standing among many legislators and/or detract from our Section’s credibility with the legislature.

Impact on Judges Who Participate in Section Activities

One of the most positive aspects of our Section is the active participation of state and federal judges (including many bankruptcy judges) in our Section’s activities. The importance of that participation cannot be overstated. As a Section we need to be mindful of not alienating the judges who actively participate in the Section or placing them in untenable positions. For example, the Code of Conduct for United States Judges provides, in part, as follows:

Canon 2: A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 4: A judge should not participate in extrajudicial activities that detract from the dignity of the judge’s office, interfere with the performance of the judge’s official duties, reflect adversely on the judge’s impartiality, lead to frequent disqualification, . . .

The canons set forth in the Florida Code of Judicial Conduct have similar admonitions.

In an informal survey taken by the chair of the Study Committee, the majority of judges who responded reported that they would continue to participate in the Section even if a decision was made to organize a cannabis law committee. At the same time, a few of those same judges expressed serious reservations about adding a cannabis group, how they would vote on legislation on cannabis-related proposals as members of the EC (they would likely abstain), whether the Section would back controversial bills that will affect the Section’s reputation with the legislature, whether the Section would accept sponsors tied to the cannabis industry (at least until federal law changes on this topic), and whether they could serve on the Executive Council of the Section if it had a cannabis group. Some members of the Study Group point out that for the same reasons that a bankruptcy court cannot confirm a plan when it involves the

manufacture, distribution, or sale of an illegal (under federal law) substance¹⁴, members of the judiciary on BLS Executive Council may be concerned about being associated with the Section if it formally adds a cannabis group.

The Judicial Survey is attached as Appendix 2 and the reader is strongly encouraged to review the responses from members of the judiciary which are quoted there in their entirety.

Sponsorships

The Section enjoys strong financial support from its sponsors. The potential addition of a cannabis committee to the Section raises two questions with respect to sponsors: would such a committee adversely impact our relationships with current sponsors and should we impose restrictions on sponsorships from businesses in the cannabis industry.

The Study Group conducted a survey of all 2019-2020 sponsors at the \$5,000 level and above. They were asked “If the Section were to add a cannabis committee would that impact your decision to be a sponsor of the Section?” The responses from those sponsors is attached at Appendix 3. All of the sponsors who responded stated that the addition of such a committee would not adversely impact their decision to be a financial supporter of the Section.

There is a concern that some members of the Section may be averse to Section sponsors who are associated with the cannabis industry. Some members of the Study Group questioned whether accepting funds from sponsors in the cannabis industry could subject Section officers to criminal liability under federal or Florida law (knowingly receiving proceeds from a criminal activity) or impair the Section’s ability to use sponsor dollars to subsidize attendance at Section events by members of the federal judiciary. Although no member of the Study Group was able to point to an instance of criminal liability being imposed on any individual or organization for accepting sponsorship funds from a cannabis-associated business. It was agreed that before accepting any sponsorship funds from a cannabis-associated business, the Section should seek approval of the appropriate staff persons at the Bar and/or an opinion from counsel to the Bar.

The Study Group acknowledges the issues involved in accepting sponsorships from a cannabis-associated business and discussed the issues at length. The Study Group discussed whether the Section should refuse to accept sponsorships from all businesses associated with the cannabis industry. It was noted that accepting sponsorships from ancillary service businesses (those businesses that do not touch the plant but otherwise support the cannabis industry) may present similar issues of “taint” or potential violation of federal law under co-conspiracy or aiding and abetting theories. One potential solution to this issue would be to have the Section refuse to accept sponsorships from businesses that sell any cannabis-related products illegal under Federal law. Another possible solution would be to have the Section’s leadership decide whether to accept a particular cannabis-related sponsor on a case-by-case basis, although some members raised a question as to whether that discretion should be vested in Section leadership or the Executive Council.

¹⁴ See, *Arenas v. United States Trustee*, 535 B.R. 845 (10th Cir. BAP 2015); *Arm Ventures, LLC*, 564 B.R. 77 (Bkrtcy S.D. Fla. 2017). Webpage, Tab 7.

CLE

One of the stated purposes of the Section is to provide continuing education opportunities to members of the Section and the Bar. The opportunity to educate Section members about rapidly evolving cannabis-related laws and regulations could be a significant benefit to members of the Section and the Bar.¹⁵ our Section's members. At the same time, CLE programs on cannabis law may need to be tailored so that they are about educating lawyers about the law in this area and do not include advocacy for expanding cannabis use in this state.

There were concerns raised that the Section should not be sponsoring CLE programs on topics of controversy and that the Bar's strategic plan to enhance the legal profession and the public trust in attorneys and our justice system might be undermined by CLE programs promoting unlawful conduct. For example, a question was raised as to whether cannabis-related CLE programs would instruct practitioners on how to circumvent federal prohibitions. Other members argued that the purpose of CLEs in all areas is to educate practitioners on how to stay compliant with all federal, state and other regulatory prohibitions.

Commitment to the Section

The decision to create a cannabis law committee within the Section would be a commitment by the Section. It only makes sense from the Section's standpoint if those seeking to organize the committee are making a commitment to be part of the Section for an indefinite period of time. This commitment by the Section would not be worth it if those seeking to organize this committee are planning in the next few years to move this practice area into its own section or committee of the Bar.

In response to this concern, the cannabis practitioners on the Study Group provided the following statement:

The Cannabis Law Committee (CLC) plans to remain a committee situated within the Business Law Section (BLS) of the Florida Bar in perpetuity, so long as it is treated the same and is able to operate the same as any other committee in the Section. The CLC's activities will include driving membership, planning CLE's, networking events and participation in legislation, as approved by the BLS.

Some members of the Study Group argued that if recreational marijuana is legalized in Florida, there would be no need for this group. Others argue that the need for a committee (or task force) would not change as legalization of recreational marijuana would still represent an emerging market to which practitioners could benefit from the cannabis law committee.”

¹⁵ The IP Committee of the Section included a CLE program on cannabis issues at its 2019 Annual Meeting and the Section is scheduled to have another cannabis CLE at its Labor Day Retreat.

Other Bar Associations

An ever-growing number of state bar associations have organized a cannabis section or committee. Our study group's research shows that at least 9 state bars (including four mandatory bars) have, to date, established separate cannabis sections or committees, including California and Colorado. Other states are currently assessing how to bring this practice area into their bar. Florida is not alone in considering how best to integrate this practice area into our bar. At the same time, this has not yet become commonplace and if we move forward, we are breaking new ground. While our actions should not be governed by what other states do, our Section's decision may, if it is successful, become a model for how it can be done (or a model about why it doesn't work, depending on your point of view). Attached as Appendix 4 is a summary of whether other bar associations around the country have formed a separate section or committee.¹⁶

The American Bar Association House of Delegates passed Resolution 104 at its August 12, 2019 meeting. The accompanying report notes the conflict between federal law's strict prohibition on marijuana and state laws that make it legal for medical or recreational use. The resolution suggests that Congress resolve the conflict by making the Controlled Substances Act's marijuana provisions inapplicable to conduct that complies with state laws. It also suggests that Congress move marijuana to a less regulated schedule within the Controlled Substance Act or remove the drug from the Controlled Substance Act altogether.¹⁷

Possible Organizational Structure within the Section

If the Executive Council of the Section is favorably disposed to formally add a cannabis practice group, there are several possible ways to do so: as a standing committee, as a task force, or as a subcommittee of an existing standing committee.

The Study Group discussed the various options. A subcommittee of an existing committee did not seem appropriate given the fact that the cannabis practice crosses numerous substantive areas of the law. It was noted that the Section has historically used task forces to address issues that are inter-disciplinary in nature. But task forces have also generally been limited in duration. The cannabis law practitioners voiced their concern that a task force designation could be viewed as having less gravitas and expressed a strong preference to be designated a committee. It was noted that the Section's bylaws do not draw any formal distinctions between task forces and committees in terms of duration or scope. It was also noted that if the Section wished to pursue the formation of other industry-specific groups, the task force designation might be an appropriate framework, with substantive law groups remaining designated as committees. Finally, it was noted that the recently established "Blockchain and Cryptocurrency Task Force" has no limitations of duration and could be regarded as industry-specific.

¹⁶ Some of the surveyed bar associations report that they have formed a cannabis committee, but upon further investigation it was determined that their "committee" is the equivalent of a section of The Florida Bar.

¹⁷ Webpage, Tab 14.

Summary and Recommendation

The cannabis industry is a large and growing business in Florida, a fact which has implications for Florida lawyers and members of the Section. These implications are rendered more complex because marijuana is illegal under federal law, but the possession, sale, and use of marijuana for medical purposes is legal under Florida law.

Various members of the Section have expressed concerns with the Section formally including cannabis practitioners. Those concerns include: moral, legal and ethical considerations; the potential impact on the Section's membership and reputation; the impact on judges who participate in Section activities; and whether adequate safeguards could be developed and enforced with respect to legislative efforts and sponsorship by cannabis-related businesses.

The Study Group's survey of judges active in the Section found that a majority have no objection to the Section adding a cannabis practice. Similarly, a survey of sponsors of the Section found that none objected to the Section adding a cannabis practice. Discussions with key legislators and the Section's legislative consultant reveal no concerns with the Section adding a cannabis practice.

After careful consideration of the issues, a majority of the Study Group has concluded that the Section would benefit from the formal addition of a cannabis practitioners, that safeguards can be implemented to limit problematic legislative efforts, and that the Section can adequately police sponsorships to avoid any legal issues.

Therefore, by a vote of 16 for and 2 against, the Study Group recommends that the Business Law Section form a Cannabis Law Task Force for the purpose of providing:

- (a) education through CLEs, publications and otherwise for the purpose of educating lawyers on the state of cannabis laws and how they impact business in Florida;
- (b) technical advice on legislative measures impacting the cannabis business in Florida subject to the Section's and the Florida Bar's existing legislative safeguards; and
- (c) a forum for Florida lawyers practicing in the Cannabis business arena to network, exchange ideas and enhance this practice area.

Provided, however, the Cannabis Law Task Force and Section will not:

- (i) promote the expansion of Florida's marijuana legalization laws; or
- (ii) accept sponsorship from businesses that sell cannabis-related products that are illegal under federal or Florida law without the approval of the Executive Council.

Appendix 1

Members of the Business Law Section Cannabis Law Study Group

Alan Howard - member of Section for 33 years; past Chair of Section; has represented clients with cannabis investments.

Philip Bates - member of Section since 1982; past Chair of Section; no interest in or connection with marijuana legal or otherwise at all nor do his clients, to his knowledge.

Keith Bell – member of Section 4 - 5 years; active in cannabis space since first law passed. Represents numerous investors and 2 different financial institutions. Represents businesses and investors in cannabis.

Russ Blain – Member of Section for 20 years; past Chair of Section; bankruptcy and workouts. No cannabis connections,

Michael Chesal – member of Section for over 25 years; past Chair of Section; has represented applicants in trademark applications that are in the cannabis arena.

Kacy Donlon - member of Section for over 20 years; no knowledge of cannabis industry connection in firm.

Marianne Dorris – member of Section for over 20 years; no current clients in cannabis arena, but does have personal interest based on health studies of cannabis for autistic children.

Todd Green – member of Section since 2016; corporate counsel for Jushi, a Canadian publicly traded cannabis multi-state operator.

Cyndi Hibnick – new member of Section; she has been practicing law for 35 years and is a long-term member of both the Trial Lawyers Section and the Health Law Section for 10 years; chair of firm's cannabis law department; involved in cannabis from healthcare perspective particularly in representing physicians who already are or want to be ordering physicians. Consulting on the sale of a license for non-disclosed license holder. Has relationships with one of larger cannabis publicly traded companies that has MMTCs in Florida

Zach Hyman – member of Section for 9 years; some involvement in cannabis related industry.

Sally Kent Peebles – member of a national cannabis law firm that represents hundreds of clients internationally and nationally, exclusively in the cannabis arena; work with federal and state governments assisting in drafting legislation; policy experts; drafted one of the original license apps for one of winners and recently appointed to Florida Department of Agriculture Hemp Advisory Board; moved from Colorado about 1 year ago.

Woody Pollack - member of Section for 10 - 12 years; exclusively IP practitioner and handled fair share of patent and trademark issues.

Tameika Range – member of Section since 2015; active in cannabis law since 2016, her firm handles contracts, leases, regulatory compliance matters for business, also successfully done a trademark application, also working on client working to obtain license in Florida; professor of Cannabis Law and Social Justice at FAMU

Jonathan Robbins – member of Section for 20 years; vast majority of practice is representing clients in the cannabis space from regulatory licensing litigation and transactional perspective.

Paula Savchenko – member of Section for 3 months; involvement in cannabis law space has been on the administrative side, assisting clients with applications and handling appeal process if needed and regulatory compliance work

Phil Schwartz – member of Section for 33 years; past Chair of Section; significant cannabis practice in firm, on personal basis has a client that has developed an offshore fund that is investing in cannabis space.

Diane Wells – member of Section for 30 years; past Chair of Section; no cannabis work on firm, but firm referring it out to others.

Don Workman – member of Section for 30 years; no involvement in cannabis industry.

Appendix 2

Survey of Judicial Members of the Business Law Section

Question:

Would the addition of a Cannabis Law Committee (or some other formal association) to the Business Law Section affect your participation in Section activities?

Responses:

1. The addition of a Cannabis Law Committee to the BLS would have no effect on my participation in the Section. Everything I read and hear suggests cannabis is going to be big business in Florida. If true, then the BLS has a role to play, particularly in the drafting of legislation.

2. Would not. Although, given the tension between state and federal law, I might be inclined to abstain on cannabis related EC votes.

3. I do not oppose formal association of cannabis law practitioners in the Section. The fact is that the business of cannabis is a reality and it may be a significant sector of the business community at some point.

I do have concern though with the Section ever supporting cannabis related legislation. This concern derives from the fact that our Section enjoys the highest credibility in the state legislature on matters affecting business related legislation. This credibility allows us to control the process of legislation on all matters directly involving business issues.

For example, Philip Schwartz's committee's legislation dealing with the corporation. How many legislators do you think actually took the time to read the law? One? Two? Maybe None? Yet it passed by absolute unanimous votes in both houses. How did that happen? It happened because the voice of the Business Law Section is "gold-plated" in Tallahassee. Most legislators when presented with business related legislation only need to know the answer to one question: "Does the BLS support it? If so, you have my vote." The same is true when we oppose legislation or offer amendments to proposed legislation.

If we ever back a controversial bill to make legal or otherwise increase the availability of cannabis, our voice may be forever damaged. As Warren Buffett (and many others) aptly put it "It takes 20 years to build a reputation and five *minutes* to ruin it."

So while I do not oppose the association of cannabis law practitioners to our Section, I strongly urge that any resolution to accomplish that specifically provide that we will not support, oppose or take any position on cannabis related legislation nor may this new committee have study groups dealing with legislation.

4. The addition of a Cannabis Committee to the Business Law Section would not affect my participation in Section activities.

5. I would very much prefer that The Florida Bar establish a free-standing Committee or Section, as each of the other state bars which have addressed the issue, as shown on your chart, has done. There does not appear to be any model in the US of a cannabis committee as part of a Section; indeed, many of the state bar comments you have included note that cannabis law cuts across the jurisdictional lines of multiple Sections. For those and other reasons I'd be glad to share with you, I oppose the creation of a cannabis committee as part of BLS. The big bar should never have put BLS in this position, and I'd support telling them "no thanks."

As for your specific question, I don't know. I have been involved in BLS for 35+ years. This is the first time I've felt uncomfortable about a discussion like this. I'd certainly have to abstain from votes, and maybe have to walk out of discussions. (All of this has absolutely nothing to do with my personal views on cannabis laws, which I think are stupid and have been extraordinarily damaging to society.)

Bottom line: the inclusion of a cannabis law committee in BLS would affect my participation in the Executive Council. How, exactly, I'm not sure. Please don't put me in that position.

6. I would say, it depends. If the purpose is to educate members or create a subcommittee to implement existing law, not sure I see a problem. All education is good education and cannabis (medical) is implemented by constitution and Florida statutes. Judges may handle cannabis issues in many ways; declaratory judgment actions on what is legal or not, banking issues, criminal issues and how they bleed into negligence cases.

If the goal of the Section is a future statement of opinion lobbying for wholesale legalization, then judges would probably have an issue because it may somehow impinge on our ethics (we cannot lobby) or prohibited judicial speech (we cannot speak politically) or somehow might give the appearance of impropriety (if cannabis were advertising in certain ways). I know someone who is a venture capitalist for cannabis companies and if cannabis companies were to start marketing and advertising within the Section or the Bar the "brand" is antithetical to how judges must appear. If you google around for the current community of cannabis-support companies, you will see what I mean. So, if the Section goes forward, the Section will have to maintain control over whether or how cannabis-type companies are permitted to advertise and how the programming appears. If it looks like the promotion of drug use or impairment, it will likely cause the departure of participating judges. I will ask my general counsel if she foresees any issue which may affect whether judges may serve on the executive council.

7. I have no objection and would continue to participate.

8. I do not think this would affect the participation of members of the judiciary. We are permitted to engage in activities that further the law. Judges participate in the criminal law Section and those lawyers represent persons accused of breaking the law. I do not see a problem.

9. The committee would not cause me to flee. It would cause me to be disappointed. And maybe start proposing committees for other businesses we might want to advance. Cattle, produce, sports, tourism, banking, turnaround professionals, etc, etc., etc. We should not be a Christmas tree full of unrelated ornaments. We should have one theme: Business, ALL business.

And besides, if cannabis belongs anywhere regarding Florida business, it would be health care. Heck, why not annex and subsume the health care Section, because it's a big business?

Seriously, we have no business creating a committee for discrete businesses.

10. This change would have no impact on my participation.

Appendix 3
Survey of Sponsors¹⁸
of the Business Law Section

Question:

Would the addition of a Cannabis Law Committee affect your sponsorship of the Business Law Section?

Responses:

1. The addition of a Cannabis Law Committee would not affect our sponsorship of the Business Law Section. We know it's a new and growing industry.
2. [Our] support for the BLS would be unaffected by an affiliation with cannabis lawyers.
3. [We would] have no issue with adding this committee.
4. We would have no objection to the Section adding a cannabis committee and would still support the section.
5. No. This would not affect our support of the Business Law Section.
6. Our firm provides services for clients in the cannabis industry. I'm confident there won't be any issue with our continuing as a sponsor.

¹⁸ Only sponsors at the \$5,000 level and above were surveyed.

Appendix 4

Survey of Other Bar Associations

State	Cannabis status	Bar affiliation?	Formal Section or Committee	Mandatory Bar
Alabama				Yes
Alaska	fully legal	"We do not have a cannabis section. The only section that has met regarding cannabis is the Municipal Law section."		Yes
Arizona	medicinal	"We do not have a Cannabis Law Section at present; a number of Cannabis lawyers have formed their own Cannabis Bar-they did a CLE at the Convention."		Yes
Arkansas	medicinal			No
California	fully legal	"The California Lawyers Association does not currently have a Section dedicated to Cannabis. Our Business Law Section does have multiple "Standing Committees" with niche focus areas, however, none are currently Cannabis-specific. I would like to note that the Intellectual Property Law Section of the California Lawyers Association has just taken the first steps to establish their own Cannabis "Interest Group" to collaborate and focus on this topic. I personally believe that a Cannabis Section has not yet been established due to the considerable overlap across the other Sections we administer (ex: Real Property Law, Intellectual Property Law, Environmental Law, Business Law, Antitrust, etc.). There is an immense desire and call for Cannabis-centric groups and activities."		Yes
Colorado	fully legal	https://www.cobar.org/For-Members/CBA-Sections	Section	No

State	Cannabis status	Bar affiliation?	Formal Section or Committee	Mandatory Bar
Connecticut	medicinal	https://www.ctbar.org/members/sections-and-committees/committees/cannabis-law	Committee	No
Delaware	medicinal			No
District of Columbia	fully legal	The DC Bar has 21 Communities (formerly called sections) that span various practice areas. There are countless subcommittees underneath the Communities focusing on various issues within that area of law, which can be created and sunset at different times. As of right now, we do not have a Community or subcommittee focusing on the cannabis/hemp industry. If a Community ever chose to create a subcommittee on that topic, I imagine it could likely fall under any number of them. You can view a list of the 21 Communities on the DC Bar webpage. https://join.dcbbar.org/eweb/DynamicPage.aspx?Site=dcbbar&WebCode=CommunityLeadership&cmtname=Community%20Steering%20Committee		No
Florida	medicinal			Yes
Georgia				Yes
Hawaii	medicinal	"The HSBA does not have a separate medical cannabis law section or committee. We do have a Business Law Section, a Labor and Employment Section and a Litigation Section. I hope this helps."		Yes
Idaho				Yes
Illinois	medicinal			No
Indiana				No
Iowa				No
Kansas				No
Kentucky				Yes

State	Cannabis status	Bar affiliation?	Formal Section or Committee	Mandatory Bar
Louisiana	medicinal			Yes
Maine	fully legal	"Maine is also in discussion as to where cannabis law fits. Once we determine how it will fit in our organizational structure I'll be sure to let you know."		Yes
Maryland	medicinal	"We don't have a separate section or committee for this topic. We have multiple sections that review different issues arising from cannabis/hemp, including: Agriculture Law, Labor & Employment, Business law, & Taxation Law."		No
Massachusetts	fully legal	"The cannabis industry subject fits into several sections. It falls under labor and employment, business law, civil rights, health law, and public law sections. Each of these sections have a different perspective on this issue. We do not have a separate section for this issue. Rather, our CLE's are sponsored by several of these sections depending on the viewpoint of the issue."		No
Michigan	fully legal	http://connect.michbar.org/marijuana/home	Section	Yes
Minnesota	medicinal	Has had one member particularly interested in creating separate section; Bar has encouraged that member to create ad hoc committee within Bar (with the Bar providing space/conference call) to determine number of people interested, etc. Depending on progress of ad hoc committee, can then come back to Bar to petition to be a Section		No
Mississippi				Yes

State	Cannabis status	Bar affiliation?	Formal Section or Committee	Mandatory Bar
Missouri	medicinal	medical marijuana not effective until 1/20; had request for separate committee (their sections) but refraining for now; crosses many areas, think it can be addressed in different committees (labor, health, criminal)		Yes
Montana	medicinal	"At present time we do not have a section or committee dedicated to this subject. "		Yes
Nebraska				Yes
Nevada	fully legal	"The State Bar of Nevada's Board of Governors has recently authorized a Nevada attorney to begin the process to apply for a Cannabis Law Section. In 2016, the Board of Governors heard a similar request to establish a Marijuana Law Section, but no action was taken at that time."		Yes
New Hampshire	medicinal			Yes
New Jersey	medicinal	https://community.njsba.com/cannabislaw/home?ssopc=1	Special Committee	No
New Mexico	medicinal	https://nmbar.org/NmbarDocs/AboutUs/sections/CannabisLaw/Bylaws.PDF	Section	Yes
New York	medicinal	https://www.nysba.org/cannabislaw/	Committee	No
North Carolina				No
North Dakota	medicinal	"We haven't taken any steps at this time. I'd guess there are very few lawyers in ND that fall into the category you suggest below."		Yes
Ohio	medicinal			No

State	Cannabis status	Bar affiliation?	Formal Section or Committee	Mandatory Bar
Oklahoma	medicinal	"So far nothing has been done in regard to forming a separate section or committee. My thought is that our Business and Corporate Law Section should be where they would be best integrated."		Yes
Oregon		https://www.osbar.org/sections/cannabis.html	Section	Yes
Pennsylvania		https://www.pabar.org/site/For-Lawyers/Committees-Commissions/Medical-Marijuana-and-Hemp-Law	Committee	No
Rhode Island	medicinal			Yes
South Carolina				Yes
South Dakota				Yes
Tennessee				No
Texas				Yes
Utah	medicinal	" Currently, the Utah State Bar does not have any designated section or organized groups that support attorneys that are practicing in the cannabis/hemp industry. I am sure that as this industry continues to grow we will be implementing opportunities for attorneys."		Yes
Virginia				Yes
Vermont	fully legal			No
Washington		https://www.wsba.org/legal-community/sections/cannabis-law-section	Section	Yes
West Virginia	medicinal	Director responded that they did not have a designation for cannabis/hemp		Yes
Wisconsin				Yes
Wyoming				Yes