

**Minutes of the April 28, 2006 Meeting  
of the Executive Council of the Business Law Section  
of The Florida Bar**

On Friday, April 28, 2006, at approximately 9:00 am., the Executive Council of the Business Law Section of The Florida Bar met during the BLS Executive Council Spring Meeting at Casa de Campo, La Romano, Dominican Republic. The following members of the Executive Council were present:

Hans Beyer  
Russ Blain  
Michael Chesal  
Lou Conti  
Melanie Damian  
Jeff Davis  
John Emmanuel  
Steve Fender  
Brian Gart

Rick Gross  
Paul Hyman  
Jim Murphy  
Karen Orlin  
Mark Stein  
Diane Wells  
Michael Williamson  
Mark Wolfson

Austin Newberry, the Section's Program Administrator, was also present. Chair, Mark Wolfson, opened the meeting and welcomed all of the Executive Council members who were present.

**I. Approval of Minutes**

Upon motion, with a second, the minutes of the January 19, 2006 meeting of the Executive Council at the Mid-Year Meeting of The Florida Bar were approved.

**II. Treasurer's Report**

Treasurer, Rick Gross, presented the current financial status of the Section reporting that the Section continues to be in good financial condition. The Section's February, 2006 Unaudited Statement of Operations, which was distributed to all Council members present, was discussed.

**III. Introduction of Guest Speaker**

Chair Wolfson then introduced Hipalito Garcia, a lawyer from the Dominican Republic, who spoke to the Executive Council on various trade issues and trade relationships between the Dominican Republic and the United States. Much of the discussion centered upon the effects of a free-trade agreement between the United States and certain Central American countries including the Dominican Republic which was to provide for the elimination of certain tariffs and trade restrictions so as to improve trade between the various countries.

#### IV. Special Committee Reports

A. **Chapter 517 Task Force.** Lou Conti gave the report for the Task Force. Lou stated that an agenda had been circulated for a proposed meeting of the Task Force in June, 2006.

B. **Paralegal Task Force.** Lou Conti, the Section's representative on The Florida Bar's Paralegal Task Force explained that the Task Force had come up with a number of recommendations which had been adopted by The Florida Bar's Board of Governors with regard to how to regulate paralegals within the State of Florida. A proposal was introduced to be discussed further at the June, 2006 meeting of the Executive Council to allow paralegals to become associate members of the Business Law Section.

#### V. Committee Reports

A. **Anti-Trust Franchise & Trade Regulations.** No report was given;

B. **Bankruptcy/UCC Committee.** Mark Wolfson gave the report of the Committee. The Florida Bar's Professional Ethics Committee had rendered an opinion on the issue of whether a Chapter 13 lawyer could also act as a Mortgage Broker to his client. The members of the Committee felt that the opinion was too open-ended. The Committee determined to review the opinion with the Bankruptcy Judicial Liaison Committee and give a report in June, 2006.

Thereafter there was discussion regarding an opinion of Florida Third District Court of Appeal in which the Court had held that homestead rights granted under the Florida Constitution could be waived via contract. This opinion was later rescinded by Third District Court of Appeal, however, the Third District Court of Appeal also certified the question raised by the initial opinion to the Florida Supreme Court. Russ Blain, on behalf of the Bankruptcy/UCC Committee made a triple motion to the Executive Council requesting that the Business Law Section support the drafting and filing of an amicus brief opposing contractual waivers of homestead rights under the Florida Constitution and the possible argument of such a position if necessary. The triple motion was seconded by John Emmanuel and passed by the Executive Council.

Finally it was reported that students from the University of Florida were undertaking a study to determine whether or not the personal property exemption granted by the Florida Constitution should be increased from \$1,000 to \$5,000.

C. **Bankruptcy Judicial Liaison Committee.** Judge Paul Hyman gave the report of the Committee stating that there was nothing new to report other than the Committee's next meeting would take place in August, 2006 at the Business Law Section's Annual Retreat which was to take place at the Ritz Carlton in Key Biscayne, Florida.

D. **Business Litigation Committee.** Jim Murphy gave the report of the Committee. It was reported that the Committee was planning two CLE presentations, one on May 18, 2006 in Tampa on Federal Practice involving Business Litigation and another at the The Florida Bar's Annual Meeting in June, 2006 on Metadata.

- E. Certification Committee.** No report was given.
- F. CLE Committee.** No report was given.
- G. Communications Committee.** No formal report was given, however it, was mentioned that work was being undertaken on the Newsletter.
- H. Computer Law Committee.** No report was given.
- I. Corporations/Securities Committee.** Karen Orlin gave the report of the Committee. Karen stated that the work of the Chapter 617 Subcommittee was moving forward.
- J. Council of Sections.** Rick Gross gave the report. A retreat has been scheduled for July, 2006 amongst the various members of the Council of Sections. Rick Gross will attend for the Business Law Section and will be a speaker on one of the panels.
- K. Intellectual Property Committee.** Mark Stein gave the report for the Committee. The Chapter 495 Trademark Bill was going forward. It had passed the Florida House and was moving on the next level of passage. IP Certification was now at the Florida Supreme Court for review and approval. The Committee also planned to hold six Lunch & Learn CLE Seminars over the upcoming year.
- L. Legislation Committee.** Russ Blain gave the Committee's Report. The Trademark Bill was moving through the legislature and was expected to pass. The Governor had signed a bill ending joint and several liability in the State of Florida. Two judicial funding bills were moving through the legislature, one in the House and one in the Senate. The mortgage foreclosure/stealing equity bill was on calendar in the legislature to be heard. The proposed piece of legislation to regulate paralegals had been withdrawn based upon the actions of the Florida Bar Board of Governors. It was also reported that it did not appear that the Section's proposed amendments to Article I of the Uniform Commercial Code would pass through legislature this year based upon certain other outside amendments that had been added to the Section's proposed legislation.
- M. Long-Range Planning Committee.** Mark Wolfson reported that the Committee will meet to discuss the next slate of officers of the Section prior to the Section's next meeting.
- N. Membership/Law School Relations Committee.** No formal report was given however it was mentioned that Foley & Lardner had held a reception with various law students from the Stetson University School of Law.
- O. Opinions Committee.** No report was given.
- P. State/Judicial Liaison Committee.** Mark Wolfson and Rick Gross gave the report for the Committee. It was noted that the Committee's next meeting will take place on June 21, 2006 as part of The Florida Bar's Annual Meeting. It was also reported that the Eleventh Judicial Circuit and the Thirteenth Judicial Circuit were considering setting up complex litigation divisions if additional judges were approved by the legislature.

**VI. Chair's Report.**

Chair, Mark Wolfson, had nothing to report.

**VII. Chair-Elect's Report**

Chair-Elect, Diane Wells, gave this Report. Diane stated that lots of work was being undertaken in connection with the Section's Annual Retreat to be held in August, 2006. Over \$25,000 in written sponsorship commitments have been received to date along with an additional \$10,000 in oral commitments. Other sponsorship avenues were being pursued. Diane stated that the sponsors she had talked to wanted more interaction with members of the Section and wanted to present CLE programs at the meetings of the Section's various committees to be held at the Retreat. Diane also stated that the format for the Annual Retreat brochure was being changed. It was further reported that it was hoped that PCE would act as a sponsor for the Section at its June, 2006 meeting.

Thereupon, the Council adjourned at approximately 11:15 a.m.

Respectfully submitted,

Merrick L. Gross  
Secretary/Treasurer