

THE FLORIDA BAR—BUSINESS LAW SECTION—EXECUTIVE COUNCIL
Minutes of Meeting
SEPTEMBER 3, 2007—RITZ CARLTON, NAPLES

The regular meeting of the Executive Council of the Business Law Section of The Florida Bar was held on Monday September 3, 2007, at the Ritz Carlton, Naples in conjunction with the annual retreat of the council of the Florida Bar. Chair Merrick L. “Rick” Gross called the meeting to order at 8:30 a.m.

The following members of the council were recorded as being present:

Merrick L. Gross,	Jeffrey A. Hirsch
Russell M. Blain, Chair-Elect	G. Alan Howard
Louis T. M. Conti, Secretary-	Hon. Paul G. Hyman, Jr.
Treasurer	Katherine C. Lake
Diane Noller Wells, Past Chair	Samuel A. Lewis
David P. Ackerman	Hal K. Litchford
Stuart D. Ames	Maxine Master Long
Alan H. Aronson	John B. Macdonald
Scott R. Austin	Thomas M. Messana
Robert W. Barron	Stephen D. Milbrath
Douglas A. Bates	Mindy A. Mora
Hans Christian Beyer	Jason M. Murray
Jason B. Burnett	Stephen E. Nagin
Stephen D. Busey	Hon. John K. Olson
Prof. Marilyn B. Cane	Joel B. Rothman
Douglas A. Cherry	Stefan A. Rubin
Michael B. Chesal	Marsha G. Rydberg
Melanie Emmons Damian	Bradley M. Saxton
Kenneth F. Darrow	Lisa M. Schiller
Prof. Jeffrey Davis	Philip B. Schwartz
Ava K. Doppelt	Jeanne L. Seewald
John D. Emmanuel	Paul Steven Singerman
Manuel Farach	Hon. Thomas B. Smith
G. Steven Fender	Mark E. Stein
Henry H. “Bucky” Fox	Gary I. Teblum
James A. Gale	Peter F. Valori
Brian K. Gart	Hon. William A. Van Nortwick, Jr.
Joseph R. Gomez	Donald A. Workman
Michael J. Higer	Gregory C. Yadley

Also recorded as being present were the following:

William Wiley, Section Lobbyist
Austin Newberry, Program Administrator

Approval of Minutes: The minutes of the previous meeting held on June 28, 2007, at the Orlando World Center Marriott in conjunction with the annual convention of The Florida Bar, were read and approved as read.

Treasurer's Report: Lou Conti, Secretary/Treasurer, presented the treasurer's report. The Section continues to be in sound financial condition. Upon motion made and seconded, the treasurer's report was approved.

Special Bar Report: Judge Williamson presented a report on his trip to Afghanistan. Judge Williamson also made a motion for the Section to support SB 1640 relating to revisions to foreclosure in bankruptcy. Judge Hyman seconded the motion, and it was unanimously approved.

Antitrust Franchise Trade Reg Committee: Stephen Feidelman, Chair, Larry Silverman, Alejandro Brito and Marilyn Cane, Co-Chairs. Stephen presented the report of the committee. Committee met for 2 hours, well attended, lots going on including the annual case law review.

Bankruptcy/UCC Committee: Hans Beyer, Chair, Catherine Peek McEwen and Lori Virginia Vaughan, Co-Chairs. Hans presented the report of the committee. Excellent meeting with over 45 attendees, action packed agenda, lots going on. Discussed the CLE programs including new luncheon teleseminars and the ever popular and wildly successful "View From The Bench" (negotiating movie rights with a studio for next year). Thanked all who worked on the legislative proposals which were adopted, provided updates on liaisons with local bankruptcy bar association committees, reported on special event planned for the National Conference of Bankruptcy Judges Annual Conference which is planned for Orlando in October 2007, and discussed ongoing legislative proposals.

Bankruptcy Judicial Liaison Committee: Lisa Schiller, Judge Paul Hyman, Co-Chairs presented the report of the committee. Aside from being another "Big Love" couple who spend an inordinate amount of time together tag-teaming the Committee, they have a lot going on as well. I missed part of the joke, but they really made an amusingly funny presentation for an EC meeting. The committee will be moving to a Saturday meeting from their traditional first afternoon slot at the next meeting, and that was seen as a hit.

Business Litigation Committee: Peter Valori, Chair, and Manny Farach, Vice-Chair gave the report of the committee. They discussed the planned CLE programs

including a Fall program, a January program on Electronic Discovery Issues, a Summer 08 program updating case law. Maxine Long made a motion to approve a change from "file" to "serve" in FS 768.79(1), which was seconded by Peter Valori and which passed unanimously.

CLE Committee: Alan Howard, Chair, presented the report of the committee. He discussed the Lunch & Learn Programs success in South Florida, complimenting Alan Aronson, and noted they wanted to expand the program in Central Florida this year. Contact Alan if anyone is interested in speaking or hosting. Animated discussion of interaction with the "Big Bar" on CLE programming, and a desire by Rick Gross to get sponsor involvement in our CLE programming.

Communications Committee: Melanie Damian, Chair, gave the report of the committee. The Contributing editors of the BLS publication on business law in Florida were thanked for their efforts in getting out the inaugural copy which was a huge success. Melanie will be following up with future issues and wants more participation.

Computer and Cyber Law Committee: Douglas Cherry, Chair, gave the report of the committee. The Committee meeting was very well-attended and Doug discussed the CLE plans for a "best practices" mid-year meeting program, a one-stop e-filing portal, a full day seminar being planned for the Annual Meeting, discussion of possible amendments to the rules of civil procedure through that sub-committee, an e-jurisdiction seminar, and consideration of Ch 614 for possible amendments. Lots on the table.

Corporations, Securities, and Financial Services Committee: Alan Aronson, Co-Chair, and Joe Gomez, Co-Chair gave the report of the committee. The meeting was very well attended, and the discussion was lively and interesting. Discussion focused on 617, 607, 608 and CLE programs on M&A by PCE Investment banker Mark Aronson, and Proxy Rule update by Laurie Green of Holland & Knight. Bill Wiley also reported on legislative activities. A "nice" meeting as reported by Alan.

Council of Sections: Marsha Rydberg, Representative, was not available to give a report on the Council of Sections, or else I stepped out and missed it. Nothing much happening there anyway.

Intellectual Property Committee: Mark Stein, Chair, gave the report of the committee. Mark discussed the recent certification of 80 attorneys in IP Law, he discussed recent CLE programs put on by the Committee and asked for approval to reimburse a CLE speaker for travel expenses, upon motion made and seconded the expense reimbursement was approved. He and Vice Chair Joel Rothman are working on numerous initiatives and goals for the IP committee and they want more participation and attendance from "younger" IP lawyers around the state.

Legislation Committee: Michael Higer, Chair, presented the report of the committee. We are still doing really well with our legislative initiatives. Bill Wiley continues to be a big hit on the "Hill", and loved by all in the Section EC. The Section wants to really work hard to stop funding cuts for the judiciary and we want to support increased Business Court funding. Some would say we are dreaming, but we want to do whatever we can to help. Mike made a motion for adoption of revisions to 607 & 608, seconded by Greg Yadley, and approved unanimously.

Long Range Planning: Roberta Colton, Chair, was unavailable, so Judge Williamson substituted and his report of the committee was blissfully succinct - "No Report".

Membership & Law School Relations: Katherine Lake, Chair, gave the report of the committee. Kacey is reconstituting the Committee and adding a lot of law school students. The committee meeting was very well attended and Kacey though week-ends like Naples over Labor Day will encourage more students to become involved. She plans to do more on law school campus activities to generate student interest and involvement.

Opinion Standards Committee. Phil Schwartz, Chair was not available to report, so J.C. Ferrar, gave the report of the committee. Phil went to NY to parlay with the big wigs discussing TPO . A study draft of the new proposed report is expected by Spring 08 and we will be actively participating and monitoring. More to follow in January in Miami.

Sponsorship & Retreat Committee: Thomas Lasch, Chair, gave the report of the committee. Sponsors continue to be a huge boost to the Section. We are increasing numbers and getting them more involved. Tom wants to have the sponsors participate more throughout the year in CLE and other activities.

State/Federal Court Liaison Committee: David Ackerman, Judge Van Nortwick, Co-Chairs, Steve Fender Vice Chair. Bill Van Nortwick gave the report of the committee. Bill noted the links established on court web-sites for directions, maps, clerk's office contact info, opinions, rules etc. Really a wealth of info which is new and wonderful. Made a motion to create a web-page dedicated to Business Courts (kind of like the North Carolina model -don't you hate it when North Carolina does things before Florida). Steve Fender seconded, and discussion ensued. Vote was unanimous to support the Section paying to host the Business Court site. Diane Wells, Past Chair, was working on a "searchable opinions" project for the site. More to follow - stay tuned.

Chair's Report: Rick Gross presented the chair's report. Rick was thrilled with the Retreat in Naples over Labor Day this year. It was a huge success and everyone gave it "Two Thumbs Up - Way Up". Rick thanked everyone involved with the planning and

execution, particularly the sponsors, and he thanked yours truly for the new, and some thought popular, "Hospitality Suite" where the heavy drinkers hung out after hours. Rick noted we would be increasing the room block next year and urged EC members to get a reservation in "early" so as not to be banished to the Ritz "Golf Villa" a few miles down the road. Rick asked for ideas for improvement, but hearing none (other than asking that we not schedule the meeting to conflict with a massive traffic jam on Alligator Alley), moved on to the Spring Retreat in Beautiful, Fun, and Exciting Park City Utah which is planned for March. We have special room rates at the Marriott and ski lift pass discounts, parties planned, and he wants you to be there or be square. Rick will personally be conducting ski and snowboard classes for all levels. For the non-riders/skiers, Rick has other activities planned including tubing, cross-country, ice skating, mountain biking, hot tubs, reading good books by the fire with your favorite grog, bar-hopping, and more. Park City will be beautiful and warm that time of year, and Salt Lake City is only 40 minutes away for those seeking Mormon influenced choirs and churches.

Chair-Elect's Report: Russ Blain gave the chair-elect's report. Russ also asked for comments to improve (not possible) the Labor Day Retreat for 2008 which will once again be at the Ritz in Naples. In fact, we are booked there in 2009 as well, so get it on your calendars. Russ noted earlier notice will be going out, wanted to be sure all sponsors got to stay "on property", and we discussed the concept of a "Beach BBQ" at the Ritz instead of the smaller break-out dinner night in Naples restaurants. Give your thoughts on this to Russ. Russ moved on to his plans for his Spring 2009 Retreat which is going to be in the "Gaudi-esque" and funky town of Barcelona, Spain in April. Dates are not yet firm but most likely in April, not Easter or Passover or in conflict with the ABA Spring meeting. Not sure what that leaves, but Russ will figure it out. Barcelona really is a wonderful city with some of the coolest architecture in the world, and we are sure to have a memorable trip, so start saving as the Euro continues to kick the dollar's ass.

Next Meeting: Rick announced that the next meeting of the council will be held on January 17, 2008, in conjunction with the midyear meetings of The Florida Bar at the worn-out but ever renovating Hyatt in downtown Miami.

Adjournment: There being no further business to come before the council, upon motion duly made and second, Chair Rick Gross adjourned the meeting at 11:00 a.m.

Respectfully submitted,

Louis T.M. Conti

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Secretary/Treasurer