APPELLATE PRACTICE SECTION EXECUTIVE COUNCIL MEETING

Thursday, June 23, 2022 10:15 AM – 12:15 PM (EDT)

https://us02web.zoom.us/j/88365440727

Dial-In: 1-301-715-8592 | Meeting ID: 883 6544 0727

AGENDA

- I. Call to Order Kimberly Jones, Chair
- II. Introductions Kimberly Jones

Hon. Carrie Ann Wozniak, Chair-Elect Kansas Gooden, Treasurer Courtney Brewer, Secretary Chris Donovan, Immediate Past Chair

- III. Chair's Report Kimberly Jones (Exhibit A)
- IV. Approval of Minutes from January 2022 Meeting Kimberly Jones (Exhibit B)
- V. Treasurer & Finance Committee's Report Kansas Gooden (Exhibit C)
 - A. Current Financial Statement
- VI. Old Business
 - A. Bylaw Amendments Nick Shannin
 - B. 2022 Retreat Update Hon. Carrie Ann Wozniak Register: https://member.floridabar.org/s/lt-event?id=a1R1R00000896OfUAI

Download the Brochure:

https://www.dropbox.com/s/3udc2njqn54duip/BROCHURE%20%28A PS%20FALL%20MEETING%20AND%20RETREAT-%20LONDON-%20ALL%20MEMBERS%29.pdf?dl=0

C. TAP Student Membership Partnership – Jared Krukar

VII. New Business

A. Comment on Report and Recommendations of the Workgroup on Improved Resolution of Civil Cases – Thomasina Moore and Karla

Ellis

- B. High School Moot Court Project Brandon Breslow and Mary Walter
- C. YLD Orseck Moot Court Partnership Mary Walter
- D. APS Sponsorship of GAL CLE Programming Food & Beverage Kimberly Berman

VIII. Liaison Reports

- A. Appellate Court Rules Committee Hon. Carrie Ann Wozniak
- B. Appellate Practice Certification Committee Duane Daiker
- C. Board of Governors Robin Bresky
- D. Council of Sections Nick Shannin

IX. Section Committee Reports

- A. Continuing Legal Education Committee Elaine Walter
- B. Communications Committee Dineen Wasylik and Morgan Weinstein
- C. Delegated Reserves Committee Duane Daiker
- D. Diversity and Inclusion Committee Jared Krukar and Hon. Stephanie Ray
- E. Fellows Program Committee Brandon Breslow and Jamie Billotte Moses
- F. Legislative Committee Thomasina Moore and Karla Ellis
- G. Outreach Committee Mary Walter
- H. Pro Bono Committee Kimberly Berman
- I. Programs Committee Diane DeWolf & Lindsey Lawton
- J. Publications Committee Tom Seider
 - 1. *The Record* Courtney Fernald
 - 2. Florida Bar *Journal* Heather Kolinsky

- 3. Self-Represented Litigant Committee Chance Lyman
- K. Section History Committee Valeria Hendricks
- X. Elections of 2022-2023 Officers & Representatives Kimberly Jones (Exhibit D)
- XI. Awards and Honors
 - A. Adkins Award
 - B. John R. Hamilton Pro Bono Award
 - C. Leadership Recognition
- XII. Closing Remarks and Passing of the Gavel Kimberly Jones
- XIII. Announce Next Executive Council Meeting APS Retreat October 10, 2022
- XIV. Adjournment Kimberly Jones

EXHIBIT A

Appellate Practice Section COS Report for June Meeting By: Kimberly Jones—Section Chair

Council of Sections,

Thank you for inviting the Appellate Practice Section to report on its work this year. The Section successfully advanced its goals through adaptive and flexible planning to conquer the unique challenges of the past Bar year. We were not deterred by Covid protocols changing plans at the last minute and easily transitioned from in-person meetings to virtual programming as needed. This is all thanks to our Section members, Officers, Executive Council, Committee Leaders, Judicial and Bar Liaisons, and, most of all, Section administrator Cheri Wright.

One fantastic example of this flexibility is in the work of our **Programs and Outreach Committees**. Led by Outreach Committee Chair Mary Walter and Vice Chair Alexis Fields, the Section hosted a lovely Autumn with APS Virtual Cocktail Class featuring special guest mixologist and Florida Bar President Mike Tanner. Thank you again to President Tanner for teaching us how to make a delightful Fall concoction. Moving forward, the Section is hosting another amazing Dessert Reception at the Bar's Annual Convention. Desserts and dancing are the perfect end to a productive day of meetings and events. This year's theme is *London Calling*. We hope to see everyone in person to celebrate on Thursday, June 23 beginning at 9 pm in the Bonnet Creek Ballroom II to indulge in the amazing reception organized by Programs Committee Chairs Diane DeWolf and Lindsey Lawton.

The Annual Convention also is a platform for the Section's Annual New and Returning Member Orientation. To prepare new members for the APS, we are hosting a virtual meeting to introduce Section members to our Committees. This event is a unique opportunity to learn about the Section and become involved in our many incredible programs. The New and Returning Member Orientation is scheduled for Tuesday, June 21 at 12 pm and is an exclusively virtual event via Zoom prior to meeting at Annual Convention.

Speaking of incredible, our **Retreat Committee**, led by the Section's Chair Elect, the Honorable Carrie Ann Wozniak, is planning an incredible international adventure in London for Fall 2022. We will make up for the past years of virtual meetings with an educational, insightful, and exciting Retreat that builds on the Section's goals of planning and development for the future.

The Section took an active role in commenting on the proposed elimination of the Bar's Certification Committees' discretion to waive certain requirements. Immediate Past Chair Chris Donovan worked with several other Sections to explain the concerns with the proposed rule changes, and presented oral argument on behalf of our Section and other sections in December 2021. Since then, the Florida Supreme Court has rejected the requested amendments without prejudice to

the Board of Governors proposing them again after conferring with the Sections.

We also maintained our partnership with the Government Lawyer Section, with almost 100 joint members. This program features the Section's goal of interconnectivity with other Bar Sections.

Another primary goal is education and skill-building for our Members. Our CLE Committee continues to crush that goal, offering innovative and timely programs, like (1) the ten-part monthly audio webcast series that brings in over 100 participants per program, (2) Let's Talk Tech: The Best Hardware and Software for Your Appellate Practice, (3) Advanced Appellate Practice and Board Certification Review 2022, (4) Practicing Before the Florida First District Court of Appeal 2022, (5) The Ins and Outs of Rule 9.130: A Lawyer's Guide to Non-Final Appeals Parts I and II, (6) Practicing Before the Florida Supreme Court 2022. The Section also offered a free CLE jointly with the Government Lawyers Section on Navigating Your First Appeal, with over 220 registrants. A standing ovation to Committee Chair Elaine Walter, Vice Chair Joe Eagleton, and Web Co-Chairs Allen Bonner, Geneva Fountain, and Eric Levine for creating exceptional learning opportunities for our members and the Bar.

Our **Pro Bono Committee**'s partnership with the Statewide Guardian ad Litem provided countless hours of pro bono appellate advocacy. We partnered again with GAL to offer a free, five-hour CLE program titled Winning Your Appeal at Trial, which is available on GAL's YouTube channel for free credit. We are proud and excited that four Section members were recognized by the Florida Supreme Court for their pro bono efforts: Jamie Moses, Bryan Gowdy, Ryan Tyler, and Morgan Weinstein. We also have continued our expansion of pro bono services to include immigration appellate referrals from the Catholic Legal Services, assisting veterans in the Court of Appeals for Veterans Claims, and appeals concerning family law, foreclosure, and small-claims cases referred to the Section by legal aid organizations around the State and the Florida Supreme Court and District Courts. Thank you to Chair Kimberly Berman, Vice Chair Samuel Alexander, and GAL liaison Thomasina Moore for their service and commitment to Pro Bono.

Thanks to Chair Tom Seider, the **Publication Committee** fulfilled the Section's commitment to publishing content that educates and informs members about interesting topics in appellate practice. Please check out The Record, led by Editor Courtney Fernald, which you can subscribe to at therecord.flabarappellate.org, for judicial profiles, and news on appellate practice issues. We also publish substantive articles in every edition of the Florida Bar Journal, thanks to Editor Heather Kolinsky. And the Self-Represented Litigant Committee, under the leadership of Co-Chairs Chance Lyman, Stephen Senn, and Sandra Ramirez is working on an update to *The Pro Se Appellate Handbook: Representing Yourself on Appeal*, a unique service project that helps Pro Se parties navigate appeals.

Led by Chairs Jared Krukar and the Honorable Stephanie Ray, and Co-Vice Chairs Chelsea Kirkpatrick and Laura Roe, the **Diversity & Inclusion Committee** partnered with The Appellate Project to bring in two student members to the Section. This

partnership helps empower law students of color to thrive in appellate practice. The Committee also continued working on the Student Education Initiative, which is a multi-module pipeline project aimed at high school, college, and law school students of diverse backgrounds throughout the state.

Chaired by Jamie Moses and Brandon Breslow, the **Fellows Program** is thrilled to work with Fellows Chelsea Kirkpatick and Dayna Maeder, introducing them to appellate practice and providing hands-on appellate experience with the assistance of assigned mentors. The Program has been very successful, and will be announcing the 2022-2023 Fellow at our Executive Council Meeting on Thursday, June 23 at 10:15 am.

The **Communications Committee**, chaired by Dineen Wasylik and Morgan Weinstein, facilitated a modern and streamlined website update and curated the Section's social media presence. The social media efforts and website updates provided a direct interaction and relationship with our Membership to highlight Section activities and promote connectivity.

Similarly, the newly named **Advocacy Committee** (formally Legislative), chaired by Karla Ellis and Thomasina Moore, monitored Legislative developments and potential changes to appellate practice, to ensure the Section maintains its goals of exploring ways to inform section members and the public about those issues, and advising the Section when Section advocacy may be appropriate.

None of this success would be possible without the dedication of our Section officers: Hon. Carrie Ann Wozniak, Chair-Elect; Kansas Gooden, Treasurer; Courtney Brewer, Secretary; and Chris Donovan, Immediate Past Chair. We also thank again our amazing Section administrator, Cheri Wright.

Kimberly Jones, Chair

EXHIBIT B

Appellate Practice Section Executive Council Meeting

January 27, 2022 Virtually Via Zoom

MEETING MINUTES

I. Call to Order - Kimberly Jones, Chair

Chair Jones called the meeting to order via Zoom at 12:02 p.m.

The Executive Council heard from Scott Westheimer, a candidate for President-Elect of The Florida Bar.

II. Introductions - Kimberly Jones

Hon. Carrie Ann Wozniak, Chair-Elect Kansas Gooden, Treasurer Courtney Brewer, Secretary Chris Donovan, Immediate Past Chair

Chair Jones also introduced Arturo Ayala from Court Surety Bond Agency.

III. Chair's Report - Kimberly Jones

Chair Jones thanked everyone for joining via Zoom and expressed the Section's gratitude to Bar Liaison Cheri Wright for quickly and effectively shifting gears from a live to virtual meeting program.

In all, 59 people attended the meeting. Attendees included the following people: Jack Aiello; Samuel Alexander; Cristina Alonso; Arturo Ayala; Ceci Berman; Kimberly Berman; Laura Boeckman; Allen Bonner; Robin Bresky; Brandon Breslow; Lorna Brown-Burton; Daniel Bushell; Courtney Brewer; Chris Carlyle; Matt Conigliaro; Gerald Cope; Duane Daiker; Chrissy

Davis; Chris Donovan; Joe Eagleton; Karla Ellis; Hon. Eric Eisnaugle; Courtney Fernald; Angela Flowers; Hon. Alan Forst; Geneva Fountain; Kansas Gooden; Tom Hall; Valeria Hendricks; Bailey Howard; Kimberly Jones; Chelsea Kirkpatrick; Heather Kolinsky; Jared Krukar; Sarah Lahlou-Amine; Calianne Lantz; Eric Levine; Hon. Norma Lindsey; Wendy Loquasto; Chance Lyman; Hon. Scott Makar; Thomasina Moore; Kristin Norse; Nicole Ramirez; Hon. Stephanie Ray; Finley Riordon; Laura Roe; Hala Sandridge; Justine Scott; Thomas Seider; Nick Shannin; Hon. Morris Silberman; Eleanor Sills; Elaine Walter; Mary Walter; Dineen Wasylik; F. Scott Westheimer; Hon. Carrie Ann Wozniak; and Cheri Wright. One attendee called in, but only their phone number was viewable.

IV. Approval of Minutes from October 2021 Meeting – Kimberly Jones (Exhibit A)

Nick Shannin moved to approve the minutes from the October 2021 meeting; Chris Donovan seconded. The minutes were approved by unanimous consent.

V. Treasurer & Finance Committee's Report – Kansas Gooden (Exhibit B)

Kansas reported our finances are doing fabulously, thanks in large part to the CLE Committee. CLE is steadily making more and more money each year, increasing our reserve fund.

VI. Old Business

A. Bylaw Amendments - Nick Shannin

Nick reported all of the revisions to our bylaws are in line to be approved at our annual meeting.

B. Certification Committee Discretion Rule Change – Chris Donovan

Chris provided background on the Section's participation in commenting on the proposed elimination of certification committees' discretion to waive certain requirements. Chris presented oral argument on behalf of our Section as well as a few other sections in December 2021. Since then, the Florida Supreme Court has rejected the requested amendments without prejudice to the Board of Governors proposing them again after conferring with the Sections.

C. 2022 Retreat Update – Hon. Carrie Ann Wozniak

Judge Wozniak took a moment to thank the retreat committee, which includes Diane DeWolf, Judge Forst, Kristin Norse, Cheri Wright, and Courtney Brewer.

Judge Wozniak also thanked the Section's membership for responding to a survey regarding their inclination to travel overseas in the coming year. The retreat is still scheduled for London and will take place October 9-13. Plans are shaping up and the Committee hopes the retreat will offer lots of tours to various inns and courts, with the chance to observe judicial proceedings there.

VII. New Business

A. TAP Student Membership Partnership - Jared Krukar

Jared explained that TAP is an organization designed to empower law students of color to thrive in appellate practice. TAP students get assigned mentors in the states in which they reside; Sarah Lahlou-Amine, Cristina Alonso, and Mary Walter serve as mentors for the program. Two Florida law students are currently in TAP and they are both participating in the Section. The Section's Officers voted to cover their Section memberships.

Sarah reiterated that TAP is such a great opportunity for the students—a small investment that brings great inclusivity.

If anyone in the Section wants to help bring TAP students into the Section's fold, please reach out to Jared or Sarah.

VIII. Liaison Reports

Chair Jones first recognized our judicial liaisons and appellate judges attending the meeting, including Judge Ray, Judge Silberman, Judge Lindsey, Judge Forst, Judge Eisnaugle, and Judge Makar.

A. Appellate Court Rules Committee – Laura Roe

Laura noted that several Florida Supreme Court opinions affecting the appellate rules have issued lately. Those include case numbers SC20-1129 regarding Marsy's Law, which enacts new appellate rule 9.143, and SC21-129 where the court amended rule 9.130 to add as a category of non-final appeals orders regarding punitive damages. Oral arguments are scheduled in February on case numbers SC21-537 regarding amendments to rules of criminal procedure and rule 9.142 governing postconviction in death penalty; and SC21-990 regarding amendments proposed by the workgroup on continuity in court proceedings during and after COVID-19.

*** The Executive Council heard from Lorna Brown-Burton, a candidate for President-Elect of The Florida Bar.***

B. Appellate Practice Certification Committee – Duane Daiker

Duane serves as Vice-Chair of the Certification Committee. He noted that the Committee's work for this round of exams is 2/3 done—only grading remains. The exam will take place on March 11. The Committee plans to offer remote testing through 2024.

C. Board of Governors – Robin Bresky

Robin noted there is an election coming up for President-Elect in March. The BOG met in Tallahassee last week and attended the legislative reception and pro bono awards. The next BOG meeting will be held virtually in March. Robin noted that the deadline to apply for JNC positions in certain circuits had been extended.

D. Council of Sections - Nick Shannin

Nick reported that the Council of Sections met yesterday and every section had a representative in attendance. The Council discussed the great work our Section did in leading the challenge to the certification committees' discretion rule.

The theme of yesterday's meeting was diversity and inclusion, and again our Section received kudos for our participation at diversity fairs.

IX. Section Committee Reports

A. Continuing Legal Education Committee – Elaine Walter

Elaine reviewed several of the highlights from the past year. The Section offered a free CLE jointly with the Government Lawyers Section entitled Navigating Your First Appeal. The program had over 220 registrants. Additionally, the Section offered its first live program in 2 years: Advanced Appellate Practice and Board Certification.

Looking ahead, the Section will offer Practicing Before the First DCA as a live program on April 8, 2022, and

Practicing Before the Florida Supreme Court in June 2022.

CLE's financials are on track for the year. The Committee had a great meeting and has lots of ideas for programming over the next year. Elaine asked that anyone with program ideas email her or Joe Eagleton.

B. Communications Committee – Dineen Wasylik and Morgan Weinstein

Dineen reported everything is going well in Communications. The Section is sharing information on as many social media platforms as it can. Dineen encouraged everyone to follow the Section on YouTube and all social media platforms.

Morgan is working with Lisa to fix website issues.

C. Delegated Reserves Committee - Duane Daiker

Nothing to report.

D. Diversity and Inclusion Committee – Jared Krukar and Hon. Stephanie Ray

Jared noted that this Committee will meet later today. They will be discussing the work with TAP and other projects. The Committee has a long term student work project going but that has been put on hold to see what happens with the DCAs.

E. Fellows Program Committee – Brandon Breslow and Jamie Billotte Moses

The current fellows were recognized and the program is gearing up for the next year.

F. Advocacy Committee – Karla Ellis and Thomasina Moore

Thomasina reported that the big issues in the legislature this year include the certification of the need for new judges and a proposal to create a Sixth District Court of Appeal. That proposal has passed its first committee in the Florida House of Representatives.

This Committee will discuss these and more at their meeting this afternoon.

Additionally, Thomasina attended the Bar's legislative reception on behalf of the Section.

G. Outreach Committee - Mary Walter

Mary noted this Committee will meet later this afternoon. She is looking for Section members who are involved in other sections to serve as ambassadors to encourage interconnectivity among the sections.

H. Pro Bono Committee - Kimberly Berman

Kimberly noted that she was very pleased with the CLE put on yesterday with the Section and the Guardian Ad Litem. It offered fantastic training, great judicial support, and great speakers. The Committee will be seeking funding going forward for lunches for that CLE.

Additionally, four Section members were recognized by the Florida Supreme Court for their pro bono efforts. They were Jamie Moses, Bryan Gowdy, Ryan Tyler, and Morgan Weinstein.

Kimberly thanked everyone for their pro bono service. and invited anyone who wants to be on the listserv to email her.

I. Programs Committee – Diane DeWolf and Lindsey Lawton

Nothing to report.

J. Publications Committee - Tom Seider

Tom noted that the Committee had a great meeting this morning. He encouraged everyone to check out the Record and subscribe. All of the publications are always looking for volunteers to write, especially the Record.

1. The Record - Courtney Fernald

Courtney reiterated the encouragement to everyone to sign up for Record updates. She noted that anyone wanting to write should reach out to her. She has some topic ideas in reserve if needed.

2. Florida Bar Journal - Heather Kolinsky

Heather did not have much to add to Tom's report. She noted there had been some interesting articles in the Journal.

3. Self-Represented Litigant Committee – Chance Lyman

Chance gave a shout out to Wendy Loquasto for helping him finish the updated draft of the pro se handbook. The Committee's goal is to have an electronic version fully revised and available by the end of this year.

K. Section History Committee - Valeria Hendricks

The Section is continuing to make history. V hopes to have everything up to date for the June meeting and

plans on retiring from serving as Chair of this Committee after that.

X. Closing Remarks - Kimberly Jones

Chair Jones thanked everyone again for attending the meeting virtually.

XI. Announce Next Executive Council Meeting

Florida Bar Annual Meeting June 23, 2022 Signia by Hilton Orlando Bonnet Creek & Waldorf Astoria Orlando, FL

XII. Adjournment - Kimberly Jones

EXHIBIT C

THE FLORIDA BAR Appellate Practice Section For the Ten Months Ending April 30, 2022

	April	YTD 2022	FY 21-22 Budget	Prior Year April	YTD 2021	FYE Actual 2021	CY Budget % Utilized
3001-Annual Fees	103	61,145	56,500	80	59,115	59,115	108.22%
3002-Affiliate Fees	-	50	65	-	25	25	76.92%
Total Fee Revenue	103	61,195	56,565	80	59,140	59,140	108.19%
3301-Registration-Live	-	-	69,875	-	-	-	0.00%
3331-Registration-Ticket		-	-	75	155	260	0.00%
Total Registration Revenue	-	-	69,875	75	155	260	0.00%
3351-Sponsorships	-	2,500	25,000	-	10,000	10,000	10.00%
3391 Section Profit Split	3,421	54,591	70,000	5,996	72,932	88,034	77.99%
3392-Section Differential	140	2,785	5,200	110	1,535	1,913	53.56%
Other Event Revenue	3,561	59,876	100,200	6,106	84,467	99,946	59.76%
3899-Investment Allocation	(42,684)	(60,151)	23,722	17,492	131,707	138,065	-253.56%
Non-Operating Income	(42,684)	(60,151)	23,722	17,492	131,707	138,065	-253.56%
Total Revenue	(39,021)	60,920	250,362	23,754	275,469	297,411	24.33%
4134-Web Services	1,120	12,801	28,500	-	8,382	13,186	44.91%
4311-Office Supplies	116	116	150	-	-	-	77.49%
Total Staff & Office Expense	1,236	12,917	28,650	-	8,382	13,186	45.09%
5051-Credit Card Fees	166	529	3,450	146	514	1,045	15.35%
5121-Printing-Outside			250	<u> </u>	2,429	2,429	0.00%
Total Contract Services	166	529	3,700	146	2,943	3,474	14.31%
5501-Employee Travel	-	1,394	3,135	-	-	=	44.46%
5531-Board/Off/Memb Travel	-	-	4,500	-	-	-	0.00%
5561-Judges Travel	-	1,800	3,500	-	-	-	51.43%
5571-Speaker Travel		- 2 404	10,000	-	-	-	0.00%
Total Travel	-	3,194	21,135	-	-	-	15.11%
6001-Post 1st Class/Bulk	-	236	275	-		365	85.66%
6251-Promotion Sponsorship	-	1,290	2,500	-	1,300	1,300	51.60%
6301-Mtgs TFB Annual Meeting	-	-	35,000	- 0	-	945	0.00%
6311-Mtgs General Meeting 6319-Mtgs Other Functions	-	- 474	4,700 35,000	U	0 11,000	0 5,000	0.00% 1.36%
6321-Mtgs Meals	_	-	52,000	_	-	3,000	0.00%
6331-Mtgs Room Rental	_	3,302	6,604	_	_	_	50.00%
6451-Committee Expense	_	61	850	_	264	794	7.21%
7001-Grant/Award/Donation	330	833	2,050	_	518	2,832	40.65%
7999-Other Operating Exp	-	239	1,500	-	-	-	15.95%
Total Other Expense	330	6,436	140,479	0	13,082	11,236	4.58%
8011-Administration CLE	-	-	11,700	-	-	-	0.00%
8021-Section Admin Fee	62	32,267	30,853	39	27,924	27,924	104.58%
8101-Printing In-House	-	8	250	-	-	-	3.22%
8131-A/V Services	-	-	4,680	-	-	-	0.00%
8141-Journal/News Service	-	-	850	-	-	-	0.00%
8171-Course Approval Fee	-	150	300	-	-	-	50.00%
8901-Eliminated IntEnt Exp Total Admin & Internal Expense	62	1,000 33,425	1,000 49,633	39	27,924	27,924	100.00% 67.34%
rotal Admin & Internal Expense	02	33,423	45,033	33	21,324	27,324	07.5470
9692-Transfer Out-Council of Sections		500	500	-	500	500	100.00%
Total InterFund Transfers Out	-	500	500	-	500	500	100.00%
Total Expense	1,794	57,001	244,097	186	52,831	56,320	23.35%
Net Operations	(40,815)	3,919	6,265	23,568	222,638	241,092	

 2001-Fund Balance, Beginning
 858,603
 617,512
 617,512

 Fund Balance, Ending
 862,522
 840,149
 858,603

EXHIBIT D

2022-2023 Appellate Practice Section Officers and Executive Council Slate

POSITION/NOMINEE
Chair-Elect
Kansas Gooden
Vice Chair (Treasurer After Bylaw Amendment)
Courtney Brewer
Secretary/Treasurer (Secretary After Bylaw Amendment)
Joseph Eagleton
EC Appointment for Term Expiring 06/30/2025
Samuel Alexander
Samuel Alexander
Samuel Alexander Bailey Howard