

Criminal Law Section of the Florida Bar
Executive Council Meeting
Boca Raton Hotel and Resort
Friday, June 25, 2004

- I. **Call to Order:** The meeting was called to order at 9:14 am by the Chair, Melanie Hines. A quorum was not present.

- II. **Attendance:** Phyllis Williams Kotey called attendance as follows: Melanie Hines, Paul Zacks, Phyllis Williams Kotey, Fred Schaub, Harvey Sepler, Carolyn Snurkowski, George Tragos, Bill Vose, Judge O.H. Eaton, Ann Finnell, Les Hess, Abe Laeser, Callianne Lantz, Judge Joseph Lewis, Sheryl Lowenthal, Bruce Lyons, Donnie Murrell, Tony Musto.
Excused: Russ Crawford

- III. **Moment of Silence:** Following the attendance there was a moment of silent meditation and reflection for the life of Judge Robert Simms and a reading by Melanie Hines. A quorum was now present.

- IV. The minutes of the January 16, 2004 meeting were read and approved unanimously with a correction in IV to indicate President not Present McGrane.

- V. **Treasurer's Report:** Phyllis Kotey reported:
 - a. The end of the year revenue for the CLE courses had been posted as of this financial statement and a reimbursement from the FACDL of \$3298 for Cert Review is pending.
 - b. A budget amendment increase was requested in employees travel to cover the \$778 overage since the Trial Lawyers Section are not meeting at all of the Bar meetings

and a \$661 amendment of miscellaneous to cover memorial contributions, news ads and conference calls.

Approval was granted for all recommendations.

- VI. **Chair's Report:** Melanie Hines submitted a report in writing and reported:
- a. Thanks to Abe Laeser, Russ Crawford and George Tragos for submitting articles for the Florida Bar Journal.
 - b. The legislature appropriated \$35,000 for the P/PD reception/fundraiser.
 - c. The Criminal Law Update in the fall will have a child witness component.
 - d. The luncheon will be a Summit on Mediation in Criminal cases.
 - e. Thanks to Russ Crawford for producing the Closing Argument seminar in Orlando.
- VII. **Board of Governors:** Hank Coxe reported that the BOG are discussed and are having discussions regarding the practice of deferral of State Attorney/Public Defender disciplinary actions to the Commission on Ethics.
- VIII. **Elections to Council:** Fred Schaub explained the procedures and conducted the election. The results were reported as they occurred during the meeting. After the election by the Council and the election by the section the following were elected to council: Jodi Breece, Don Horn, Sheryl Lowenthal, Martin McDonnell, George Tragos, Jennifer Zedalis, Scott Fingerhut, Callianne Lantz, Ken Swartz, Tony Musto.
- IX. **Committee Reports**
- a. **Budget:** To begin meeting in October. Amendments requested to the present budget were passed during the treasurer's report.
 - b. **Education:** Sheryl Lowenthal reported that the Advanced Criminal Practice seminar is scheduled for January 20, 2005 and the Masters of DUI seminar is scheduled for January 21, 2005. Plans are continuing for the Advanced

Evidence Seminar in March and the Criminal Law Certification in April. The Criminal Law Update will be postponed until September or October 2005 since an update is taking place this October.

- c. **Ethics:** Chair, Melanie Hines, noted that closing argument seminar was held in Orlando.
- d. **Federal Practice:** No report
- e. **Legal Needs of Children:** No report, but chair Melanie Hines noted that the Criminal Law Update in October will include a child witness component.
- f. **Legislation:** Recommendation made that we renew our legislative positions but discussion was passed until Donnie Murrell was present to present report – no report given.
- g. **Long Range Planning:** Recommendations made that we:
 - i. Amend bylaws to deal with issue of member as nominee for Selig Golden Award
 - ii. Consider rotation off of past chair after serving as immediate past chair –committee split
 - iii. Excused absences only for professional not personal reasons – committee split
 - iv. Addition of Website and Publications Committee as a Communications Committee
- h. **Membership:** No report
- i. **P/PD Steering Committee:** No report
- j. **Selig Golden Award:** The protocol for selection criteria was circulated. Judge Susan Schaeffer is this year's recipient.
- k. **Sentencing:** No report
- l. **YLD CLE Proposal:** A proposal being considered to replace the "Bridge the Gap" program with a generic program encompassing ASAs and APDs offering the non substantive portions of the program or all Young Lawyers.

- m. **Website:** Ann Finnell presented the sample webpage designed and developed by Bill Black. No changes were recommended but Ann invited input and recommendations.

X. **Liaison Reports**

- a. **Appellate Practice/Rules:** Judge Eaton chairs the Criminal Court Steering Committee which is looking a rule of procedure to review the trial court's decision when capital defendants that waive the right to collateral counsel. Rules for civil rights and voluntary commitment proceeding are also being considered.
- b. **Board of Governors:** Hank Coxe reported as previously noted.
- c. **BOG/Disciplinary Review:** Bill Vose reported that the results of a poll of attorneys regarding the disciplinary review process expectedly revealed positive opinions from those who received a no probable cause or dismissal and negative opinions from those who had to face grievance proceedings. Consequently the results are being reviewed to determine if the right questions are being asked and to determine when and how public testimony will be taken around the state.
- d. **Court Appointment Fees:** No report
- e. **Council of Sections:** No report
- f. **Criminal Procedure Rules:** The committee is to consider the following:
 - i. Adding the consequences of the Jimmy Ryce Act to the colloquy
 - ii. Appeal of competency and waiver of collateral counsel and post conviction proceedings
 - iii. Extension of DNA testing deadlines
- g. **Judicial Conference:** No report
- h. **Jury Instructions:** No report

XI. **Old Business:** None

XII. New Business

- a. **Oxford Scholarships:** Ann Finnell reported as follows:
 - i. The scholarships were awarded to Theresa Flurry (APD) and Shanna Belyeu (ASA) without objection.
 - ii. Bill Vose's recommendation that the ceiling be removed from the criteria for nomination for the scholarship was unanimously approved.
 - iii. It on agenda
- b. **Elections to Council:** As previously reported
- c. **Election of Officers:** The officers for 2004 - 2005 were elected as follows:
 - i. Les Hess was elected treasurer.
 - ii. All other officers were elected as follows:
 1. **Chair** – Paul Zacks
 2. **Chair-Elect** - Russell Crawford
 3. **Secretary** – Phyllis Williams Kotey
 4. **Immediate Past Chair** – Melanie Hines
- d. **Outstanding Government Lawyer Award:** Suggestion that we consider nominating someone next year.
- e. **Florida Supreme Court Committee on Privacy of Court Records:** Bill Vose and Callianne Lantz volunteer to work on this committee.
- f. **Review of Advertising Rules:** No discussion

XIII. **Passing of the Gavel:** Melanie Hines passed the gavel to the new chair Paul Zacks.

XIV. **Adjournment:** The meeting was adjourned at 10:48 am.

Next Meeting: September 10, 2004 – Tampa Airport Marriot

**Respectfully Submitted,
Phyllis Williams Kotey
Secretary**