

THE FLORIDA BAR
CRIMINAL LAW SECTION
EXECUTIVE COUNCIL MEETING
BOCA RATON, FLORIDA
JUNE 23, 2006

MINUTES

1. **CALL TO ORDER**-The meeting was called to order by the Chair, Phyllis Kotey.
2. **ROLL CALL**
Members Present-Chair Phyllis Kotey, Chair-Elect Les Hess, Secretary Ann Finnell, Treasurer Donnie Murrell, Judge Stanford Blake, Carol Breece, Judge Dedee Costello, Doug Duncan , Scott Fingerhut, Ivy Ginsberg, Jeff Harris, Cali Lantz, Judge Joe Lewis, Sheryl Lowenthal, Claire Lutén , Marty McDonnell, Tony Musto, Carolyn Snurkowski , Ken Swartz, George Tragos, Bill Vose, Jennifer Zedalis.
Members absent- Judge Kevin Emas, Bob Dillinger, , Teresa Flury, Abe Laeser(excused) , Warren Lindsey, , Bruce Lyons, Harvey Sepler(excused), Judge Mike Weatherby, Paul Zacks.
3. **MINUTES OF THE LAST MEETING**-Minutes of the last meeting were moved accepted by Judge Costello. Ms. Snurkowski seconded the motion and the minutes were approved by unanimous vote.
4. **TREASURER'S REPORT**-. Treasurer Murrell continued to express some frustration with the Section's over-dependence on bar liaison Connie Stewart. He indicated he met with the bar staff to better understand the report and expressed dissatisfaction with the Section's lack of oversight over the budget. It was discussed that we need to revisit the contributions from the Prosecutor's and Public Defender Associations for PPD funding. This was last collected in 2003. We need a mechanism to send out bills to those organizations in a timely manner. Ms. Stewart indicated that their three-year commitment to PPD ended in 2003 and no one has gone back to the organizations for a recommitment. Mr. Musto mentioned that the original commitment had been ten years and that the Section has dropped the ball on this issue. Treasurer Murrell suggested that we need a better budget report on PPD as well, since there was a 13 thousand-dollar overrun for last year's PPD. Treasurer Murrell mentioned this discussion was not meant as a criticism of how PPD is being run, suggesting instead that the Treasurer needs a better handle on what is going on. Chair-elect Hess suggested a committee of Mr. Murrell, Mr. Musto, and Mr. Fingerhut, with the fourth position to be filled with the incoming treasurer to review budgets and make appropriate suggestions for the budget and for renewing commitments to the budget. The Treasurer's report was moved by Judge Costello, seconded by Judge Blake and approved by unanimous vote.
5. **REPORT OF THE CHAIR**-Chair Kotey reported on two issues: she attended and participated on the oral arguments regarding changes to Rule 11 relating to law-

school and intern practice, our position being that there should not be any changes made limiting law school practice; secondly, she attended the ABA conference in New Orleans and we were asked to be a co-sponsor to look at the effect of Hurricane Katrina and other natural disasters on criminal representation.

6. **COMMUNICATIONS COMMITTEE**-Ms Finnell reported that Bill Black has been incommunicado and this is creating serious problems. We need to either get him on board with the webpage or find another web master. Ms. Stewart is to send Ms. Finnell a copy of the contract. Ms. Finnell, Mr. Vose, and Ms. Ginsberg are appointed a committee to look into this matter and report by the next meeting. There is a need for a link to our web page on the Bar web page, which has not yet taken place. Also there is a need for blast e-mail to the membership advising of the website address of our webpage and an update of our page. Ms Ginsberg reported that the newsletter is complete and should arrive any day to the membership.
7. **EDUCATION COMMITTEE**- Ms. Lowenthal reported that Masters of DUI tapes were inexplicably lost so we are missing that revenue. A spring date is scheduled for the Florida Criminal Law update in Miami being put together by Scott Fingerhut. A proposal to lower fees for seminars attended by government lawyers passed and Ms. Lowenthal will present that to the CLE committee.
8. **LEGISLATION COMMITTEE**-Mr. McDonald indicated HB 61 (DNA testing) and HB 147(closing arguments) passed and both repeal rules of criminal procedure. Ms. Ginsberg suggested that information concerning each be included in the next newsletter.
9. **Long Range Planning**-Mr. Lyons was not present and there was no report.
10. **PPD**- Ms. Luten reported -The 2006 program will be held in Gainesville from Friday August 4 through Friday August 11. She is having trouble with the faculty this year and has had several cancellations since June. She needs the Section to consider the fact that Colleen, Connie and she may not be with the program for much longer and the Section needs to infuse some new members into the program operations. We also need to consider a continuing mechanism for funding the program. Also, she is not certain we want the Bar to continue printing the materials as we could get hung up behind projects the Bar might consider a higher priority. A request was made for the names of persons who should be sent to NITA training. Regarding the 13 thousand dollar shortfall, it was clarified that the shortfall is only 5 thousand dollars as the Section had already approved 8 thousand dollars of the shortfall. Ms. Luten pointed out that we had approved an increase in the pay for the actors; also that in the future she would try to limit faculty from great distances and those who submitted bills for expenditures which seemed higher than normal. Ms. Stewart also pointed out that legislative monies cannot be used for certain things like coffee breaks. Mr. Tragos moved to table the approval of the 5 thousand-dollar overage but it failed for lack of a

second. Mr. Musto moved to pay the overage, seconded by Judge Cosello and the motion passed with only one negative vote. Ms. Luten is to set up a September meeting of the committee (Ms. Luten, Ms. Zedalis, Mr. Laeser, Mr. Vose, and Ms. Finnell). Ms Finnell volunteered to write an article about PPD for the newsletter.

11. **Membership**-new officers were elected for 2006-2007. Chair Les Hess, Chair-elect Ann Finnell, Secretary Donnie Murrell, and Treasurer Carolyn Snurkowski. The slate from the nominating committee: Bill Vose, Judge Costello, Ann Finnell, Doug Duncan, and Carolyn Snurkowski were approved unanimously. Jeff Harris, Lisa Walsh, Judge Jay Cohen, Lisa Porter and Susan Hugentugler were elected by the membership.
12. **Selig Goldin**-A committee of Abe Laeser, Bill Vose and Scott Fingerhut reported that in the future there should be no nominations from the floor for this award.
13. **New Business**-The chair appointed a committee of Jennifer Zedalis, Jeff Harris and Jodie Breece (chair) to report by the September meeting to the Section regarding Rule 4-3.8 rules relating to attorney conduct. The Chair presented all Section members with gifts of clocks.
14. **Oxford scholarships**- Assistant State Attorney Scott Pignone from the 9th Circuit and Assistant Public Defender Dinorah Caceras from the 17th Circuit in Key West were selected by the officers. Ms. Luten suggested that a permanent list be made of those persons who have received these scholarships.
15. **Adjournment**-Mr. Hess presented Chair Kotey with a parting gift for her service to the Section and the meeting was adjourned by the Chair.

Respectfully submitted,
Ann Finnell
Secretary