

THE FLORIDA BAR  
CRIMINAL LAW SECTION  
EXECUTIVE COUNCIL MEETING  
ORLANDO, FLORIDA  
JUNE 29, 2007

1. CALL TO ORDER

Chair Les Hess called the meeting to order at 9:30 a.m.

2. ROLL CALL

Members present: Les Hess, Ann Finnell, Donnie Murrell, Carolyn Snurkowski, David Rothman, Phyllis Kotey, Stan Blake, Jay Cohen, Deedee Costello, Robert Dillinger, Doug Duncan, Scott Fingerhut, Ivy Ginsberg, Jeff Harris, Susan Hugentugler, Abe Laeser, Calienne Lantz, Joseph Lewis, Sheryl Lowenthal, Martin McDonnell, Lisa Porter, Harvey Sepler, George Tragos, William Vose, Michael Weatherby, Jenneifer Zedalis

Absent: Carol Breece (excused), Theresa Flury, Claire Luten (excused), Anthony Musto, Kenneth Swartz (excused), Lisa Walsh (excused)

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting were approved

4. TREASURER'S REPORT

Carolyn Snurkowsi gave the treasurer's report. The section made record income on CLE course in the past year. Additionally, it appears that the new revenue sharing scheme imposed by the BOG has not damaged the Sections financial situation.

A motion was made and seconded that the council approve a budget amendment to move \$40,000 to the P/PD endowment. This \$40,000 contribution had been approved by the Council at previous meetings, but the actual transfer had never occurred. This motion passed.

Judge Costello requested an increase in funding for the Jury Instruction Committee for food/beverages in the amount of \$400. She pointed out that the committee is meeting far more frequently than in the past due to requests from the Supreme Court. The motion passed

unanimously. This amount is reflected in line item #84999 in the budget.

## 5. OLD BUSINESS

### A. JAC Funding resolution

The Chair praised Judge Stan Blake for his letter stressing the challenges facing the court system under the present funding scheme. Judge Blake gave a brief report on the Article funding crises. Discussion was had as to the impact of Senate Bill 1088 creating the new offices of regional conflict counsel. There appears to be a dearth of applicants for the new positions to head the five regional offices. Abe Laeser opined that in two weeks capital litigation on Dade County will come to an end. Ann Finnell suggested a committee to push for SB 1088 funding. A committee was appointed to address the issue. The Committee will be chaired by Judge Stan Blake. The other members are: Abe Laeser, Jeff Harris, Bob Dillinger, Judge Cohen, and Carloyn Snurkowski.

### B. Attorney/ Client Privilege

The task force appointed by the Bar made its recommendations and the BOG supported legislation consistent with the task force recommendations.

### C. P/PD Funding

The Chair reported that the Florida Bar Foundation has agreed to support P/PD with a guaranteed gift of \$150,000 payable over three years in installments of \$50,000. The Foundation also agreed to make available another \$100,000 in matching funds. (For every dollar the Section raises the Foundation will match it,) In total the Foundation has committed to a potential gift of \$250,000 to P/PD.

The Chair also reported that the Florida Association of Criminal Defense Attorneys (FACDL) gave \$5,000 to support P/PD. (Along with the Foundation matching money will provide \$10,000 to the endowment.)

### D.P/PD Budget

In accordance with a motion adopted by the Council at the last meeting, a proposed budget for the up-coming P/PD program was provided to the Council for review. However, neither Clare Luten nor Paul Zachs were present to explain the figures. Connie Stewart gave

the report in their absence. Many questions and some apparent confusion arose.

A discussion of P/PD revealed that there is some concern regarding the quality of the program. Board members reported hearing from elected public defenders that the quality of the faculty has declined and that there appears to be too much involvement by judges as opposed to trial lawyers. Bob Dillinger, a council member and elected Public Defender said he no longer supports the program based on reports from his assistants who have attended. He indicated he will no longer send students.

After lengthy discussion, Tragos moved the creation of a committee appointed by the Chair to evaluate P/PD, and to use outside experts to assist, if such experts are available at no costs. The motion passed without dissent.

The Chair appointed a committee chaired by Tragos and consisting of: Dillinger, Kotey, Laeser, Murrell and Weatherby.

#### Communications

Ivey Ginsberg requested assistance in getting out the newsletter. She also announced that she is resigning her position next year to concentrate on her new responsibilities on the editorial board of the Florida Bar Journal. We must find/recruit a replacement.

#### F. Website

Ann Finnell reported that the website will be up and running imminently. There is currently some type of formatting problem that is expected to be solved soon.

#### G. Long Range Planning

George Tragos reported that the long range planning committee met and reviewed the by-laws, Based on that review the committee saw no need for any changes at this time.

#### H. Selig Golden Award

Scott Fingerhut gave a succinct report. The award will be presented to Albert Krieger within the hour.

## I. Education

Sheryl Lowenthal reported that the committee presented four CLE programs this year. All were a success. Some discussion had regarding possible changes in the future, but overall a banner year for section CLE.

## J. Criminal Rules Committee

Bill Vose, chair of the rules committee, reported that the one big issue confronted by the Rules committee last year was the closing argument amendment. He gave a brief history of the convoluted path the amendment took on its way to becoming the new rule.

## K. Appellate Rules

Calienne Lantz gave a thorough report on the two major issues facing the appellate rules committee. The first involves how to deal with a situation where there is a dismissal of post conviction proceedings and a discharge of counsel in capital cases (essentially a "death volunteer"). The second is petitions seeking belated appeal or alleging ineffective assistance of appellate counsel.

## 6. NEW BUSINESS

A. Colleen Flanigan: Colleen is a long time staff person at the UF Law School. She worked with Gerry Bennett in getting P/PD up and running. She is, and has been forever, an indispensable part of the P/PD. Anyone who has ever attended the program knows full well how valuable she is. If you need anything at P/PD the answer is always "Ask Colleen." Sadly, Colleen has had some serious medical issues that are forcing her to retire in September of this year. A resolution was passed expressing the Sections THANKS AND BEST WISHES for all her hard work and speedy recovery. The resolution included a \$1000 dollar cash token of our appreciation and gift. The resolution passed unanimously.

B. Oxford Scholarships: The winners of this year's Oxford Scholarships are: Kimberly Sedor an Assistant State Attorney in the Third Circuit and Linda Hada, an Assistant Public Defender in the Seventh Circuit.

C. Judge Joe Lewis presented the Nominating Committees slate of names for election to the Council. In addition names of nominees were made from the floor. After the votes were tallied the following people were elected (or re-elected) to the Council: Scott Fingerhut, Calienne Lantz, Sheryl Lowenthal, Marty McDonnell, Ken Swartz, George Tragos, Jennifer Zedalis, Lewis Buzzell, Richard Polen, Larry Turner.

In another round of balloting Sheryl Lowenthal was elected the incoming Treasurer of the Section.

D. Connie Stewart: Connie Stewart has served the Criminal Law Section longer than many of our members have been alive. She has done so with a constant smile and wonderful patience. We found out just how vital she is to the Section when she struggled with serious medical problems in the last few years. She announced that this will be her final annual meeting. She is retiring to grow roses. It is hard to believe she would rather grow roses than cater to our demands and egos. Words cannot express our gratitude to her faithful service. As a small token of our appreciation, the Council approved the payment of \$10,000 and a gift (of up to \$500) to Connie.

With a huge sigh of relief, out going Chair Les Hess introduced incoming Chair Ann Finnell. Ann presented Les with a glass trophy memorializing his year of service as Chair of the Council.

The Meeting was adjourned at 11:50 am.