

**The Florida Bar  
Criminal Law Section  
Meeting of the Executive Council  
June 24, 2011  
Kissimmee, Florida**

**Minutes**

1. The meeting was called to order at 9:20 a.m.
2. Attendance
  - Present in Kissimmee and via phone (*see attached*)
  - Excused absences (*see attached*)
  - Guests:
    - Michelle Suskauer (new BoG liaison)
    - Whitney Untique
    - Ben Kuehne
    - Hon. Fleur Lobree
3. The Council approved a \$1,000 donation to the Silvershein family in loving memory of the passing of Joel's son, Andrew. The family is to determine which organization/entity shall receive the funds. The donation is to be taken from the Scholarship line item in the Section's budget. Discussion was then had as to whether – and in what fashion – individual Council members should further contribute, with a determination, upon motion and vote, that members are encouraged to further contribute on an individual basis.
4. The previous meeting's minutes were then discussed. Regarding item no. 7, the Chair is to send a letter to the Board of Governors regarding the Section's position to oppose the proposed animal law/domestic violence legislation. Approval of the minutes was tabled, however, in order to append the portion of the minutes taken by Ms. Hugentugler.
5. The Budget report was then given by Ms. Graham, including information on: the final budget being prepared by mid-July; that we have not produced a newsletter in approximately two years; that we have not "gone over" in any line item save PPD; that we will have to get that money out of another line item; that we are unsure whether the "matching funds" shall continue; and whether to have a lobbyist (whom we no longer employ) push on the "matching" issue. On motion by Mr. Tannebaum, seconded by Ms. Hugentugler, the Council agreed to move the necessary funds from the Legislative Consultant line item.
6. David Rothman was informally recognized for his service to the Section, to The Bar, and to the people of Florida passing through our civil and criminal justice systems upon his culminating his service on the Board of Governors.

Mr. Rothman, who is moving on to head The Florida Bar Foundation, encouraged all criminal law practitioners to "step up" and get involved in BoG leadership.

## 7. Committee Reports

- Communication/Newsletter: Ms. Snurkowski deferred her report to the Long-Range Planning Committee.
- Capital Cases: First, it was noted that, upon the resignation from the Council by Mr. Buzzell, a new Chair is needed for this committee. Next, Ms. Snurkowski reported on the recent federal decision in *Evans* and the State's filing for rehearing, as well as other reform suggestions in process.
- CLE: Mr. Fingerhut reported on the upcoming audio seminar on July 22<sup>nd</sup> (co-sponsored by the Health and Administrative Law Sections), as well as the September 22<sup>nd</sup> mental health seminar (chaired by Ms. Zedalis). Again, more input/involvement was asked of Council members to engage in providing quality CLE. Those interested were asked to contact Judge Porter. Seminar fee waivers were then discussed by Ms. Lowenthal. The matter of selling our CDs to government officers (merely to watch, not to obtain CLE credit) was also discussed. Seminar fee "reductions" were then discussed, akin to how FACDL handles the matter. Ultimately, Ms. Graham noted that this is a BoG issue, and that the Council of Sections is where this must begin. All told, the Council (by Mr. Polin) expressed the importance of letting the BoG know that our Section's CLE is different. Mr. Tannebaum offered to speak both with Gwynne Young, incoming Florida Bar president, as well as Ms. Suskauer, on this issue. Mr. Swartz then reported on the successful January Federal Practice seminar.
- Conflict Counsel: Judge Blake reported, discussing, in particular, the fight against "system" monies being taken out of Due Process costs. Mr. Dillinger noted that Regional Counsel asked the Public Defenders help fund a portion of their budget, since they were not "spared," as were the Courts, the State and the PDs.
- Legislative: Mr. McDonnell reported on several bills of importance to the Section, including HB 251 and HJR 7111. The Florida Supreme Court appointment process was also discussed. Mr. McDonnell advised that we should all "keep our antennae up."
- Long-Range Planning: Mr. Tragos asked that his report be passed until the discussion of the revision of the Bylaws.
- PPD: Mr. Zacks and Ms. Zedalis reported, noting that preparation for

this year's program is well underway; that the program is now cut down to five days; that U.F. wanted to assess an 11% surcharge for "processing" registrants; that The Bar also charges for processing (approximately \$12.00-\$12.50 per student); and that Ms. Graham has resolved the matter successfully (enabling us to avoid The Bar fee, though we will take on a new \$150.00 fee in order to apply for CLE credits). It was also reported that there are no need for scholarships "yet."

## 8. Bylaws Revision

-- Judge Porter presented proposed amendments to our Bylaws, and discussion was had, including the matters of proxy voting, fast-track structure, the emergency Executive Committee function, e-notices (and the presumption of receipt), endeavoring to make our Bylaws "time-tested" in order to accommodate advancing technology, and our need for better equipment at Council meetings in order to facilitate "appearance" by phone/"virtual" appearances. Mr. Kuehne stated that the Council of Sections is a repository for section bylaws that can give us ideas for alternate language. The Council determined to refer the proposed Bylaws revisions back to the revision Committee in anticipation of a vote at the Council's September 23<sup>rd</sup> meeting. Mr. Tragos was added to that Committee. Council members were encouraged to submit suggestions to Judge Porter.

## 9. Web Design

-- Ms. Graham reported that the Trial Lawyers Section just redid their site, paying \$750.00/quarter. The proposal (by the same company, Netphiles) would be approximately \$550.00 for our Section (\$250.00/month for the first 12 months; then \$175.00/month beginning month 13). Mr. Tannebaum moved to approve the funds, seconded by Judge Blake. The Council unanimously agreed.

10. Elections were then held, with Judge Porter noting that over the past several years, it appears that the terms have become skewed, and that our Bylaws require that each year 10 members of the Council be up for election, with a "first slate" of five to be voted upon by Council members only, and a "second slate" of five to be voted on by the Council and any Section members present. The Council then agreed, on motion by the Nominating Committee, to extend the terms of Ms. Lowenthal and Mr. Zacks one year (in order to conform to the Bylaws). Judge Porter also noted that presently the Council is comprised of 4 judges, 9 ASAs, and 17 defense counsel; that we need a more balanced composition; and that the first slate was designed by the Nominating Committee to do just that. By acclamation, the first slate was approved. As for the second slate, there were no nominations from floor, and, the Council determined, the lowest "vote-getter" would be the Council members to take

Mr. Buzzell's vacated seat. The second slate was then approved, by acclamation, with Judge Lobree selecting the piece of paper resulting in Judge Imperato's taking Mr. Buzzell's seat. As for the office of the Treasurer, Ms. Lowenthal nominated Mr. Rothman, who was approved, by acclamation.

-- First slate

-- Mr. Billinger, Mr. Hess, Mr. Laieser, Mr. Silvershein, and Ms. Snurkowski

-- Second slate

-- Judge Blake, Mr. Hersch, Mr. Sepler, Mr. Tannebaum, Mr. Rothman, and Judge Imperato (with Mr. Rothman subsequently being approved for Treasurer)

11. The London trip

-- Judge Porter reported on the May 19-26/2012 London trip, encouraging Council members to save that date, and that the approximate costs will be \$2,000.00, exclusive of airfare.

12. As it turned out, the report of the Long-Range Planning Committee ended up being the Bylaws discussion.

13. New Business

-- Ms. Snurkowski suggested a CLE seminar on the requirements to practice in Capital cases. Noting (by Mr. Dillinger) that two significant ones are already given ("Life over Death" and "Death is Different"), and that prosecutors (by Mr. Vose) are setting one up too, it was suggested that perhaps the Council could sponsor/co-sponsor one or more of these.

-- Ms. Zayas also noted the need for Rule 3.850 CLE as well.

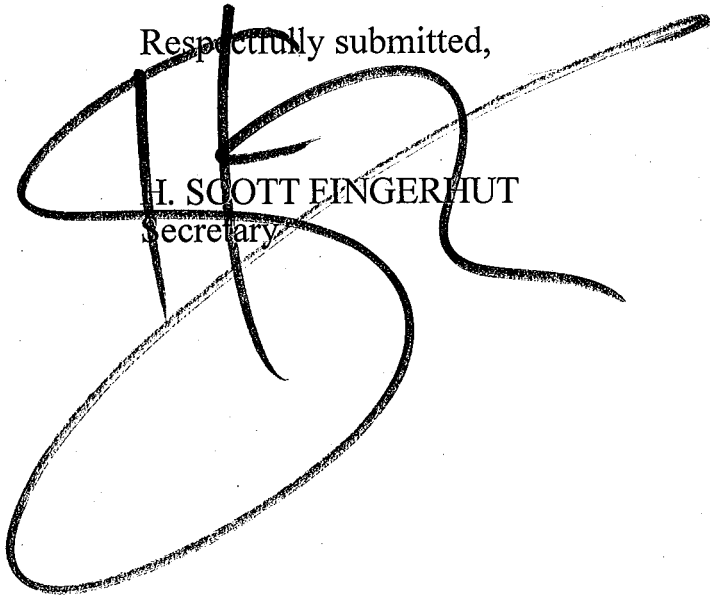
-- Both suggestions are to be taken up by the CLE committee.

14. Judge Porter then presented a gift to out-going Chair Ms. Lowenthal. Ms. Lowenthal's wonderful service to the Section was then recognized, with deep thanks for her year of diligent leadership.

15. Ms. Lowenthal then presented a gift to Ms. Graham, with similar gratitude being given by the Council for Ms. Graham's steady and significant assistance, all year long.

16. The meeting was then adjourned, at 11:11 a.m.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

I. SCOTT FINGERHUT  
Secretary

Criminal Law Section  
Executive Council Meeting - June 24, 2007

CrL of  
By-Laws  
Exc abs.  
① Dilling  
② Hess

Name	Present	Absent	
Sheryl Lowenthal - Chair	✓		
Lisa Porter - Chair-elect	✓		
Scott Fingerhut - Secretary	✓		
Susan Hugentugler - Treasurer	✓		
Carolyn Snurkowski - Imm. Past Chair	✓	X	
David Rothman - Board Liaison	✓		
Stanford Blake - Legislative Chair	✓		
Lewis Buzzell		X	Resigned
Robert Dillinger	present ✓	X	Excused
Douglas Duncan	✓		
Ann Finnell	✓	X	
Jeffrey Harris	✓		
Richard Hersch	✓		
Les Hess		X	Excused
Cynthia Imperato		X	Excused
Abe Laeser	✓		
Callanne Lantz	✓		
Martin McDonnell	✓		
Donnie Murrell	✓		
Richard Polin	✓		
Scott Richardson	✓		
Harvey Sepler			
Joel Silvershein		X	Excused
Kenneth Swartz	✓	X	
Brian Tannebaum	✓		
George Tragos	✓		
Larry Turner	✓		
William Vose	✓	X	Excused
Samantha Ward	✓	X	exc -
Michael Weatherby			
Paul Zacks	✓		
Angelica Zayas	✓		
Jennifer Zedalis	✓		

Guests:

Michelle Suskauer ✓

Whitney Untique - new Board Liaison  
APD - guest of Temp Z.  
Ben K