

Labor Day “Virtual” Retreat 2020

Business Law Section of the Florida Bar
Business Litigation Committee

Meeting Minutes

Thursday, September 3, 2020

10:00 a.m. – 12:00 p.m.

By Zoom

Giacomo Bossa, Chair

Allison Leonard, Vice-Chair

Paige Greenlee, Second Vice-Chair

Judge Darrin Gayles, Federal Judicial Chair

Judge Edward LaRose, State Judicial Chair

1. The Pro Bono Pledge was read to the Committee.

The mission of the Pro Bono Committee is to achieve 100% participation in Pro Bono Service by Business Law Section members and attorneys in their firms

2. Judicial Chairs were introduced.
3. Approval of June 18, 2020 Meeting Minutes
 - a. Motion by: Brian Bakarar
 - b. Second by: Gill Freeman
 - c. Motion passed.
4. Review of By-Laws for purpose of committee – Giacomo reviewed the resources available on the website including Bylaws which set forth the purpose of the substantive committees.
5. Review of Technology tool at committee’s disposal – Giacomo explained the tools the committee leadership will be using to communicate and exchange ideas with committee members – the Listserves and the email blast sign-ups.
6. Review of Legislative Sub-Committee – by Vice-Chair
 - a. Sign up: <http://lists.flabizlists.org/listinfo.cgi/bizlit-flabizlists.org>
7. Review of Committee level listserv – by Chair (clarifying difference with E-Blast)

Sign up: <http://lists.flabizlists.org/listinfo.cgi/bizlit-flabizlists.org>

8. Legislative update
 - a. Restrictive Covenants – Brian Barakat
 - i. Report given by Brian Barakat. Task force aims to have completed draft submitted to EC by evote in the next few weeks.
 - b. UCRERA – Kenneth Dante Murena
 - i. CLE registration was announced for those who missed it.
 - c. Chapter 48 – Giacomo Bossa or Adina Pollan
 - i. International Service of Process
 - ii. There is an issue with appraisal rights in 607 which involves corporate lawyers. The task force is evaluating.
 - d. 607 Glitch Bill
 - e. Litigation Financing –

- i. The prior bill did not pass. Brian Bakarar volunteered to analyze the litigation financing issue and whether to propose pro-active litigation in a few months to create a framework for dealing with relevant issues.
- 9. Rules of Civil Procedure Task Force Update –
 - a. David Hazouri and Judge Artigliere gave update concerning the proposed changes to the Rules of Civil Procedure. The goal of the task force is to have the proposed changes finalized this fall so that they can be proposed to the Rules Committee at the Winter Meeting. The review of the proposed rule changes will be analyzed by the members of the Legislative Subcommittee.
- 10. Amicus Brief Updated –
 - a. Dineen Wasylik gave the update. The task force on amicus briefs is working to put together formal guidelines concerning amicus briefs. There was a request for an amicus brief by a member in the last month. There was analysis and ultimately a denial of the invitation for the section to submit an amicus brief. The formal guidelines will express the sentiment that amicus briefs should be submitted rarely and in cases where a court specifically requests one or if the issue is one of great importance to the section – with the idea that the Section should not be submitting amicus unless there is consensus as to the importance of the issue and consensus of the position of the section. Goal is to not meddle but weigh in on individual cases. The formal guidelines will also include a procedural framework and timeline for responding to such requests in the future. Finally, the website now has posted all amicus briefs that have been submitted by the Section in the past.
- 11. Substantive Committees Update
 - a. UCC – no update was presented
 - b. E-Discovery – no update was presented
 - c. Computer – no update was presented
 - d. IP – Dineen Wasylik gave the update. The IP symposium is scheduled to go forward in October. It will be a hybrid of in-person and online programming based in Miami.
 - e. Misc.
- 12. Non-Substantive Committees Update:
 - a. Pro Bono
 - i. Updated Best Practices – Giacomo encouraged members to review the best practices released by the pro bono committee and incorporating them into member’s respective firms.
 - ii. Task Force was established to take up the issue of the distribution of IOTA funds from Foundation.
 - b. CLE
 - c. IMF – Angelique Gulla
 - i. Networking – event will be virtual tonight. The theme is 90’s/sports. There is a pumpkin carving contest – deadline for submissions is Oct. 28.
 - ii. IMF adopted a new CLE diversity policy to be proposed at EC. Requires 20% diversity for all panels. Sexual orientation, race, gender, physical disability etc.

- iii. IMF is also seeking mentors from the section together with a pledge agreement.
 - d. COVID-19 Task Force – leadership has asked the task force to create CLE on representing individuals in residential tenancies and foreclosures when the moratorium is lifted. The idea is to come up with strategies to move cases more efficiently through the civil docket when the moratorium is lifted. Seeking individuals to present on common factual and legal issues. Task Force will liaise with judges – as part of the judicial outreach – to evaluate and promote efficiency.
 - e. Membership
 - f. Communications – Dineen Wasylik gave update. Looking for liaisons from each substantive committee. Leyza is issuing a weekly newsletter and encourages members and committees to be promoted through the outgoing communications. The committee is working to update the website and is reviewing proposals from companies to make website user-friendly and less expensive.
 - g. Miscellaneous
- 13. CLE
 - a. Business Law Section CLE Initiative– Allison Leonard
 - i. Three part case law updated will be presented by Zoom in October/November 2020.
- 14. There were no additional reports on old matters.
- 15. New Business
 - a. Leadership Update – wants to improve electronic communication. Designated attendees from this committee need to be at each of the non-substantive committees. Unveiled new LinkedIn page – a medium for the communication and promotion of Section activities and accomplishments. EC retreat will be April 7-11, 2021. The destination is TBA.
 - b. Legislative Update – The priority will be on pandemic related legislation this session. Other considerations are that the budget is If the section is taking a legislative position, it needs to prepare a white paper. EC needs a full and fair opportunity to review and analyze the position. They also provide our legislative team with the resources to promote the position.
- 16. Adjournment
 - a. Russel Landy moved
 - b. Cohen seconded.
 - c. Motion passed.