



BUSINESS LAW SECTION
OF THE FLORIDA BAR

**MINUTES OF THE FLORIDA BUSINESS LAW SECTION
ANNUAL MEETING**

I. Call to Order – Ms. Leyza Blanco, Chair of the Section

Leyza Blanco, Chair of The Florida Bar Business Law Section, duly called the June 11, 2021 annual meeting of the Business Law Section to order at approximately 9:03 a.m. Because of the circumstances associated with the COVID-19 pandemic, the meeting convened in a virtual format via Zoom.

Greg Yadley, the Chair of the Long Range Planning Committee provided the report of the Nominating Committee and made a motion to approve the following slate of officers of the Business Law Section for the 2021-2022 year:

Kacy Donlon, Chair
Doug Bates, Chair-Elect
Mark Stein, Treasurer
Manuel Farach, Secretary
Leyza Blanco, Immediate Past Chair

Immediate Past Chair, Jay Brown seconded the motion and, upon vote taken, the motion passed without opposition. Chair Elect Kacy Donlon moved to adjourn the annual meeting of the Business Law Section and Greg Yadley seconded the motion. The motion passed without opposition and the annual meeting of the Business Law Section was adjourned at 9:05 am.

MINUTES OF THE FLORIDA BAR BUSINESS LAW SECTION EXECUTIVE COUNCIL ANNUAL MEETING

Friday, June 11, 2021 from 9:00 AM to 12:00 P.M.
Virtual (via Zoom)

II. Call to Order – Ms. Leyza Blanco, Chair of the Section

Leyza Blanco, Chair of The Florida Bar Business Law Section, duly called the June 11, 2021 meeting of the Executive Council to order at approximately 9:06 a.m. Because of the circumstances associated with the COVID-19 pandemic, the meeting convened in a virtual format via Zoom.

Because the meeting format was virtual, such attendance was taken based upon online registration and recorded and reflected in the spreadsheet attached hereto as **Exhibit “A”** to these minutes.

III. Commitment to Pro Bono Service

Chair Blanco began the meeting by reaffirming the Section’s commitment to Pro Bono activities on behalf of the Bar and referred to the meeting agenda and the Section’s goal to achieve 100% participation in pro bono service by Section members and attorneys in their firms.

Chair Blanco acknowledged the following Executive Council members who have pledged at least \$1000 to The Florida Bar Foundation Endowment Trust to become Fellows of The Florida Bar Foundation: Douglas Bates, Leyza Blanco, Giacomo Bossa, Jay Brown, Michael Chesal, Robert Charbonneau, Hon. Caryl Delano, Kacy Donlon, Jodi Dubose, Manuel Farach, Hon. Gill Freeman (Ret.), Irwin Gilbert, Paige Greenlee, Hon. Paul Hyman, Hon. Laurel Isicoff, Stephanie Lieb, Allison Leonard, John Macdonald, Kimra Major-Morris, James Matulis, Kathleen McLeroy, Hon. Catherine McEwen, Hon. Mindy Mora, Jennifer Morando, Woodrow “Woody” Pollack, Adina Pollan, Carlos Sardi, Philip Schwartz, Detra Shaw-Wilder, Lynn Walter Sherman, Mark Stein, Michelle Suarez, Gary Teblum, Dineen Wasylik and Donald Workman.

IV. Recognition of Sponsors

As included in the meeting agenda, Chair Blanco acknowledged and recognized the generous contribution of all the Business Law Section sponsors, including the following Diamond (\$10,000), Sapphire (\$7,500) and Emerald (\$5,000) sponsors.

Diamond Sponsor:

Michael Moecker & Associates

Sapphire Sponsors:

Berger Singerman

Morgan & Morgan

Buchanan Ingersoll & Rooney PC

Emerald Sponsors:

Akerman

CompuMark

Eisner

Amper

Messana,

P.A.

Sequor Law

Shutts &

Bowen

SunTrust

V. Approval of Minutes of April 8, 2021 Meeting

Secretary Stein presented the meeting minutes from the April 8, 2021 meeting of the Executive Council and moved for approval of the minutes. Upon second by Russell Landy the minutes were approved unanimously as presented.

VI. Treasurer's Report

Treasurer Bates presented documentation found as Exhibit C to the meeting agenda and provided brief remarks regarding the documents included in Exhibit C. Treasurer Bates reported that the Executive Council of the Section approved the budget appearing in Exhibit C and had submitted it to the Florida Bar. He also pointed out that the Section's fund balance is strong and that he does not anticipate any issues in securing approval of the budget from the Florida Bar.

VII. Recognition of Section Fellows

Ms. Michelle Suarez introduced the 2021-2023 Fellows and each briefly introduced himself/herself. The Fellows introduced were:

Shamir Ellis

Alejandra Iglesia

Raina Shipman

Chemere Ellis

Raychelle Tasher

Michael Dunn

Katherine Van de Bogart

Negin Kordbacheh

Romy Jurdado

VIII. Reports of Substantive Law Committees and Legislation Committee

A. Bankruptcy/UCC

Chair, Jennifer Morando gave the report for the Bankruptcy/UCC Committee. Chair Morando made the following triple motion on behalf of the Bankruptcy/UCC Committee, noting that a copy of the proposed legislation and related white paper had previously been circulated to the members of the Executive Council for review and evaluation:

- *To approve amendments to Chapters 55, 56, and 319, to (i) clarify the effect of a certificate of title on a judgment lien, and (ii) establish procedures for enforcement of a judgment lien against a motor vehicle, mobile home, or vessel; and*
- *Authorize the BLS legislative team to advance the proposed legislation in the 2022 legislative session.*

James Moon seconded the triple motion. Following a brief discussion, a vote on the motion was taken and the motion passed without opposition, except all of the judges in attendance abstained from the vote.

***Following the above triple motion, Chair Blanco introduced Mr. Scott Westheimer as a candidate for President-Elect of The Florida Bar. Following a brief introduction, Mr. Westheimer provided a brief report on his candidacy. Next, following the presentation, Chair Blanco introduced Ms. Lorna Brown Burton as a candidate for President-Elect of The Florida Bar. Following a brief introduction, Ms. Brown Burton provided a brief report on her candidacy. Following both presentations, Chair Blanco returned to the meeting agenda.

Chair Morando made the following triple motion on behalf of the Bankruptcy/UCC Committee, noting that a copy of the proposed legislation and related white paper had previously been circulated to the members of the Executive Council for review and evaluation:

- *Support legislation to amend Fla. Stat. §§ [679.4061](#) & [679.4081](#) to clarify that certain “overrides” of restrictions on transferability do not apply to an ownership interest in a general partnership, limited partnership, or limited liability company; and*
- *Authorize the BLS legislative team to advance the proposed legislation in the 2022 legislative session.*

Mark Wolfson seconded the triple motion. Following a brief discussion, a vote on the motion was taken and the motion passed without opposition, except all of the judges in attendance abstained from the vote.

Chair Jennifer Morando reported that the committee’s judgment lien study group will continue to review the issue of expanding the reach of a judgment lien certificate to payment intangibles and hopes to have revised language ready for the retreat meeting so that it can be added back into the approved proposal. She noted that the committee is continuing to move forward with the remaining parts of its judgment lien legislative

proposal, the purpose of which is to clarify ambiguities between the judgment lien statute and the certificate of title statute, and to create procedures for judgment creditors to have their lien noted on a vehicle's certificate of title and for enforcing judgment lien against a vehicle.

B. Business Litigation

Chair Giacomo Bossa gave the report of the Business Litigation Committee. Chair Bossa made the following triple motion on behalf of the Business Litigation Committee, noting that a copy of the proposed legislation and related white paper had previously been circulated to the members of the Executive Council for review and evaluation:

That the Business Law Section support changes to Chapter 48, F.S. and Chapter 15, F.S. to: (1) simplify the methods of service of process on business entities to eliminate redundancies and inconsistencies, (2) clarify the statutory scheme to avoid confusion, (3) better elucidate the methods for effectuating service of process in foreign countries, and (4) modernize the methods and procedures for service of process on business entities, while ensuring compliance with fundamental notions of due process.

Jim Murphy seconded the triple motion. Following a brief discussion, a vote on the motion was taken and the motion passed without opposition, except all of the judges in attendance abstained from the vote.

Chair Bossa next moved to reconstitute the UCRERA Task Force of the Business Litigation Committee in order to evaluate and address certain clean up concerns that have been experienced in Florida in connection with the implementation and operation of UCRERA. Amanda Fernandez seconded the motion. Following a brief discussion during which it was announced that Amanda Fernandez and Adina Pollan would chair the reconstituted UCRERA Task Force, a vote on the motion was taken and the motion passed without opposition, except all of the judges in attendance abstained from the vote.

C. Corporations, Securities & Financial Services

Chair Will Blair gave the report of the Corporations, Securities & Financial Services Committee. Florida OFR Commissioner Russell Weigel and Professor Stuart Cohn presented on a proposed Chapter 517 reform project. Chair Blair reported that he and Professor Cohn had asked the Executive Committee of the Executive Council to form a Task Force for this purpose. It was noted that the Corporations, Securities & Financial Services Committee supported the formation of the Task Force. Chair Blair made a motion to approve the creation of a Chapter 517 Task Force. Jim Murphy seconded the motion. Following a brief discussion, a vote on the motion was taken and the motion passed without

opposition. Chair Blair next presented on the proposed Amendments to Fla. Stat. §§ 679.4061 & 679.4081. He reported that the Committee voted to support these amendments. Phil Schwartz and Gary Teblum reported to the Corporations, Securities & Financial Services Committee on activities of the Chapter 607 Drafting Subcommittee. Stuart Cohn and Danny Aronson reported to the Corporations, Securities & Financial Services Committee on behalf of the BLS Survey Ad Hoc Committee. Robert Barron reported to the Corporations, Securities & Financial Services Committee on activities and projects of the Opinion Standards Committee. Lou Conti reported to the Corporations, Securities & Financial Services Committee on the status and planned activities of the recently formed Series LLC Drafting Task Force.

D. Inclusion/Mentoring/Fellowships Committee

While not a substantive law committee, the Inclusion, Mentoring and Fellowships (“IMF”) Committee was taken out of order. Chair, Michelle Suarez delivered the report for the IMF Committee. Chair Suarez made the following triple motion on behalf of the IMF Committee, noting that a copy of the proposed revised Diversity and Inclusion Policy had previously been circulated to the members of the Executive Council as part of the meeting materials for review and evaluation:

That the Business Law Section approve a revised Diversity and Inclusion Policy that was attached as Exhibit G to the Executive Committee meeting materials.

Rick Gross seconded the motion and a lengthy discussion followed with comments from Phil Schwartz, Rick Gross, Mark Wolfson, Judge McEwen, Jim Moon, Michelle Suarez and others. Following the discussion and before a vote was taken on the triple motion, Judge McEwen moved to postpone a vote on and to table the triple motion until the Business Law Section Executive Council’s meeting during the section’s Labor Day Retreat. Rick Gross seconded Judge McEwen’s motion. Upon vote taken on the motion to postpone and table, the motion passed with 80 yes votes, 11 no votes and 2 abstentions.

Chair Suarez then yielded the floor to Mariane Dorris, the chair of the IMF Task Force on the BLS Diversity Policy. Task Force Chair Dorris made a motion that the BLS prepare and submit a written comment to the Florida Supreme Court in response to the Court’s decision to invalidate the original BLS Diversity Policy. Jim Moon seconded the motion. Following a lengthy discussion lead by Task Force Chair Dorris, Jim Moon and Jon Polenberg during which, Jon Polenberg made a friendly amendment to the motion that the BLS also seek an enlargement of time to submit the written comment, which amendment to the motion was accepted by the person who had made the original motion and by the person who had seconded the original motion. Chair Blanco took a vote on approved the motion, as so amended, and the motion passed with 94% voting in favor, two (2) voting against and four (4) abstentions. Following the vote, Dineen Pashoukos Wasylik, Jon Polenberg, Terry Sanks, Larry Kunin and Mark Wolfson all volunteered to be on a Task Force to draft the Comment.

Chair Suarez moved to extend the stipends for one (1) additional year for the 2019 and 2020 BLS Fellows classes. Immediate Past Chair Jay Brown seconded the motion. Following a brief discussion, a vote on the motion was taken and the motion passed without opposition, except all of the judges in attendance abstained from the vote.

E. Legislation

Chair Manuel Farach provided the report of the Legislation Committee. Chair Farach reported it was the first year that the Capitol buildings in Tallahassee were closed to the public, so there were very few in-person meetings with members of the House or Senate. The Legislature also tackled big tech and foreign influence in a series of bills. Most notably was the data privacy legislation which did not pass and is expected to be back next year. Chair Farach announced that the Son of a Glitch bill passed and recognized Gary Teblum and Phil Schwartz for their exceptional work on this bill, which is already effective as in law. Chair Farach reminded everyone that the 2022 legislative session begins in January 2022 and that bills will be filed and committees will begin meeting in September, 2021, so any BLS proactive legislation would have to be approved by no later than the Executive Council meeting at the BLS Labor Day Retreat. Chair Farach then asked Aimee Diaz Lyons and Doug Bell, the BLS lobbying team, to leave the Zoom meeting and moved to approve the BLS contract with the Metz, Husband, Daughton, P.A. law firm for a period of one year at an annual contract price of \$90,000. Doug Bates seconded the motion. Following a brief discussion, a vote on the motion was taken and the motion passed without opposition, [except all of the judges in attendance abstained from the vote.

F. Computer Law & Technology

Chair Eli Mattern provided the report of the Computer Law & Technology Committee. The primary topic of discussion during the CLTC meeting was the previous legislative session, with a specific focus on the proposed Data Privacy Bills and the newly enacted Social Media Platform Bill. While the data privacy bills failed to pass, the committee and BLS leadership expect to see some version of those bills proposed during the next legislative session. The Social Media Platform law already has opposition through a lawsuit filed in Tallahassee earlier in June. CLTC will continue to monitor this lawsuit and upcoming data privacy legislation as information on both become available.

G. Intellectual Property Law

Chair Jim Matulis provided the report of the Intellectual Property Law Committee. The IP committee reviewed CLE's presented by the committee since the last meeting and also reviewed the Intellectual Property Symposium, which was held virtually on April 28 and 29. The Chair thanked Subcommittee Chairs Darren Spielman and Samuel Lewis, and

the other Subcommittee members, including the Honorable Mary Scriven and Professor Jake Linford. The IP committee reviewed the last legislative session and the IP issues anticipated in the next legislative session beginning in January, 2022. In particular, the IP committee noted that the trade secrets bill that was back for the fourth time this legislative session passed and is waiting for signature from the Governor. The IP Committee received an update from the Section 542.335 Task Force and the Board Certification Study Materials Task Force and updates from the Florida Bar IP Board Certification Committee. The IP Committee confirmed its leadership slate for next year including:

1. Chair – Michele G. Moss
2. First Vice-Chair, Legislation – Sam Lewis
3. Second Vice-Chair, CLE – Darren Spielman
4. Symposium Subcommittee Chair – Meredith Frank Mendez

Finally, the Committee meeting ended with a CLE on *The Simplified Retelling of Compulife Software Inc. v. Newman*, 959 F.3d 1288 (11th Cir. 2020): “Warning: This Gets Pretty Dense (and Difficult) Pretty Quickly” by Joel Rothman, SRIP Law, Boca Raton.

IX. Reports of Permanent and Other Committees and Subcommittees

A. Amicus Brief Guideline Subcommittee

This Amicus Brief Guideline Subcommittee did not provide a report.

B. Antitrust and Trade Regulation Subcommittee

Chair Dee Dee Fischer provided the report of the subcommittee. Chair Fischer reported that the ATR subcommittee is attempting to increase its profile by increasing subcommittee membership and by preserving the Florida Bar Antitrust certification. The subcommittee is formulating a plan to achieve these objectives.

C. Bankruptcy Judicial Liaison

Vice Chair Jennifer Morando gave the report of the committee. Over seventy (70) members, including Judges from each of the three Districts, attended the meeting. Each of the Districts gave a report. In general, Bankruptcy case filings are down overall, 20% to 30%, although Chapter 11 filings have held steady or have ticked upwards. Court proceedings in all three Districts generally remain virtual, with most hearings being conducted telephonically, while many of the Judges are transitioning to Zoom hearings.

The topic for the substantive component of the meeting was Discovery Issues in Bankruptcy. First, Judge McEwen gave a report on the new amendments to Rule

30(b)(6). Next, John Hutton and Steve Berman led a discussion on Zoom depositions, with good participation from the group. Topics discussed included:

1. Live versus remote depositions (when and how to determine which)
2. Coordinating court reporters, videographers, witnesses and documents
3. Establishing environments for the deposition (witness and lawyers)
4. Preparing witnesses
5. Addressing the integrity of the testimony and minimizing witness tampering or influence
6. Use of technology
7. Handling exhibits, mechanics and strategy
8. What can judges do at the pretrial conference to facilitate this type of discovery?
9. Are there any procedures that might be appropriate for local rules or an administrative order?
10. Have attorneys ever had the need to contact the court for assistance with any of these issues in the middle of a deposition? If the answer is that an attorney has not, in what respects does the attorney think the court can be helpful during the course of a Zoom deposition?

Lastly, Judge Grossman from the Southern District, Judge Williamson from the Middle District and Judge Specie from the Northern District led a discussion on discovery sanctions (when appropriate and when not), particularly focused on the proportionality standard in Rule 26(b) (“We know it when we see it”) as had been made applicable to bankruptcy cases by Bankruptcy Rule 7026. The discussion included consideration of proportionality in the bankruptcy context, taking into account the available resources of the estate (not only the amount in controversy, but also the true bankruptcy dollars involved).

D. Blockchain and Cryptocurrency Task Force

Chair Woody Pollack gave the report of the Task Force. The Blockchain & Cryptocurrency Task Force had an extremely well-attended meeting joined by the Commissioner of the Office of Financial Regulation, Russell C Weigel, III, as well as a number of his deputies. The Task Force engaged in an informative and spirited discussion about OFR's approach to virtual currency historically, and its plans for the future. These plans include pursuing legislation next session to address virtual currency. The Task Force was informed that this legislation will be similar to the virtual currency bill that made it through the House last session, but did not get passed by the Senate. The Task Force was also informed that OFR is working up a bill to address Chapter 517. The Task Force was also joined by Congressman Darren Soto's aid, who provided detail on what virtual currency federal legislation the Congressman is attempting to pursue and how it may impact Florida. The Task Force received an update on the Financial Sandbox legislation that was enacted previously and learned that only 1 applicant has thus far applied, and that OFR is currently analyzing that

application. The Task Force, along with the Legislation Committee, is already working to meet with Florida legislators who intend to advance virtual currency-related legislation next session.

E. Business Courts Task Force

The Business Courts Task Force did not provide a report.

F. Chapter 607 Subcommittee

Co-Chair Phil Schwartz gave the report of the Chapter 607 Subcommittee. Mr. Schwartz reported that no legislation is planned for this upcoming legislative session, but that the subcommittee could have proposed legislation in 2023.

G. Continuing Legal Education Committee

Committee Chair Robert Charbonneau gave the report of the Committee. The Committee discussed the need to establish a robust “pipeline” of articles for the Florida Bar Journal and asked the attendees and liaisons to communicate that need to their respective substantive committees for consideration. Currently, there is a need for the March/April 2022 issue (due February 1), the May/June 2022 issue (due April 1), the July/August 2022 issue (due June 1) and all openings thereafter. The Committee discussed the upcoming CLEs, including Machine Learning & Your Practice (June 24), Nuts and Bolts of the Legislative Process (June 30), and Mediation Perspectives (July 14). The Committee discussed the Florida Bar’s recent opinion on the BLS’s diversity policy and the potentially far-reaching effects of the decision on BLS CLE efforts, including partnerships with other bar associations, and the proposed amendment to the BLS diversity policy that will be presented at the Executive Council meeting. The Committee decided not to take any action at this time relative to implementing the BLS diversity policy pending the Executive Council’s decision on the proposed amendment to the BLS diversity policy.

H. Communications Committee

Ms. Adina Pollan provided a brief report on behalf of the Communications Committee. She reported that the Committee has received very good feedback on the new BLS website and that there will be additional minor adjustments made to the site. The Committee also reported that it has continued to keep section members up to date and engaged through the section newsletter and frequent electronic communications, all of which the Committee hopes will continue after COVID. She noted that the Committee continues to seek new content and information from all other committees, such as CLEs and other events, so that it can promote same and keep members better advised.

I. COVID-19 Task Force

Co-Chair Detra Shaw Wilder gave the report of the Task Force. The Task Force discussed plans for ongoing initiatives to assist BLS members and their clients in transitioning back to normalcy as Covid-19 restrictions are being lifted. The Task Force discussed and agreed to undertake the following projects:

- Update the Covid-19 Task Force website to include a survey of each circuit's Case Management Orders and re-opening plans including the federal districts.
- CLE regarding best practices and practical considerations related employment, court and client relations issues with a focus on flexibility needed for a smooth and successful transition to office and court re-openings.
- Revise pending survey to focus on transition issues related to the proposed CLE.
- CLE regarding update on legal issues resulting from the COVID-19 pandemic generally and business interruption cases specifically

J. Electronic Discovery and Digital Evidence Committee

Committee Chair, Zachary Catanzaro, provided a brief report on behalf of the Electronic Discovery and Digital Evidence Committee. The Committee reviewed and evaluated the CLE's it has presented during the last six months. It also assigned liaisons to other BLS committees and reviewed current projects by committee members.

K. Financial Literacy Task Force

Task Force Chair Amanda Finley gave the report of the Task Force. She yielded to Judge Isicoff who presented an update on the Veteran's Financial Literacy project. On October 30, 2021, Mission United, Broward and Legal Services of Greater Miami will put on a financial literacy program for veterans in a combined live and virtual format. Judge Isicoff provided details of the program and pointed out that the program occurs on a Saturday, which she acknowledged could present an obstacle for some BLS members. For more information she pointed to the following page of the BLS website: <https://flabizlaw.org/pro-bono-pledge/veterans-financial-literacy-program/>. Amanda Finley made a motion that the BLS approve \$10,000 to support the Veteran's Financial Literacy project. Jay Brown seconded the motion. Following a brief discussion, a vote on the motion was taken and the motion passed with two percent (2%) in opposition. The Task Force also discussed the new Department of Education Standards, the request for public input and the submission of the Task Force's response. The Task Force also discussed a website update and Florida Bar Journal article on financial literacy.

L. Health & Wellness Task Force

The Health & Wellness Task Force did not provide a report.

M. IOTA Task Force

The IOTA Task Force did not provide a report.

N. Labor Day Retreat Committee

Committee Chair Amanda Fernandez provided the report of the committee. The committee discussed how the retreat would be moving forward in person and the decision to have CLE's included with the substantive committees, as well as the opening of the room registrations. The committee will be sending out invitations to all BLS members on Friday, June 11 and will be encouraging all EC BLS members to register for the retreat and to consider sponsoring the retreat.

O. Marketing, Promotions and Sponsorship Committee

Chair Brett Lieberman presented the report of the committee. The committee met and discussed the upcoming in-person retreat and how to communicate with former and potential new sponsors. Many sponsors who originally sponsored the 2019 retreat (cancelled as an in person event due to hurricane) were rolled over into the 2020 retreat. When the 2020 retreat was also cancelled as an in person event, there was discussion about further rolling these sponsors into the 2021 retreat. This conversation was complicated by the different levels of sponsorship of the "annual sponsors" who receive benefits in addition to the marketing opportunities provided at the retreat and the "retreat sponsors" whose only marketing benefit is directly tied to the retreat. Generally, "annual sponsors" were treated on a sponsor-by-sponsor basis with many of them deciding to support the section and contributing new sponsorship monies each year. Most of the "retreat sponsors" either agreed to have their sponsorship dollars rolled into 2021 or were refunded. The committee also discussed certain new events that would provide additional retreat sponsorship opportunities and the potential for new sponsors. The committee was pleased that there have been several new "annual sponsors" that will be supporting the BLS and that several existing sponsors had increased their sponsorship level. Certain sponsors were allocated among committee members for personal calls to follow up on their sponsorship commitments.

P. Membership Committee

The Membership Committee did not present a report.

Q. Opinion Standards

Mr. Robert Barron, Co-Chair of the Opinion Standards Committee, provided a report on behalf of the committee. The Opinion Standards Committee discussed the status of the approval by the RPPTL Executive Committee of the First Supplement to the December 3, 2011 Third Party Legal Opinion Customary Practice in Florida Report. The committee briefly discussed the possibility of addressing, in a future additional supplement, the Investment Company Act of 1940 and federal reserve board margin regulations, but no final decision was made with respect to whether to address those two areas of the law in

a future supplement. Thereafter, the committee discussed a number of miscellaneous opinion issues that had been listed in the agenda for the meeting, many of which were issues that committee members have encountered in their law practices since the last meeting.

R. Pro Bono Committee

Amanda Finley, Vice-Chair of the Pro Bono Committee provided a report on behalf of the Committee. John MacDonald reported that the BLS IOTA Task Force on The Florida Bar's Task Force on Distribution of IOTA is waiting for a decision from the Florida Supreme Court. Vice-Chair Finley reported that there will be a pro bono table next to the registration table at the BLS Labor Day Retreat. Judge McEwen reported that the BLS raised and donated \$36,000 to the "One Promise" campaign and recognized Chair Blanco for challenging other sections which helped the BLS exceed its overall goal of \$35,000. The Florida Bar will be filming five (5) videos to celebrate National Pro Bono Week, one in Spanish, one to appeal to older lawyers, one to appeal to younger lawyers, one to appeal to law students and one as a general appeal. These videos should be completed before October 1. For more information a referral was made to the following page on the section's website: <https://www.floridabar.org/the-florida-bar-news/foundation-revives-one-campaign-as-one-promise/#:~:text=Seeks%20to%20boost%20lawyers%20taking,called%20the%20One%20Promise%20Campaign>. Judge Isicoff did a presentation on the Veteran's Financial Literacy Project described under the Financial Literacy Report in these minutes. The Committee then discussed ideas to promote pro bono participation such as including the pro bono opportunities in the BLS or adding this to the BLS blog or awarding an annual BLS pro bono award.

S. Proposed Amendments to the Fla. R. Civ. P. Task Force

The Proposed Amendments to the Fla. R. Civ. P. Task Force did not give a report.

T. Chapter 48 (Service of Process) Task Force

The Chapter 48 (Service of Process) Task Force did not provide any further report.

U. Scholar and Fellows Retention Task Force

Vice-Chair Amir Isaiah gave the report of the Task Force. The Task Force discussed on-going initiatives, the increase in BLS members, and examples of leadership among past/present Fellows and Scholars. The Task Force also discussed the planning of future CLE programming, including proposed topics and speakers, and time frame goals, the prior day's IMF/Membership meeting and that committees' proposed events and initiatives, including the allocated 3-hour block at the BLS Labor Day Retreat. In addition, the Task Force addressed the need to develop "training programs" for Fellows/Scholars, and the need to reach out to the Membership Committee re possible

efforts to promote the Scholars Program this year (notwithstanding limitations regarding the venue, and law student priorities, in light of the pandemic). Lastly, the Task Force approved a motion to extend the stipend of the 2018-2020 Fellows Class through June, 2022. Section Leadership visited the meeting and spent more time than usual in attendance, participating in much of the above discussion and talking points, and providing suggestions/updates, accordingly.

V. 542.335 Task Force

Task Force Chair Brian Barakat gave the report of the 542.335 Task Force. With the help of Treasurer Bates, Task Force Chair Barakat, Jim Murphy and Phil Schwartz were able to meet with Representative Tom Leak to see if they could overcome Representative Leak's concerns with the 542.335 legislation, his reasons for not being willing to sponsor such legislation, and the reasons would likely oppose this legislation if sponsored by others in the legislature. Shortly before the meeting, President Biden issued the executive order that created the White House Competition Committee and directed the Federal Trade Commission to promulgate rules to eliminate "unfair restrictive covenants." The Task Force plans to meet at the BLS Labor Day Retreat to discuss what steps may be productively taken in an attempt to further this 542.335 legislation and/or otherwise addressing the goals of the proposed legislation, including possibly liaising with the White House Competition Committee or alternate bill sponsors in the Florida Legislature.

W. Uniform Commercial Real Estate Receivership Act (UCRERA) Task Force

The Uniform Commercial Real Estate Receivership Act Task Force did not give a report.

X. Uniform Voidable Transfers Act (UVTA) Task Force

The Uniform Voidable Transfers Act Task Force did not provide a report.

X. Reports of Section Liaisons

A. The Florida Bar Board of Governors

The Florida Bar Board of Governors did not give a report.

B. The Florida Bar Continuing Legal Education

This report was the same as the CLE Committee Report above.

C. The Florida Bar Council of Sections

Treasurer Doug Bates gave the report of the Florida Bar Council of Sections. He reported that the other sections expressed strong support for the BLS diversity policy that the Florida Supreme Court struck down.

D. The Florida Bar Diversity & Inclusion Committee – Marianne Dorris

Other than as noted earlier in these minutes, the Diversity & Inclusion Committee did not provide a report.

E. The Florida Bar Real Property, Probate & Trust Law (RPPTL) Section – James Marx

Manny Farach gave the report of The Florida Bar Real Property, Probate & Trust Law (RPPTL) Section. Mr. Farach reported that the RPPTL section plans to work with the BLS on several legislative initiatives during the 2022 legislative session.

F. The Florida Bar Young Lawyers (YLD) Division

The Florida Bar Young Lawyers Division (YLD) did not provide a report.

G. The Florida Institute of CPAs (FICPA)

The FICPA/bar committee did not provide a report.

H. The Out-of-State Division of The Florida Bar

Liaison Larry Kunin reported with respect to the out-of-state division. Liaison Kunin reported that the division would be meeting the following day and would be discussing how to increase numbers and the return to in-person meetings. The division will also be discussing the Florida Supreme Court decision regarding the BLS Diversity Policy and the issue of the content of any comment that would be filed. Liaison Kunin also reported that he will be taking over as the President of the Out-of-State Division of the Florida Bar.

I. The Working Group on Legal Opinions (WGLO)

The WGLO committee did not provide a report.

XI. Other Reports

A. Chair's Report

Chair Blanco reviewed the many accomplishments from the past year, including the BLS Diversity Policy, the passage of the “Son of a Glitch” corporations bill, twenty-eight (28) CLEs, eight (8) Florida Bar Journal Articles, an Executive Council Retreat in person in Savannah, Georgia, including a team pro bono project, a substantial donation to the Florida Bar Foundation, plus the challenge to other sections to raise more money and most importantly an increase in BLS membership, putting the section over 4,500 members. Chair Blanco recognized the work of the IOTA and COVID Task Forces and presented a number of awards. She presented the SuperHero award to both Detra Shaw Wilder and Bart Valdes for their work in leading the COVID Task Force. Chair Blanco

presented Member of the Year awards to Adina Pollan for her excellent leadership of the Communications Committee, which launched a new website, published thirty-four (34) weekly newsletters, including twenty-seven (27) articles and two (2) special additions. Chair Blanco also presented a member of the year award to Marianne Dorris for chairing the BLS Diversity Task Force. Finally, Chair Blanco recognized the huge contributions made by both Stefanie Svisco and Tracey Eller, as the work of the section could never be done without their efforts.

B. Chair-Elect's Report

Chair-Elect Donlon provided a brief report. She applauded Chair Blanco's efforts during this past difficult year in leading the section, in keeping the section members in touch and up to date and connected and in having an in-person retreat. She also advised that the 2021 Labor Day Retreat will be in-person, invited other Executive Council members to assist her and Amanda Fernandez, the 2021 Labor Day Retreat Chair, in working on the Labor Day Retreat, and encouraged all Council members to consider becoming a Sponsor, including sponsoring the Labor Day Retreat. Finally, Chair-Elect Donlon advised that the Executive Council Retreat, including the pre and post trips, will be March 10-20, 2022 in Ireland.

XII. New Business

There was no new business.

XIII. Good and Welfare

There was no good and welfare.

XIII. Adjournment

There being no further business to come before the Executive Council, the meeting was adjourned by Chair Blanco at approximately 12:04 p.m.

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