Business Law Section of the Florida Bar

Business Litigation Committee

LABOR DAY RETREAT
Saturday, September 3, 2022
9:00 a.m. – 11:30 a.m.
JW Marriott Marco Island Beach Resort, Calusa 3-5

Registration for Zoom attendance:

https://us02web.zoom.us/meeting/register/tZUrdu6oqj0qH9Nir0qu-WISIJd99yYqCOmD

Chris DeCort, Chair Brian Barakat, First Vice Chair Joseph Van de Bogart, Second Vice Chair **Judge Darrin Gayles**, Federal Judicial Chair **Judge Edward LaRose**, State Judicial Chair

AGENDA

1. Call to Order

2. Pro Bono Pledge

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.

- 3. Introduction of Judicial Chairs
- 4. Mariane Dorris Chair of Bankruptcy/UCC Committee (<u>mdorris@shukerdorris.com</u>)
 - a. Request for volunteers from Business Litigation to join Bankruptcy/UCC Study Group to review Section 501.207 of FDUTPA and the holding in *Perlman v. PNC Bank, N.A.*, 38 F.4th 899 (11th Cir. June 27, 2022) *materials attached*
- 5. Debbie Crockett RPPTL Insurance & Surety Committee (dscrockett@napleslaw.com)
 - a. Overview and request for feedback on proposed Insurance Coverage Board Certification *materials attached* (***PLEASE DO NOT DISTRIBUTE***)
- 6. Committee Member Introductions
- 7. Housekeeping Matters:
 - a. Review of Website and Resources
 - i. Email sign up for new committee members
 - ii. Manny Farach's case law update (also through mailing list)

- b. Review of Committee Level Listserv
 - i. Sign up: http://lists.flabizlists.org/listinfo.cgi/bizlit-flabizlists.org
- c. Review of Legislation Subcommittee / Listserv
 - i. Overview and call for volunteers
 - ii. Sign up: http://lists.flabizlists.org/listinfo.cgi/bizlitlegislation-flabizlists.org
 - iii. Legislative Session starts March 7, 2023
- d. HOT Topic

8. Action Items:

- a. Approval of Annual Convention (June 2022) Meeting Minutes
- b. Series LLC Task Force
 - i. Vote to approve triple motion to EC supporting proposed legislation drafted by task force based upon the Uniform Protected Series Act *materials attached*

9. CLE Presentation: "Financial Statement Literacy in Business Litigation" Presented by: Petrucelli, Piotrowski, & Co., Inc.

Financial Statements can be a critical piece of evidence in Business Litigation. Understanding how and why financial information and statements are developed, through exploring the basic principles, types and sources of financial information used in litigation, will allow us to simplify the information conveyed. The presentation will cover the basics of financial statements and potential misstatements, manipulations, and miscommunications. The presentation will also give examples of how to use financial information from various sources as a starting point in their client representation. We will answer fundamental questions such as: Does the financial information support my Clients claim? Is an Expert needed to develop reasonable conclusions and present those conclusions?

10. Discussion Items:

- a. Business Law Section Legislative Update
 - i. Judgment Lien
 - ii. UCRERA Glitch Bill
 - iii. Series LLC
 - iv. ABC
 - v. Warehouse Liens
 - vi. Motor Vehicle Exemption
 - vii. Data Privacy
 - viii. UCC Article 12
- b. Statutory Settlement Agreements (Rep. Beltran request) materials attached
- c. Appellate Review of Certain Orders Vacating Arbitration Awards materials attached
- d. Substantive Committees Update
 - i. Bankruptcy/UCC
 - ii. Computer & Technology Law
 - iii. Corporations, Securities & Financial Services

- iv. Intellectual Property
- v. Blockchain & Digital Assets
- e. Task Force Update
 - i. Business Courts Jon Polenberg
 - ii. Civil Rules Russell Landy
 - iii. Ch. 517, Florida Securities and Investor Protection Act Jason Sherry
 - iv. Restrictive Covenants Brian Barakat
 - v. Financial Literacy Amanda Finley
 - vi. Fla. Stat. § 607.0750 and Fla. Stat. § 605.0801 Phil Schwartz
 - vii. Misc.
- f. Standing Committees Update
 - i. Pro Bono
 - ii. Communications
 - iii. CLE
 - iv. IMF/Membership
 - v. Misc.
- g. Biz Lit CLE update Joseph Van de Bogart
- h. Additional reports on old matters

11. New Business

12. Adjournment