

**AGENDA FOR JUNE 21, 2023 (12 PM – 1 PM)
MEETING OF THE CLE COMMITTEE
OF THE BUSINESS LAW SECTION OF THE FLORIDA BAR**

WELCOME AND INTRODUCTIONS

OLD BUSINESS

1. Approval of Minutes of January 25, 2023 Meeting (attached as Exhibit A)
2. Review of Mission Statement and Officer Roles (attached as Exhibit B)
3. BLS CLE Diversity policy (attached as Exhibit C)
4. How to Create a CLE Checklist (attached as Exhibit D)
5. CLE committee website

<https://flabizlaw.org/committees-task-forces/standing-committees/continuing-legal-education-committee/>

- Website Updates:
 - Update “2021 Committee Goal”
 - Delete “Join the CLE Committee Listserv”
 - Update “Planning a Seminar” Section
 - Replace with new “How to Create a CLE Checklist”

NEW BUSINESS

6. CLE Speaker Reimbursement Policy
7. Recent CLEs/Events:

Date	Event
January 12, 2022	Recent legislative changes to service of process bill: a new ball game
January 25, 2023	Panel Discussion: The Benefits & Pitfalls of Subchapter V
February 28, 2023	Mental Health First Aid: Skills and Strategies for Handling Everyday Emotions and Stress
March 2 – 3, 2023	39th Annual Federal Securities Institute
April 5, 2023	IP Roundtable
April 12, 2023	A.B.C. (Fla. Stat. §727): The State Court Alternative to Bankruptcy Court

April 19, 2023	Practices, Procedures & Professionalism: Bankruptcy Judges of the Orlando Division of the Middle District of Florida
May 2, 2023	Mental Health First Aid CLE Series- Mental Health Issues in Those Around Us

8. Upcoming CLEs

Date	Event
June 22, 2023	The New UCC Article 12: Why, When and What Does It Do?
June 23, 2023	Practical Preservation, Collection and Use of ESI and Digital Evidence During Litigation and Trial Seminar
July 18, 2023	Mental Health First Aid CLE Series- Dealing with Difficult Clients
Nov. 2, 2023	The Judge Michael G. Williamson View from the Florida Bankruptcy Bench- Tampa
Nov. 3, 2023	The Judge Michael G. Williamson View from the Florida Bankruptcy Bench- Miami

9. Florida Bar Journal Pipeline- published articles

Fla Bar Issue	Title / Author
September/October 2022	Third Party Releases in Chapter 11 (Mariane Dorris)
November/December 2022	Should <i>Durham v. Ocwen</i> Affect the Interpretation of “Assignee” Under Florida’s Version of Article 9 of the Uniform Commercial Code? (Juan Mendoza)
January/February 2023	Subchapter V: A Big Deal for Small Business (Robert A. Stok, Tuvia Sandler, and Sam Sachs)
March/April 2023	Yours, Mine, And Ours: May a Bankruptcy Court Authorize the Sale of a Co-Owner’s Interest Free and Clear of its Creditors’ Claims? (Daniel Etlinger)
May/June 2023	Recent Legislative Changes to Service of Process: A New Ball Game? (Giacomo Bossa and James B. Murphy, Jr.)

10. Florida Bar Journal Pipeline: Upcoming articles

Fla Bar Issue	Title / Author	Status	Deadline
July/August 2023	Use of the Constructive Knowledge Standard When Evaluating “Evident Partiality” Challenges to Arbitration Awards in Florida (Patricia A. Leonard and Ella A. Shenhav)	Submitted	May 1

September/October 2023	N/A	Need article	July 1
November/December 2023	N/A	Need article	Sept. 1
January/February 2024	N/A	Need article	Nov. 1
March/ April 2024	N/A	Need article	January 1
May/June 2024	N/A	Need article	March 1

11. Committee Management – Florida Bar Journal Submission Process

Fla Bar Issue	Article Due to CLE Committee	CLE Committee Editor
September / October	July 1	Second Vice-Chair
November / December	September 1	Chair
January/February	November 1	Vice-Chair
March /April	January 1	Second Vice-Chair
May / June	March 1	Chair
July /August	May 1	Vice-Chair

12. Other business/Good of the Order

REPORT/MINUTES FOR JANUARY 25, 2023
MEETING OF THE CLE COMMITTEE
OF THE BUSINESS LAW SECTION OF THE FLORIDA BAR

I. Welcome and Introductions

- a. Utibe Ikpe called the meeting to order at 12:05 pm.
- b. Chair Ikpe welcomed attendees and invited introductions.
- c. Attendees—
 - i. Chair, Utibe Ipke
 - ii. Judicial Chair, Hon. Caryl E. Delano, Chief U.S. Bankruptcy Judge, Middle District of Florida
 - iii. Jude Cooper, liaison from Block Chain & Digital Assets Committee
 - iv. Joseph Van de Bogart, liaison from Business Litigation Committee
 - v. Avery Chapman, liaison from Electronic Discovery and Digital Evidence Committee
 - vi. Luis E. Rivera, First Vice chair
 - vii. Jacqueline Calderin, Second Vice Chair

II. Leadership Visit

- a. Welcome and Introductions from Douglas Bates
- b. What can Leadership do to help?
- c. Discussed issues related to vacancy in Section Administrator position.
 - i. Leroy Smith, director of Professional Development, is the present point person at The Florida Bar.
- d. Judicial Reimbursement Policy
 - i. Section has no formal policy, but working on issues related to judicial reimbursement at major events (e.g., Executive Council Retreat, Labor Day Retreat)
- e. Budget Issues - Manny Farach

III. Old Business

- a. **Approval of Minutes (Attached as Exhibit A)**
 - i. After review, Judge Delano moved to approve the minutes. Second by Mr. Van de Bogart. No objections being made, the minutes were approved unanimously.
- b. **Review of Mission Statement and Officer Roles (Attached as Exhibit B)**
 - i. Chair Ipke presented the mission statement and described the function of the committee and its officers.

IV. New Business

a. *The Florida Bar Journal Pipeline: Published Articles*

Chair Ipke updated the committee on recent articles published in *The Florida Bar Journal*—

Fla Bar Issue	Title / Author
January/February 2022	Florida's New Commercial Real Estate Receivership Act: A Roadmap for Judges and Practitioners (Kendall Coffey and David Freedman)
March/April 2022	How the Supreme Court's Decision in <i>Van Buren</i> Impacts Mobile Employees and Computer Data Theft in Florida
July/August 2022	Where to Incorporate? Florida Bar Survey Results and a Florida vs. Delaware Comparative Analysis (Cohn, Aronson, Suarez)
September/October 2022	Third Party Releases in Chapter 11 (Scott Shuker & Mariane Dorris)
November/December 2022	Should Durham v. Ocwen Affect the Interpretation of "Assignee" Under Florida's Version of Article 9 of the Uniform Commercial Code? (Juan Mendoza)
January/February 2023	Subchapter V: a Big Deal for Small Businesses

b. *The Florida Bar Journal Pipeline: Upcoming Articles*

Chair Ipke updated the committee and substantive committee liaisons on upcoming opportunities for publication in *The Florida Bar Journal*—

Fla Bar Issue	Title / Author	Status	Deadline
March/ April 2023		Need article	January 25
May/June 2023		Need article	March 1
July/August 2023		Need article	May 1
September/October 2023		Need article	July 1

A call was made to remind for liaisons to actively solicit articles at their substantive committees.

Mr. Chapman suggested contacting *The Florida Bar Journal* about including online link to author biographies on published articles. Mr. Chapman [appropriately]

emphasized that many authors publish articles in part for the exposure publication brings and *The Florida Bar Journal* should help authors promote their articles.

c. Recent CLEs & Events

Chair Ipke updated the committee on recent CLE events presented by the Business Law Section and its substantive committees—

Date	Event
September 2-5, 2022	BLS Labor Day Retreat (Marco Island)
September 2, 2022	2022 Legislative Update
September 21, 2022	Blockchain & Digital Assets CLE Series: Tokenization Explained
November 3-4, 2022	View from the Bench (Tampa 11/3, Miami 11/4)
November 9, 2022	Financial Literacy for New Professionals
December 8, 2022	Practical tips for litigating blockchain issues
January 12, 2023	Recent legislative changes to service of process bill: a new ball game

d. Upcoming CLE Opportunities

i. Chair Ipke and committee members also discussed upcoming CLE events presented by the Business Law Section and its substantive committees—

Date	Event
January 25, 2023	Panel discussion: the benefits and outfalls of subchapter V
February 9, 2023	ABC: The state court alternative to bankruptcy
February 28, 2023	Mental health first aid kit: Skills and strategies for handling everyday emotions and stress
March 2-3, 2023	39 th Annual Federal Securities Institute
March 30 – April 3, 2023	13 th Annual Intellectual Property Symposium

ii. A discussion ensued regarding sponsor/vendor requests for approval of CLE presentations. It was clarified that these decisions are made at the Executive Council level.

e. **BLS CLE Diversity Policy**

Chair Ipke reminded the committee of the existing diversity policy and suggested that all CLE presentations should endeavor to comply with the aims of the policy.

f. **CLE Checklist** (draft attached as Exhibit D)

Mr. Rivera updated the committee on the work of preparing a CLE checklist for use by the substantive committees. The goal is to provide support to the substantive committees and make it easier for them to put on quality CLE.

g. **CLE Committee Website**

Judge Delano reminded the substantive committee liaisons of the existence of the CLE Committee website. Many great resources are published on the website.

Link: <https://flabizlaw.org/committees-task-forces/standing-committees/continuing-legal-education-committee/>

Information on webpage:

- Florida Bar Journal submission deadlines
- Author information form
- Bar Journal style guide
- Publication agreement
- Previous articles submitted to the Florida Bar Journal
- Florida Bar Journal article guidelines

Mr. Chapman suggested better highlighting the CLE Committee Website on the BLS Main Page. Mr. Chapman recognized there is a lot of useful information on the CLE Committee Website, but shared that the website is difficult to locate and much of the helpful information seems “buried” on the page. Mr. Chapman suggested including a prominent “button” to the CLE Committee Webpage on the BLS Main Page.

h. **Board of Governors Proposed Amendment to Rule 6-12, Rules Regulating The Florida Bar (Removing YLD from Administering Basic Skills Course Requirement)**

Mr. Rivera updated the Committee on Governor Laird Lile’s proposed amendment to Rule 6-12, which removes the Young Lawyers Division as the sole developer and administrator of the basic skills course requirement and allows any Florida Bar section or division to develop a basic skills course.

Judge Delano reported that she had discussed the proposed rule amendment with Section Chair Douglas Bates and was advised the Section’s goal is to

support whatever rule or policy the Board of Governors and Supreme Court adopt.

The consensus of the CLE Committee was that Chair Ipke propose to the Executive Council that the Section should report back to Governor Lile that the Section stands ready, willing, and able to produce basic skills course, with or without the assistance of the YLD.

a. **Judicial Reimbursement Policy**

Mr. Rivera updated the committee on the work of preparing a judicial reimbursement policy. Work is ongoing on developing a proposal for a judicial reimbursement policy to be adopted by the Executive Council.

FLORIDA BAR BUSINESS LAW SECTION- CLE COMMITTEE

Mission Statement

The CLE Committee supports the substantive committees of the Business Law Section in their efforts to provide continuing legal education programs and articles for The Florida Bar Journal. The CLE Committee serves as a liaison between the substantive committees, their designated representatives, and the Business Law Section Administrator to facilitate the scheduling and marketing of CLE programs and provides editorial oversight for Bar Journal articles.

Officer Roles/ Responsibilities

- Chair:
 - Serves as the primary point of contact for CLE Committee with third parties and coordinates communication with other BLS Committees and BLS leadership
 - Schedules officer and committee meeting as needed to supplement the meetings held during The Florida Bar and BLS conferences
 - Communicates as needed with CLE Committee members between meetings
 - Ensures that all appropriate matters come before the CLE Committee at committee meetings
 - Coordinates the CLE Committee's efforts with respect to BLS members' submissions of articles for publication in The Florida Bar Journal
 - Represents the CLE Committee and reports on its activities at all BLS Executive Council meetings, or arranges for substitute representation if the Chair is unable to attend

- Vice-Chair:
 - Assists the Chair in fulfilling his or her responsibilities
 - Encourages and coordinates the participation of substantive BLS Committees in CLE Committee meetings
 - Takes minutes of all meetings and circulates the minutes to Committee officers
 - Drafts a written report to the Executive Council summarizing the CLE Committee meetings in advance of Executive Council meetings
 - Serves as the Chair at any Committee meeting that the Chair is unable to attend

- Second Vice-Chair:
 - Assists the chair and second vice chair in fulfilling their responsibilities
 - Provides continuity for CLE Committee leadership

- Judicial Chair:
 - Supports the efforts of the Chair, Vice-Chair, and Second Vice-Chair
 - Provides continuity as new BLS members assume leadership positions in the CLE Committee

BUSINESS LAW SECTION DIVERSITY EQUITY AND INCLUSION CLE POLICY

Adopted by The Business Law Section of The Florida Bar on June , 2022

The Business Law Section (“BLS”) supports proactive measures to ensure that individuals from all backgrounds are afforded fair opportunities to participate in CLE programs. All CLE programs sponsored or co-sponsored by the BLS will meet the objectives of the BLS Diversity Committee Strategic Plan to eliminate bias and enhance diversity.

Program organizers will invite and include prospective moderators and faculty members to create CLE panels that meet the objectives of the BLS Diversity Committee Strategic Plan. This includes, among others, moderators, and faculty members from historically underrepresented communities (e.g., racial and ethnic demographic groups/people of color, women, persons with disabilities, and LGBTQ+ individuals).

The Inclusion, Mentoring and Fellowship Committee (“IMF”) will create a subcommittee (the “DEI Subcommittee”), which shall be chaired by the Vice Chair of the IMF Committee and may include representatives from any other BLS committees, subcommittees, task forces and other entities (“BLS Entities”). The DEI Subcommittee shall monitor the BLS’s CLE programming to ensure that BLS Entities conduct CLE programs in accordance with this policy. The DEI Subcommittee will have authority to engage and assist any BLS Entities found not to be in compliance with this policy. Final decisions with respect to BLS Entities conducting CLE programs in accordance with this policy shall rest with the BLS Executive Committee. IMF shall report the DEI Subcommittee’s findings at regularly scheduled meetings of the Executive Council.

The implementation date for this Diversity Equity and Inclusion CLE Policy shall be July 1 , 2022.

BUSINESS LAW SECTION
OF THE FLORIDA BAR

CONTINUING LEGAL EDUCATION COMMITTEE

CLE Planning Event Checklist

Step 1 – Contact BLS Leadership and the CLE Committee

- BLS Program Administrator – [Insert Name and Email Address Here]
- CLE Committee Chair – Utibe Ikpe uikpe@melanbudwick.com

Step 2 – When? (Determine Optimal Date)

- Avoid similar industry events on the same day/week
- Clear date against [The Florida Bar Master Calendar](#)

Step 3 – Where? (Identify Venue, Determine Event Technology Needs)

- In-person, virtual, or hybrid?
- Virtual or Hybrid – Use InReachCE
Offered in after-market library (cost is generally \$40 per CLE hr. to attend)
- In-person – Identify venues, research pricing, visit potential locations

Step 4 – What? (Establish Goals and Brainstorm Event Topic)

- Review Board of Legal Specialization and Education (BLSE) [Policy 5.01](#)
- Identify Topic – Current issues that will enhance an “attorneys’ professional competence and skills.” [BLSE Policy 5.01\(a\)\(1\)](#).
- Identify speakers
 - o “An individual or group qualified by practical or academic experience.” [BLSE Policy 5.01\(a\)\(3\)](#).
 - o Consider [BLS Diversity Policy](#)
- [Apply for CLE Accreditation](#) (BLSE Policy 5.02)
 - o Create outline, gather bios and submit to BLS Program Administrator to secure BLSE CLE accreditation from BLSE
 - o Consider the program level (e.g. basic, intermediate or advanced) and what types of CLE credit are available (e.g., general, ethics, professionalism, substance abuse, mental illness awareness, bias elimination, or technology)
 - o [Application for Accreditation](#) due at least 30 days in advance of event. Consider applying [online](#).
 - Resources—
 - o [How to Complete the Online Course Accreditation Application](#)
 - o [Frequently Asked Questions About the Online Course Accreditation Application Process](#)

Step 5 – Who / Why? (Develop a Marketing Plan)

- Identify what Florida Bar Sections and Committees could be interested in the program
- Create marketing plan (emails, social media ,etc.)

BUSINESS LAW SECTION
OF THE FLORIDA BAR

CONTINUING LEGAL EDUCATION COMMITTEE

Judicial Reimbursement Policy Resources

1. The [Amended and Restated Bylaws of the Business Law Section](#) authorize “payment of travel and other expenses of faculty and judicial liaisons in connection with executive council meetings [so long as] these expenses are in accordance with the policies established by the executive council with respect to reimbursements.” Business Law Section, Bylaws § 8.3 (2016).
 - a. The Business Law Section has no published policy on faculty and judicial reimbursement.
2. [The Florida Bar’s Standing Board Policies](#)
 - a. Section 5.21 - Committee Chairs’ and Members’ Expenses
 - The Florida Bar generally will not reimburse committee members and chairs for meals, travel, entertainment or other expenses
 - b. Section 5.54(c) – Section Reimbursement Policy
 - Sections may budget for reimbursement of expenses incurred by section officers, including transportation expenses (including air fare, ground transportation, tolls and parking) and expenses incurred for meals and lodging.
 - Sections may also budget for CLE expenses in excess of bar CLE policy.
 - c. Section 6.40 – Speaker Expenses
 - The Florida Bar will not pay honoraria to its members unless the member is a full-time college of law faculty
 - Revenues from courses and publications may be used to pay for authorized expenses of speakers and authors for steering committee meetings, speakers’ workshops, and course presentations. Authorized expenses for reimbursement include transportation expenses (including air fare, ground transportation, tolls and parking) and expenses incurred for meals and lodging.
3. [The Florida Bar Section/Division Reimbursement Package.](#)
4. [The Florida Bar Speaker Travel Reimbursement Package.](#)



The Florida Bar Section/Division Reimbursement

Name: _____ Atty. No.: _____

Firm: _____

Address: _____

City/State/Zip: _____

In accordance with the policies outlined on the reverse of this form and the policies of the Section/Division, please reimburse the following:

Office Expenses

Telephone Charges (attach itemization if more than \$50)	\$ _____
Photocopies _____ copies at _____ per copy (not to exceed 10¢ per copy)	\$ <u>0.00</u>
Postage	\$ _____
Printing	\$ _____
Other (please explain) _____	\$ _____
Total Office Expense	\$ <u>0.00</u>

Travel Expenses

Date of Travel: _____	
Purpose of Travel: _____	
Airfare (receipt of photocopy of ticket required)	\$ _____
Personal Car: _____ miles at .625 per mile	\$ <u>0.00</u>
Taxi	\$ _____
*Car Rental: _____ company (# of days _____)	\$ _____
(Both the rental car agreement and the rental car receipt are required.)	
Meals (maximum: \$60 per day)	\$ _____
Lodging (hotel receipt required, not credit card slip, room and tax only)	\$ _____
Other (please explain) _____	\$ _____
Total Travel Expense	\$ <u>0.00</u>
TOTAL	\$ <u>0.00</u>

Payment Method:

- Credit Card ACH/Direct Deposit (one time account setup - call 1-850-561-5832)
- Check payable to me firm.

Professional Development Department
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

Officer's Approval: Signature: _____ Date: _____
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The Florida Bar Section Reimbursement Policies

Outlined below is an excerpt from Florida Bar Standing Board Policy 5.61, Section Disbursement Policies.

- (e) **Section Reimbursement Policy.** Sections may separately budget a fixed amount to be paid annually to section officers for reimbursement for all expenses incurred as opposed to reimbursing expenses on an item-by-item basis. Except for the expense allowance herein provided for section officers, all reimbursement of expenses must be in accordance with the following or be on a more restrictive basis as determined by individual sections:
- (1) **Telephone Charges.** All conference call charges must identify the parties called and the amount and purpose of the call. Telephone calls of up to \$50 per month may be reimbursed without itemization. If charges exceed that amount, all charges must be identified as to at least one of the following:
- a. party called,
 - b. telephone number called, or
 - c. purpose of the call.
- (2) **Copy Costs.** Office copy costs are not to exceed 10¢ per copy and must be itemized by number of copies and purpose. Miscellaneous, general, etc. is an appropriate description for a small number of copies.
- (3) **Postage.** Any large mailings must be itemized as to what was mailed to whom and at what cost. Mailings should be done by section staff at the Bar headquarters when possible.
- (4) **Printing.** All printing shall be done at The Florida Bar headquarters unless, for the benefit of the section and the Bar, circumstances warrant otherwise.
- (5) **Travel Expenses.** Travel expense reimbursement is essentially the same as for Bar employees.
- a. Air fare in all instances shall be “coach”.
 - b. Mileage is reimbursed at the maximum rate permissible by IRS without reporting such reimbursement to the Internal Revenue Service or some lower figure set by the section.
 - c. When taxis or limousines are not practical, a rental car may be used. The rental car shall be a subcompact or compact, or any other vehicle at a rate no greater than the rates for a subcompact or compact.
 - d. The method of travel should be the most economical, considering both time and travel costs.
 - e. Meals shall be reimbursed at the same rate as is then applicable for expense by staff members of The Florida Bar. If there is a group meal function which is paid for by the section, no individual meal reimbursement shall be permitted.
 - f. Copies of receipts for lodging, out-of-town travel expenses (airline tickets, etc.) and all other charges of \$25 or more (other than mileage and authorized meal allowances) must be attached.
 - g. When paying expenses (meals, etc.) for other individuals, the names of the other parties must be indicated and the relation to Bar activity disclosed.
 - h. The travel expenses of the spouse, companion or associate of a Florida Bar CLE speaker may be reimbursed in the same amounts and for the same items of expenditures as otherwise allowed for the speaker; however, reimbursement shall not be allowed unless provided for in the section’s annual budget as an “excess speaker expense” under SBP 5.60(k).
- (6) **Time Limits For Reimbursement Requests.** Expenses to be considered for reimbursement must be submitted at least quarterly within 30 days of the end of the quarter for any quarter the cumulative unreported expenses exceed \$100. Expense reports due for periods ending on June 30 must be filed by July 15. A section may elect to hold actual payment of such expense statements until July 15 after the end of the fiscal year.
- (f) **Conflicting Policies.** Any existing policy of The Florida Bar that is in conflict with this policy shall not be controlling and should be amended. These policies are minimal umbrella policies for sections to operate within. Sections shall establish policies specific to the individual section within the umbrella policies.

NOTE: As stated above, these are minimal umbrella policies. Each section/division may or may not provide for member reimbursement of expenses. If you have questions, please contact your section administrator.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

The Florida Bar Electronic Payment Initiative

Dear Valued Vendor:

The Florida Bar (TFB) is in the process of switching current vendors and customers from paper check to electronic payment options. As part of this transition, we ask that your organization accept future invoice payments by one of the following options: credit card or ACH/Direct Deposit, rather than by check.

There are two electronic payment options:

- 1) Single-Use Virtual Mastercard
- 2) ACH (Direct Deposit)

This change will simplify your processes, provide you with faster invoice payment, and improved cash flow. The major difference between the electronic payment types and standard check/corporate credit card reimbursement is that the Single-Use Virtual Mastercard and ACH options will result in faster payment reimbursement. There are no fees associated with electronic payments.

Electronic Option 1- Single-Use Virtual Mastercard

1. Determine if you are able to accept credit card transactions and an email address/contact to receive payment information.
2. Send an email containing the requested information above to finance@floridabar.org. A reply will be sent confirming receipt.
3. For each payment, you will receive a unique single-use account number, the payment amount, and remittance advice related to your payment. You will use this information to process the payment following your normal credit card process.

Electronic Option 2- ACH (Direct Deposit)

1. Determine that you have an email address/contact to receive remittance information.
2. Gather the following information from a canceled check, voided check or bank letter:
Bank name, address, phone number and Routing (transit/ABA) number, type of account and account number.
3. Either call 1-850-561-5832 or email a request for a call back to finance@floridabar.org.
4. For each payment, you will receive remittance advice via email.

Additional items to consider before choosing a payment option:

- Choose Electronic Option 2, if you do not have the ability to receive payments via credit card
- Choose Electronic Option 2, if there is a reason (dollar value, multiple locations processing payments, etc) why any payment cannot be processed via credit card.
- Only one payment option may be selected.

Questions? If you have any questions about the new process, please contact us at finance@floridabar.org. Our accounting team will be glad to assist you.

DRAFT