HEALTH LAW SECTION EXECUTIVE COUNCIL MEETING

AGENDA

Thursday, June 28, 2007
4:00 p.m. – 6:00 p.m.

Grand III - Orlando World Marriott

I. Call to Order – Harold E. Kaplan, Chair

II. Opening Remarks – Harold E. Kaplan, Chair

III. Approval of Previous Meeting Minutes – Troy Kishbaugh, Secretary (Exhibit A- not submitted )

IV. Election of Chair-elect, Treasurer, Secretary and Executive Council Members: Nominating Committee – Greg Chaires (Exhibit B )

V. Financial Report – Jeanne Helton, Treasurer (Exhibit C )

VI. Council of Sections Update – Christine Whitney

VII. Committee Reports

a. Education, Training & Information, Charmaine Chiu
   i. CLE calendar (Exhibit D )
   ii. Telephonic CLE
   iii. CLE & Mental Health Issues

b. Section Effectiveness – Lew Fishman
   i. Law School Outreach Reports
c. Communications & Technology - Bernabe Icaza
   i. Website – Chet Barclay (Exhibit E)
   ii. Newsletter – Bernabe Icaza (Exhibit F)

d. HIPAA – William Dillon

e. Health Information Technology – William Dillon

VIII. Old Business

a. William Trickel Writing Competition Awarding of Prices Discussion – Monica Rodriguez (Exhibit G)

b. Health Law Handbook – Laurie Levin

c. Florida State University Health Law Chair – Allen Grossman/Harold Kaplan

IX. New Business

a. Updates on The Florida Bar CLE program – Mike Tartaglia, The Florida Bar
b. Lexis Nexis Online Catalog (Exhibit H)
c. Navigant Consulting – Sponsor Letter (Exhibit I)

X. Chair-elect Comments – Laurie Levin

XI. Next Executive Council Meeting September 6, 2007, The Florida Bar General Meeting
Tampa Airport Marriott
Health Law Section
The Florida Bar

Election for Chair-Elect, Secretary, and Treasurer for 2007 - 2008

June 28, 2007
The Florida Bar Annual Meeting

Nominees:

Chair-Elect:
_____ Jeanne Helton, Jacksonville

Treasurer:
_____ Troy Kishbaugh, Orlando

Secretary:
_____ Lester J. Perling, Fort Lauderdale

Election of officers shall be by the members of the executive council

Bylaws of Health Law Section
Article VII, Section 6

Health Law Section
The Florida Bar

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Bylaws of Health Law Section
Article VII, Section 6

Exhibit B
Health Law Section
The Florida Bar

Election for Executive Council
Members terms to expire June 30, 2010

June 28, 2007
The Florida Bar Annual Meeting

Four seats vacant

Nominees:

___ Mildred Beam, Winter Park
___ Jodi L. Laurence, Plantation
___ Sandra P. Greenblatt, Miami
___ Rodney M. Johnson, Pensacola

To be elected by all section membership in attendance and eligible to vote

Bylaws of Health Law Section
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Bylaws of Health Law Section
Article VII, Section 6
BYLAWS OF THE HEALTH LAW SECTION
of
The Florida Bar

ARTICLE IV
EXECUTIVE COUNCIL

Section 3. Membership. The executive council shall be comprised of 12 elected members of the section in addition to the chair, chair-elect, immediate past chair, secretary and treasurer (collectively, the "ex-officio members") of the section. Such ex-officio members shall be voting members of the executive council. In the event any ex-officio member is concurrently an elected member of the executive council, said ex-officio member shall neither be required to relinquish the member's elected seat nor be counted twice as a member of the executive council, it being the specific intent of this section that the total composition of the executive council be not less than 12 members nor more than 17 members.

Section 4. Term of Office. - All elected members of the executive council shall serve for a term of 3 years, the terms being staggered such that approximately one-third of the elected membership of the executive council is elected each year. The terms commence at the conclusion of the annual meeting of the section at which the member is elected and shall end at the conclusion of the annual meeting of the section 3 years thereafter.

Section 5. Election. The nomination and election of members of the executive council shall occur at the time of the annual meeting of the section, as more fully set forth in Article VII.

ARTICLE VII
NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COUNCIL MEMBERS

Section 1. Nominations. Not less than 90 days prior to the date of the annual meeting of the section, the nominating committee, comprised as set forth in Section 9.1.4., shall submit its nominations consisting of at least 1 name for each office available, to the chair for the following

Exhibit B
offices:

(a) chair, but only if for any reason, the office of chair-elect is vacant;

(b) chair-elect;

(c) secretary;

(d) treasurer;

(e) Such number of seats on the executive council as whose members terms are expiring. The nominating committee shall take into consideration the geographic distribution of the executive council membership and proposed nominees, it being the specific policy of the section that the membership of the executive council be geographically balanced.

Section 2. Nominating Committee Report. The nominating committee shall submit its report to the section chair, who shall cause such report to be published in The Florida Bar News or in the section newsletter, or otherwise publish the nominating committee report to the section membership at least 60 days prior to the date of the annual meeting.

Section 5. Executive Council Membership Elections. Election of the executive council membership shall occur at the annual meeting of the section and shall be by written ballot of all section membership in attendance and eligible to vote. The candidate receiving the highest number of votes for each contested seat shall be deemed elected. Any ballot on which more than one vote is cast for the same contested seat shall be void.

Section 6. Officer Elections. Election of officers shall be by the members of the executive council, at the executive council meeting held in conjunction with the annual meeting of the section. Voting shall be written ballot, with the candidate receiving the highest number of votes for each office being deemed elected. Any ballot on which more than one vote is cast for the same office shall be void.
The Nominating Committee of the Health Law Section consisting of the following members identified below met by telephone conference on March 23, 2007.

Nominating Committee members:
Gregory A. Chaires, Chair
Michael J. Bittman
Christine C. Whitney
Fames A. Farrell
Lee F. Lasris

The nominating Committee nominated the following persons for the corresponding officer positions:

Chair Elect – Jeanne E. Helton
Treasure – Troy A. Kishbaugh
Secretary – Lester J. Perling

The Nominating Committee nominated the following persons for the four expiring Executive Council positions:

Mildred Beam
Jodi L. Laurence
Sandra P. Greenblatt
Rodney M. Johnson
<table>
<thead>
<tr>
<th>Item</th>
<th>May 2007</th>
<th>YTD 06-07</th>
<th>Budget</th>
<th>Percent Budget Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Health Law</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>31431 Section Dues</td>
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<td>17,800</td>
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<td>335</td>
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<td>32191 CLE Courses</td>
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<td>-12,612</td>
<td>20,000</td>
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<tr>
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<td>1,200</td>
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<td>36506 Section Handbook</td>
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<td>7,500</td>
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<td>-36</td>
<td>0</td>
<td>*</td>
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<td>101 Employee Travel</td>
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<td>729</td>
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<td>574</td>
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<td>1,040</td>
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<td>7.33</td>
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<td>7,500</td>
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<td>10,155</td>
<td>59,777</td>
<td>16.99</td>
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Health Law

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<tr>
<th></th>
<th>May 2007</th>
<th>YTD 06-07</th>
<th>Budget</th>
<th>Percent Budget Spent</th>
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<td></td>
<td>Actuals</td>
<td>Actuals</td>
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<td></td>
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<td>86431 Meetings Administrat</td>
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<td><strong>Total TFB Support Services</strong></td>
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<td>4,161</td>
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<td><strong>Total Expenses</strong></td>
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<td><strong>Net Operations</strong></td>
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<td>21001 Fund Balance</td>
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<td><strong>Total Current Fund Balance</strong></td>
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<td>75,487</td>
<td>47,425</td>
<td>159.17</td>
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### FUND BALANCE
#### 2007-2008

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<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Beginning Fund Balance</strong></td>
<td>117,575</td>
<td>64,375</td>
<td>58,865</td>
<td>75,847</td>
<td>61,467</td>
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#### Explanation:


<table>
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<tr>
<th></th>
<th>Original Budget</th>
<th>Executive Review</th>
<th>Committee Review</th>
<th>Board Review</th>
<th>Current Budget</th>
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<tbody>
<tr>
<td><strong>2007-2008 Budget Review</strong></td>
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<td>0</td>
<td>0</td>
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<tr>
<td><strong>Same Level Increase</strong></td>
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<tr>
<td><strong>Total</strong></td>
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<td>0</td>
<td>0</td>
<td>61,467</td>
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<td><strong>2006-2007 Budget</strong></td>
<td>58,865</td>
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<td>0</td>
<td>0</td>
<td>58,865</td>
</tr>
</tbody>
</table>

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11/28/2006 12:30:54 PM

Exhibit C
The Florida Bar Health Law Section
CLE Calendar
2007-2008
Laurie Levin, Chair

November – December 2007
Program Title: Lunch & Learn: Timely Topics for Healthcare Attorneys
Location: Telephone CLE
Program Chair:
Brochure Deadline: (12 weeks from date of program)
Material Deadline:

January 17, 2008
Program Title: Representing the Physician 2008
Location: Hyatt Regency in Miami
Program Chair:
Lunch: Ether boxed lunches or on your own
Brochure Deadline: October 26, 2007
Material Deadline: November 26, 2007

April 11 & 12, 2008
Program Title: Health Law Certification Review
Location: Orlando
Program Chair:
Brochure Deadline: January 11, 2008
Material Deadline: February 15, 2008

June 20, 2008
Program Title: Health Law Update
Location: Boca Raton - The Florida Bar Annual Meeting
Program Chair:
Brochure Deadline: February, 2008
Material Deadline: April 25, 2007
I assume this might be something he want in the Health Law agenda packet? I am not sure, is there a place for his report already on the agenda? I can help you if this is not obvious.

Yvonne D. Sherron  
Director, Professional Development  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, FL 32399-2300  
(850) 561-5825 FAX  
(850) 561-5626 (DIRECT)  
----- Forwarded by Yvonne D Sherron/The Florida Bar on 05/29/2007 03:21 PM -----  

"Barclay, James J"<James.Barclay@nuden.com>  
To <ysherron@flabar.org>  
cc  
05/29/2007 03:19 PM  
Subject Website report for June HLS meeting  

Yvonne, I will be attending the AHLA meeting in Chicago this year and will be unable to attend the annual meeting of the HLS.

My HLS website report is as follows:

1. The HLS website is fully functional and is updated as material arrives.
2. Posting of new material is often done upon receipt and certainly the same day, depending on its format. Material in Word format is easily posted, other formats are much more complicated and take a longer time.
3. Dated material is removed or relocated on an as-needed basis in order to keep the site fresh and useful.
4. A new webmaster, and possibly an assistant, should be designated so training can be conducted and transition to the new webmaster can completed by the end of 2007.

Respectfully submitted May 29.

Chet Barclay

IRS Circular 230 Disclosure: Please note that the views expressed herein or in any attachments hereto are not intended to constitute a “reliance opinion” under applicable Treasury Regulations, and accordingly are not intended or written to be used, and may not be used or relied upon, for the purpose of (i) avoiding tax-related penalties that may be imposed by the Internal Revenue Service, or (ii) promoting, marketing or recommending to another party any tax-related matters
The Health Law Section is working on the next edition of the e-newsletter. We encourage our members to submit articles for publication for the next e-newsletter by no later than July 31, 2007.

We welcome and encourage the submission of articles covering a wide range of issues on health care law. Analysis of emerging trends in health care law from a variety of perspective, information regarding notable decisions or unreported decisions, comments on non-case law issues such as a new way to structure a transaction or other comments or suggestions for health law transactions are all welcome.

Articles can be submitted in Word format to the editor at bieaza@nbhd.org. Questions or suggestions can be directed to the same e-mail address. We rely on the authors to edit their own work.
May 30, 2007

Ms. Susannah Landes Foster
2100 19th Street N.W., Apt. 306
Washington, D.C. 20009

Re: William Trickel, Jr. Memorial Writing Award

Dear Ms. Landes Foster:

Congratulations! On behalf of the Health Law Section of The Florida Bar, I am pleased to inform you that the paper you submitted for the 2007 William Trickel, Jr., Memorial Writing Award, *Abigail Alliance for Better Access to Developmental Drugs v. von Eschenbach*, has been selected by our panel of judges as the first place submission. Pursuant to the published rules of the Trickel Writing Contest, the authors of the top two papers selected in the competition receive monetary awards. First place receives $5,000 and second place receives $2,500.

in anticipation of awarding you the first place prize of $5,000, please find enclosed a tax form, and an indemnification, release and attestation of compliance with the Rules, both of which should be signed and returned directly to Ms. Valerie Yarbrough, Program Administrator for the Health Law Section, in the enclosed pre-addressed envelope. After receipt, the award will be mailed to you and your article may be published in accordance with the Rules. If you would like us to mail the check to you at another address, please be sure to enclose the new address with the other forms.

To assist with publication of your article on the Florida Bar website or in the Florida Bar newsletter, please e-mail me a copy of the paper at: monica@dresnicklaw.com.

If you have any questions regarding the award, you may call Valerie Yarbrough at 350-561-5630 or me at 305-670-9800.
Thank you for participating in the William Trickel, Jr., Memorial Writing Award and congratulations.

Very truly yours,

Monica L. Rodriguez
Chair of the Trickel Writing Award

cc: Harold E. Kaplan, Section Chair
    Professor Lawrence Gostin
    Georgetown University Law Center
    600 New Jersey Avenue, N.W.
    Washington, D.C. 20001
May 30, 2007

Mr. Leo Beletsky
1913 North Howard Street
Philadelphia, PA 19122

Re: William Trickel, Jr. Memorial Writing Award

Dear Mr. Beletsky:

Congratulations! On behalf of the Health Law Section of The Florida Bar, I am pleased to inform you that the paper you submitted for the 2007 William Trickel, Jr., Memorial Writing Award, "Reforming Evidence-Based Medicine and the Law: A Plan for Action", has been selected by our panel of judges as the second place submission. Pursuant to the published rules of the Trickel Writing Contest, the authors of the top two papers selected in the competition receive monetary awards. First place receives $5,000 and second place receives $2,500.

In anticipation of awarding you the second place prize of $2,500, please find enclosed a tax form, and an indemnification, release and attestation of compliance with the Rules, both of which should be signed and returned directly to Ms. Valerie Yarbrough, Program Administrator for the Health Law Section, in the enclosed pre-addressed envelope. After receipt, the award will be mailed to you and your article may be published in accordance with the Rules. If you would like us to mail the check to you at another address, please be sure to enclose the new address with the other forms.

To assist with publication of your article on the Florida Bar website or in the Florida Bar newsletter, please e-mail me a copy of the paper at program@flabarhs.org.

If you have any questions regarding the award, you may call Valerie Yarbrough at 850-561-5630 or me at 305-670-9800.

Sincerely,

[Signature]

[Name]

[Title]
Thank you for participating in the William Trickel, Jr., Memorial Writing Award and congratulations.

Very truly yours,

Monica L. Rodriguez
Chair of the Trickel Writing Award

cc: Harold E. Kaplan, Section Chair
Professor Scott C. Burns
Temple University
James E. Beasley School of Law
1719 North Broad Street
May 30, 2007

Ms. Laura A. Grady
15524 Lakes Avenue
St. Louis, MO 63117

Re: William Trickel, Jr. Memorial Writing Award

Dear Ms. Grady:

On behalf of The Florida Bar Health Law Section, thank you for your entry in the William Trickel, Jr. Memorial Writing Award. The papers have been reviewed and the judges have submitted their grades. I regret to inform you that your entry did not place in the top two.

First place was awarded to a student who attends Georgetown School of Law and second place was awarded to a student from Temple University Beasley School of Law.

Thank you again for your participation.

Very truly yours,

Monica L. Rodriguez
Chair of the Trickel Writing Award

cc: Harold E. Kaplan, Section Chair
Professor Jesse A. Goldner
St. Louis University School of Law
5700 Lindell Boulevard
St. Louis, Missouri 63108

Exhibit G
May 30, 2007

Mr. Jason Komninos
5 Fox Hill
Upper Saddle River, NJ 07458

Re: William Trickel, Jr. Memorial Writing Award

Dear Mr. Komninos:

On behalf of The Florida Bar Health Law Section, thank you for your entry in the William Trickel, Jr. Memorial Writing Award. The papers have been reviewed and the judges have submitted their grades. I regret to inform you that your entry did not place in the top two.

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Thank you again for your participation.

Very truly yours,

Monica L. Rodriguez
Chair of the Trickel Writing Award

cc: Harold E. Kaplan, Section Chair
Dean Stephen J. Friedman
 Pace University School of Law
78 North Broadway
White Plains, NY 10603

Monica L. Rodriguez
Chair of the Trickel Writing Award

cc: Harold E. Kaplan, Section Chair
Dean Stephen J. Friedman
 Pace University School of Law
78 North Broadway
White Plains, NY 10603
May 30, 2007

Mr. Keith Sonderling
17320 Altonbury Court
Boca Raton, Florida 33496

Re: William Trickel, Jr. Memorial Writing Award

Dear Mr. Sonderling:

On behalf of The Florida Bar Health Law Section, thank you for your entry in the William Trickel, Jr. Memorial Writing Award. The papers have been reviewed and the judges have submitted their grades. I regret to inform you that your entry did not place in the top two.

First place was awarded to a student who attends Georgetown School of Law and second place was awarded to a student from Temple University Beasley School of Law.

Thank you again for your participation.

Very truly yours,

Monica L. Rodriguez
Chair of the Trickel Writing Award

cc: Harold E. Kaplan, Section Chair
Dean Joseph Harbaugh
Nova Southeastern University
Shepard Broad Law Center
3305 College Avenue
Fort Lauderdale, Florida 33314-7721
May 30, 2007

Ms. Melissa Welch
251 West 26th St., No. 3B
New York, New York 10023

Re: William Trickel, Jr. Memorial Writing Award

Dear Ms. Welch:

On behalf of The Florida Bar Health Law Section, thank you for your entry in the William Trickel, Jr. Memorial Writing Award. The papers have been reviewed and the judges have submitted their grades. I regret to inform you that your entry did not place in the top two.

First place was awarded to a student who attends Georgetown School of Law and second place was awarded to a student from Temple University Beasley School of Law.

Thank you again for your participation.

Very truly yours,

Monica L. Rodriguez
Chair of the Trickel Writing Award

cc: Harold E. Kaplan, Section Chair
   William Tzator, Dean and Professor of Law
   Fordham University School of Law
   140 West 62nd Street
   New York, NY 10023
Not sure all of you see this monthly newsletter. Administrators, please include a copy in your agenda's for the next available EC meeting. I believe this may be one of the promotion pieces partially responsible for the record year in registrations. Thanks and have a great weekend.
Mike

The Florida Bar CLE e-Newsletter

Your source for information about upcoming CLE Seminars and new editions of CLE Publications. Reporting date coming soon? Look for CLE Seminar programs in your area.

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Exhibit H
handle both civil and criminal jury trials.

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1 volume, Softbound

This guide to legal writing is a quick read, yet contains some of the best advice for professional improvement a lawyer will ever receive. It is practical, succinct, and contains numerous helpful examples of the proper style for drafting letters, memos, briefs, contracts, and other legal documents. Apply the lessons provided and your legal writing skill is sure to improve.

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June 2007 CLE Seminars

2007 Annual Florida Bar Convention | Basic Tort Litigation 2007 | Practicing Before the Supreme Court | Basic Probate & Guardianship 2007 | Eviction | Basic Commercial Litigation | Fundamentals of Elder Law | Litigating with Government Entities | Drafting Trusts

2007 Annual Florida Bar Convention
June 27-30, 2007 - Orlando World Center Marriott Resort & Convention Center, Orlando, FL

Exhibit H
The Convention will include networking with fellow attorneys and judges, extensive CLE programs and numerous Committee and Section meetings. Click here for more information.

**Basic Tort Litigation 2007**
Course Classification: Basic Level
Video Replays: 11 locations: June 1, 2007 - June 15, 2007

A basic overview of tort litigation which includes coverage of issues on tort remedies, products liability, medical malpractice, cause of actions and jury selection. Click here for more information.
- For related CLE Publications, click here

**Practicing Before the Supreme Court**
Course Classification: Advanced Level
One Location: June 8, 2007 - The Florida Supreme Court, Tallahassee, FL

This seminar offers the unique opportunity for attorneys to interact with the Justices of The Florida Supreme Court. You will first listen to an Oral Argument followed by a discussion with the arguing attorneys moderated by Honorable Major B. Harding. Discussions follow with the Clerk of the Supreme Court and Justice Raoul Cantero. Don't wait to register as space is limited. Click here for more information.
- For related CLE Publications, click here

**Basic Probate & Guardianship 2007**
Course Classification: Basic Level
Video Replays: 12 locations: May 18, 2007 - June 8, 2007

A basic overview of probate and guardianship law, includes coverage of such issues as initial estate administration, tax traps, accounting through discharge, problem assets, powers and duties of a guardian and ethical considerations in the incapacity process. Click here for more information.
- For related CLE Publications, click here

**Eviction Nuts & Bolts**
Course Classification: Intermediate Level
Video Replays: 10 locations: April 12, 2007 - June 14, 2007

This real estate law course focusing on landlord/tenant law includes the following informative topics: First Step - Pre-Suit; Complaint; Answer and Affirmative Defenses; Trial and Post Trial, and a Question and Answer Panel. Click here for more information.
- For related CLE Publications, click here
Basic Commercial Litigation 2007
Course Classification: Basic Level
Video Replays: 12 locations: May 4, 2007 - June 20, 2007

A basic overview of commercial litigation designed for the new attorney or as a refresher for an attorney with more long term involvement in the practice. The seminar includes coverage of such issues as discovery, mediation, practice and procedure, bankruptcy and post trial procedures. Click here for more information.
  • For related CLE Publications, click here

Fundamentals of Elder Law I
Course Classification: Intermediate Level
Video Replays: 5 locations: May 3, 2007 - June 14, 2007

This basics-level course is designed to provide you with the fundamentals of the everyday practice of Elder Law. Presentations encompass preparing incapacity planning documents which include the durable power of attorney, health care surrogate designation and living will. Explore the nuances of estate planning in the context of Elder Law issues. Determine where the practice of Elder Law is headed and uncover the mystery behind the recent Medicaid changes. The program will also provide important tips on the many ethical issues faced within Elder Law. Click here for more information.
  • For related CLE Publications, click here

Litigating with Government Entities
Course Classification: Intermediate Level
One Location: June 30, 2007 - Caribe Royale, Orlando, FL

Suing and Defending Governmental Entities will explore specific issues in government entity litigation. The impact of sovereign immunity, litigation involving statutory challenges, administrative law and attorneys fees, and the unique ethical issues facing those who sue and represent government entities will be covered. A panel of practitioners will also discuss the unique do's and don'ts of government entity litigation. Click here for more information.
  • For related CLE Publications, click here

Drafting Trusts Under Florida's New Trust Code
Course Classification: Advanced Level
Video Replays: 10 locations: May 10, 2007 - June 7, 2007

This trust drafting seminar includes the following informative topics: mandatory provisions of the Florida Trust Code -- Section 736.0105; drafting trustee powers considering the duties of loyalty, impartiality, and statutory authorization for self-dealing; drafting for trustee resignation, appointment of successor trustees, and exculpation of trustees; representatives, designated representatives, trust advisors, trust protectors and directed trustees; choice of law, governing law, and principal place of administration under the Florida Trust Code; and drafting with trust modification, termination,
combination, severance, and nonjudicial settlement agreements in mind. Click here for more information.

- For related CLE Publications, click here

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January 22, 2007

Mr. Albert R. Robinson
Navigant Consulting
101 East Kennedy Boulevard, Suite 2200
Tampa, Florida 33602

Dear Al:

On behalf of the entire Health Law Section and the Executive Council, we wish to express our appreciation for Navigant’s continued support at our meetings. As you have pointed out, the Section members and the Council are comprised of a good group of individuals and it's great to know that we have generated such good rapport with you and your associates.

Best regards,

[Signature]

Harold E. Kaplan, Esq.
HEK/Lan

CC: Executive Council