

Executive Council Minutes- 8/14/07-Orlando, FL

Members in Attendance:

Tom Conroy
Ray Malca
Mark Zientz
Tim Jesaitis
Eric Stiffler
Rick Morales
William Rogner
David Mitchell
Dawn Traverso
Jacque Blanton
Robert J. Strunin
George Cappy
Jeff Jacobs
Seth Abrams
Paul Anderson
Rick Thompson
Martin Leibowitz
Nancy Cavey
Richard Chait
Rafael Gonzalez
Glen Wieland
Alan Aronson
Stewart Colling
Tom Sculco-JCC Liaison
Steve Kronenberg
Gerry Rosenthal
Mike Rudolph
Fred Deutschman
Brian Carter
Dennis Smejkel (guest)
Fausto Gomez (guest)
Bill Rubin (guest)
Melissa Kuipers (guest)
Charlie Martinez (guest)
Tuwana McMillan
Michael Winer
Jake Schickel (FL Bar)

I. Introduction of Guests–

Tom Sculco the JCC Liaison to the Executive Council was introduced.

II. Award Presentation- Awards were presented to George Cappy, Fred Deutschman

Gerry Rosenthal, Rafael Gonzalez, Dorothy Clay Sims, David Mitchell for their service to the section. Special Awards were presented to Rick Thompson for his service on the Workers Compensation Forum, and Dawn Traverso for her work on CLE courses. The Chairman's Award of Merit was presented to Martin Leibowitz for his work on the section website.

Special Awards were given to Rick Thompson for his service on the Workers Compensation Forum. A second special award was given to Dawn Traverso for all of her work on the section CLE seminars.

III. Minutes from May 2007 meeting- approved without corrections.

III. Treasurer's Report –

Discussion ensued over the section budget to date. Fund balance is \$118, 624. We are as a section spending more than we are bringing in. If this trend does not change, we could run into a financial crisis in the next 3-4 years.

IV. Committee Reports-

A. CLE Liaison- No meetings or new business.

B. Section CLE- A lengthy discussion occurred relating to the fact that despite high seminar attendance, we still are not making any money on our seminars for the section. The main culprit appears to be the FL Bar and the manner in which they are allocating expenses in an unfair manner against our section as well as other sections of the Bar. A motion was made to remove all future CLE seminars from the FL Bar and to independently develop, publicize, and operate the seminars. The sentiment was echoed that we do not receive as a section anywhere near the charges (costs) allocated by the Florida Bar. At this point Jake Schickel discussed this issue with all present. The executive council members ultimately decided to decide on a seminar by seminar basis whether we will employ the services of the Florida Bar for any portion of the seminar. It was agreed that we would schedule outside the Florida Bar if that would be financially advantageous for the Section.

C. Winter Meeting- The winter Seminar will be held at Copper Mountain Colorado from March 2-7, 2008. Fantastic Room rates have been obtained as with rates ranging from \$178-268 for units up to 1 Bedroom, and \$338-410 for 2 bedroom gold units. These properties are all gold level, and located in the center village. The cutoff date for reservations is 2/1/08.

D. Workers Compensation Forum- Rick Thompson explained that next year's seminar will be held April 24-25 at the Swan Hotel, Orlando. We will partner with the WCCP to put on this event.

E. News & 440- Latest issue is delayed due to only 1 article. Michael Winer is the new editor. He will begin formulating new articles and advertising. A discussion occurred

over going to an e-mail publishing format, although no final decision was made in this regard.

F. Judiciary Committee- No Report.

G. Legislative Comm.- It was noted that the Florida Academy of Trial Lawyers will introduce legislation in the next session.

H. Rules Comm.-DOAH website is being re-done. New version should be out soon. There are no form draft settlement documents and General Releases circulating as the section attempts to come up with a uniform/standardized document.

I. Council of Sections- No report.

J. Technology Comm.- It was agreed to allow the JCC orders page to link with our website so that we could have the benefit of all the orders being compiled by DOAH. New website is up with only one minor glitch that is being corrected.

K. Trial Advocacy-After a 1 year absence, Ray Malca is reviving this program which will likely occur in May 2008 at the University Of Miami School Of Law.

L. Appellate Issue Comm. - A couple of interesting new cases provided relating to attorneys fees, and the right of a carrier to bring a Petition for Fraud before going to the JCC.

M. Certification- No report.

N. Professionalism- None

O. Pro Bono- None

V. New Chairs Report-

A discussion occurred relating to the development of an award to recognize professionalism in workers compensation. The Executive Council unanimously voted to form the Albert M. Frierson Professionalism award to be given annually to the person who most exemplifies professionalism in the workers compensation law practice. A committee was formed consisting of Robert Strunin, Tim Jesaitis, Dawn Traverso develop forms and gather nominees annually for this new award.

Jacque Blanton was appointed to become the new Treasurer of the WC section.

The retreat location was confirmed to be in April 2008 in Dallas, TX

Bylaw Amendments-

After discussion, the Executive Council unanimously approved the following bylaw amendments which will now read as follows:

Article V, Section 2- If the term of the outgoing chair on the executive council expires, or the outgoing chair is subject to the 12 year cumulative term limit, within 60 days of leaving said office, that individual shall automatically be deemed re-elected for an additional 3-year term. If the term of incoming chair on the executive council expires, or the incoming chair is subject to the 12 year cumulative term limit, within 60 days of taking said office, that individual shall automatically be deemed re-elected for an additional 3 year term.

Article V, Section Section 2-The executive council through the nominating committee, shall notify members of the section via U.S. mail, e-mail, or posting of such Notification on the Workers Compensation Web Site of:

- A) its acceptance of nominations, and its recommendation of section members for vacancies on the executive council to be elected by the executive council.
- B) Its acceptance of nominations and its recommendation of section members for election to At-Large and Judicial District executive councils eats, to be elected by the general section membership: and

The nominating committee shall meet at least 60 days prior tot the annual election. Notice of the nominating committee shall be given at least 45 days in advance of the annual election and at least 15 days prior to the filing of any vacancy on the executive council.

Elections occurred following the meeting with the following people being elected with terms to start as noted below (Debby Beck has list of winners):

1st District: Paul Anderson, Claimant, & Tara Sa'id, Defense

2nd District: Brian Sutter, Claimant, & Jacqueline Blanton, Defense

3rd District: Richard Chait, Claimant, & Robert Strunin, Defense

4th District: Alan Aronson, Claimant, & Robert Donahue, Defense

5th District: Stewart Colling, Claimant, & Tuwana McMillan, Defense

At Large:

Claimant -

Bill Berke

Diane Verga-Castrillon

Raul de la Heria

Jeff Jacobs

Paolo Longo

Ricardo Morales

Michael Rudolph

Christopher Smith

Glen Wieland

Defense -

Tom Conroy

Timothy Dunbrack

William Ray Holley

Tim Jesaitis

Alan Kalinoski

Christopher Petruccelli

William Rogner

Richard Thompson

Dawn Traverso