

Workers' Compensation Section Executive Council Meeting
World Center Marriott, Orlando
August 17, 2010 - 2:00 p.m. – 4:30 p.m.

I. Presiding: Rick Thompson, Chair

Welcome – Introductions

Richard Chait gave final remarks and thanked everyone for their service during his chairmanship.

Awards Presentation – Rick Thompson to Richard Chait – past chair award – Presented Richard Chait with a plate award noting him to be the king of “plate spinning”.

Jeff Jacobs – presented Richard Chait with a second award - a NY Yankees stadium chair from old stadium.

Attendees:

- (1) Chris Petrucelli
- (2) Raul De La Heria
- (3) Alan Kalinoski
- (4) Jacque Blanton Steele
- (5) Bill Rogner
- (6) Jake Schickel
- (7) Tuwana McMillan
- (8) Richard Chait
- (9) Jeff Jacobs
- (10) Mark Touby
- (11) Ray Holly
- (12) Ric Morales
- (13) Robert Strunin
- (14) Bill Berke
- (15) Richard Thompson
- (16) Paul Anderson
- (17) Arlee Colman (Florida Bar Liasion)
- (18) Geoffrey Bichler
- (19) Joann Prescott
- (20) Mike Winer
- (21) Mike Rudolph
- (22) Tim Dunbrack
- (23) Fausto Gomez
- (24) Chris Smith
- (25) Rich Berman
- (26) Neil Faulk
- (27) Dawn Traverso

- (28) Alison Schefer
- (29) Paolo Longo
- (30) Leo Garcia
- (31) Glen Wieland
- (32) The Honorable Steve Rosen
- (33) Gerry Rosenthal

II. Minutes from 5/10: Jacqueline Blanton Steele, Secretary *Exhibit A Attached*

Corrections to Page A-3 – Leo Garcia (not Gomez) - Minutes moved to be accepted, seconded and approved as corrected.

III. Treasurer's Report: Alan Kalinoski, Treasurer *Exhibit B Attached*

Additional investment allocation revenue realized – assisted section greatly and we are under budget with expenses. \$432.00 in the black with final forum figures.

Overall, Section is in good shape financially – need to keep going in same direction. *2011-2012 Budget moved to be accepted, seconded and approved as corrected.*

IV. Committee Reports

A. BOG Report, Jake Schickel, BOG Liaison

To be running for President of the FI Bar. Rick appeared before BOG in SRQ and gave section report – excellent job – impressive presentation for section. Grievance issues to be addressed by lawyer regulations of FI Bar. Service on bar committees is available if interested.

Jake contacted bar president and she is going to try to make meeting for presentation depending upon a mediation commitment.

Judicial Applicants Survey – results were given to applicants and commission members. He believes commission appreciated responses and the input from the survey results. JNCs for circuit and county court judges are comprised of local community members so applicants tend to be well known by committee members, but with our group, that is not the case because of statewide nominations so the input is valuable and appreciated.

Recommendations for vacancies are as follows:

Lakeland – Brooks, Sojourner and Weiss

Jacksonville – Leibowitz, Ortiz, Rodriguez, Mallow, Humphries, Holly

Rick Thompson reported on the fact that grievance issues were a problem because of a few bad attorneys and the hope is that service to the committee will help combat the problem – he encouraged involvement by council members. Jake indicated that service on this committee takes about an hour or two per month.

Jake also noted that the process helps many good attorneys against false complaints, but also helps the system to deal with those attorneys who are problematic.

Arlee noted that committee positions and applications are highly sought after so contact with your BOG representative is important to support your interest in serving.

B. Workers' Compensation Forum: Jeff Jacobs, (Co-Chair)

Jeff reported W.C. Forum final results - \$8,122.70 earned. The Forum achieved success due to hard work – 447 attendees. Partnership with WCCP and IARP was very successful. 170-80 attorneys attended with remaining attendees being adjusters/claims professionals. Cost of seminar is almost \$100k. A gallon of coffee is \$70.00 – price had been historically kept at \$375.00 for attorneys for 20 credits. Adjusters also receive credits. We need to talk up the program and commit other members of your firms to attend. Sponsorship opportunities are available. Profit margin is tenuous so you cannot falter in your efforts to support and encourage attendance. Attendance of less than 350 is a loss to the section. The tentative dates for next year are April 13-16, 2011. The location is locked in for next three years at Champions' Gate. Some changes to speakers yearly and some changes to non-core subjects for different topics of interest will be discussed.

C. Section CLE: Dawn Traverso, Chair

Learn at Lunch – October/November and December seminars set for the second Tuesday at lunch at 12:00.

2/25/2011 - Anticipating seminar on Prosecuting and Defending Alternative Causes of Action – Cory Schnepfer to assist – at Airport Hyatt in Orlando – Confirmed location.

Ski Seminar set for 2/6 – 2/10/2011 – Beaver Creek at Ritz Carlton. Dates different from prior minutes please make note of changes.

D. HB 903 Appellate Challenge: Brian Sutter, Chair

Richard Chait reported on attorney fee challenge with discussion of Mark Zientz' case. Amicus may be filed per our legislative positions.

Kaufmann case update – notice of appeal filed and record received. Sutter's case. Amicus brief will also be prepared in line with our legislative positions.

- E. Legislative Committee: Paul Anderson, Chair reported that there were lots of political issues on the horizon with anticipated subjects to include E-Filing bill and bill on medications to limit doctors dispensing of repackaged medications at higher charges. Also may see reciprocity coverage bill, broader reform bill and possible effort coming to have entire act stricken.

Fausto Gomez (Lobbyist) – address 2003 reform to be on the agenda. Section has been significantly supportive of Sink's campaign and focused on concerns regarding wc issues and now she appears open to reform discussions – likely balance to system.

Rick Scott – has requested information about wc issues and appears open to being educated on issues facing system at present. White paper to be submitted.

General terms about legislative arena – section members have developed relationships with legislative leadership inter and intra-party which are significant and we are in better shape going into the session.

- I. Winer – New and 440 Report – judicial survey results to be published – in dire need of material for newsletter. Lots of 1st DCA material to write articles – please volunteer and get involved with publication.

Events – ads to be published for CLE and Forum events. We also have new member sign up sheet in newsletter. Bill Rogner to assist with Fall edition and need assistance from claimant's side for an edition. Need articles within next two weeks. Ski brochure to be published as well.

Publication schedule not available, somewhat fluid depending on needs. Quarterly schedule with issue at the end.

- G. Appellate Issues Committee: Bill Rogner, Chair - Bill reported that amicus are to be filed after BOG permission – same brief on multiple cases. Rogner and Zientz to assist.

DCA cases have been trending toward the middle of the road, but Merrill apportionment case (5 days prior) has some very strong language.

Legislative positions to be strictly adhered to from the section. Likely to see refilling of Murray brief.

- H. Membership Committee: Paulo Longo, Chair - Section membership is falling and we need to address it. Chief Judge Langham provided a list of registered e-filers. He is going to reach out to all of those users with the membership application. He wants to have a table at the forum for joining the section. Put table out next year at convention as well. Paralegals are starting to get involved under our associate membership which is available for law students and paralegals.

Paul Anderson – recommended geographic assignments for membership drive.

Law school idea for increasing membership – Tim Dunbrack – associate membership drive for job fair type setting at law schools would be a way to drive increased associate membership. Could consider a scholarship for wc class at the state law schools. Law school interest could be generated for articles for the News & 440 Report as well.

- I. Technology Committee: Martin Leibowitz, Chair - We have a brand new blade” server. A lot of mis-information about prior quotes on web service. We are in a better position now than if we changed. We do not need any new equipment. We will continue doing what we are doing – Sharepoint gives lots of options and alternatives to many without interference. We just need to get contract drawn up. Martin has asked that we identify concerns or needs – things that we want website to do and if it can be done, it will be incorporated into new website launch. New site will have plenty of navigation elements, but if you are looking for something let him know.

We can have a link on our website that will take you to the bar site to join the section.

Judge Rosen is our new judicial Liasion – former chair of section – welcomed back. Judge Rosen voiced his appreciation of the section and desire to increase communication between judges and section with increased judicial membership in section and involvement in section. Rick requested information from judges as to the reason that they are no longer section members – Chris Smith is Liasion and will work on same.

If JCCs want to be members, they have to pay for same themselves. JCCs have had to pay their own bar dues this year and there is a challenge from the prosecutors and public defenders regarding same. Discussion was had about waiver of section membership fees for judges.

v. Chair's Report: Rick Thompson, Chair

- A. Bylaw change in case of a tie during the elections - Martin addressed this possible issue – Prior elections committee recommended bylaws changes, but these prior changes did not address with specificity the action to be taken in the event of the tie.

Motion made to have runoff election of section members in the event of a tie by electronic ballot. Motion passed.

Discussion was had to remove 12 year term limits in current section bylaws and it was agreed that it would be further investigated for additional discussion at next meeting

Emeritus membership to remain intact.

- B. BOG approval of rollover of legislative positions - approved
- C. 07/23/10 presentation to BOG – completed. Rick advised BOG of section issues and BOG advised that they did not understand what had happened since the 2003 reforms. Good – receptive input.
- D. General Discussion - None

VI. Chair-Elect's Report: Jeffery Jacobs, Chair Elect

- A. Proposed Q Rule amendments - Public Hearing tomorrow 8/18 at 8:00 a.m. in Tampa Room. New rules to be discussed and possibly approved. It will impact all aspects of practice. Copies available.

VII. New Business

- A. Renewal of lobbyist contract – Fausto Gomez' contract up and is \$30,000.00. Not willing to accept reduction at this time – reduced in the past. Discussion held – prior rate was at \$50,000.00 and he has consistently worked with us and reduced his rates so Richard Chait encouraged section to renew contract. Motion made, seconded to approve – passed.
- B. Vote on request for excused absence – Tara Sa'id – had back surgery and it was moved, seconded and approved for excusal.
- D. Potential need for By Law change regarding elections – nominations for officers going forward. Alan agreed to serve as treasurer, Jacque as secretary. Dawn to be chair-elect. Moved, seconded and approved.

VIII. Future Meetings:

A. January 21, 2011 – Joe's Stone Crab

B. New Orleans Retreat – April 28-30, 2011