

**Workers' Compensation Section
Executive Council Meeting
Roosevelt, New Orleans
May 21, 2011 - 9:00 a.m. – 11:00 a.m.**

- I. **Presiding:** Rick Thompson, Chair
Welcome - Introductions

Attendees:

In Person - Jacque Steele, Tim Dunbrack, Bill Rogner, Glen Wieland, Bill Berke, Brian Carter, Geoff Bichler, Rick Thompson, Leo Garcia, Rich Berman, Jeff Jacobs, Allison Hauser, Alan Kalinoski, Phillip Augustin, Paolo Longo, and George Cappy.

By Telephone - Richard Chait, Mike Rudolph, Rick Morales, Paul Anderson, Dawn Traverso, Joann Prescott, Chris Smith and Robert Strunin

- II. **Minutes from 1/11:** Jacqueline Blanton Steele, Secretary Minutes moved, seconded and approved with correction to attendees to include Paolo Longo, Geoff Bichler and Leo Garcia.
- III. **Treasurer's Report:** Alan Kalinoski, Treasurer - We are under budget, plus Forum earnings were positive. Our fiscal year ends July 1st so from a financial perspective the section is doing well.

Ski trip went well - no losses and 23 people committed to rooms next year. A deposit will be due by September and we should not have a loss or room attrition. 2010 attrition was huge so good job this year and next.

IV. **Committee Reports**

- A. BOG Report, Jake Schickel, BOG Liaison - Bar successfully able to help block/avoid issue with Supreme Court division/bifurcation. Legislatively all is quite.

Happy Birthday Richard Chait.

- B. Section CLE: Dawn Traverso, Chair - Learn and Lunch Programs doing well. Contract with Viceroy at Snow Mass for next ski trip.
- C. HB 903 Appellate Challenge: Brian Sutter, Chair - Attorney Fee Challenge - in Kaufmann - notice has been filed with Supreme Court - briefs filed with answers. Amicus participation must file notice of same.

Mark Zientz' case - briefs filed with Amicus notice. Supreme Court entered stay on May 6, 2011 - they are going to decide on Kaufmann first.

Supreme Court discretionary jurisdiction is at issue with basis that DCA construed a provision of the state constitution by saying no issue if DCA had said not constitutional -

jurisdiction would have been automatic. Here the question becomes whether the issue, is of sufficient importance - no automatic right.

Section has filed Amicus briefs which were prepared and filed on behalf of section indicating that no side should be restricted in the fees paid by either party - in conjunction with our legislative positions. Briefs are available if anyone is interested.

- D. Legislative Committee: Paul Anderson, Chair; Tort reform significant issue. Changes to JNC were also discussed. A few comp bills, bill on reciprocity passed house, but not Senate. Koval bill on PEOs did not pass.
- E. News & 440 Report: Mike Winer, Editor - Latest edition accessible on line and next issue deadline is July 1st for summer edition.
- F. Appellate Issues Committee: Bill Rogner, Chair

Robert Bend case - mandate issued in DCA on 4/29 and 5/9 appeal to Supreme Court - discretionary jurisdiction as well - issue being argued is express conflict with a decision of another DCA - impacts a class of state officers.

- G. Membership Committee: Paulo Longo, Chair - membership down 18% but holding without further attrition. The committee has had some contact with state law schools about setting up hearings at law schools to generate interest in workers' compensation. Judge Langham will provide mobile recording equipment. Will do a test case and expand program depending on results..
- V. Chair's Report: Rick Thompson, Chair

Discussion of OJCC website disclaimer - Glen Wieland - name search can be done so claimants feel employers can pull them up and they are not getting jobs because of that. Public record cannot be changed - but public disclaimer page can be added which will require agreement that info cannot be used for any illegal purpose. Proposal language pulled from other public websites. Motion made and seconded to have disclaimer added for public use with addition of 440.205

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

A. The Forum 447 attendees - made more money because of cost cutting - profit of \$11,700.00 - increase of \$3,500.00

\$20.00 price increase for next year set to be \$395 for section members and \$445 for non-section members.

Speakers and written materials very well received. Jeff thanked all contributors for their work. Allison Hauser will now chair forum seminar.

Next year's retreat location not yet decided. Long range planning committee has met and considering options.

VII. New Business:

Amended minutes for attendees to January 2011 meeting (see above) and approved excused absences.

Brian Sutter, Neal Falk and Mike Winer requested excused absences which were moved, seconded and approved.

VIII. Future Meetings:

- A. Workers' Comp Convention
Executive Council and Elections -
August 23, 2011 – Orlando – World Center Marriott

It was moved and seconded that the meeting be adjourned as there was no further business to be discussed.