

**Workers' Compensation Section Executive Council Meeting**  
**Orlando World Center Marriott**  
**Orlando, FL**  
**August 22, 2016**

I. Presiding: Michael Winer, Immediate Past Chair

A. Immediate Past Chair Remarks. Welcome to Orlando. This is the most exciting time in wc world. Very proud of the Council and the emergency to calls meeting regarding potentially cataclysmic changes with regard to Daubert and reciprocity. Thank you for making yourselves available. Very proud of the partnership with WCCP. A special thank you to Lizette Francisco and Geoff Bichler for securing more sponsorships for the Forum. Challenging Alan to continue that. 1<sup>st</sup> district will hear oral arguments in April, piggy backed on Rogner's prior efforts. Continue the goal of making everyone in section a member. If we want our voice to be heard, it becomes louder with strength in numbers, over 1000 is the goal.

B. Presentation of Recognition Awards:

- Dawn Traverso, CLE Chair-tireless efforts and fantastic Learn at Lunch lineup.
- Richard Manno, awesome job with website, taking it to new heights, getting things put on Facebook, social media, publicizing CLE's, etc
- Leo Gomez, #1 WC conference in the state
- Willie Mae Shepherd-been blessed through tenure to have wc administrators who are top notch. Her job is a 365 day job, always there.

C. Passing of gavel, to Alan Kalinoski. The section will be in great hands.

- Award to Mike Winer, presented by Kalinoski. Scales and lady justice, symbolic of making the system accessible for everyone.

II. Call to Order Alan Kalinoski, Chair

A. Introduction of Guests

- Chief Judge Langham
- Judge Dietz
- Book Award winner-Alicia Jeskey
- Stacy Hosman from WCCP
- Ringler and Associates
- Lance Scriven who is running for Florida Bar President

B. Presentation of Book Award

- Judge Dietz introduced Alicia Jeskey. This is the 7<sup>th</sup> semester at Barry that he has taught and her er performance truly stood out, great that section has supported course at Barry, excited about support from school.
- Alicia is second year student, has worked at Page and Eichenblatt.
- Presented with check.

C. Chief Judge Langham spoke about participating in the meetings for years. Proud of work we do and how we get along. Positive attitude towards doing something constructive. Happy to hear about recruiting. Asked for suggestions. It was suggested that he put a hyperlink to the section application on his blog. Kalinoski thanked the judge for running an efficient system, which is very accessible. Morales suggested having more e-filing education. Touby suggested changing the autofill of pfb when e-filing.

D. Ringler and Associates, Scott Hoover-owned and operated Ringler Associates in Orlando for 30 years. Discussed the services that they provide, and their focus on protecting injured workers through structured settlement. Make sure injured worker gets the best deal that the market will bear. Kalinoski thanked them for being Platinum sponsors of the section. Traverso spoke to responsiveness and invaluable service.

E. Presentation by WCCP-Stacy Hosman, presented a check to the section for \$30,881.37 and thanked us for the partnership. We are contracted partners through 2020.

F. Lansing Scriven, running for Fla. Bar President: deep passion for what lawyers can do and what they can become, do not always love what we actually do sometimes. Presidency would allow the opportunity to serve our profession at the highest level. He can not run an agenda, but he can be a presence. He feels the biggest issue facing the Bar right now is the Constitution Commission Panel, which must sit every 20 years. The Bar has very few seats on the panel. Some of his concerns are that the panel will attempt to remove Supreme Court rule making authority. There is also a movement to remove jurisdiction of layers from the S. Ct. and put us under the legislature, setting judicial terms limits, removing jurisdiction from S. Ct. of JQC. We need to fight for exclusivity. 5 voting past presidents support him.

III. Approval of Minutes Joanne M. Prescott, Secretary

- Traverso moved to approve May Meeting Minutes as amended.
- Manno seconded and approved.

IV. Treasurer's Report: Philip Augustine, Treasurer

- The more sponsorships we bring in, the healthier we will be
- Discuss forum later
- In next 2 weeks we will have final numbers, Bar in the process of transferring financial accounting system
- Touby moved to approve.
- Anderson seconded and approved.

V. Chair report Alan Kalinoski, Chair

We need to remind ourselves that we represent interest of all. Whenever, we as members of the Council, speak in an open forum, remember that you represent the section. Keep sensitive. Busy year. A lot of work went into the changes of last year. There will be reaction, not sure what form that will take. He would like to continue increasing professionalism amongst each other, between bar and

judiciary. He introduced new member, Keith Pallo, who has been practicing 30+ years. He also thanked Jeff Appel, for all of his efforts with the News & 440.

VI. Committee Reports:

- A. Board Certification Philip Augustine, Chair
- Rogers Turner the chair of the board certification
  - Professionalism, board certification is a great forum for that
  - 190 board certified attorneys, 8 took, 4 passed
  - 5 years practice, 30% WC
  - 25 contested hearings protracted litigation
  - 45 hours cles
  - Going to provide sample questions on website
  - 100 questions, 1 long essay, 1 short essay
  - 1,130 section members
- B. Section CLE: Dawn Traverso, Chair
- Learn at Lunch program. Please sign up to speak, there is an immediate need.
  - We can fill up the spring, but need speakers for the next 3 months.
  - There are a lot of post market sales
  - Snow mass 2/26-3/2
  - If you want to speak
  - Looking for a sponsor for Sunday night dinner
- C. Legislative Committee: Rick Thompson & Chris Smith Co-Chairs
- Chris Smith spoke regarding rate increase proposal. 3 parts, 15% due to attorney's fees, Castellanos and Westphal, total 19.6% increase recommend. OIR hearing last week, thought is rate will be increased to 10% range.
  - Excellent lobbyist, much active members in the section.
  - Fausto Gomez spoke and indicated it would like be a very active legislative session, the hearing will dictate how active legislature will be if 10% or less, less active. Section does not have a side as we are the institutional voice of the WC profession. As sides amass, reason to voice several positions beneficial to both sides. Attys fees access to court, JNC, independence of judiciary.
  - Depending on NCCI decision, and knowing legislative leadership does not want to focus on WC, will be up to business to decide whether rates are acceptable and wait 2 years until more receptive leadership to fight against an increase.
  - Much attention statewide on both sides. To what extent will be pushed again will depend upon the rate.
  - Pallo asked, knowing how NCCI works, how do you come up with an actuarial challenge on behalf of the section? Anderson said we hire own actuarial, squeeze data out of OIR.
  - OIR was specifically asked for data from NCCI for post-Emma Murray, would not provide as they did not feel significant enough to provide.
  - They only compared 02-03 and 05-06, but Smith testified not accurate focus as many changes in 03, not just Emma Murray.

- Working with Fausto Gomez, Anderson and others to make sure interests of section are maintained.
- D. News & 440 Report:
- Jeff Appel spoke regarding the last issue has been most challenging.
  - Bichler has helped as guest editor.
  - Wieland and family are next.
  - Kalinoski commented that monumental undertaking. Suggestion to push those who are running for position today to step up.
- E. Membership Committee: Timothy Dunbrack, Chair
- 1,130 members, 2 years ago under 1,000 members.
  - McCormack and Judge Langham compiled list of active efilers to determine who are not members that should be contacted.
  - Dunbrack recommended protecting certain info on website to those that pay.
- F. Forum Committee: Leo Garcia, Chair
- Most profitable forum, 474 attendees.
  - First DCA will definitely hear oral argument.
  - Not going to counter program, there will be no other track during the oral arguments. 2 oral arguments, 10 mins q&a, \$3000 budget a little low, we need to discuss funding. We are going to approach WCCP about funding from forum profits. Garcia does not expect pushback from WCCP to take out of forum profits, and if so, we will not need to amend our budget.
  - A lot of effort that has gone on in the last few weeks to make this happen.
  - Trying to get live surgery in track 2.
  - Much thanks to Winer for his effort to get 1<sup>st</sup> DCA here.
  - Garcia suggested that everyone on exec council register for the forum.
- G. Rules Committee: Mark Touby, Chair
- Nothing active now, waiting until January
  - Jane Wedner-Robin is chair
  - Making sure we do best things for both sides concerned
- H. Judiciary Committee: Mike Winer, Chair
- No report
- I. Technology Committee: Richard Manno, Chair
- Website is up to date.
  - Membership button link to application.
  - Animal Rights Section, will not advertise on website, but we will give a shout out to their section on our website.
  - Asked to set up a Facebook booth at Forum.
- J. Sponsorship & Advertising: Lizette Francisco, Co-Chair  
Geoff Bichler- Co-Chair

- 18 sponsors for Forum.
- Website sponsorship up and running, Ringler is platinum sponsor.
- Francisco asks for all of our help to find sponsors for website.

VI. Chair Elect's Report: Paul Anderson, Chair-elect

- Very honored for opportunity. Looking forward to working with Alan as he is one of the most gracious people and he looks forward to learning.

VII. Unfinished Business:

- Suggested amendment to bylaws. There could be a problem that we elect a chair and then they are not reelected in general election. Proposal is that if you are the sitting chair-elect and up for reelection then your term is automatically extended for one year until after term served.
- Motion to approve made by Rogner.
- Seconded by Appel.
- Forum speaker reimbursements- Garcia said not up for discussion.

VIII. New Business:

- Motion for Fausto Gomez's contract to be reinstated. Motion seconded and approved
- Excused absences:
  - Karen Cullen
  - Geoffrey Bichler
  - Paolo Longo
- Unexcused Richard Berman
  - Motion to approve excused absences seconded and approved.
- Motion to maintain Treasurer Philip Augustine. Motion seconded and approved.
- Motion to maintain Secretary Joanne Prescott. Motion seconded and approved.
- Motion to appoint Leo Garcia as Chair Elect 2018-2019, motion seconded and approved.

IX. Upcoming CLE Program- Audio Webcast-Topics TBD

- Traverso will reach out to judges for future speaker dates..

X. Future Meetings:

- January 27, 2017 Executive Council Meeting,  
Joe's Stone Crab, Miami, FL
- February, 2017 33<sup>rd</sup> Winter Retreat  
Snowmass, CO
- May, 2017 Long Range Planning Meeting & Retreat-Charleston, SC

Motion to adjourn meeting was seconded.  
3:47pm meeting adjourned

Attendees:

Philip Augustine  
Jeffrey Appel  
Richard Chait  
Timothy Dunbrack  
Lizzette Francisco  
Albert Garcia  
Leo Garcia  
Jeff Jacobs  
Alan Kalinoski  
Martin Leibowitz  
Richard Manno  
Sean McCormack  
Rick Morales  
Keith Pallo  
Joanne Prescott  
Bill Rogner  
Mike Rudolph  
Christopher Smith  
Robert Strunin  
Brian Sutter  
Richard Thompson  
Mark Touby  
Dawn Traverso  
Glen Wieland  
Mike Winer

Willie Mae Shepherd