

Workers' Compensation Section Executive Council Meeting
AGENDA
Joe's Stone Crab-Miami Beach
January 22, 2016, 11:30 a.m.

- I. Presiding: Michael Winer, Chair
- A. Welcome-Introduction of Guests
- a. 1st DCA guests
- Jon Wheeler, Clerk of Court
 - Chief Judge L. Clayton Roberts
 - Judge James R. Wolf-resident UM fan; appreciated the hospitality
 - Judge Bradford L. Thomas
- b. Judge Sylvia Medina-Shore
- II. Approval of Minutes Joanne M. Prescott, Secretary
- Thompson moved to approve August 25, 2015 Meeting Minutes
 - Augustine seconded and approved.
- III. Treasurer's Report: Philip Augustine, Treasurer
- Jacobs questioned the amount of CLE course budget and profit and law firm sponsorship of Forum
- IV. Committee Reports:
- A. Section CLE: Dawn Traverso, Chair
- Learn at Lunch program. Great lineup of judges for future lunches and very well received by the judges.
 - Ski seminar coming up, Sunday 2/14. Over 20 registrants, which is great, given many prior attendees not attending.
 - Winer complimented the CLE Committee
 - We need to budget to get award/plaque for Stacy Hosman for her contributions to make the Forum such a success
- B. Legislative Committee: Rick Thompson & Chris Smith Co-Chairs
Fausto Gomez, Section Lobbyist
- Fausto Gomez appeared by phone-in Tallahassee. With regard to the issue of increasing JCC salaries, he has met with Joe Negron (Senator) and Larry Metz (House). Negron in favor of increase. Decision lies with Senate Appropriations Chairman Tom Lee. Altamonte Springs Senator Simmons in favor of 10 % increase. Last increase for standard of living in 2006. Took 3% salary hit to fund pensions. Richard Corcoran chief of admin staff, has final say, will talk to him as well,
 - Wieland asked do they understand salary does not come out of state budget. Salary comes out of Worker's Compensation Administrative Trust Fund.

- Chait-can this be put in play this session? Fausto reported that we are going to try to make this happen during this session.
- Chief Judge Langham's salary is distinct, so we will need to ask that his salary be addressed as well as it is a separate line item budget.
- Winer recommended reading last issue of News and 440 and article by Bill Rogner. Cost of increase in salaries could actually be covered by interest on fund. Long term goal is a statutory amendment to tie it to circuit court judges' salaries as it was in 2003 before law was repealed.
- Thompson reported that legislature in session, 2 administrative bills pending, but not relevant. He thinks everyone is waiting on Supreme Court decision on fees.
- Anderson reported that we completed a report on Division and Associated Industries on how EMA is selected. As of now, the procedure is that parties decide. Also, battle on proposed bill now-Division wants opt in, opt out for 10% owners of nonconstruction LLCs.

C. News & 440 Report: Jeff Appel, Editor

- Winer spoke for Appel. Appel has done a great job with a laborious task. Appel has resigned. We need to find a replacement. Suggestion is Rogers Turner. Right now we need guest editors.
- Bichler and Prescott volunteered to be guest editors for Spring edition, due out in mid-April
- Summer edition guest editor is tabled until May meeting
- Rogner suggested asking other members of section to be guest editor
- Winer asked Manno to publicize the position and Shepherd to send an email

D. Membership Committee: Timothy Dunbrack, Chair

- Dunbrack reported that Chief Judge Langham has been great in compiling list of those who have filed pfb's so we can cross reference those who are section members; he would also like to cross reference those who are attending Forum with those that are not members.
- Winer asked that meeting be scheduled before May meeting to try to meet goal of 100 new members. Will also have membership table for Forum
- Judge Medina-Shore said ALJ Committee opinion requested on the issue of section fees being waived for judges, and the opinion stated that would be against governor's code of conduct, which is very strict and they are bound by. The vast majority of JCC's were excited about the opportunity to join the section with out the fee, but that has already been decided.
- Traverso spoke to the formal rule of CLE Committee of Fla Bar that approves fee waivers for CLE's for any judge, except for the hard costs, such as lunch

E. Forum Committee: Leo Garcia, Chair

- Garcia reported that the State of the Forum is Strong!
- 50 attendees signed up at this point last year
- 107 signed up now
- Last year had 40
- 50 rooms booked at this time last year, 210 booked now
- 8 exhibitors last year at this point last year, 17 now

- We get 40% of sponsorships
- Law firm sponsors, at 16 now, 13 total last year
- Thinking about closing out sponsorship opportunity now so it is exclusive
- Other firms setting up a “spring forum”, attempting to steal our thunder
- Questions raised as to whether it is possible if we reach 500 attendees that will we have enough \$ to have DCA arguments next year. Garcia said the problem is that the cost is hotel rooms and space at forum
- Concern that we will run out of hotel rooms, but it has been discussed to increase block
- First time we got credits for paralegals

F. Rules Committee: Mark Touby, Chair

- Nothing dramatic. Probably no new rules this year.

G. Judiciary Committee: Mike Winer, Chair

- Nothing else to share other than focus on effectuating relationship with judiciary and the Bar.
- It was reported that Castellanos was argued in November, and since then, 13 companion cases have been certified, SCt sustained 10 once filed. 2 other cases have not been decided.
- *Westphal* was decided in June, 4 companion cases have been filed, and still not decided.

H. Board Certification Committee: Philip Augustine, Chair

- 11 people taking test, only 6 last year. 2 are repeats. Evenly split between those just qualified and those who have been practicing a long time
- 2 passed last year
- Just finished drafting test

I. Technology Committee: Richard Manno, Chair

- Manno-increased Facebook exposure, he has to befriend 3000 people, slowly but surely
- Ad at top of website on banner, can rotate
- Also links to sectionregistration page
- Winer says goal is to sell banner ads
- On-Call provided great flat rate for banners, all services, prepare banner, but we can charge client, our flat fee is extremely reasonable
- Forum has sponsors now, with active links, so free advertising. Should we charge for that?
- Limited access to website is Judge Langham, Manno, Shepherd and On-Call
- Winer suggested that access to limited to these people.
- Motion to approve and limit access to Judge Langham, Manno, Shepherd and On-Call made and seconded.
- Winer extended a plea to like the section on facebook and ask your friends to do the same.

- J. Sponsorship & Advertising: Lizette Francisco, Chair
Geoff Bichler- Co-Chair
- If you want to sponsor at forum, sign up now before it is limited
 - Winer suggested by months end identifying and signing up more sponsors
 - We received sponsorship of \$2500 from pharmacy company, so let's get them on the website
 - It was asked if we can consider another location....Garcia indicated we have looked at it but problem is we have to commit to a certain room numbers
- V. Chair's Report: Michael Winer, Chair
- Interesting last few months. We successfully held emergency meetings by phone
 - Reciprocity issue. Winer thanked everyone for getting together last minute, educating yourselves, and reporting to the Board of Governors the section's position. Definitely has value. Excellent job as a board to serve membership as a whole.
 - Same thing happened with regard to Daubert. Board suggested to act to vote it down on behalf of the section. We worked together to express valuable and important voice.
- VI. Chair Elect's Report: Alan Kalinoski, Chair-elect
- Nothing to report
- VII. Unfinished Business:
- Nothing additional to report
- VIII. New Business:
- Excused absences:
 - Sean McCormack
 - Martin Leibowitz
 - Albert Garcia
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- IX. Upcoming CLE Program- Audio Webcast-Topics TBD
- A. February 10, 2016 - Speaker: Judge Langham, Brian Carter and Phil Augustine
 - round table of pet peeves between attorneys and judges
 - B. March 9, 2016 - Speaker: Judge Pitts hot topics
 - C. April 13, 2016 - Judge Panel: Judges Rosen, Sculco and Lewis
 - D. May 11, 2016 – Speaker: Judge Dietz
 - E. June 8, 2016 – Speaker: Judge Condry
 - F. 1st DCA judges attending Forum: preeminent educational section for WC Section; packs more punch for the dollar; leadership of Council who voted per guidelines, secure fee waivers to attend Forum, lunch included. Remains Winer's goal, despite restraints, to host oral argument during Forum. This will be an item on the next New Business Agenda for May.
- X. Future Meetings:
- A. 32nd Winter Retreat, February 15 – 18, 2016 Beaver Creek, CO
 - B. Long Range Planning Meeting & Retreat, May 12- 15, 2016 Hilton, Nashville Downtown, Nashville, TN

Shepherd will send hotel link out

Motion to adjourn meeting was seconded.

1:42 meeting adjourned

Attendees:

Paul Anderson

Philip Augustine

Richard Berman

Geoffrey Bichler

Richard Chait

Karen Cullen

Timothy Dunbrack

Neal Falk

Lizzette Francisco

Leo Garcia

Jeff Jacobs

Alan Kalinoski

Paolo Longo

Richard Manno

Rick Morales

Chris Petruccelli

Joanne Prescott

Bill Rogner

Mike Rudolph

Christopher Smith

Bob Strunin

Brian Sutter

Rick Thompson

Mark Touby

Dawn Traverso

Glen Wieland

Mike Winer

Willie Mae Shepherd

George Cappy

Richard Sicking