

**Workers' Compensation Section Executive Council Meeting**  
**AGENDA**  
**Nashville**  
**May 14, 2016**

- I. Presiding: Michael Winer, Chair
- A. Welcome to Nashville
- II. Approval of Minutes Joanne M. Prescott, Secretary
- Traverso moved to approve January Meeting Minutes
  - Augustine seconded and approved.
- III. Treasurer's Report: Philip Augustine, Treasurer
- Budget \$105,105.00; actual \$123,592.00, subject to outcome of Forum
  - Section dues down a little bit but hopefully interest will be generated in the section given *Castellanos*
  - Traverso moved to approved
  - Jacobs seconded and approved.
- IV. Committee Reports:
- A. Section CLE: Dawn Traverso, Chair
- Learn at Lunch program. Very well received by the judges and great participation by judges.
  - We need topics for upcoming classes. Winer suggested having a seminar soon regarding *Miles*.
  - Next year the ski trip will likely be to Snowmass.
- B. Legislative Committee: Rick Thompson & Chris Smith Co-Chairs
- NCCI is working on mid year rate filing. Likely suggestion will be to increase rates; 18-20% is the rumor. OIR will then approve or reject.
  - Thompson believes there will be a special session. Concern that Texas system will be brought in.
  - We need to be cautiously optimistic.
  - Chait suggests that we all need to be leaders. Now is the time to be open minded and exchange ideas. Keep in mind, rate hike is on top of a prior huge rate decrease. Not the end of the world, we just need to be careful.
  - Winer suggested that we are going to need to express our position as a section in a White Paper given our bipartisan makeup.
  - Bichler suggested to partner with other industry stakeholders.
  - Kalinoski suggested drafting language for a proposed bill.

C. News & 440 Report:

- Winer said we need a new editor. Winer suggested Rogers Turner, but he declined. Winer and Bichler working on next edition. Shooting for June 1<sup>st</sup> to go to printer.
- Will bring printed copies to Comp Convention. Wieland will investigate cost.
- Winer would like to solicit sponsorship for newsletter.
- We will need to amend budget once we have printing costs estimate

D. Membership Committee: Timothy Dunbrack, Chair

- Dunbrack optimistic regarding membership given Castellanos.
- He proposed Learn at Lunch and partner with Small/Solo Practice Section.
- Winer suggested targeting those already practicing work comp but are not members. He suggested hiring someone to evaluate.
- Manno suggested contacting the website programmer to see if there is a program to review the lists of DOAH filers and compare to section membership list. McCormack offered his staff to assist.
- Dunbrack said roughly 18 new members joined at Forum.

E. Forum Committee: Leo Garcia, Chair

- 41 more attendees than last year.
- Best year for law firm sponsorships.
- Most profitable year.
- \$29,787.29 profit.
- Trying to deal with room issue for next year, especially because of the numbers we anticipate.
- Suggested having an Executive Council dinner at the Forum.
- Garcia and Traverso strongly suggested all Exec Council members to attend.
- Issue is that some speakers do not register.
- Trying to get more judges involved.
- Winer still wants to push for 1<sup>st</sup> DCA oral argument at Forum.
- Winer will talk to Clerk Wheeler and put together a budget.
- Winer suggested speaker rate be discounted. Gomez will talk to Stacy and we will have a vote in August.

F. Rules Committee: Mark Touby, Chair

- Augustine is current chair of Rules Advisory Committee. Nothing new introduced, still working on rules previously scheduled. Next meeting is in August.
- Still working on election of live JCC.
- Chait suggesting proposing 60Q rule to process *Miles* type cases. Winer suggesting incorporating *Lee Engineering* factors into Q rules for settlements; new form for approval of those fees.
- Augustine suggested having a subcommittee to address-Jacobs, Augustine, Touby and Traverso-will meet within 30 days

- G. Judiciary Committee: Mike Winer, Chair
- Winer reported that we made a pitch to increase judge's salaries. Message was well received, although legislature shot down.
  - Thompson and Chait suggested Fausto drafting an amendment.
- H. Board Certification Committee: Philip Augustine, Chair
- Test is next Friday, will be graded June 10<sup>th</sup>.
  - 7-8 are sitting.
- I. Technology Committee: Richard Manno, Chair
- Manno said main issue is website is old and needs to be upgraded.
  - \$1500 one time cost.
  - Motion to approve cost made, seconded and approved.
  - Winer suggested link to application on website.
  - Manno said website has link to advertise. Many locations on website to advertise. Flat fee from programmer, who will work with advertiser to design advertisement.
- J. Sponsorship & Advertising: Lizette Francisco, Chair  
Geoff Bichler- Co-Chair
- Francisco wants us to approve advertisement and sponsorship forms.
  - Winer suggested reaching out to vendors at Forum. Winer, Francisco and Berman will reach out to the vendors. Goal is \$10,000 more of sponsorship before August meeting.
- V. Chair's Report: Michael Winer, Chair
- It is a very exciting time to be a comp lawyer.
  - He hopes that we are all very proud of our work as he is.
  - We should take a great deal of pride in what we have accomplished as a section.
  - We mobilized our forces quickly to take positions with the Bar on issues.
  - His last push is to get sponsorships which will improve our financial help, and to recruit new members.
  - Membership is a grass roots effort, remember to interact with others to encourage membership.
- VI. Chair Elect's Report: Alan Kalinoski, Chair-elect
- It will be an interesting year to be chair. Goal is to have the committee find a middle ground that we can endorse.
  - Thinking about Scottsdale or New York for next Long Range Planning Meeting.

VII. Unfinished Business:

- Inns asking exec council to donate \$2500 to fund luncheon.
- Motion to approve, seconded, approved.
- Rudolph indicated Chief Justice Carl Stewart will present at luncheon.

VIII. New Business:

- Winer addresses section's formal legislative positions:
  - Number 5 is Opposition to create a specialty panel of the 1<sup>st</sup> DCA to exclusively hear workers' compensation appeals; Winer suggested letting this sunset.
  - Winer suggesting that Number 6 be amended to include due process,
- Motion to eliminate number 5 and to amend number 6. Jacobs moved to approved, and Garcia seconded. Motion approved.
- Need to actively look for News & 440 Report.
- We will continue to sponsor trial Advocacy workshop. Ray Malca suspects it will be very well attended.
- Bar requested a donation for Scholarship. We respectfully declined.
- Excused absences:
  - Paul Anderson
  - Martin Leibowitz
  - Brian Sutter

IX. Upcoming CLE Program- Audio Webcast-Topics TBD

- Traverso will reach out to judges for future speaker dates.
- Will put together something in July to discuss *Miles*.

X. Future Meetings:

- A. August 23, 2016 Annual Meeting & Elections  
Orlando World Marriott Center, Orlando, FL
- B. January 27, 2017 Executive Council Meeting,  
Joe's Stone Crab, Miami, FL
- C. February, 2017 33<sup>rd</sup> Winter Retreat  
Snowmass, CO
- D. May, 2017 Long Range Planning Meeting & Retreat  
TBD

Motion to adjourn meeting was seconded.

10:45 meeting adjourned

Attendees:

Philip Augustine

Richard Berman, by phone

Geoffrey Bichler

Richard Chait

Karen Cullen  
Timothy Dunbrack  
Neal Falk, by phone  
Lizzette Francisco, by phone  
Albert Garcia  
Leo Garcia  
Jeff Jacobs  
Alan Kalinoski  
Paolo Longo  
Richard Manno  
Rick Morales, by phone  
Chris Petruccelli, by phone  
Joanne Prescott  
Bill Rogner  
Mike Rudolph  
Christopher Smith  
Bob Strunin, by phone  
Rick Thompson  
Mark Touby  
Dawn Traverso  
Glen Wieland  
Mike Winer

Willie Mae Shepherd