

Workers' Compensation Section Executive Council Meeting

World Center Marriott, Orlando

August 23, 2011

2:00 p.m. - 4:30 p.m.

Attendees: Jacque Steele, Mike Rudolph, Al Frierson, Ray Malca, Rick Morales, Allison Hauser, Paul Anderson, Jeff Jacobs, Richard Chait, Tara S'aid, Arlee Colman, Rick Thompson, Judge Steve Rosen, Jason Fox, Christopher Petrucelli, Neil Falk, Tim Dunbrack, Eugene Pettis, Robert Strunin, Dawn Traverso, Tom Conroy, Mike Winer, Bill Berke, Rich Berman, Mark Zientz, Leo Garcia, Mark Touby, Dennis Smejkel, Alan Kalinoski, Brian Sutter, Martin Leibowitz, Philip Augustine, Chris Smith, Bill Rogner

I. Presiding: Jeffrey I. Jacobs, Chair

Announcement of Emeritus Members - Al Frierson, Ray Malca, Martin Leibowitz, Tom Conroy and Mark Zientz

A. Welcome - Introduction of Guests - Eugene Pettis, a member of The Florida Bar Board of Governors, spoke about his work on the BOG and announced that he is considering a run for he President of The Florida Bar. He understands the concerns of the Section and encourages an open lines of communication with the Section and The Florida Bar. He understands the concerns of the Section with regard to access to the courts and fees.

B. Presentation of Recognition Awards

Immediate Past Chair Richard Thompson thanked everyone for their work throughout the years.

Dawn Traverso, CLE Chair, was recognized for CLE programming for the year and the Section's success for all events.

Jeff Jacobs, Program Chair of the Forum, was recognized for great job and results. program.

Mike Winer, Editor of the *News and 440 Report*, was recognized for his wonderful work on the *News and 440 Report*. Mike thanked Arlee Coleman for her assistance as well.

Presentation of the gavel from Richard Thompson to Jeffrey I. Jacobs.

Jeff and the Executive Council recognized Rick Thompson for his work as chair.

II. Approval of Minutes from the May 21, 2011 Meeting: **Exhibit A**

Moved and seconded - minutes approved. Jacqueline Blanton Steele, Secretary.

III. Treasurer's Report: **Exhibit B**

Alan Kalinoski, Treasurer - Fund balance is \$93,000.00 not including check of \$11,780.11 from the proceeds of the Forum. Arlee also advised that the winter meeting is showing attrition and charges from 2010 loss and not 2011 event.

IV. Committee Reports:

A. BOG Report: Jake Schickel, BOG Liaison - Scott McMillen is the new liaison as Jake is no longer on BOG.

B. Section CLE: Dawn Traverso, Chair, announced that Chris Petrucelli will serve Co-Chair.

The 2012 Ski Seminar is booked for 2/26 - 3/1 with 27 rooms reserved. Contact Dawn or travel agent for room reservations. Get rooms ASAP as block is limited at discounted rate at the Viceroy. 2009 attrition money. Viceroy had some internal financial issues with high turnover during contract negotiations. Newest person that they were talking to advised that it would be taken care of so \$10k loss from 2009 may be recovered. Speakers are being arranged as well. Learn and Lunch going successfully. Facility is top notch.

C. HB 903 Relief Committee: Brian Sutter, Chair - Still trying to address issues. Several more cases on the horizons.

D. Legislative Committee: Paul Anderson, Chair - Bar has asked Section to participate in Section chair conference in Sept during committee week. There has been a filing for a rate increase and glitch bill coming on prescription reimbursement

issue. Not too much more legislatively. Districting issues upcoming and workers comp does not appear on the forefront. PIP and liability changes coming. More to be addressed on fraud in workers comp., but focus on PIP fraud. Supreme Court bifurcation is not likely to be re-addressed, but we do not know. Potential for JNC coming back up during session but will not impact WC JNC.

Alan K legislature passed legislation to create task force to review presumption bill. Alan has been appointed to the task force. Present info by Jan 1st for legislature to consider on issue of presumption.

Fausto Gomez, Section Lobbyist - report attached to minutes. Not present. See **Exhibit C**

E. News & 440 Report: Mike Winer, Editor

Issues going out on schedule - needs new articles. He would like to have someone volunteer to take over as he has been serving for 5 years in this capacity. Looking for a guest editor to start and take over after two or three issues.

F. Appellate Issues Committee: Bill Rogner, Chair - Three appellate decisions of concern - cases won on behalf of claimants on appeal and all three denied motions for attorney fees. Of concern and will be investigated. Two up for rehearing and one denied on rehearing.

G. Membership Committee: Paulo Longo, Chair (Council of Sections) - Paulo out speaking. Tim Dunbrack spoke for student membership drive. Law schools contacted and working with Orlando to test run a live final hearing at FAMU. Judge Sculco to put together actual final hearing program.

H. Forum Committee: Allison H. Hauser, Chair - Section price increase to \$395.00 Looking for speakers and topics.

I. Rules Committee: Christopher Smith, Chair - Three main issues - rules needed for similar or like service of docs filed with DOAH because document e-filed 2 days before and hard copy sent by mail only to OC; green rule - appearance

by phone - statewide consensus needed as it is a by venue issue and needs to be uniform.

J. Judiciary Committee: Leo Garcia, Chair - Working with the judges to update 1997 *Guidelines for Professional Conduct*. Committee is being formed at this point with even balance of defense and claimant attorneys and meetings to be set shortly.

K. Board Certification Committee: Philip Augustine, Chair - 6 people certified including council member Mark Touby. Comments regarding the difficulty in getting trial requirements met in today's practice - would like committee to address this issue.

L. Technology Committee: Martin Leibowitz, Chair

Martin is asking for volunteers to assist with the website. Tara S'aid voiced willingness to assist. Website needs to be updated with \$8,500.00 budgeted in line item to move forward with updates. It was moved and seconded to get bid to update website. Discussion was had to get with Roland Tan to explore subscription partnership for research for members. Mark Touby will investigate same and report back. Website is now updated with regard to council member information.

V. Chair's Report: Jeffrey I. Jacobs, Chair

A. Eugene Pettis – The Florida Bar Board of Governors - see above

B. Robin Smith Westcott - Insurance Consumer Advocate - will attend the Section reception later.

C. Nomination and Election of Chair Elect, Secretary and Treasurer for term beginning July 1, 2012. The following nominations were moved, seconded and passed.

Chris Smith was elected Chair Elect Designate.

Joanne Prescott was elected Secretary.

Alan Kalinoski re-elected Treasurer.

- D. Formation of a Committee to study Bylaw amendments regarding resolution of a tie vote in an election of Executive Council members and identifying incumbents on the ballots. Chris Petruccelli will chair this committee.
 - E. Judiciary Committee to update the 1997 Guidelines for Professional Conduct.
 - F. 2012 Retreat in New York City - dates TBA.
- VI. Chair-Elect's Report: Dawn Traverso, Chair Elect
- A. Long range planning committee - to be set.
- VII. New Business:
- A. Renewal of Fausto Gomez' contract as Section lobbyist. Contract attached. Annual contract renewal. Moved, seconded and passed to renew contract.
 - B. Vote on request for excused absences. Brian Carter, Glen Wieland, Paulo Longo, and Geoff Bichler. Moved, seconded and passed.
- VIII. Future Meetings:
- A. Joe's Stone Crab – January 27, 2012 at 11:30 a.m.
 - B. Retreat - New York City dates to be announced.

The Executive Council meeting was then concluded and adjourned.

The Workers' Compensation Section elections were held on August 23, 2011 for the 2nd DCA claimant and defense seat for the 3 year term commencing July 1, 2012:

Robert Grace of Tampa was elected to his first term on council for the defense seat and Mike Winer of Tampa was re-elected for the claimant's seat.

The election was concluded and a cocktail reception for members was held.