

Minutes of January 16, 2009 Workers' Compensation Section Executive Council Meeting
at Joe's Stone Crab
Taken by Jacqueline Blanton, Secretary

Attendees:

Paul Anderson
Alan Aronson
Bill Berke
Jacque Blanton
Judge Browning
Richard Chait
Arlee Colman
Stewart Colling
Raul DeLaHeria
Robert Donahue
Tim Dunbrack
Chief Judge Hawkes
Jeffrey Jacobs
Judge Kahn
Alan Kalinoski
Deputy Chief Judge Langham
Paolo Longo
Ray Malca
Tuwana McMillan
Rick Morales
Jake Schickel
Judge Sculco
Christopher Smith
Bob Strunin
Brian Sutter
Rick Thompson
Glen Wieland
Mike Winer
Mark Zientz

- I. Tuwana McMillan, Chair - welcomed everyone to the meeting including special guests: Chief Judge Hawkes, Judge Kahn, Judge Browning, Deputy Chief Judge Langham and Judge Sculco.

Judge Hawkes reported on the receipt of funding for the 1st DCA and voiced his appreciation for the council's support for the creation of a dedicated workers' compensation unit. 6 attorneys have been hired - 5 of 6 with significant experience in the

EXHIBIT A

field and cases are moving faster. Case dispositions have almost doubled since the creation of the unit which is a sign of significant improvement. Case pending time has also improved. First DCA is asking again for some funding this year for electronic filing phase increase to cover appeals for electronic filing. \$400k savings expected in first year for savings with electronic appeals.

Chair Elect, Richard Chait thanked the 1st DCA for traveling to Miami to hold oral arguments.

Judge Hawkes thanked everyone for the hospitality and indicated that the Court would be open to travel to Miami in the future for further oral arguments if the appropriate number of cases are ripe and able to be coordinated for arguments.

- II. Minutes from the meeting of November, 2008 were moved, seconded and approved by vote of the council as written.
- III. Treasurer's Report was given by Alan Kalinoski who noted significant savings to the section with the News and 440 Report being e-mailed only - savings of approximately \$5,000.00 annually.
- IV. Committee Reports
 - A. Section CLE - Arlee Colman reported for Dawn Traverso advising that the telephonic seminars are doing well.
 - B. Winter Retreat - All is set for the trip to Park City, Utah.
 - C. Workers' Compensation Forum - Rick Thompson, Chair, reported that the Forum is set for April 15-17, 2009 at Champions Gate in Orlando, Florida. Jeffrey Jacobs has agreed to take over as chair for the program in 2010.
 - D. Trial Advocacy Workshop - Ray Malca, Chair, reported that the workshop is set to take place on June 5-6th at University of Miami Law School. Judges Harnage, Kuker and Chondry have already agreed to assist.
 - E. News & 440 Report - Mike Winer, Chair, E-distribution has been a success so far. Articles are needed for future issues and he reported being interested in some material focusing on the Murray decision as well as trends regarding its application.
 - F. Legislative Committee - Paul Anderson, Chair, reported that the session is likely to be busy with bills focusing on the impact of Murray with FWA/FJA preparing a bill as well as business and industry. A third bill has been submitted that would reinstate cap on fees to the statutory formula.
 - G. Judiciary Committee - No Report

- H. Council of Sections - No report - meeting scheduled for January 17, 2009
 - I. Technology Committee - List serve idea being discussed that would allow an open forum on the website for exchange of ideas.
 - J. Long Range Planning Committee - Richard Chait, Chair, reported that technology advances would allow for advancement of relationships and exchange of ideas. He noted the importance of increasing section membership and voiced feeling that all workers' compensation practitioners should be section members. He noted that the retreat for 2010 would be held in New York City.
 - K. Appellate Issues Committee - No Report
 - L. Membership Committee - Paolo Longo, Chair, reported on the by-law change proposal to allow for affiliate membership. The proposal was moved, seconded and passed by vote of the council. He also reported on the availability of membership applications and the push for increased membership.
 - M. Professionalism Committee - The following council members agreed to be on this committee for the upcoming year/term - Robert Donahue, Richard Chait, Jacque Blanton, Tim Dunbrack, and Christopher Smith.
 - N. Pro Bono Committee - No Report
- IV. Chair's Report - Tuwana McMillan
- A. Tuwana reported attending the January 7, 2009 meeting with the JCCs and presenting concerns that had been sent to her by section members regarding lack of uniformity with mediation notices and response time to ex parte motions as well as issues on rescheduling mediations and lack of uniformity as to whether a motion for continuance is necessary even when request is made within statutory time frame.
 - B. Judge Sculco reported that the judges conference appreciates the comments provided by the section and are working to address the concerns. He also thanked the council and section for support regarding salary increase issue.
 - C. Deputy Chief Judge Langham reported that e-filing continues to evolve with the hope that electronic service will be something on the horizon in the near future. He also noted the concern voiced about final orders being sent by email only.
- V. Chair-Elect's Report - Richard Chait, Chair Elect - report given under Long Range Planning above.
- VI. New Business

A. By-Law Amendment was addressed above during the report on Membership and the amendment was passed.

B. Election of Executive Council at Large Defense Seat

Tuwanna McMillan announced that two seats were now available. The first vacancy was created due to the departure of Brian Carter of Pensacola from defense practice. Brian Carter changed to claimant's practice creating an at large vacancy. A second vacancy was also announced due to the resignation of Attorney Tim Jesaitis of St. Petersburg. Attorneys Leo Garcia and Joann Prescott were nominated, moved, seconded and approved by vote of the council to fill the at large defense vacancies.

C. Excused Absence Requests

The following council members submitted requests for excused absences: Tom Conroy, Chris Petrucelli, Dawn Traverso and Bill Rogner. It was moved, seconded and approved by vote of the council that the requests for excused absences be granted/approved.

VII. Future Meetings

A. Winter Retreat - Reminder - Silver King Park City, Utah - February 22-27, 2009

B. Executive Council Retreat - May 14-17, 2009 at Wynn Hotel, Las Vegas, Nevada

There being no further business, the meeting was adjourned.