

Workers' Compensation Section Executive Council Meeting
AGENDA
Charleston
May 20, 2017

- I. Presiding: Alan Kalinoski, Chair
- II. Approval of Minutes Joanne M. Prescott, Secretary
- Welcome to Charleston
 - It has been subsequently determined that Richard Berman's absence was excused and the minutes reflected otherwise.
 - Motion to approve minutes as amended and seconded.
- III. Treasurer's Report: Philip Augustine, Treasurer
- 172,000 in budget not including Forum this year
 - Handle Forum outside of Bar so that we reap profits
 - Motion to approve Treasurer's report and seconded.
- IV. Committee Reports
- A. Section CLE Dawn Traverso, Committee Chair
- June 14th Nancy Cavey
 - Resume Learn at Lunch in September
 - Trying to get new judges to participate
 - Winter Retreat-great turnout this year; getting bill cleared up
 - Next year going to Park City, Utah 2/26 or 3/5
- B. News & 440 Report Glen Wieland, Guest Editor
- Thanks to the Wieland family for guest editing
 - Soliciting new editor
 - Next edition should be published in the Fall
 - Phil Augustine will take care of Fall edition
 - Rick Thompson will take care of Winter edition
- C. Membership Committee Timothy Dunbrack, Committee Chair
- Still seeing an increase in membership
 - Try to make a push towards affiliate memberships, ie secretaries and paralegals
 - Goal for this year is 1,300
- D. Legislative Update Paul Anderson and Richard Thompson, Committee Co-Chairs
- Thanks to Paul Anderson, Chris Smith, Richard Chait and Richard Thompson
 - Legislature adjourned without passing WC bill
 - Senate Bill 7085 would have combined weeks, capped fees at \$150 hour and would allow JCC to award hour
 - HB 1582 would have increased weeks and capped fees at \$250 hour
 - A few issues of import, Senate does not want to cut medical providers; hospitals took a large cut this year; senate did not feel house bill would allow access to court and integrity of process; HB had a convoluted formula putting JCC's in awkward position

- Discussion of special legislative session regarding medical marijuana; there will be a significant number of vetoes by Governor especially regarding education; push of some to put WC in special session
- If not, next session will be January, which means committee meeting will be in September; comp will be at forefront of agenda regardless
- FCCI-largest amount of lobbying fees \$383k paid by any company in Florida; more than \$1million in lobbying fees in WC arena alone so there is no doubt WC will be on the forefront;
- Alan Kalinoski spoke to issue regarding claimant-paid fees. It is the Section's position that we are opposed to the push of limitation of claimant paid fees. While claimant's attorneys have led the Section in legislative efforts, defense bar needs to support these efforts as well, because the agenda clearly is also to limit defense attorney fees. Change is imminent, it may not be significant.
- Richard Thompson said it was a lot closer to a bill passing than was anticipated. There is definitely concern for attorneys. No effort for sides to get together. Business definitely being aggressive. As a section, we need to protect judges. No raise in a decade, and now they pay their pension. We need to put this on the forefront; he will make a push for Industry to sit and compromise
- Paul Anderson concurred that no effort by Business and Insurance to compromise.
- Fausto Gomez said there is an effort to get a raise for judges
- Richard Chait commented that things can change quickly. He and Paul Anderson had to testify. Asking Executive Council and defense to offset the burden. What are you going to do to make a difference? Bill not about fee caps, it is about forcing attorneys out. 2/3 of fees going to defense attorneys. Each bill included provisions to change litigation landscape. There is a push for limitation on defense attorney fees.
- Alan Kalinoski spoke to practicality of fees being challenged. He concurred with Chait that we can not sit on our hands just given current caselaw that addressed fees.
- Sean McCormack asked if the Section has a specific position that we can present to House and Senate. Paul Anderson said only position was that Section is against any limit on fees for either side, but he does not have approval to negotiate any further.
- Alan Kalinoski suggested that we have position that if there is any part of bill that limits claimants paying fee to their attorney or limits amount defense attorney can be paid for successful litigation or limitation on amount insurance company can pay to their attorney----our position is that bill should not pass. Council confirmed that is the Section's position.
- Paul Anderson stressed that AIF needs to sit down to compromise.
- Leo Garcia asked if our lobbying budget needs to be adjusted but was confirmed that it was sufficient

E. Forum Committee

Leo Garcia, Committee Chair

- Profit was \$38,677.72
- Benefitted greatly from relationship with the resort-credit/rebate for rooms
- Do we want to do an Executive Council dinner on Wednesday night?
- Need a co-chair, perhaps a claimant's attorney?
- Paul Anderson suggested seeking a vendor to pay for dinner
- Bob Strunin asked if we can digitally record? Economically it is not feasible

- F. Rules Committee Mark Touby, Committee Chair
- No pending rules process
 - Maintained relationship with FWA to vet all proposals
- G. Judiciary Committee Mike Winer, Committee Chair
- Judicial Inns of Court luncheon in August. Encourage local judges to attend.
 - Sean McCormack reported that OCBA WC Section presenting lunch and learn with local judges on 7/13/17
- H. Board Certification Committee Phil Augustine, Committee Chair
- May 12th, slight uptick in applications
 - Will need new chair as Phil is rolling off
- I. Technology Committee Richard Manno, Committee Chair
- Advertising website at Forum, definitely a success
- J. Sponsorship & Advertising Lizette Francisco and Geoff Bichler
Committee Co-Chairs
- Proposing Silver level sponsorship \$500, ¼ page acknowledgement in all publications and line on website
 - Vendors have requested exposure at meetings
 - Mark Touby expressed concern with lower level sponsorships, allowing one time \$500 sponsorship that has to increase next year
 - Richard Manno moved to have committee provide formal report in August to outline sponsorship benefits
- K. Gender Bias and Diversity Committee
- 16 member committee at Bar level.
 - Committee established based upon results of Bar survey
- L. Constitutional Revision Committee
- Has not attended or had reports from any meetings yet
- V. Chair Report Alan Kalinoski, Chair
- A. Appointment of WC Section Liaison for Access to Justice Commission
- Paul Anderson appointed. Moved to approve and second.
- VI. Chair-Elect Report Paul Anderson, Chair-Elect
- Will talk to committee chairs regarding desires next year. HE is stepping down as paid lobbyist for FWA.
 - Thank you to Alan for all his hard work this year.
- VII. Unfinished Business Alan Kalinoski, Chair
- A. Section sponsorship by Jacksonville, Orlando and Tampa Inns of Court
- VIII. New Business Alan Kalinoski, Chair
- A. Excused absences
- Albert Garcia
- B. Unexcused absences
- Jeff Appel
 - Motion to designate absences as unexcused. Seconded.
- C. Amendment to Bylaws
- 98% of bylaw amendments were simply to conform with Bar rules
 - Mark Touby suggested changing 1st and 3rd district elections be held with 5th district elections, otherwise those are at a disadvantage
 - Motion to approve changes and district elections. Seconded.
 - Paul Anderson proposes limiting term limits and changing Emeritus

- Term limits: Glen Wieland has not heard favorable comments from other Bar members about eliminating term limits
- Richard Berman against term limits, history,
- Dennis Smejkal likes term limits with Emeritus status
- Leo Garcia not impressed with new member activity, need to be more aggressive on participation-give import to representing fellow section members; very vibrant group now, term limits would not serve the section
- Martin Liebowitz-large outcry in past for term limits so bylaws were amended. There is a glaring lack of institutional knowledge. Now that we have seen results, advocate for eliminating term limits.
- Paul Anderson stated that bylaws states when you term out, eligible for Emeritus status.
- Richard Chait concurs with eliminating term limits. Section is working very well. There is no new blood that will be as effective.
- Bill Rogner spoke to eliminating term limits
- Dawn Traverso spoke against eliminating term limits as she would not have been on the Council but for term limits
- Motion to eliminate term limits and give voting rights to Emeritus members who have been past chairs. Seconded.
- Paul Anderson indicated new bylaws allow us to move annual meeting to Forum rather than Comp Convention and having leadership meeting later in year.
 - Richard Chait suggested having meeting on front end or back end of Forum.
 - Will table motion until Work Comp Convention
- Frierson/Colling Professionalism Award-Alan Kalinoski spoke to the award being created to provide the most deserving attorney, and there should not be any partisanship.
 - Mark Touby expressed concern with the process.
 - Formal Council position that there be no limitation on who may be awarded.

IX. Upcoming CLE Programs-Audio Webcast Topics

- A. June 14, 2017-Nancy Cavey; Topic: ERISA and Workers' Compensation
- B. June 16-17, 2017-Trial Advocacy Workshop in Miami
- C. July 12, 2017
- D. September 13, 2017
- E. October 11, 2017
- F. January 10, 2018
- G. February 14, 2018
- H. March 14, 2018
- I. April 11, 2018
- J. May 9, 2018
- K. June 13, 2018

X. Future Meetings

- A. Annual Meeting & Elections: August 8,2017-Orlando World Center Marriott
- B. Executive Council Meeting: January 26, 2018-Joe's Stone Crab, Miami, FL
- C. 34th Winter Retreat: February 2018-Park City Utah

Motion to adjourn meeting was seconded.

12:02 pm meeting adjourned

Attendees:

Richard Berman, by phone
Geoff Bichler, by phone
Richard Chait, by phone
Karen Cullen, by phone
Lizzette Francisco, by phone
Martin Liebowitz, by phone
Keith Pallo, by phone
Mike Rudolph, by phone
Bob Strunin, by phone
Dawn Traverso, by phone
Mike Winer, by phone
Fausto Gomez, by phone

Alan Kalinoski
Phillip Augustine
Joanne Prescott
Paul Anderson
Timothy Dunbrack
Jeffrey Jacobs
Leo Garcia
Paulo Longo
Richard Manno
Sean McCormack
Ricardo Morales
William Rogner
Christopher Smith
Dennis Smejkal
Brian Sutter
Richard Thompson
Mark Touby
Glen Wieland
Willie Mae Shepherd