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The Florida Bar Continuing Legal Education Committee and the
Workers' Compensation Section present

Creative Strategies for Workers' Compensation Mediations

COURSE CLASSIFICATION: INTERMEDIATE LEVEL

Telephonic Seminar: Tuesday, March 9, 2010

12:00 noon – 1:30 p.m. EST

Course No. 0996R

DIAL IN AND GET UP-TO-DATE!



In workers' compensation, unlike most areas of the law, there is no "judgment day." The Judge of Compensation Claims can only rule on the issues presented and unless it is a situation of controverting a case or a statute of limitation defense, there is no finality. The only conclusion to an action is by a global settlement and the most effective way of reaching a settlement is through the mediation process. More times than not, in an effort not to reach an impasse, it takes more than offering and accepting money to craft a settlement. This seminar will explore some creative strategies to reaching those settlements.

11:50 a.m. – 12:00 noon (Eastern Standard Time)

Connection Time

12:00 noon – 12:05 p.m. **Welcome and Introductions**
Dawn Traverso, Aventura

12:05 p.m. – 1:15 p.m.

Creative Strategies for Workers' Compensation Mediations
*Thomas E. Glick, Esq., Center For Conflict Resolution,
North Miami*

1. Brief overview of what triggers mediation

- a) Court ordered
- b) Parties seeking resolution
- c) State v Private Mediations

2. Motivations of the Parties

- a) Defense – on going benefits, attorney fees, ongoing reserves, potential higher exposure, etc.
- b) Claimants – ability to move on, financial incentives, controlling their own medical care, cameras are turned off, attorney fees, etc.
- c) The Court System – a case off of the over crowded system.

3. Reaching the objectives

- a) *When money isn't the only object*
 - If further medical care is needed, how to provide it and still resolve the case
 - Techniques if the claimant cannot wait the four to six weeks to receive his settlement
- b) *Traumatic injuries*
 - Effective use of annuities
 - If non-Medicare: creation of a prescription account
- c) *Company without workers' compensation, insurance carrier that is poorly capitalized and governmental entities*
 - Spreading a settlement over several calendar years
 - Spreading a settlement over fiscal years
- d) *The Feel Good Solutions*
 - Pre-paid college fund of the minor child (ren) of the claimant
 - Payment of post educational degree of the claimant to learn a skill
- e) *How do you settle a case that is potentially a fraud?*
 - Keep the camera rolling after the checks have cleared.
- f) *Ethical obligations in the settlement of cases and how to address / handle them*

g) *Disproportion attorney fee*

- When should you agree with the fees for the sake of a settlement?
- How do you get around it?
- When is it advantageous to settle the case without resolving the attorney fees?

h) *Discussion of other fact patterns and creative solutions to resolve the dispute*

1:15 p.m. – 1:25 p.m. **Question and Answers**

1:25 p.m. – 1:30 p.m. **Closing Remarks**

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- Non-section member: \$120
- Full-time law college faculty or full-time law student: \$60
- Persons attending under the policy of fee waivers: \$0
Includes Supreme Court, DCA, Circuit and County Judges, Magistrates, Judges of Compensation Claims, Administrative Law Judges, and full-time legal aid attorneys if directly related to their client practice. (We reserve the right to verify employment.) Fee Waivers are only applicable for in-person attendees.

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