

Florida Workers' Compensation Reform: The Need for Change Related to the Payment of Attorney Fees

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Monday, March 4, 2019

10:00 a.m. - 4:00 p.m.

Augustus B. Turnbull III - Florida State Conference Center
555 W. Pensacola Street
Tallahassee, Florida 32306-1640
Room: 103

(Parking in St. Augustine Parking Garage adjacent to Conference Center)

5:30 p.m. Reception

Associated Industries of Florida
516 N. Adams Street
Tallahassee, Florida 32301

The hiring of an attorney is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.

Seminar Agenda

10:00 – 10:10 a.m.

Welcome, Announcements and Overall Summary

James McConnaughay, Attorney
McConnaughay, Coonrod, Pope, Weaver
& Stern, P.A.
Offices in Tallahassee, Pensacola, Panama City,
Jacksonville, Gainesville, Ocala, Sarasota,
Ft. Lauderdale and Thomasville, GA

10:10 – 11:10 a.m.

Current Data on Workers' Compensation Attorney Fees

Honorable David Langham
Deputy Chief Judge
Office of Judges of Compensation Claims
Pensacola, FL

Judge David Langham will provide updated data on what really is happening in regards to the payment of attorney fees in the Florida workers' compensation system. Have attorney fees increased since the Florida Supreme Court ruled in Castellanos v. Next Door Co., 192 So.3d 431 (Castellanos) that capped attorney fees were unconstitutional? Who is actually paying the fees – the employer or the injured worker? From a statistical standpoint: has there been a changed attitude in claims for attorney fees? Does geography play a role in how attorney fees are claimed and attempts at maximizing fees payable? Are fees approved based on differing attitudes of the Judges throughout the state? What solutions to the growing problems are suggested by the data that is presented? Judge Langham presents the data in an unbiased manner; industry formulates solutions based on this "evidence based" criteria.

11:10 – 12:00 noon

Changes in Florida's Workers' Compensation Market Attributable to Castellanos

Chris E. Mandel
Sr. Vice President, Strategic Solutions, Sedgwick
& Director, Sedgwick Institute
Nashville, TN

Chris Mandel leads the Sedgwick Institute, a strategic unit of Sedgwick, the largest workers' compensation third party administrator in the world with significant interests in the Florida workers' compensation marketplace. Having daily contact with Florida employers and insurers, Sedgwick is well positioned to monitor "first hand" how the Castellanos opinion has affected marketplace conduct in the handling of job-related accidents which may not be reflected in "raw data" presented in Judge Langham's presentation or perhaps in statistics considered by the insurance commissioner and NCCI in creating rates. Mr. Mandel will address both the process and cost impacts this decision has had on clients and other employers operating with a significant presence in Florida. He will also speak to how Sedgwick Claim Management Services has responded to the challenges raised by the Castellanos decision. Possible increased costs based on behavioral changes may not be quantified anywhere but certainly represent a trend that must be considered in predicting future costs. Mr. Mandel is in a perfect position to examine the unquantified potential excess costs and other process impacts resulting from uncapped attorney fees.

12:00 – 1:00 p.m.

Lunch (box lunch provided)

1:00 – 2:00 p.m.

**Workers' Compensation Rates:
Recommendations Related to, and
Data Considered, for Rate Making**

Dawn Ingham, CPCU, ARM
State Relations Executive
National Council on Compensation Insurance
(NCCI)
Boca Raton, FL

NCCI is the approved workers' compensation ratemaking organization that provides data to the Office of Insurance Regulation (OIR) which ultimately determines workers' compensation insurance rates in Florida. This session will provide an overview of relevant information provided, the process followed in developing this data, and the basis upon which recommendations for rate levels are made. Most importantly, were increased attorney fee payments following the Castellanos decision utilized in making recommendations for rates?

2:00 – 2:30 p.m.

Alternatives of Change

James McConnaughay, Attorney
McConnaughay, Coonrod, Pope, Weaver
& Stern, P.A.
Offices in Tallahassee, Pensacola, Panama City,
Jacksonville, Gainesville, Ocala, Sarasota,
Ft. Lauderdale and Thomasville, GA

Once the facts have been presented, the final, and perhaps most important question, is whether statutory change is needed and if so, what are the alternatives? Various considerations to take into account when considering amendments will be discussed with a final recommendation being made.

2:30 – 3:00 p.m.

**Potential for Legislative Reform:
2019 Session**

Brewster Bevis
Senior Vice President, State and Federal Affairs
Associated Industries of Florida
Tallahassee, FL

This session presents an overview of the Florida Legislature, its leadership, subjects of primary concern and the potential this year for workers' compensation legislative reform from a political standpoint. In the minds of legislators, is the workers' compensation system "broken," sufficient for legislative reform in view of the falling workers' compensation premium rates?

3:00 – 3:45 p.m.

**Workers' Compensation System
Reform-Non-Attorney Fee Related**

Andrew Sabolic
Assistant Director, Florida Division of
Workers' Compensation
Tallahassee, FL

Attorney fee reform is not the only area of concern in the Florida workers' compensation system. Mr. Sabolic, in his role as Assistant Director of the Workers' Compensation Division in Florida, will identify other areas of concern that need attention. This up-to-date review of pending issues will give attendees an overview of "non-attorney fee issues" that are in need of reform to maximize the efficiency of delivering benefits to our injured workers.

3:45 – 4:00 p.m.

Concluding Remarks

Tom Feeney
President and CEO
Associated Industries of Florida
Tallahassee, FL

This seminar is for general informational and educational purposes. We are not rendering legal advice. You should contact the lawyers at McConnaughay, Coonrod, Pope, Weaver, & Stern, P.A. about specific legal issues and questions.

Registration Form

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Check here if you have special needs that require attention.

Mail/Fax Completed Form To:

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Attn: RMI, P.O. Box 200, Tallahassee, FL 32302-0200

Phone (850) 425-8156; Fax (850) 521-0222

Or, register online at www.mcconnaughay.com.

There is no fee for this seminar.

Check out our web site at www.mcconnaughay.com.