

# EMPLOYER ADVOCATE

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## Don't Let the Door Hit You On the Way Out

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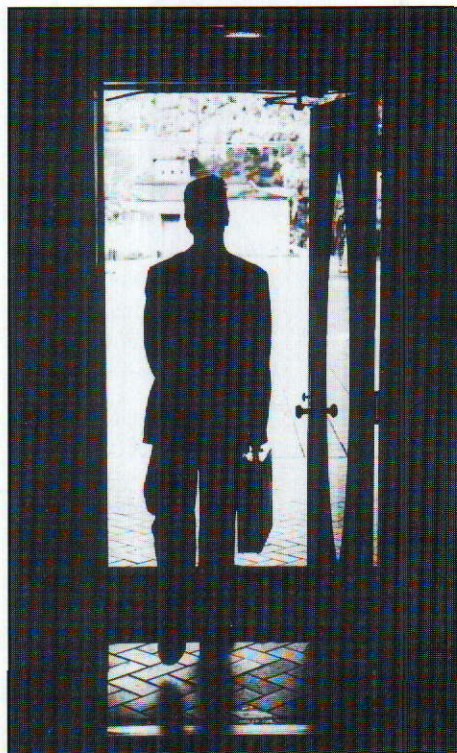
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**G**et out your yellow pages and let your fingers do the walking through page after page of advertisements by attorneys and you'll notice a common theme. Most of the ads promise "free initial consultation" if "you've been hurt on the job."

Now I think we can all agree that attorneys, especially those that specialize in workers' compensation and personal injury litigation, are motivated by sincere benevolence for their fellow man and passionate devotion to the cause of justice. They don't spend all these advertising dollars because they want to make money any which way they can. No, they tout their services because they want to help the poor and downtrodden.

Which makes it hard to understand why the American Bar Association thinks it needs to spend \$700,000 this year on a campaign to improve the image of the legal profession.

In reality, the legal profession has earned the reputation it has. Sure, there are highly

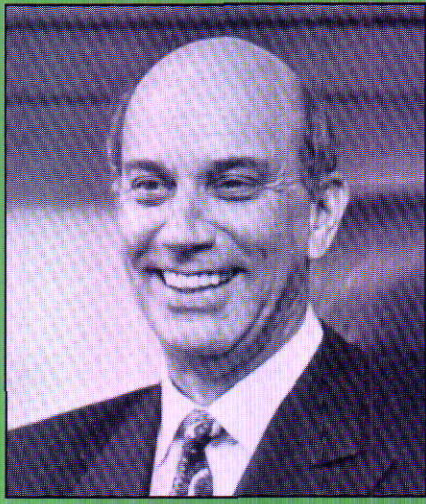


professional and ethical lawyers — maybe even the majority. But many are dirty players and many more view our legal system as a wrestling arena, some kind of sophisticated Darwinian structure where only the strongest (i.e. the most cantankerous) survive. A large percentage of those in the latter category have found a warm, cozy home in our state's workers' compensation system.

That system is beset with problems created by unsavory members of every component involved in the equation. Employers commit fraud on their premiums. Insurance companies ignore their obligations. Employees dabble in workers' comp as if it were a lottery where everyone who buys a ticket wins big. Service providers wriggle through it collecting payments for questionable and unnecessary procedures.

Members of every group admit that some of the individuals they represent do indeed cause trouble — every group, that is, except the trial lawyers. The president of the Academy of Florida Trial Lawyers, Wayne Hogan, and his cohorts would have you believe that the attorneys are the only element in the system that bears no guilt for the mess it's in. Don't believe them. Attorneys create the conditions that foster most methods of abuse practiced in workers' comp. And that's why employers are *Please see Attorneys, pg 4.*

## President's Message



# It's Going To Be a Bumpy Ride

by Jon L. Shebel, President and Chief Executive Officer, Associated Industries of Florida

If a legislator tells you he's going to fix your workers' comp problems by mandating a rate freeze, you'd better hold onto your seat.

In this upcoming special session, chances are some lawmakers will latch onto the idea of rate freezes as an easy way out of this mess we call Florida's workers' comp system; but rate freezes won't work. And cutting the benefits to injured workers won't help either. The only choice legislators have is to tackle the tough issue of cutting out the players on the fringes of the equation — especially the lawyers.

That won't be easy for many of our senators and representatives who depend on the legal community for campaign subsidies. It won't be easy for our many lawyer/lawmakers who don't like to side against their distinguished colleagues. And it won't be easy because, as Jacobo Barrocas, one of the owner/managers of Injection Footwear Corporation, says, "We are dealing with a profession of individuals trained to use words to manipulate, not create."

Fortunately the people of Florida can rely on the strong and steady guidance of leaders like Gov. Chiles and Sen. Robert Wexler (D-Boca Raton), both of whom, coincidentally, are lawyers. After a rocky start in office, Gov. Chiles has proven one of the best friends employers could have. He understands how important a strong economy is to the welfare of the people.

Sen. Wexler is a pleasant surprise. He is a man of strong character and intellect who performs his duties with integrity. Whether he agrees with you or not, he keeps an open mind and makes fair decisions based on what he truly believes is best for the state. Both Gov. Chiles and Sen. Wexler bring honor to the trust placed in them by the voters.

Our governor must hold steady in his quest for meaningful workers' comp reform. He has pledged to veto every bill passed by the Legislature that doesn't fulfill that promise, and says he will keep calling it back into special session until legislators get the job done. He will need the support of each member of the business community because he will be roundly criticized along the way. The media will gripe about the costs to taxpayers of these assemblies. Lawmakers will attack him for vetoing their initial feeble efforts.

And the trial attorneys will lead the general outcry. After all, they stand to lose a

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lot of money that they've gained at the expense of Florida employers, employees and consumers. At some point they will go into a full-scale panic if they see the governor holding firm to his resolve.

There are three requirements that employer and employee representatives alike are demanding: creation of an office to help employees resolve disputes over benefits; establishment of assistant attorney generals to provide free legal assistance to injured workers; and reform of the workers' comp judicial system.

I'm going to tell you up front: the only groups supporting those three recommendations are the employers, the employees and the governor — oddly enough, the three groups that have the most at stake in the issue. Fourteen years ago, when Florida last overhauled its workers' comp system, attorneys were applying to medical schools in droves. They thought the new law had made them obsolete. Well, being opportunists they quickly learned to circumvent the spirit of that system, with the willing assistance of the judges who supposedly administer justice under that law. Today, they have created a scheme that allows them to manipulate the system like molding clay while receiving huge fees for their efforts.

Workers need someone to take their side and defend their rights. High-priced legal operators don't fill that role now and they never will. Until injured employees and their employers have a disinterested party who will help employees get the help they need, workers' comp will never work.

If legislators cannot muster the political courage to make these changes, they will have perpetrated a fraud on the people of this state. If they allow this deformed system to continue, they will be totally negligent.

Employers, your opinions will be heard and your demands met — but only if you speak out. I urge you to contact your representatives' and senators' offices every week, every day, until they fulfill their responsibility to you. Even if you don't talk to them directly you can have an impact. Just tell their staffs you support the governor's package on workers' compensation. They'll get your message loud and clear.

Sorry legislators. There's no easy way out this time.