

# FWCI Presents the Spring Forum 2011

The FWCI annual Spring Forum will be held Thursday, May 12, 2011 at the Caribe Royale Orlando All-Suites Hotel. The Prime Sponsors of this program are Brain Injury Consultants, Lori Woody, Inc., MTI America, and the McConnaughay and Rissman law firms.

The Spring Forum is a relaxed, single-day opportunity for risk managers, case managers and adjusters to focus on current worker's compensation topics. The program will begin with a point counter-point presentation on *Controversial Issues and How to Deal with Them Practically*, presented by the two deans of Florida workers' compensation law, James N. McConnaughay and Steven A. Rissman.



Jim and Steve have identified various issues that recur in business, repeatedly cause concern, and lead to significant investment of time to repetitively address. The recent decision in Kauffman v. Community Inclusions Inc. and its implications will be discussed.

Judge Langham will address updates and changes in the Office of Judges of Compensation Claims. This program will include discussion of the procedural rules that were adopted in November 2010, as well as the process that rulemaking involves. Discussion will center on the role of the adjuster in mediation and litigation. Upcoming

additions to the OJCC

database and information technologies efforts will be updated. As the Legislative process develops in the 2011 Session, relevant topics are likely to come to light and may be discussed, including physician dispensing, government reorganization, and others.

Attorneys Betty Justin and Kemmerly Thomas will address *Difficult Medical Issues: How to Resolve Issues That Seem Too Hard to Resolve*. Workers' compensation is predictably loaded with medial issues, but a few continue to perplex effective claims-handling. Major contributing cause is a daily issue for claims professionals. The Court's analyses in Pearson and Braun have intertwined the major contributing cause analysis with apportionment, and left many with more questions than answers. Ms. Justin and Ms. Thomas will address these curiosities, and the challenges of utilization review as it impacts the overall claim.

After lunch, Judges Lazzara (Tallahassee), Sculco (Orlando) and Remsnyder (St. Petersburg) will present a panel discussion, *A View From the Bench*. This program will provide insight and advice on issues that regularly arise before Judges in the litigation process. Eleanor Roosevelt said "Learn from the mistakes of others. You can't live long enough to make them all yourself." This program provides the opportunity to do exactly this as attendees hear perspectives from North, West, and Central Florida on how issues have been presented in litigation and the results.



**Rissman, Barrett, Hurt,  
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Attorneys Bob Donahue and Louis Stern will present *Hot Topics: Big Issues in Cases Pertaining to Indemnity*. The indemnity

landscape is never more curious than when it begins to look predictable. The Court recently changed that landscape with Toscano and Alie, leaving the question whether there is any defense to temporary partial entitlement. What is the employer responsibility in TPD claims, and how does the claims-professional steer the employer through such claims. The Court's interpretation of advances has also changed claims handling. Is the "advance" analysis merely a question of whether the injured worker needs the advance? Are other inquiries relevant to the claims-handler or employer? Mr. Donahue and Mr. Stern will address these topics, as well as the challenges of penalties and interest, in what promises to be an informative and practical hour.



*Lori Woody, Inc*



Rafael Gonzalez, the CEO of the Center for Lien Resolution and the Center for Medicare Set Aside Administration will lead a panel discussion on *How to Prevent Medicare From Ruining Your Settlements* at the end of the day. This panel will include the attorney perspectives of Daniel T. Jaffe of the Rissman firm and Christopher G. McCue of the McConnaughay firm. An ancient idiom "forewarned is forearmed" comes to mind when considering Medicare. This Federal program affects many Americans and is increasingly intertwined in the workers' compensation and personal injury litigation throughout the country.

Dealing with the uncertainties of the Federal government's affect on workers' compensation is a vexing topic for adjusters, business owners and attorneys. Rafael and his panel will "forearm" and facilitate successfully addressing the implications and complications of Medicare.

This one-day event is a rare "don't miss" opportunity for claims professionals to gain meaningful insight into critical and timely issues of Florida workers' compensation.

Since 1978, Mr. McConnaughay, Mr. Parrish, Mr. Rosenthal and Mr. Rissman have produced dynamic and compelling conferences each August.



James N. McConnaughay, J. David Parrish, (unknown), Gerald A. Rosenthal. Steven A. Rissman, and John J. Dubreuil



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