

# PROGRAM AGENDA

## SUNDAY, AUGUST 18, 2013

- 12:30 – 1:45 pm     **Moot Court Judges' Luncheon  
(Judges only)**  
Hall of Cities - Anaheim  
Convention Level
- 2:00 – 5:00 pm     **Registration and Information**  
Outside of Grand Ballrooms 1 - 6,  
Convention Level
- 2:00 – 5:00 pm     **E. Earle Zehmer National  
Moot Court Preliminary  
Rounds**  
*Presented by the National Association  
of Workers' Compensation Judiciary, Inc.  
(NAWCJ) and the Workers'  
Compensation Institute, Inc. (WCI®)*  
Crystal Ballrooms A & B and Grand  
Ballrooms 9 - 14, Convention Level

### Participants:

Appalachian School of Law  
(Virginia)

Baylor Law School  
(Texas)

Charleston School of Law  
(South Carolina)

Charlotte School of Law  
(North Carolina)

Florida A&M University College  
of Law

Florida Coastal School of Law

Florida State University College  
of Law

Mississippi College School of Law

Nova S.E. University Shepard Broad  
Law Center

Stetson University College of Law

University of Miami School of Law

University of Pittsburgh School of  
Law (Pennsylvania)

St. Thomas University School  
of Law

### Organizers:

Jacqueline L. Blanton Steele,  
*Attorney*  
McConaughay, Duffy, Coonrod, Pope  
& Weaver, P.A.  
Sarasota, FL

Barbara B. Wagner, *Attorney*  
Wagenheim & Wagner, P.A.  
Ft. Lauderdale, FL

Richard A. Sicking, *Attorney*  
Richard A. Sicking, P.A.  
Miami, FL

Mark L. Zientz, *Attorney*  
Law Offices of Mark L. Zientz  
Miami, FL

Tracey J. Hyde, *Attorney*  
McConaughay, Duffy, Coonrod, Pope  
& Weaver, P.A.  
Panama City, FL

Celebrating 26 years of existence this year, the E. Earle Zehmer National Competition will include 18 teams from 7 states. Co-sponsored by the National Association of Workers' Compensation Judiciary (NAWCJ) and the Workers' Compensation Institute (WCI®), the preliminary rounds are judged by members of the NAWCJ. The final round on Monday is judged by a panel of the Florida First District Court of Appeal. The competition is outstanding, the participants exceptional and this opportunity for NAWCJ and WCI® to contribute to the students' development is both exciting and gratifying. A primary purpose of this competition is to enhance workers' compensation as a major part of the educational curriculum of participating law schools. Law student participation in the Mediation breakouts on Wednesday is also encouraged and provided at no cost to the student attendees.



*The Earle Zehmer Moot Court Competition is unique in that all rounds are judged by sitting workers' compensation adjudicators from around the country.*

## MONDAY, AUGUST 19, 2013

8:00 – 5:00 pm      **Registration and Information**  
Outside of Grand Ballrooms 1 - 6,  
Convention Level

### NATIONAL WORKERS' COMPENSATION JUDICIARY COLLEGE

*Limited to Workers' Compensation Adjudicators only.*

Grand Ballrooms 3, 4, 5 & 6, Convention Level

8:50 – 9:00 am      **Welcome to The College**

Honorable David B. Torrey,  
*NAWCJ President*  
*Pennsylvania Department of Labor and*  
*Industry*  
*Pittsburgh, PA*

9:00 – 10:50 am      **Evidence for Adjudicators**  
(100 minutes, 2 credit hours)  
(There will be a 10 minute break  
from 9:50 – 10:00 am.)

#### **Introduction:**

Honorable David B. Torrey,  
*NAWCJ President*  
*Pennsylvania Department of Labor and*  
*Industry*  
*Pittsburgh, PA*

#### **Speaker:**

Professor Matthew Steffey  
*Mississippi College School of Law*  
*Jackson, MS*

Workers' Compensation adjudicators across the country are bound by evidence codes to varying degrees, sometimes depending upon the type of hearing over which they are then presiding. Professor Steffey brings to the College over twenty years of experience teaching evidence. This program will provide insight into specific challenges of trial evidence, effective consideration of and ruling upon evidentiary objections, and interpretation of specific evidentiary issues common to evidence codes.

10:50 – 11:00 am      **Break**

11:00 am              **WCI® Exhibit Hall Opens**  
(included in NAWCJ Registration)

11:00 – 11:50 am      **Judicial Ethics**

#### **Introduction:**

Honorable Sheral C. Kellar,  
*Chief Judge*  
*Louisiana Workforce Commission*  
*Baton Rouge, LA*

#### **Speaker:**

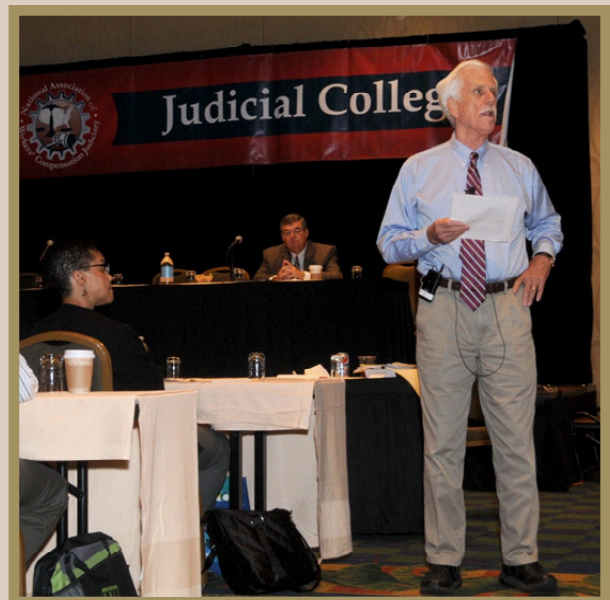
Honorable Kurt D. Engelhardt  
*United States District Court, Eastern*  
*District of Louisiana*  
*New Orleans, LA*

Codes of Judicial Conduct are familiar to all. These set forth very broad parameters to assure the appropriate conduct of Judges. Some states specifically apply its Code to workers' compensation adjudicators, other states have separate specific ethical requirements for their adjudicators, and still other states utilize less specific standards of conduct. Judge Engelhardt will bring wit and wisdom to judicial ethical conduct.

11:50 – 12:00 pm      **Break and Transition to Grand  
Ballrooms 1 & 2**

12:00 – 12:30 pm      **Opening Remarks  
(lunch provided)**

Honorable David B. Torrey,  
*NAWCJ President*  
*Pennsylvania Department of Labor and*  
*Industry*  
*Pittsburgh, PA*



*Evidence for Adjudicators is always a spirited discussion of the challenges we face in deciding these cases.*

12:30 – 1:45 pm     **Multi-Jurisdiction  
Comparative Law Panel**  
(75 minutes, 1.5 credit hours)

**Moderator:**

Honorable James Szablewicz  
*Virginia Workers' Compensation  
Commission  
Richmond, VA*

**Speakers:**

Honorable David B. Torrey  
*Pennsylvania Department of Labor and  
Industry  
Pittsburgh, PA*

Honorable Stephen B. Farrow  
*Director, Appellate Division  
Georgia State Board of Workers'  
Compensation  
Atlanta, GA*

Honorable Sheral C. Kellar,  
*Chief Judge  
Louisiana Workforce Commission  
Baton Rouge, LA*

Honorable David P. Reid  
*Oklahoma Workers' Compensation  
Court  
Tulsa, OK*

This panel discussion will bring perspective on how our workers' compensation statutes are different, and how they are similar. Dealing with statutory interpretation is part of our daily routine. Despite the diversity of our particular statutes, we share a multitude of concordant issues and challenges, which this program illuminates.

1:45 – 2:00 pm     **NAWCJ Annual Business  
Meeting**

7:00 – 11:00 pm     **Reception and Entertainment**  
Palms Ballroom - Sago & Sabal  
Convention Level

**Featured Entertainment:**

**STYX**

with Jill's Cashbox as  
opening entertainment

Casual attire. Beverages & heavy hors d'oeuvres. Adults only, please. Refer to "General Information" section of program for additional information.

## TUESDAY, AUGUST 20, 2013

8:00 – 5:00 pm     **Registration and Information**  
Outside of Grand Ballrooms 1 - 6,  
Convention Level

9:00 – 10:50 am     **Effective Judicial Writing**  
(120 minutes, 2 credit hours)

**Introduction:**

Honorable Robert Cohen  
*Director and Chief Judge  
Florida Division of  
Administrative Hearings  
Tallahassee, FL*

**Speaker:**

Honorable Melanie G. May  
*Chief Judge, Florida Fourth District  
Court of Appeal  
West Palm Beach, FL*

The ability to write well and clearly is critical in the legal profession. Clarity in the adjudicator's writing is critical so that lawyers, parties and the public understand both the trial outcome and the reasons for it. Effective judicial writing is a service to the parties and facilitates an effective appellate review process. The emerging trend to paperless processes also may require us to change the way we write. Judge May served eleven years as a trial court judge and has been sitting for the last eleven years on the Fourth District Court of Appeal, State of Florida. She was a writing instructor at the Nova Law Center, and has been an instructor at the National Judicial College. She will bring her perspective on effective adjudicator writing to the NAWCJ in 2013.

10:50 – 11:00 am     **Break**



*The comparative law panel discussion is a big hit each year.*

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11:00 – 11:50 am     **A View from the Other Side of the Bench**

**Introduction:**

Honorable Ellen Lorenzen  
*Judge of Compensation Claims*  
*Florida Office of Judges of Compensation Claims*  
*Tampa, FL*

**Speakers:**

Jeffrey M. Adelson  
*Adelson, Testan, Brundo, Novell & Jimenez*  
*Santa Ana, CA*

Charles Davoli  
*Davoli, Krumholt & Price*  
*Baton Rouge, LA*

William E. Pipkin, Jr.  
*Austill, Lewis & Pipkin, PC*  
*Mobile, AL*

Gerry Rosenthal  
*Rosenthal, Levy, Simon & Ryles, P.A.*  
*West Palm Beach, FL*

Adjudicators frequently present the “View from the Bench” at seminars and conferences because the communication of process and perception from the bench is helpful to litigators and their clients. This program turns the tables, and presents the “View from the other side of the Bench,” identifying and illuminating the perception of litigators and litigants about how the adjudication process works or fails. Don’t miss our diverse panel as they discuss their viewpoints and perspectives.

11:50 – 1:20 pm     **Lunch – (on your own)**  
Purchase lunch in the Exhibit Hall.  
Visit the “Comp Time” Diner... grab & go, or sit and network with clients and exhibitors!

1:20 – 2:10 pm     **The Effect of the ACA on Workers’ Compensation**  
(50 minutes, 1 credit hour)

**Panel:**

Honorable David B. Torrey,  
*NAWCJ President*  
*Pennsylvania Department of Labor and Industry*  
*Pittsburgh, PA*

Dean Hashimoto, M.D., JD  
*Boston College Law School*  
*Chief of Occupational and Environmental Medicine, Partners HealthCare System*  
*Boston, MA*

The most significant healthcare legislation to become law in America in decades is the Affordable Care Act (ACA), now confirmed as Constitutional by the U.S. Supreme Court. Not intended to directly affect state workers’ compensation laws, there is no question that it will, especially since medical care is so important and a major component of any workers’ compensation system, regardless of jurisdiction. This knowledgeable panel will help WC adjudicators understand this complex new law and developing rules and regulations with a focus on their effect on workers’ compensation. Adjudicators must understand the effect of their decisions on the “new realities” of the medical scene created by this landmark legislation.

2:10 – 2:20 pm     **Break**

2:20 – 4:00 pm     **Medical Decision Making and Understanding Medical Terminology**  
(100 minutes, 2 credit hours)

**Introduction:**

Honorable Melodie Belcher  
*Administrative Law Judge*  
*Georgia State Board of Workers’ Compensation*  
*Atlanta, GA*

**Speaker:**

James McCluskey, M.D., Ph.D., MPH  
*University of South Florida*  
*Colleges of Medicine and Public Health*  
*Tampa, FL*

Judicial decisions are often founded upon the expert opinions of physicians. Issues of compensability, the need for specific medical care, and entitlement to indemnity benefits sometimes hinge upon the conflicting opinions of various medical experts. How do medical doctors make decisions? How do they communicate and document their conclusions? This program will illuminate process and vernacular as Dr. McCluskey takes us through facts and conclusions from actual cases. Along the way, attendees will gather new vocabulary and insight into the world of medicine. These skills will aid the adjudicator with every day decision making.



4:00 – 4:10 pm      **Announcements and preview of Wednesday**

4:15 – 5:30 pm      **NAWCJ Reception**  
Grand Ballrooms 1 & 2  
Convention Level

Associate members of NAWCJ and adjudicator members of NAWCJ, along with state regulators, are cordially invited to attend this reception.

*There will be a dinner for NAWCJ members. This is not included in the registration, and each attendee is responsible for their own expense of the dinner. Details will be distributed directly to registrants.*

## WEDNESDAY, AUGUST 21, 2013

8:00 – 11:45 am      **Registration and Information**  
Outside of Hall of Cities, New York & New Orleans, Convention Level

9:00 – 10:15 am      **Medical Claims' Challenges**  
(1.5 credit hours)

**Introduction:**

Honorable James Szablewicz  
*Virginia Workers' Compensation Commission*  
Richmond, VA

**Speaker:**

Roger L. Williams  
*Virginia Workers' Compensation Commission*  
Richmond, VA

Capitalizing on new found knowledge, this session will engage all adjudicators in an invigorating discussion. From Professor Steffey's views on evidence through our Blue Ribbon multijurisdictional law panel, to Dr. McCluskey's expose on medical decision-making, the Judiciary College has provided all the tools. Hopefully, our new understanding of the Affordable Care Act will help in this process. This roundtable will engage all attendees in a lively discussion on the challenges adjudicators face with medical claims. Commissioner Roger Williams of the Virginia Commission will lead this interactive discussion of how such claims are challenging and what adjudicators do to work through them.

10:15 – 10:30 am      **Break**

10:30 – 11:45 am      **Security Roundtable**  
(1.5 credit hours)

**Introduction:**

Honorable Michael Alvey  
*Kentucky Workers' Compensation Commission*  
Frankfort, KY

**Speaker:**

Christopher A. Parks  
*Senior Inspector*  
*U.S. Marshal Service*  
Charlottesville, VA

Workers' compensation adjudicators face safety issues in and out of the hearing. The U.S. Marshal's service has invested significantly in the "Project 360" security program for judges. Attendees will learn how to take simple precautions for their own safety and security both at the office and "going and coming."

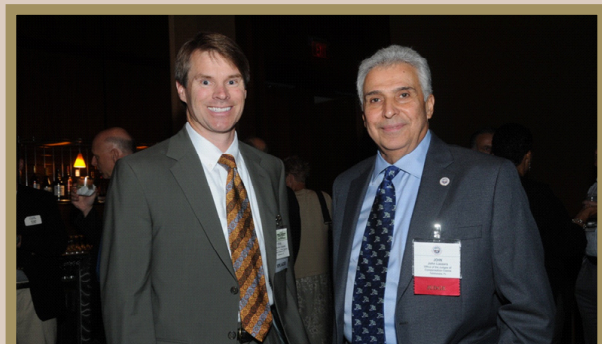
### SUGGESTED WEDNESDAY AFTERNOON ALTERNATIVES:

8:30 – 3:30 pm      **Breakout on Longshore and Harbor Workers' Act, Jones Act, and Defense Base Act**  
Grand Ballroom 8A

8:30 – 4:30 pm      **Breakout on Advanced Mediation Techniques**  
Canary Ballrooms 1 - 4

8:30 – 3:30 pm      **Breakout on Multi-State Workers' Compensation Laws**  
Grand Ballroom 7A

9:00 – 4:00 pm      **Medicare Secondary Payer Compliance: A Discussion on National Issues and Solutions**  
Crystal Ballroom M



Associate member Steve Coonrod and Judge Lazzara at the Annual Judicial Reception.