Lex and Verum

The National Association of Workers' Compensation Judiciary

"Second Fridays Seminars," November 13, 2009

Andy Small presented "Positive Leadership for Positive Results." He reminded us that leadership begins with determining who comprises our "team." We then interact with team members to determine their strength(s). Most people have something about which they are passionate. Once we understand the team member's interests and strengths, tasks may be delegated to match those interests. Their performance will be maximized when the assignments allow them to employ their individual strengths in subjects that interest them.

He encouraged us to each ask ourselves the question as a leader: "why do people follow me." A patent answer to this question in the workplace environment may be the paycheck. However, Mr. Small cautioned that this motivation alone does not engender loyalty and continuity. Those motivated by a paycheck alone are as likely to change jobs for greater pay. He outlined that four factors are important for an effective leader. First, their team members trust them. Second, they exhibit a compassion for their team and the trials that they face in their lives. Third, he explained that reliability is crucial for effective leadership. Team members must be able to anticipate their leader and her/his reactions to issues and problems. Finally, team members must have hope. The effective leader gives the team reasons to have hope about the future of the team.

Mr. Small cautioned that there will be disagreements among team members, and members will disagree with you as the leader. Knowing that this will occur, he explained that focusing this conflict appropriately can turn the disagreement from a threat to leadership into an opportunity to build a stronger team. In order to make such a disagreement a positive opportunity, he advised us to focus on the result that is being sought, rather than on the disagreement itself or the personalities and emotions that are invariably involved. Using the disagreement to readdress the task at hand, with the focus on the result that we seek, will help the team members to feel invested in the process, and to feel they are part of a process instead of merely a subordinate that is ordered around.

In summary, identify the mission, identify team members, determine strengths and passions, invest the team in the result or mission, and deal with conflict or disagreement by using it to refocus on the result or mission.

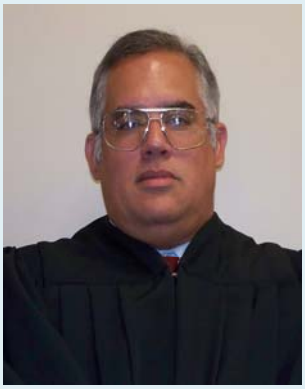
In December, the Second Fridays Seminar will present Dr. Raymond Harbison, the Director of the Center for Environmental and Occupational Risk Analysis and Management and Professor of Environmental and Occupational Health at the College of Public Health University of South Florida. His presentation will focus on the importance of new discoveries and how they apply to the evaluation of on-the-job injury claims. New tests that claim to rule-in workplace exposure as a cause of injury will also be evaluated for reliability and consistency with new discoveries.

Second Fridays Seminars Feedback:

Dr. McClusky's presentation "was one of the most informative, relevant, organized presentations I've ever been to (listened to). Dr. McClusky was a very effective speaker. Thank you for putting that together."

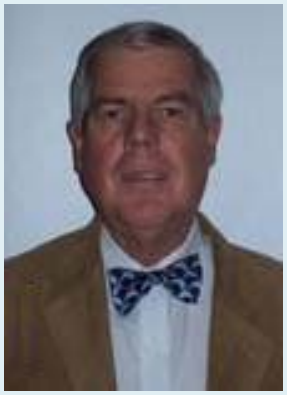
NAWCJ Judicial College 2010:

The curriculum for the 2010 NAWJC Judicial College is being organized now. Do you have suggestions for topics or specific speakers? Please send your suggestions by email to Judge Lazzara JJL@NAWCJ.org, and make plans to join us in Orlando on August 15 through 18, 2010.



RECUSAL AND DISQUALIFICATION: THE JUDGE'S DUTY TO SIT

(DESPITE THAT NASTY MOTION TO DISQUALIFY)



Judge Gerardo Castiello,
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State Mediator Eduardo Almeyda
(eduardo almeyda@doah.state.fl.us)

At the heart of American jurisprudence lies the notion of due process. Fundamental thereto is the belief that a litigant will have his case heard before an arbiter that is neutral and detached. Each and every litigant is entitled to nothing less.

I – THE FEDERAL MODEL

Canon 3 of the Canons of Judicial Ethics clearly spell out scenarios wherein a Judge should recuse himself of his own volition. This canon is essentially codified into federal law at 28 U.S.C. 455 and 28 U.S.C. 144, respectively.[1] Conceptually, both statutes are rooted in the aforementioned recognition that a fair trial before an unbiased arbiter is fundamental to the basic requirement of due process. See, *United States v. Will*, 449 U.S. 206, 101 S.Ct. 471, 481, 66 L.Ed. 2d 392 (1980). Both statutes strive to assure the impartiality so fundamental to the notion of due process. See, *United States v. Phillips*, 664 F. 2d 971, 1022 (5th Cir. 1981); *Potashnick v. Port City Construction Co.*, 609 F. 2d 1101, 1101, 1111 (5th Cir.), cert. denied, 449 U.S. 820, 101 S. Ct. 78 (1980).

II – MOVANT'S BURDEN:

(a) *Presumption of Qualification and Impartiality* - A Judge enters a proceeding presumed to be qualified and impartial. See, *Cooney v. Booth*, 262 F. 2d 494 (E.D. Pa. 2003); *City of Lakeland v. Vocelle*, 656 So.2d 612 (Fla. 1st DCA 1995). Any party seeking his disqualification must meet the "substantial burden" of showing to the contrary. See, *In the Matter of Union Leader Corporation*, 292 F. 2d 381, 389 (1st Cir. 1961). *Cont. Page 3.*

DECEMBER 2009"Second Fridays Seminar" – Join us.

The Florida OJCC and NAWJC co-sponsors lunch and learn seminars from 12:00 to 1:00 Eastern on the second Friday of each month. The next "*Second Fridays Seminars*" Opportunity:

NOT EVERY WORKPLACE EXPOSURE IS HARMFUL: OLD FEARS AND NEW FACTS

Raymond Harbison, PhD, is the Director of the Center for Environmental and Occupational Risk Analysis and Management and Professor of Environmental and Occupational Health at the College of Public Health University of South Florida, Tampa, FL. This presentation will characterize the importance of new discoveries and how they apply to the evaluation of on the job injury claims. New tests that claim to rule-in workplace exposure as a cause of injury will also be evaluated for reliability and consistency with new discoveries. This presentation will detail the use of the latest science to evaluate workplace injury claims and hold experts to the standards of evidence based toxicology.

These programs are offered free of charge to NAWCJ members.
For more information, email Judge Lazzara JJL@NAWCJ.org

THE JUDGE'S DUTY TO SIT, *cont. from P.2*

(b) *Affidavit Requirement* – To overcome the presumption of qualification and impartiality, a movant seeking disqualification under either 28 U.S.C. 144 or 28 U.S.C. 455 must submit an affidavit alleging facts that would lead a reasonably prudent person to conclude that judicial bias exists. See, *United States v. Serrano*, 607 F.2d 1145, 1150 (5th Cir. 1979, cert. denied, 445 U.S. 965, 100 S.Ct. 1655 (1980); *Amato v. Winn Dixie Stores*, 810 So.2d 979 (Fla. 1st DCA 2002); *Diamond R. Fertilizier v. Hurt*, 582 So.2d 137 (Fla. 1st DCA 1991). Florida and many other states follow this procedure. See, Fla. R. Jud. Admin. 2.330 et. seq. Under either 28 U.S.C. 144 or 28 U.S.C. 455, respectively, the Judge must review and consider the affidavit(s) submitted.

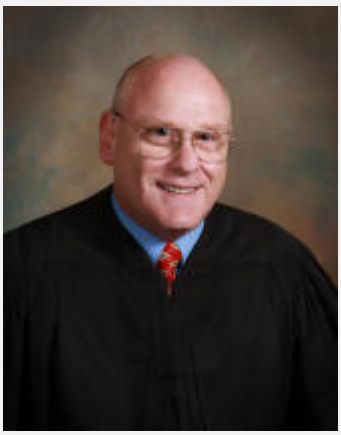
(III) - TO DISPUTE OR NOT TO DISPUTE THE FACTS:

(a) *Legal Sufficiency: the Judge's Limited Review* – Under 28 U.S.C. 144, the judge at whom the motion is directed may only pass on the legal sufficiency of the affidavit. He may not address the truth of the matters alleged therein.[2] See, *Berger v. United States*, 255 U.S. 22, 41 S.Ct. 230 (1921) (interpreting predecessor to 28 U.S.C. 144); *United States v. Clark*, 605 F. 2d 939, 942 (5th Cir. 1979); *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So.2d 1332, 1339 (Fla. 1990). All factual allegations contained within the affidavit must be accepted as true. See, *United States v. Furst*, 886 F. 2d 558, 582 (3rd Cir. 1989); *State v. Dewell*, 131 Fla. 566, 179 So. 695 (Fla. 1938). This acceptance of the allegations is mandated even if the judge knows the facts asserted are not true; the record bears out that they are not true; or the falsity of the facts is proven by the record. See, *United States v. Rankin*, 870 F. 2d 109, 110 (3rd Cir. 1989). Under this scheme, any challenge by the judge to the facts asserted in the affidavit requires the judge's automatic disqualification. Id.

(b) *Non-Moving Party's Challenge = Disqualification*- Similarly, a judge should not look to the party opposing a motion for disqualification to challenge the facts asserted. Such action is viewed as pitting the non-moving party into a position of being an advocate for the judge. This untenable environment will require the judge to disqualify himself. See, *Nathanson v. Nathanson*, 693 So.2d 1061 (Fla. 4th DCA 1997). However, like the challenged judge, the non-moving party may challenge the legal sufficiency of the motion and the supporting affidavit. Id.

(c) *Explaining the Record/Gratuitous Comments* - In ruling on the legal sufficiency of a motion, a judge may explain the status of the record. See, *Rolle v. Birken*, 984 So.2d 534(Fla. 3rd DCA 2008); *Kowalski v. Boyles*, 557 So.2d 885, 887 (Fla. 5th DCA 1990). On the record comments such as: "I will not be threatened," and "I don't care what the Third District (Court of Appeal) does with this case," do not require disqualification. The first is a gratuitous comment indicative of the judge's attempt to remain neutral. The second comment is indicative of his intent to follow the appellate court's directive. Neither constitutes a basis for disqualification. See, *Rolle v. Birken*, 984 So.2d 534 (Fla 3rd DCA 2008). *Cont. P.4*

MEET YOUR BOARD:



Judge Wolf graduated from Rutgers, University of Miami and University of Virginia. He has served on the Florida First District Court of Appeal since 1990, serving as chief judge from July 2003 to June 2005. He is a founding member and first president of the First District Appellate American Inn of Court, and an alumni member and past president of the William Stafford Tallahassee Inn of Court.

Judge Wolf has served on the Florida Judicial Qualifications Commission since 1999, as chair from 2002 – 2004 and 2005-2006.

Prior to becoming a judge, he was general counsel for the Florida League of Cities, a member of the firm Caldwell, Pacetti, Barrow & Salisbury, the code enforcement board attorney for the City of West Palm Beach and City of Boynton Beach, city attorney for Jupiter Inlet Colony, assistant city attorney for the City of West Palm Beach, and assistant state attorney for the 15th Judicial Circuit.

Judge Wolf is an adjunct professor in Florida constitutional law and local government at Florida State University Law School. He has participated in a literacy reading program for elementary school children and is currently involved in the Justice Teaching Program. Judge Wolf has written on attorney discipline, judicial rulemaking and constitutional issues of Florida municipalities.

THE JUDGE'S DUTY TO SIT, *cont. from P.3*

However, Judges who dare travel in these murky waters must navigate with great care and remember that any comment reasonably perceived to challenge to any of the facts asserted in the affidavit will lead to automatic disqualification. See, *Rollins v. Baker*, 683 So.2d 1138 (Fla. 5th DCA 1996) (where trial judge who filed pro se response was disqualified); *Scholz v. Hauser*, 657 So.2d 950, 951 (Fla. 5th DCA 1995).

(d) *28 U.S.C. 455 – Where Challenges to Facts Are Allowed* - Disqualification under 28 U.S.C. 455 is different than under 28 U.S.C. 144 in that the judge targeted by the motion filed under this statute is not obligated to accept the facts as true. In fact, he may scrutinize the factual accuracy of the movant's affidavit; supplement the record; and may even contradict the movant's factual allegations with facts from the judge's own knowledge. See, *Cooney v. Booth*, 262 F. Supp. 2d. 494 (E.D. Pa. 2003); *In Re Owens Corning*, 305 B.R. (D. Del. 2004); Am.Jur.2d Fed Courts, 51.

(e) *Comparison* - There is a significant difference between proceeding under 28 U.S.C. 144 as opposed to proceeding under 28 U.S.C. 455. In researching for this article, few jurisdictions could be identified that followed the latter process. Many were found which follow the former. Florida follows the former procedure. See, Fla. R. Jud. Admin. 2.330 et. seq. Because of its broader acceptance, this article will assume that judicial challenges to facts asserted in an affidavit in support of a Motion For Disqualification require granting of the motion. That said, it is important to proceed from this point forward with the understanding that a judge's disqualification should not be presumed automatic simply because an affidavit in support of disqualification – however nasty or mean spirited - has been filed. See, *Cooney v. Booth*, 262 F. Supp. 2d. 494 (E.D. Pa. 2003).

IV – TO SIT OR NOT TO SIT:

(a) *The Inherent Trap For the Judge* – The 28 U.S.C. 144 scheme oftentimes places judges in difficult situations. A party may assert highly inflammatory allegations. A judge facing the smearing of his reputation under such circumstances may feel he has no obligation but to refute the facts. His doing so plays right into the hand of the unscrupulous practitioner who manipulates the disqualification process in a "sword and shield" type manner. His inflammatory comments bait the judge into responding. The judge's inability to respond provides the offender with a shield. Should the judge respond, he rewards the offender, who has now gained unfair advantage by utilizing questionable tactics to successfully judge shop.

(b) *The Duty to Sit* - The same fundamental due process notions which allow for a disqualification and recusal process also implicate the obligation on the part of the judge not to disqualify himself from a matter. A judge's obligation to sit on a case where there lies no valid reason to disqualify himself is just as important as the obligation to disqualify himself when there is valid reason. See, *United States v. Edwards*, 334 F. 2d 360, 362 (5th Cir. 1964); See also, *United States v. Ming*, 466 F. 2d 1000 (7th Cir. 1972), cert. denied., 409 U.S. 915, 34 L. Ed. 2d 176, 93 S.Ct. 235 (1972); *United States v. Diorio*, 451 F. 2d 21 (2nd Cir. 1971), cert. denied, 405 U.S. 955, 31 L. Ed. 2d 232, 92 S. Ct. 1173 (1972); *Tucker v. Kerner*, 186 F. 2d 79, 85 (7th Cir. 1950); *Sanders v. Allen*, 58 F. Supp. 417, 420 (S.D. Cal. 1944), appeal dismissed, 151 F. 2d 534 (9th Cir. 1945). The "duty to sit" - as it has become known - has been recognized by all federal circuits. See, *Laird v. Tatum*, 409 U.S. 824, 837 (1972). *Cont. P.5*

UPCOMING "Second Fridays" – Join us.

The Florida OJCC and NAWJC will co-sponsor lunch and learn seminars from 12:00 to 1:00 Eastern on the second Friday of upcoming months. Upcoming "*Second Fridays*" Lunch and Learn Opportunities for NAWJC Members:

January 8, 2010 Rafael Gonzalez, "Living with Medicare Set-Aside Requirements and Settling Cases."

February 12, 2010 Jerry Fogel, "Medicine, Disability, & Liability."

These programs are offered ***free of charge*** to NAWCJ members
For more information, email Judge Lazzara JJL@NAWCJ.org

THE JUDGE'S DUTY TO SIT, *cont. from P.4*

(c) *Scandalous allegations* - including those raised in an attorney's coordinated effort to have a judge removed from office - do not require a judge to disqualify himself. In *United States v. Bray*, 546 F. 2d 851, 857 (5th Cir. 1977) an affidavit in support of disqualification alleged that a party had secured 2000 signatures in support of a judge's removal; that the same party had written an article calling for the judge's removal; that the judge had dismissed a party's prior case; that the party had written a protest telegram against the judge; and that the party had filed a brief with the court accusing the judge of bribery, conspiracy and the obstruction of justice. These allegations were held insufficient to require the trial judge's disqualification.

(d) *A challenge to a judge's reappointment* - does not require the recusal or disqualification of that judge. See, *Milmir Construction Co. v. Jones*, 625 So.2d 985 (Fla. 1st DCA 1993). Florida Judges of Compensation Claims must reapply for their positions every four (4) years. This requires that they be reviewed by the Statewide Nominating Commission for Judges of Compensation Claims. See, Section 440.45(2)(c), Fla. Stat. (2008). It is presumed that the judge will remain neutral even where his reappointment has been challenged. See, *City of Lakeland v. Vocelle*, 656 So.2d 612 (Fla. 1st DCA 1995). But see, *Siegal v. State*, 861 So.2d 90 (Fla. 4th DCA 2003) (granting petition for Writ of Prohibition where criminal defense attorney had opposed the Judge before the Circuit Court Judicial Nominating Commission and there was a prior history of Bar complaints filed by each against the other.)

(e) *Derogatory remarks* about a judge do not provide basis to presume the attacked judge is biased or prejudiced. *Berger v. United States*, 255 U.S.22, 33 -35, 41 S. Ct. 230, 233, 65 L. Ed 481, 485; *United States v. Hoffa*, 245 F. Supp. 772, 778 (E.D. Tenn. 1965).

> To allow prior derogatory remarks about a judge to cause the latter's compulsory recusal would enable any defendant to cause the recusal of any judge merely by making disparaging statements about him. Such a bizarre result clearly is not contemplated…See, *United States v. Bray*, 546 F.2d 851, 858 (5th Cir. 1977).

If derogatory remarks about a judge opened the door to disqualification, every litigant acting in bad faith or presenting meritless positions could indefinitely disrupt matters and avoid accountability for what otherwise would be inappropriate and contemptuous conduct.

> It behooves the courts to exercise due restraint before making the hurling of epithets a rewarding sport for litigants. See, *Camacho v. Autoridad de Teléfonos de Puerto Rico*, 868 F. 2d 482, 491 (1st Cir. 1989).

(f) *Prior written attacks* on a judge are insufficient to support a charge of bias or prejudice requiring disqualification on the part of a judge toward the author. See, *United States v. Garrison*, 340 F. Supp. 952 (E.D. La. 1972); *In Re Union Leader Corp*., 292 F. 2d 381, 389 (1st Cir.), cert. denied, 368 U.S. 927, 82 S. Ct. 361, 7 L. Ed. 2d 190 (1961). A newspaper attack on a judge was held an insufficient basis upon which to presume a judge's bias. See, *United States v. Fujimoto*, 101 F. Supp. 293, 296 (D. Hawaii 1951), motion for leave to file petition for writ of prohibition or mandamus denied, *Fujimoto v. Wiig*, 344 U.S. 852, 73 S. Ct. 102, 97 L. Ed. 662 (1952). *Cont. P.6*

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Workers' Compensation Resources

Our website: www.NAWJC.org

Work Comp Central
www.workcompcentral.com

Pennsylvania Workers' Compensation Journal
http://www.pawcj.com/

Judge Tom Talks
http://judgetom.blogspot.com/

Your NAWCJ Board:

Similarly, in the actual disqualification motion, a party's filing of an offensive affidavit directed towards the trial judge does not require the trial judge's disqualification. See, *Keown v. Hughes*, 265 F. 572 (1st Cir. 1920).

(g) *Unwarranted Recusal/Disqualification* - A trial judge who recuses himself or grants disqualification when he should not have commits reversible error. See, *Metropolitan Dade County v. Turnbull*, 572 So.2d 540 (Fla. 1st DCA 1990) (trial judge's improvident granting of Motion For Disqualification reversed); *City of Kissimmee v. Weimer*, 969 So.2d 1226 (Fla. 1st DCA 2007) (trial judge's unwarranted entry of recusal Order reversed). Many practitioners and judges seem unaware of this body of case law, and simply capitulate when faced with a Motion for Disqualification and a supporting affidavit that attacks the presiding Judge on a personal level. However, it is "vital to the integrity of the system of justice that a judge not recuse himself on unsupported, irrational or highly tenuous speculation." See, *Hinman v. Rogers*, 831 F. 2d 937, 939 (10th Cir. 1987). Capitulating to these practices is oftentimes unwarranted. It also rewards and encourages the worst in litigation tactics. The problem is exacerbated by the failure of most jurisdictions to take any action where judges are smeared in the name of advocacy.[3] Nevertheless, the duty to sit survives.

V – JUDGE'S COMMENTS OR OPINIONS

The recusal and disqualification rules are not intended to prevent judges from maintaining order and proper decorum in their courtrooms; nor do they require judges to refrain from commenting on questionable activities - even with respect to a motion for recusal.

(a) *Comments Re: Motion for Disqualification* - A trial judge's questioning of the motive behind a recusal motion does not require that judge's disqualification:

> A judge's reasonable belief that a party was acting with a purpose of disqualifying him, his conclusion that such action was contemptuous and reprehensible, and even a very considerable showing of irritation, is no way equivalent to personal bias and prejudice." *In the Matter of Union Leader Corporation* , 292 F. 2d 381, 390 (1st Cir. 1961).

A judge's comments criticizing petitioner's conduct was not indicative of bias towards petitioner. Id. However, a judge's statement that he believes a party has lied has been held as sufficient to show bias. See, *Deauville Realty Co. v. Tobin*, 120 So. 2d 198 (Fla. 3rd DCA 1960), cert. denied, 127 So. 2d 678 (Fla. 1961)

(b) *Comments on Attorney Conduct* - Similarly, a judge's indication that an attorney's conduct before the tribunal falls below standards expected does not provide a basis from which to disqualify the trial judge. See, *Thomas v. Chase Manhattan Bank*, 857 So.2d 989 (Fla. 4th DCA 2003).

(c) *Adverse Opinions Formed During Case* - While presiding over a case, a judge may form adverse opinions. This alone is not a basis for requiring the judge's recusal. See, *Waterhouse v. State*, 792 So.2d 1176, 1194 (Fla. 1991).

(d) *Comments Which Appear to Pre-judge* - Disqualification is compelled when a judge makes a statement indicating that he has made a final decision on an issue before the evidence to be presented has concluded. See, *Palatka v. Frederick*, 128 Fla. 366, 174 So. 826 (Fla. 1937) In *LeBruno Aluminum v. Lane*, 436 So. 1039 (Fla. 1st DCA 1983), an employer/carrier attorney wanting to present his witnesses was told by the judge: "You can call them on if you want to take up the court's time." The latter statement ultimately required the judge's disqualification.

(e) *Rhetorical Comments* - In *Mobil v. Trask*, 463 So. 2d 389 (Fla. 1st DCA 1985), the deputy commissioner (now Judge of Compensation Claims) turned off the recording system in the middle of trial, went off the record, turned to the defense attorney and said: "I don't see how you can't find this accident compensable." Id., at 390. The statement was found insufficient evidence that the judge had pre-judged the case. The appellate court treated the comment as if it were rhetorical, and reasoned that it was a proper effort to stimulate a response which could better enable the judge to adjudicate the claim for compensability. Id., at 391. There appears to be a proverbial fine line between that which is rhetorical and that which rises to pre-judging. No doubt, this is one fine line the adjudicator wishes not to trip over.

Cont. P.7.

THE JUDGE'S DUTY TO SIT, *cont. from P.6*

(f) *Disciplinary referrals* - In worst case scenarios, judges may find themselves having to refer an attorney to the state bar or other disciplinary agency. Such referrals do not demonstrate bias and do not require that the judge disqualify himself from that matter or future matters involving the attorney who is the subject of the disciplinary referral. See, *5-H Corporation v. Padovano*, 708 So.2d 244 (Fla. 1998).

(g) *Summation* - A Motion for Disqualification ordinarily may not be predicated on the judge's rulings in the instant case or in related cases, nor on a demonstrated tendency to rule any particular way, nor on a particular judicial leaning or attitude. See, *Phillips v. Joint Legislative Committee on Performance and Expenditure Review*, 637 F.2d 1014 (5th Cir. 1981).

VI – CONCLUSION

Ultimately, whether to disqualify himself is a decision firmly left to the sound discretion of the target judge. See, *Huff v. Standard Life Insurance Company*, 683 F.2d 1363 (11th Cir. 1982). However, it is clear that the recusal/disqualification process designed to assure due process does not require a judge to abandon ship when confronted with scandalous allegations, derogatory comments, criticism of his rulings, or other egregious conduct.[4] Otherwise, incorporation of such antics into a disqualification affidavit would establish the road map by which any unethical litigant could judge shop. A judge's "duty to sit" requires that he continue to preside over the matter as the qualified, neutral arbiter he is presumed and expected to be. It is by adherence to these rules that our system of justice assures a fair trial and due process to all parties while maintaining proper dignity and decorum.

1. A Motion to Disqualify a judge can be pursued under either.
2. See Chitamacha Tribe of Louisiana v. Laws, 690 F.2d 1157 (5th Cir. 1983) for an interesting discussion of judges role after the receipt of a motion to disqualify and the suggestion that a recusal motion should only be transferred in unusual circumstances.
3. It noteworthy that only one jurisdiction - Montana - allows judges to sanction parties who bring forth meritless disqualification motions. See, Section 3-1-803(1) (d), MONT. CODE ANN. Nevada actually bans sanctions against litigants bringing forth such motions. See, Section 1.225(6), NEV. REV. STAT.
4. Each judge should familiarize himself with the case law in his particular jurisdiction. When dealing with recusal/disqualification subject matter, it is not unusual for similar facts to lead to different results when presented to different appellate tribunals – even within the same state or circuit.

The Authors:

Gerardo Castiello has served as Assistant Public Defender, and practiced workers' compensation and liability defense at Walton, Lantaff, Schroeder & Carson, and at Akerman, Senterfitt & Eidson. then at the Law Office of Gerardo Castiello. He has lectured on a regular basis for the Dade County Bar Association, the Florida Bar, Florida Workers' Compensation Institute and others on a variety of workers' compensation related subjects. Judge Castiello served on the Florida Bar Workers' Compensation Rules Committee from 2001-2005, and as President of the Florida Conference of Judges of Compensation Claims from August 2005 to August 2006.

Edward Almeyda has been a State Mediator for the Division of Administrative Hearings since August of 2007. Previously he was in private practice specializing in Worker's Compensation representing both Employer/Carriers and Claimants over the preceding 34 years. He has authored a text in adjusting worker's compensation claims and has published numerous articles in this field.

The NATIONAL ASSOCIATION OF WORKERS' COMPENSATION JUDICIARY Needs You

Do you have articles we can publish? Are you interested in being more involved in the NAWJC? The NAWJC needs suggestions for future educational curricula, articles for this newsletter, your suggestions, and your participation. If you have an article you would allow us to publish, please send it to President John Lazzara (JJL@NAWCJ.org). President Lazzara would also welcome any suggestions you have. If you have suggestions, or are interested in volunteering your time, please contact him.

Membership in the National Association of Workers' Compensation Judiciary is open to any person whose responsibility is the adjudication of workers' compensation claims. Throughout the nation, there are a variety of titles that are used to describe us, "Judge," "Commissioner," "Deputy Commissioner," "Referee," and "Hearing Officer" are a few. The NAWJC also has Associate Membership for those interested in supporting the education of workers' compensation adjudicators. The NAWJC is thankful to the concerned professionals that have contributed their time and resources to support our efforts. We recognize them here.

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