Lex and Verum

The National Association of Workers' Compensation Judiciary

Number XXIII, July 2011

President's Message

By Hon. Ellen Lorenzen, President, NAWCJ

For the last two or three years, I have been scanning headlines about courtroom technology and the use of the Internet, only occasionally reading past the opening paragraph of many articles, because I thought I was just a work comp trial judge who would never get into technology issues. However, within the last month, I have had one unrepresented claimant offer me an article printed off the Internet about new research by Dr. Waddell (leading to a discussion about authenticity), a memorandum of law from an attorney citing an article from Wikipedia (leading me to shake my head and ask, "Really...are you really relying on that), and a doctor who referred to another physician's opinion as "meretricious," refusing to define that word and telling the attorneys to "Google it" (leading me to do exactly that). I also talked to some attorneys who routinely appear before me with laptops and Blackberries about what use they make of these items in hearing and in mediation and about how I use the second monitor in my hearing room. All these things made me rethink my beliefs about technology in the world of workers' compensation.

Attorneys and judges are becoming increasingly reliant on electronic filing and electronic data storage. There are many issues associated with this reliance. One issue we have all probably run into: every time software is updated, our ability to view stored data is affected. Some of that effect is immediately obvious: the interface between the new software and the data looks different. Some changes are less obvious: Word 2007 (which we just installed) changed some internal rules about the computer language it defaults to in translating documents created in earlier versions of Word which has caused me some difficulty reading documents I created in the older version.

Dr. Lipnick lecturing at FWCI 2010. He will deliver his presentation on the aging workforce at NAWCJ Judiciary College 2011

Attendees at NAWCJ Judiciary College 2010

Continued, Page 2.

Judge Lazzara, Inaugural President of NAWCJ and James McConnaughhay, General Chair of the FWCI/WCEC discuss the 2010 Judiciary College Program

The Multistate program on Wednesday of the 2010 Program

John Salatti enthusiastically provided guidance on effective judicial writing at NAWCJ Judiciary College 2010

What steps do we have to take to ensure that data remains readable? Also, what steps do we have to take to made sure our orders or other data are accessible? (Something new I learned this week: what Adobe and Word mean when they offer you the option of making a document "accessible.")

I find I am going to the Internet regularly to look things up, not just for the definition of a word but to locate regulations or references made by witnesses/experts. I have had the very common experience of clicking on a link, only to learn it was now inoperable. I have often thought about putting hyperlinks to case law in my orders because that seems to me to be an obvious thing to do but then I wonder what happens when that link no longer works. Am I just creating a frustration to overcome if I use a hyperlink in an order?

Another problem I have with current technology is that some of the data we acquire during trial, such as surveillance video or video demonstrating how a job is performed, needs to be preserved in a format that can be accessed by the parties and court. Right now I am still maintaining that data in the format it is provided to me (CD, DVD, video tape) but that means retaining and storing a physical object. Would it be better if I could store that data electronically so that all parties had equal and immediate access to it? The same goes for photos: right now I have to keep the actual photograph, although sometimes the parties scan a picture in and file it that way. I could do likewise but our e-mail system blocks the transmission of photographs.

I recently read an article entitled "Judicial Opinions and the Digital Revolution" in the Judges' Journal, Vol. 49, No. 4, published by the ABA (this is embarrassing: it's the fall of 2010 volume) which mentioned two federal decisions which incorporated links in the judges' orders to video tape and computer animations that were introduced into evidence. Sounded to me as if judges were learning to do what every 5th grader is already expected to do for school papers. (That same article informed me that over 400 federal and state decisions have cited Wikipedia as authority. I still say, "Really?") I fear I will never catch up to technology but I am going to make an effort to read and understand the issues surrounding new technology and how we can use it in our court room and in our orders, so that the next time I want to quote from Cool Hand Luke, I can include a clip of Paul Newman saying, "What we've got here is a failure to communicate," which I actually quoted once in an order to explain why the adjuster did not authorize medical care when she only communicated authorization to the claimant but not to the doctor. This means I may also have to update my movie and TV repertoire: can I get CLE for that?

Implicit Bias

A Primer for Courts

By Jerry Kang

Schemas and Implicit Cognitions (or "mental shortcuts")

Stop for a moment and consider what bombards your senses every day. Think about everything you see, both still and moving, with all their color, detail, and depth. Think about what you hear in the background, perhaps a song on the radio, as you decode lyrics and musical notes. Think about touch, smell, and even taste. And while all that's happening, you might be walking or driving down the street, avoiding pedestrians and cars, chewing gum, digesting your breakfast, flipping through email on your Smartphone. How does your brain do all this simultaneously?

It does so by processing through schemas, which are templates of knowledge that help us organize specific examples into broader categories. When we see, for example, something with a flat seat, a back, and some legs, we recognize it as a "chair." Regardless of whether it is plush or wooden, with wheels or bolted down, we know what to do with an object that fits into the category "chair." Without spending a lot of mental energy, we simply sit. Of course, if for some reason we have to study the chair carefully--because we like the style or think it might collapse--we can and will do so. But typically, we just sit down.

We have schemas not only for objects, but also processes, such as how to order food at a restaurant. Without much explanation, we know what it means when a smiling person hands us laminated paper with detailed descriptions of food and prices. Even when we land in a foreign airport, we know how to follow the crazy mess of arrows and baggage icons toward ground transportation.

These schemas are helpful because they allow us to operate without expending valuable mental resources. In fact, unless something goes wrong, these thoughts take place automatically without our awareness or conscious direction. In this way, most cognitions are implicit.

Implicit Social Cognitions (or "thoughts about people you didn't know you had")

What is interesting is that schemas apply not only to objects (e.g., "chairs") or behaviors (e.g., "ordering food") but also to human beings (e.g., "the elderly"). We naturally assign people into various social categories divided by salient and chronically accessible traits, such as age, gender, race, and role. And just as we might have implicit cognitions that help us walk and drive, we have implicit social cognitions that guide our thinking about social categories. Where do these schemas come from? They come from our experiences with other people, some of them direct (i.e., real-world encounters) but most of them vicarious (i.e., relayed to us through stories, books, movies, media, and culture).

If we unpack these schemas further, we see that some of the underlying cognitions include stereotypes, which are simply traits that we associate with a category. For instance, if we think that a particular category of human beings is frail--such as the elderly--we will not raise our guard. If we think that another category is foreign--such as Asians--we will be surprised by their fluent English. These cognitions also include attitudes, which are overall, evaluative feelings that are positive or negative. For instance, if we identify someone as having graduated from our beloved alma mater, we will feel more at ease. The term "implicit bias" includes both implicit stereotypes and implicit attitudes.

Though our shorthand schemas of people may be helpful in some situations, they also can lead to discriminatory behaviors if we are not careful. Given the critical importance of exercising fairness and equality in the court system, lawyers, judges, jurors, and staff should be particularly concerned about identifying such possibilities. Do we, for instance, associate aggressiveness with Black men, such that we see them as more likely to have started the fight than to have responded in self-defense? Or have we already internalized the lessons of Martin Luther King, Jr. and navigate life in a perfectly "colorblind" (or gender-blind, ethnicity-blind, class-blind, etc.) way?

Asking about Bias (or "it's murky in here")

One way to find out about implicit bias is simply to ask people. However, in a post-civil rights environment, it has become much less useful to ask explicit questions on sensitive topics. We run into a "willing and able" problem.

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NAWCJ Judicial College 2011

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The 2011 Judicial College Tuition:

NAWCJ Members

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Scholarship Opportunities Available to Help Defray Cost, See Page 15!

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Multistate Comparative Law Panel

Our distinguished panel of Judges from Florida, Texas, Pennsylvania, and Maryland will describe and discuss similarities and differences among the states' workers' compensation laws and procedures. This highly interactive program will provide insight, perspective and analysis of the variety found in workers' compensation systems around the country. Attendees will come away from this with perspective and ideas.

Visit a Florida OJCC Videoteleconference facility for live demonstration of technology during conference!

The 2011 Program Includes Three Timely and Exceptional Medical Presentations:

The Power of Addiction

Marc Gerber, M.D., Orlando, FL, will provide an overview of the pill mill problem spreading through the nation. His presentation will focus on addictions and the physical and psychological causes of patients becoming dependent on the variety of opiod medications.

The Anatomy of the Injury

Michael T. Reilly, M.D., Ft. Lauderdale, FL, and Tim Joganich, Penns Park, PA, will discuss the questions of causality inherent in the orthopedic surgeon's diagnoses. This is a study in the biomechanical forces necessary to produce injuries to the spine and joints. Understand how the medical findings relate to the medical opinions.

The Aging Workforce

Jesse A. Lipnick, M.D., Gainesville, FL, will explore the implications of older workers remaining in the workforce and the body's ability to heal changes with age. The likelihood of co-morbidities is also an issue with older workers' injuries. Dr. Lipnick uses his medical experience and work with aging patients to foster understanding of the unique challenges that are presented by this demographic.

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Implicit Bias, from P.3

First, people may not be willing to tell pollsters and researchers what they really feel. They may be chilled by an air of political correctness.

Second, and more important, people may not know what is inside their heads. Indeed, a wealth of cognitive psychology has demonstrated that we are lousy at introspection. For example, slight environmental changes alter our judgments and behavior without our realizing. If the room smells of Lysol, people eat more neatly. People holding a warm cup of coffee (versus a cold cup) ascribe warmer (versus cooler) personality traits to a stranger described in a vignette. The experiments go on and on. And recall that by definition, implicit biases are those that we carry without awareness or conscious direction. So how do we know whether we are being biased or fair-and-square?

Implicit measurement devices (or "don't tell me how much you weigh, just get on the scale")

In response, social and cognitive psychologists with neuroscientists have tried to develop instruments that measure stereotypes and attitudes, without having to rely on potentially untrustworthy self-reports. Some instruments have been linguistic, asking folks to write out sentences to describe a certain scene from a newspaper article. It turns out that if someone engages in stereotypical behavior, we just describe what happened. If it is counter-typical, we feel a need to explain what happened. (Von Hippel 1997; Sekaquaptewa 2003).

Others are physiological, measuring how much we sweat, how our blood pressure changes, or even which regions of our brain light up on an FMRI (functional magnetic resonance imaging) scan. (Phelps 2000).

Still other techniques borrow from marketers. For instance, conjoint analysis asks people to give an overall evaluation to slightly different product bundles (e.g., how do you compare a 17" screen laptop with 2GB memory and 3 USB ports, versus a 15" laptop with 3 GB of memory and 2 USB ports). By offering multiple rounds of choices, one can get a measure of how important each feature is to a person even if she had no clue to the question "How much would you pay for an extra USB port?" Recently, social cognitionists have adapted this methodology by creating "bundles" that include demographic attributes. For instance, how would you rank a job with the title Assistant Manager that paid $160,000 in Miami working for Ms. Smith, as compared to another job with the title Vice President that paid $150,000 in Chicago for Mr. Jones? (Caruso 2009).

Scientists have been endlessly creative, but so far, the most widely accepted instruments have used reaction times--some variant of which has been used for over a century to study psychological phenomena. These instruments draw on the basic insight that any two concepts that are closely associated in our minds should be easier to sort together. If you hear the word "moon," and I then ask you to think of a laundry detergent, then "Tide" might come more quickly to mind. If the word "RED" is painted in the color red, we will be faster in stating its color than the case when the word "GREEN" is painted in red.

Although there are various reaction time measures, the most thoroughly tested one is the Implicit Association Test (IAT). It is a sort of video game you play, typically on a computer, where you are asked to sort categories of pictures and words. For example, in the Black-White race attitude test, you sort pictures of European American faces and African American faces, Good words and Bad words in front of a computer. It turns out that most of us respond more quickly when the European American face and Good words are assigned to the same key (and African American face and Bad words are assigned to the other key), as compared to when the European American face and Bad words are assigned to the same key (and African American face and Good words are assigned to the other key). This average time differential is the measure of implicit bias. [If the description is hard to follow, try an IAT yourself at Project Implicit.]

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Implicit Bias, from P.5

Pervasive implicit bias (or "it ain't no accident")

It may seem silly to measure bias by playing a sorting game (i.e. the IAT). But, a decade of research using the IAT reveals pervasive reaction time differences in every country tested, in the direction consistent with the general social hierarchies: German over Turk (in Germany), Japanese over Korean (for Japanese), White over Black, men over women (on the stereotype of "career" versus "family"), light-skinned over dark skin, youth over elderly, straight over gay, etc. These time differentials, which are taken to be a measure of implicit bias, are systematic and pervasive. They are statistically significant and not due to random chance variations in measurements.

These pervasive results do not mean that everyone has the exact same bias scores. Instead, there is wide variability among individuals. Further, the social category you belong to can influence what sorts of biases you are likely to have. For example, although most Whites (and Asians, Latinos, and American Indians) show an implicit attitude in favor of Whites over Blacks, African Americans show no such preference on average. (This means, of course, that about half of African Americans do prefer Whites, but the other half prefers Blacks.)

Interestingly, implicit biases are dissociated from explicit biases. In other words, they are related to but differ sometimes substantially from explicit biases--those stereotypes and attitudes that we expressly self-report on surveys. The best understanding is that implicit and explicit biases are related but different mental constructs. Neither kind should be viewed as the solely "accurate" or "authentic" measure of bias. Both measures tell us something important.

Real-world consequences (or "why should we care?")

All these scientific measures are intellectually interesting, but lawyers care most about real-world consequences. Do these measures of implicit bias predict an individual's behaviors or decisions? Do milliseconds really matter>? (Chugh 2004). If, for example, well-intentioned people committed to being "fair and square" are not influenced by these implicit biases, then who cares about silly video game results?

There is increasing evidence that implicit biases, as measured by the IAT, do predict behavior in the real world--in ways that can have real effects on real lives. Prof. John Jost (NYU, psychology) and colleagues have provided a recent literature review (in press) of ten studies that managers should not ignore. Among the findings from various laboratories are:

- implicit bias predicts the rate of callback interviews (Rooth 2007, based on implicit stereotype in Sweden that Arabs are lazy);
- implicit bias predicts awkward body language (McConnell & Leibold 2001), which could influence whether folks feel that they are being treated fairly or courteously;
- implicit bias predicts how we read the friendliness of facial expressions (Hugenberg & Bodenhausen 2003);
- implicit bias predicts more negative evaluations of ambiguous actions by an African American (Rudman & Lee 2002), which could influence decision-making in hard cases;
- implicit bias predicts more negative evaluations of agentic (i.e. confident, aggressive, ambitious) women in certain hiring conditions (Rudman & Glick 2001);
- implicit bias predicts the amount of shooter bias--how much easier it is to shoot African Americans compared to Whites in a videogame simulation (Glaser & Knowles 2008);
- implicit bias predicts voting behavior in Italy (Arcari 2008);
- implicit bias predicts binge-drinking (Ostafin & Palfai 2006), suicide ideation (Nock & Banaji 2007), and sexual attraction to children (Gray 2005).

With any new scientific field, there remain questions and criticisms--sometimes strident. (Arkes & Tetlock 2004; Mitchell & Tetlock 2006). And on-the-merits skepticism should be encouraged as the hallmark of good, rigorous science. But most scientists studying implicit bias find the accumulating evidence persuasive. For instance, a recent meta-analysis of 122 research reports, involving a total of14,900 subjects, revealed that in the sensitive domains of stereotyping and prejudice, implicit bias IAT scores better predict behavior than explicit self-reports. (Greenwald et al. 2009).

And again, even though much of the recent research focus is on the IAT, other instruments and experimental methods have corroborated the existence of implicit biases with real world consequences. For example, a few studies have demonstrated that criminal defendants with more Afro-centric facial features receive in certain contexts more severe criminal punishment (Banks et al. 2006; Blair 2004).

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Your 2011 NAWCJ Board of Directors

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A well known local attorney was arguing his case in the Court of Appeals.

ATTORNEY: I've lost my last 4 cases in this court, but this time I have the law on my side.

APPELLATE BENCH: What law is that, Counselor?"

ATTORNEY: The law of averages!

Implicit Bias, from P.6

Malleability (or "is there any good news?")

The findings of real-world consequence are disturbing for all of us who sincerely believe that we do not let biases prevalent in our culture infect our individual decision-making. Even a little bit. Fortunately, there is evidence that implicit biases are malleable and can be changed.

- An individual's motivation to be fair does matter. But we must first believe that there's a potential problem before we try to fix it.
- The environment seems to matter. Social contact across social groups seems to have a positive effect not only on explicit attitudes but also implicit ones.
- Third, environmental exposure to counter-typical exemplars who function as "debiasing agents" seems to decrease our bias.
  - In one study, a mental imagery exercise of imagining a professional business woman (versus a Caribbean vacation) decreased implicit stereotypes of women. (Blair et al. 2001).
  - Exposure to "positive" exemplars, such as Tiger Woods and Martin Luther King in a history questionnaire, decreased implicit bias against Blacks. (Dasgupta & Greenwald 2001).
  - Contact with female professors and deans decreased implicit bias against women for college-aged women. (Dasgupta & Asgari 2004).
- Fourth, various procedural changes can disrupt the link between implicit bias and discriminatory behavior.
  - In a simple example, orchestras started using a blind screen in auditioning new musicians; afterwards women had much greater success. (Goldin & Rouse 2000).
  - In another example, by committing beforehand to merit criteria (is book smarts or street smarts more important?), there was less gender discrimination in hiring a police chief. (Uhlmann & Cohen 2005).
  - In order to check against bias in any particular situation, we must often recognize that race, gender, sexual orientation, and other social categories may be influencing decision-making. This recognition is the opposite of various forms of "blindness" (e.g., color-blindness).

In outlining these findings of malleability, we do not mean to be Pollyanish. For example, mere social contact is not a panacea since psychologists have emphasized that certain conditions are important to decreasing prejudice (e.g., interaction on equal terms; repeated, non-trivial cooperation). Also, fleeting exposure to counter-typical exemplars may be drowned out by repeated exposure to more typical stereotypes from the media (Kang 2005).

Continued, Page.8.

Implicit Bias, from P.7

Even if we are skeptical, the bottom line is that there's no justification for throwing our hands up in resignation. Certainly the science doesn't require us to. Although the task is challenging, we can make real improvements in our goal toward justice and fairness.

The big picture (or "what it means to be a faithful steward of the judicial system")

It's important to keep an eye on the big picture. The focus on implicit bias does not address the existence and impact of explicit bias--the stereotypes and attitudes that folks recognize and embrace. Also, the past has an inertia that has not dissipated. Even if all explicit and implicit biases were wiped away through some magical wand, life today would still bear the burdens of an unjust yesterday. That said, as careful stewards of the justice system, we should still strive to take all forms of bias seriously, including implicit bias.

After all, Americans view the court system as the single institution that is most unbiased, impartial, fair, and just. Yet, a typical trial courtroom setting mixes together many people, often strangers, from different social backgrounds, in intense, stressful, emotional, and sometimes hostile contexts. In such environments, a complex jumble of implicit and explicit biases will inevitably be at play. It is the primary responsibility of the judge and other court staff to manage this complex and bias-rich social situation to the end that fairness and justice be done--and be seen to be done.

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Jerry Kang is Professor of Law at UCLA School of Law. He is also Professor of Asian American Studies (by courtesy) at UCLA, and the inaugural Korea Times — Hankook Ilbo Chair in Korean American Studies. Professor Jerry Kang's teaching and research interests include civil procedure, race, and communications. On race, he has focused on the nexus between implicit bias and the law, with the goal of advancing a "behavioral realism" that imports new scientific findings from the mind sciences into legal discourse and policymaking. He is also an expert on Asian American communities, and has written about hate crimes, affirmative action, the Japanese American internment, and its lessons for the "War on Terror." He is a co-author of Race, Rights, and Reparation: The Law and the Japanese American Internment (Aspen 2001).

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Glossary

Note: Many of these definitions draw from Jerry Kang & Kristin Lane, A Future History of Law and Implicit Social Cognition (unpublished manuscript 2009)

Attitude: An attitude is "an association between a given object and a given evaluative category." R.H. Fazio, et al., Attitude accessibility, attitude-behavior consistency, and the strength of the object-evaluation association, 18 J. EXPERIMENTAL SOCIAL PSYCHOLOGY 339, 341 (1982). Evaluative categories are either positive or negative, and as such, attitudes reflect what we like and dislike, favor and disfavor, approach and avoid. See also stereotype.

Behavioral realism: A school of thought within legal scholarship that calls for more accurate and realistic models of human decision-making and behavior to be incorporated into law and policy. It involves a three step process:

Continued, Page.9.

NCSC
National Center for State Courts

ABOUT THE PRIMER

This article, *Implicit Bias, A Primer for Courts*, was produced as part of the National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts. The Campaign seeks to mobilize the significant expertise, experience, and commitment of state court judges and court officers to ensure both the perception and reality of racial and ethnic fairness across the nation's state courts. The Campaign is funded by the Open Society Institute, the State Justice Institute, and the National Center for State Courts. Points of view or opinions expressed in the Primer are those of the author and do not represent the official position of the funding agencies. To learn more about the Campaign, visit www.ncsconline.org/ref.

Upcoming Conferences:

SEAK 31st Annual National Workers' Compensation & Occupational Medicine Conference, July 19-21, 2011, Hyannis, MA, $975.00, http://www.seak.com//App_Themes/seak/July2011%20reg%20page%20only.pdf

63rd Annual SAWCA Convention, Beau Rivage, Biloxi, Mississippi July 25-29, 2011, $650.00, http://store.sawca.com/

These programs are not sponsored or endorsed by the NAWCJ, but are noted here for information.

Implicit Bias, from P. 8, "Glossary" continued.

First, identify advances in the mind and behavioral sciences that provide a more accurate model of human cognition and behavior. Second, compare that new model with the latent theories of human behavior and decision-making embedded within the law. These latent theories typically reflect "common sense" based on naïve psychological theories. Third, when the new model and the latent theories are discrepant, ask lawmakers and legal institutions to account for this disparity. An accounting requires either altering the law to comport with more accurate models of thinking and behavior or providing a transparent explanation of "the prudential, economic, political, or religious reasons for retaining a less accurate and outdated view." Kristin Lane, Jerry Kang, & Mahzarin Banaji, Implicit Social Cognition and the Law, 3 ANNU. REV. LAW SOC. SCI. 19.1-19.25 (2007)

Dissociation: Dissociation is the gap between explicit and implicit biases. Typically, implicit biases are larger, as measured in standardized units, than explicit biases. Often, our explicit biases may be close to zero even though our implicit biases are larger. There seems to be some moderate-strength relation between explicit and implicit biases. See Wilhelm Hofmann, A Meta-Analysis on the Correlation Between the Implicit Association Test and Explicit Self-Report Measures, 31 PERSONALITY & SOC. PSYCH. BULL. 1369 (2005) (reporting mean population correlation r=0.24 after analyzing 126 correlations). Most scientists reject the idea that implicit biases are the only "true" or "authentic" measure; both explicit and implicit biases contribute to a full understanding of bias.

Explicit: Explicit means that we are aware that we have a particular thought or feeling. The term sometimes also connotes that we have an accurate understanding of the source of that thought or feeling. Finally, the term often connotes conscious endorsement of the thought or feeling. For example, if one has an explicitly positive attitude toward chocolate, then one has a positive attitude, knows that one has a positive attitude, and consciously endorses and celebrates that preference. See also implicit.

Implicit: Implicit means that we are either unaware of or mistaken about the source of the thought or feeling. R. Zajonc, Feeling and thinking: Preferences need no inferences, 35 AMERICAN PSYCHOLOGIST 151 (1980). If we are unaware of a thought or feeling, then we cannot report it when asked. See also explicit.

Implicit Association Test: The IAT requires participants to classify rapidly individual stimuli into one of four distinct categories using only two responses (for example, in a the traditional computerized IAT, participants might respond using only the "E" key on the left side of the keyboard, or "I" on the right side). For instance, in an age attitude IAT, there are two social categories, YOUNG and OLD, and two attitudinal categories, GOOD and BAD. YOUNG and OLD might be represented by black-and-white photographs of the faces of young and old people. GOOD and BAD could be represented by words that are easily identified as being linked to positive or negative affect, such as "joy" or "agony". A person with a negative implicit attitude toward OLD would be expected to go more quickly when OLD and BAD share one key, and YOUNG and GOOD the other, than when the pairings of good and bad are switched.

The IAT was invented by Anthony Greenwald and colleagues in the mid 1990s. Project Implicit, which allows individuals to take these tests online, is maintained by Anthony Greenwald (Washington), Mahzarin Banaji (Harvard), and Brian Nosek (Virginia).

Implicit Attitudes: "Implicit attitudes are introspectively unidentified (or inaccurately identified) traces of past experience that mediate favorable or unfavorable feeling, thought, or action toward social objects." Anthony Greenwald & Mahzarin Banaji, Implicit social cognition: attitudes, self-esteem, and stereotypes, 102 Psychol. Rev. 4, 8 (1995). Generally, we are unaware of our implicit attitudes and may not endorse them upon self-reflection. See also attitude; implicit.

Implicit Biases: A bias is a departure from some point that has been marked as "neutral." Biases in implicit stereotypes and implicit attitudes are called "implicit biases."

Implicit Stereotypes: "Implicit stereotypes are the introspectively unidentified (or inaccurately identified) traces of past experience that mediate attributions of qualities to members of a social category" Anthony Greenwald & Mahzarin Banaji, Implicit social cognition: attitudes, self-esteem, and stereotypes, 102 Psychol. Rev. 4, 8 (1995). Generally, we are unaware of our implicit stereotypes and may not endorse them upon self-reflection. See also stereotype; implicit.

Implicit Social Cognitions: Social cognitions are stereotypes and attitudes about social categories (e.g., Whites, youths, women). Implicit social cognitions are implicit stereotypes and implicit attitudes about social categories.

Stereotype: A stereotype is an association between a given object and a specific attribute. An example is "Norwegians are tall." Stereotypes may support an overall attitude. For instance, if one likes tall people and Norwegians are tall, it is likely that this attribute will contribute toward a positive orientation toward Norwegians. See also attitude.

Validities: To decide whether some new instrument and findings are valid, scientists often look for various validities, such as statistical conclusion validity, internal validity, construct validity, and predictive validity. Statistical conclusion validity asks whether the correlation is found between independent and dependent variables have been correctly computed. Internal validity examines whether in addition to correlation, there has been a demonstration of causation. In particular, could there be potential confounds that produced the correlation? Construct validity examines whether the concrete observables (the scores registered by some instrument) actually represent the abstract mental construct that we are interested in. As applied to the IAT, one could ask whether the test actually measures the strength of mental associations held by an individual between the social category and an attitude or stereotype Predictive validity examines whether some test predicts behavior, for example, in the form of evaluation, judgment, physical movement or response. If predictive validity is demonstrated in realistic settings, there is greater reason to take the measures seriously.

In Keeping with the NAWCJ mission to facilitate and encourage education, collegiality and interaction for those who adjudicate workers' compensation disputes, the National Association of Workers' Compensation Judiciary is pleased to provide the following information on upcoming meetings of the Southern Association of Workers' Compensation Administrators (SAWCA). You can learn more about SAWCA by visiting their website, *www.sawca.com*

The Southern Association of Workers' Compensation Administrators

The Southern Association of Workers' Compensation Administrators, Inc. (SAWCA) is a cooperative effort of nineteen jurisdictions. The Mission of SAWCA is to make available and present instruction by means of forums, lectures, meetings, and written material regarding the administration of workmen's laws and to provide an avenue by which those interested in workers' compensation may interact with one another to share information and address issues common to the jurisdictions that are members of the association.

63rd Annual SAWCA Convention

July 25 – 29, 2011 Biloxi, Mississippi

Conference Outline:
Monday: Executive Committee Meeting /Ex. Com. Reception & Dinner, Sponsored By NCCI
Tuesday: Regulator's Roundtable & President's Reception
Wednesday: General Sessions / Lunch / & Committee Meetings
Thursday: General Sessions, Committee Mtgs Network Reception & Dinner
Friday – "Farewell Friday" / General Session & Committee Reports

SAWCA National Regulators "Roundtable"

August, 23, 2011 at the Workers' Compensation Educational Conference, Orlando, FL

This new addition to the conference is sponsored by SAWCA and intended to bring together regulators from throughout the country to discuss challenges, concerns, and issues facing individual jurisdictions in the oversight of the ever changing workers' compensation industry. Problems faced by one jurisdiction may have already been successfully addressed by another; a developing issue or concern in one state may be an omen for future development in your state; and legislative initiatives know no boundaries. The National Regulators Roundtable is a forum designed to permit regulators to share lessons learned and seek timely answers to their most pressing issues. Karl Aumann, President of SAWCA and Chairman of the Maryland Workers' Compensation Commission will moderate the roundtable which will include the following panelists:

Michael W. Alvey / Chairman of the Kentucky Workers' Compensation Board
Richard Thompson / Chairman of the Georgia State Board of Workers' Compensation
David Langham / Florida Deputy Chief Judge of Compensation Claims
Preston Williams / Director of Self-Insurance for Mississippi WCC
Larry White / Deputy Dir. Louisiana Workforce Commission Office of Workers' Compensation
Deneise Lott / Mississippi Administrative Law Judge
Melodie Belcher / Georgia State Board of WC / Division Director & Administrative Law Judge
Michele J. McDonald / Maryland Assistant Attorney General

THE WORLD'S GREATEST LAW REVIEW ARTICLE

By: Andrew J. McClurg*

I. INTRODUCTION

This[1] is[2] the[3] world's[4] greatest[5] law[6] review[7] article.[8] It[9] is a bold, brash piece, unashamed to proclaim: "Yes, I am nontraditional scholarship. What about it?" Looking for a sound thesis? Hah! Child's play. Try a great plot, crammed with suspense, romance and thousands of pot boiling footnotes. .

And yet, perhaps the paramount beauty of the work is that, despite being light years ahead of the competition, it never strays too far from its roots. In other words, it is nontraditional but in a classic, traditional, bet-hedging sort of way. We're talking about an article that: rethinks practically on automatic pilot, drives a hundred miles an hour *toward a model*[10] of important stuff, is subject to spontaneous deconstruction, tosses the word hermeneutics around like a walk on the beach, puts *post* in front of (and sometimes behind) at least one word on every page, and, best of all, will take a thaumaturge[11] to figure out.

***

[Unbelievable amounts of really great material are omitted here.]

CLXIII. CONCLUSION

In conclusion, I am confident that legal academicians everywhere will agree, probably unanimously, that the only important thing lacking in The World's Greatest Law Review Article[28343] is a colon in the title, but that is only because the author is beyond caring about such things, *way beyond*.

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*Professor of Law, University of Arkansas at Little Rock. I would like to thank Lawrence Tribe, Sandra Day O'Connor, Richard (I like to call him "Rick") Posner, Judge Lance Ito and a lot of other legal personalities with good name recognition. They didn't have anything to do with this article, but there's no law that says I can't thank them just for being them in this important space for name-dropping. Special thanks to the editors of the *Harvard Law Review* for their hard work, unless they never bothered to read my submission, in which case I hope they spend eternity lost in a Sisyphean *supra-infra* citation loop. Finally, no introduction would be complete without thanking everyone for their "helpful comments," including Lisa, the waitperson at Vino's Bar in Little Rock, who suggested I move my laptop computer before someone dumped a pitcher of beer on it.

[1] "This" is a pronoun that means "the person or thing mentioned or understood." WEBSTER'S NEW WORLD DICTIONARY 1392 (3d ed. 1988). I will be happy to find a more recent source if the editors at an elite journal think this one is too dated, because I aim to please. *See* John Lennon & Paul McCartney, *Paperback Writer* (Northern Songs Ltd. 1966) ("I can make it longer if you like the style, I can change it 'round and I want to be a [law review] writer, darr-darr-darr, [law review] writer"). Along the same line, if I should *hereinafter* screw up and use *supra* when I mean *infra*, please don't say *See*! Rather, *cf*. you can find it in your hearts to forgive me. *Compare* it to some really horrible faux pas like USING THE WRONG TYPEFACE, and it won't seem so bad.

[2] "Is" is an intransitive verb. WEBSTER'S NEW WORLD DICTIONARY, *supra* note 1, at 715. The word has a long, tedious history that, although irrelevant, I will explain in elaborate detail because I don't want the time I spent researching it to have been wasted. In Middle English is is found in ... [three pages of etymological history follow]. Is is sometimes used as an abbreviation for islands, but that topic is beyond the scope of this article.

[3] "The" is an article used to refer to a particular person, thing or group. *See id*. at 1386.

[4] Pay attention! I'm talking *GLOBAL* here, which is very hot right now. It goes without saying that my global realm is jam-packed with diversity and virtually overflowing with multiculturalism.

continued, Page 12

WORLD'S GREATEST LAW REVIEW ARTICLE, from page 11.

[5] Brace yourself, law review editors! This conclusion is actually my *own, original* thought. I spent three days researching to see if anyone had thought it before, but if they did they didn't write it down anywhere. My mother read a draft of the article and commented on its brilliance, so I suppose you could cite to her in a pinch (with a *see* signal only since she did not actually come right out and say it was the "greatest"). In any event, I assure you this original thought was an isolated incident and will not happen again.

[6] As used in this article, "law" includes any positivist, naturalist, realist, feminist, nihilist, hedonist, economic, semiotic, narcotic, psychotic, post-modern, post-millennial, post-office syndrome, or any other theory of the rules we live by. Take your pick. If I play my cards right, the finished product will be so obtuse that no one will have a clue what it means, which will naturally lead to the assumption that it's a brilliant piece.

Of course, there's law and then there's scripture. The reader should disregard anything herein that even remotely conflicts with *The Bluebook*. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (15th ed. 1991). *The Bluebook*, widely misunderstood, was originally an English translation of the *Tao Te Ching*, a book of Eastern philosophy written 26 centuries ago. Interview with Lao-tzu, "Larry King Live" (A Dream I Had, Mar. 29, 1995). Taoism advocates a life of complete simplicity. Somewhere along the way, some Ivy League law students got hold of this great work and ... well, let's just say they have at times lost sight of the original purpose.

However, even today *The Bluebook* remains a source of great, spiritual comfort in troubled times. Just recently, for example, my significant other dumped me for a professor from a higher echelon law school who regularly publishes in the better journals. I became completely distraught, to the point where, I am sad to admit, I was a danger to myself. However, *The Bluebook* proved to be my guiding light. Now, instead of contemplating jumping in front of trains, I meditate about the intricate rules for abbreviating railroads. *See The Bluebook, supra* §10.2.2(b), at 61 (*PLEASE*! Just see *subsection (b)*. Do not even think about looking at either subsection (a) or subsection (c) because that might be construed as *seeing generally*, which would require me to add one of these annoying explanatory parentheticals.).

[7] I'm taking a rest here, but I promise to compensate for it by making the next footnote extra-long and monotonous.

[8] "Article" is the one and only perfect word to describe what I'm trying to accomplish here, unless, of course, a student law review editor thinks a different word would be better, in which case I will gladly defer to his superior wisdom.

[9] From now on, I will use exclusively feminine pronouns, even for inanimate objects, to show I'm really with it, or I should say, with her.

[10] Pretty cool italics, huh?

[11] One of the truest measures of great legal scholarship is using words that no one understands. To assure that the terminology in my article meets this high standard, I made a lot of it up.

[28343] Andrew J. McClurg, *The Worlds' Greatest Law Review Article*. Only the first of many, many citations, I'm sure.

Originally published in the October 1995 issue of the *American Bar Association Journal*. This article is republished here from the webpage, www.lawhaha.com, with the permission of its author. This material should not be republished unless permission is obtained from Professor McClurg.

Workers' Comp Resources

National Association of Workers' Compensation Judiciary
www.NAWJC.org

Florida Workers' Compensation Institute
www.fwciweb.org

WorkCompCentral
www.workcompcentral.com

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

Judge Torrey
http://www.davetorrey.info/

Florida Mediation Institute
www.freewebs.com/mediationinstitute/

OSHA Seeks Revisions on Reporting Injuries, Deaths and Amputations:

[2011-06-24]

The Occupational Safety and Health Administration announced Wednesday in a notice of proposed rule-making an update and revision of the agency's record-keeping and reporting requirements for work-related injuries and illnesses, including deaths and amputations. David Michaels, assistant secretary of labor for OSHA, said the proposed record-keeping updates will enable the agency, employers and workers to better identify hazards in high risk work sites, and allow OSHA to "more effectively and efficiently target occupational safety and health hazards, preventing additional injuries and fatalities."

The new proposed reporting requirements revise a current regulation that requires an employer to report to OSHA, within eight hours, all work-related fatalities and in-patient hospitalizations of three or more employees. Under the proposal, employers would be required to report any work-related fatalities and all in-patient hospitalizations within eight hours, and work-related amputations within 24 hours. Reporting amputations is not required under the current regulation.

OSHA also proposes updating Appendix A of the record-keeping rule (Part 1904 Subpart B) that lists industries partially exempt from the requirements to maintain work-related injury or illness logs. "These industries received a partial exemption because of their relatively low injury and illness rates," OSHA said. "The current list of industries is based on the Standard Industrial Classification system. The North American Industry Classification System was introduced in 1997 to replace the SIC system for classifying establishments by industry. "When OSHA issued the record-keeping rule in 2001, the agency used the old SIC code system because injury and illness data were not yet available based on the NAICS," the agency explained.

OSHA also is updating Appendix A in response to a 2009 Government Accountability Office report recommending that the agency update the coverage of the relevant record-keeping requirements from the old SIC system to the newer NAICS. The agency is requesting public comments on the proposed revisions, and has included in the proposed rule's preamble specific questions about issues and potential alternatives. Comments must be submitted by Sept. 20. For details on how to submit comments, see the Federal Register notice.

General and technical inquiries should be directed to Jens Svenson, OSHA Office of Statistical Analysis, at 202-693-2400. OSHA has updated its record-keeping web page to include answers to frequently asked questions regarding the proposed rule.

Washington Joins Other States With Latest Medical Marijuana Ruling:

[2011-06-13]

By John P. Kamin, Legal Editor

Washington state employers can fire employees for medical marijuana use without having to fear wrongful termination suits, the state Supreme Court ruled in a decision similar to high courts in other Western states. The Washington Supreme Court concluded that the state's Medical Use of Marijuana Act (MUMA) does not allow employees with marijuana prescriptions to sue their employers for wrongful termination, when marijuana use was the reason for the discharge. The court published the ruling on Thursday in the case of Roe v. TeleTech Customer Care.

"MUMA does not prohibit an employer from discharging an employee for medical marijuana use, nor does it provide a civil remedy against the employer," Justice Charles Wiggins wrote on behalf of the majority. "MUMA also does not proclaim a sufficient public policy to give rise to a tort action for wrongful termination for authorized use of medical marijuana." Eight of the court's nine justices sided with the majority opinion, which determined that the law's specific language does not create a right to a wrongful termination suit for a medical marijuana-related termination.

Continued, Page 14

Medical Marijuana, from page 13.

Furthermore, the majority also decided that it could not derive an underlying public policy interest from the law to allow medical marijuana users to file this type of lawsuit. This public policy analysis eliminated a second theory that could have granted medical marijuana users a right to file wrongful termination suits. James Shore, the lead employers' attorney in the case, said that Thursday's decision is just the latest in a growing field of law that requires consideration of states' medical marijuana statutes, as well as "reasonable accommodation" issues under both state and federal disability discrimination laws. "The law is evolving, so it is very important for employers, especially for employers with multi-state operations, to be tracking these things," he said. "We now have had three Supreme Courts with published decisions – California, Oregon and Washington – which stated that there are no workplace rights under the medical marijuana acts. We've actually had a fourth – Montana – do that in an unpublished decision." The case titles of those decisions are:

- Ross v. Raging Wire Telecommunications – California.
- Emerald Steel Fabricators v. Bureau of Labor and Industries – Oregon.
- Johnson v. Columbia Falls Aluminum – Montana (unpublished).
- The U.S. 9th Circuit Court of Appeals also upheld an employer's "no exceptions" drug and alcohol testing policy in the case of Lopez v. Pacific Maritime Association, in March 2011.

Shore pointed out that it is important to note that states like Washington and California are known for having laws that tend to be more protective of employee rights. For example, many employers' attorneys believe that California's Fair Employment and Housing Act tends to protect workers more than other state or federal statutes. "Cases may work their way up through the courts on issues presented by those statutes," Shore said.

Michael Subit, the attorney who represented plaintiff Jane Roe in the case, said that Roe's repetitive migraine headaches did not qualify her as "disabled" under the versions of the federal or state disability discrimination statutes that were active at the time of Roe's termination. Because of this, he did not raise any disability discrimination arguments in her case. Since then, the Legislature has altered the disability discrimination statute so that it would recognize her condition as a disability. "If the case had been brought today, I would have likely brought a disability discrimination claim," Subit said. "But there was simply no coverage in 2007 under federal or state disability law."

As for Washington's medical marijuana statutes, state legislators proposed creating new workplace rights for medical marijuana users during the 2011 legislative session, but that language was stripped from the bill before it could be approved, Shore noted. He pointed out that both the Washington and Oregon Supreme Courts raised questions about whether proposals to expand medical marijuana users' workplace rights might conflict with federal law, which state that marijuana use is illegal. "No matter what a state would do, it would be trying to force an employer to condone an illegal act," Shore said. He pointed out that employers will want to avoid any additional liability created by workers who injure themselves, or others, while working under the influence.

However, Subit told WorkCompCentral that Roe's case presented the best set of facts for a court to find middle ground between an employer and a medical marijuana user. Roe had worked for TeleTech, a customer care call center, which is a low-risk profession, Subit noted. The evidence showed that Roe used medical marijuana only at home, and not at work. Lastly, the only reason TeleTech terminated her was because she tested positive for marijuana, which violated the company's stringent drug policy. "The facts of our case were that it was an employee at a non-safety-sensitive job, who used it only at home, and the employer did not claim that it had any affect on her ability to do her job or that it created any safety concerns," Subit said. "Our case was that under that set of circumstances, there certainly was a duty to allow her to keep her job – that was the accommodation."

Subit acknowledged that an employer with more prevalent safety concerns could have different obligations and duties toward medical marijuana users. "From an employer's perspective, this is no different than Oxycontin," he said, referring to the prescription painkiller. "If someone is using it at home safely and it is not affecting their job, the employer does not really have any interest here. It is no different for medical marijuana."

Justice Tom Chambers wrote the court's sole dissenting opinion, where he argued that the Washington law created enough of a public policy interest in protecting medical marijuana users to justify sending the case to a jury. He acknowledged that the MUMA's operative language focused upon creating an affirmative defense to criminal prosecutions, and argued that limiting that language solely to criminal proceedings was disingenuous. "True, the act's operative sections focus on creating an affirmative defense," Chambers wrote. "But this language is broad and we undermine the people's will by treating it as Merely decorative. Even the limitations in the act support finding a policy in favor of allowing medical marijuana in situations like this one."

The dissenting justice wrote that he would have sent the case back to the trial court for a jury to decide whether TeleTech had an overriding reason that would have justified the dismissal.

The Foregoing was reprinted with the permission of WorkCompCentral.com.

NAWCJ College 2011 Scholarship Application

_____
Name

_____
Agency Name Title

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Business Mailing Address

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City State ZIP

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Telephone Number Fax Number Email Address

Required Information:

I certify that I have contacted the agency for which I work and have accurately reflected the funding available below.

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Meals. Per Diem	_____	$_____
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Lodging	_____	$_____
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Program Date

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Judge's Signature Date

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Email: JJL@NAWCJ.org

THE NATIONAL ASSOCIATION OF WORKERS' COMPENSATION JUDICIARY
APPLICATION FOR MEMBERSHIP

THE NAWCJ MEMBERSHIP YEAR IS A FOR 12 MONTHS FROM YOUR APPLICATION MONTH. MEMBERSHIP DUES ARE $75 PER YEAR OR $195 FOR 3 YEARS. IF 5 OR MORE APPLICANTS FROM THE SAME ORGANIZATION, AGENCY OR TRIBUNAL JOIN AT THE SAME TIME, ANNUAL DUES ARE REDUCED TO $60 PER YEAR PER APPLICANT.

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YEAR FIRST APPOINTED OR ELECTED? _____

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DESCRIPTION OF JOB DUTIES / QUALIFICATIONS FOR MEMBERSHIP:

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IN WHAT WAY WOULD YOU BE MOST INTERESTED IN SERVING THE NAWCJ:

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Mail your application and check to:

Kathy Shelton
P.O. Box 200
Tallahassee, FL 32302
850.425.8156
Email: kathy@fwciweb.org

THE NATIONAL ASSOCIATION OF WORKERS' COMPENSATION JUDICIARY
APPLICATION FOR ASSOCIATE MEMBERSHIP

THE NAWCJ ASSOCIATE MEMBERSHIP YEAR IS A FOR 12 MONTHS FROM YOUR APPLICATION MONTH. ASSOCIATE MEMBERSHIP DUES ARE $250 PER YEAR.

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Kathy Shelton
P.O. Box 200
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850.425.8156
Email: kathy@fwciweb.org

THE NATIONAL ASSOCIATION OF WORKERS' COMPENSATION JUDICIARY

There are opportunities for sponsorship of the 2011 NAWCJ Judicial College August 21 through 24, 2011, in Orlando, Florida. If you are interested in sponsoring any of the following:

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Email: cathy@fwciweb.org

NAWCJ Judiciary College 2011!

August 21 through 24, 2011, in Orlando, Florida

Sunday, August 21, 2011

2:30 – 5:00 PM E. Earle Zehmer Moot Court Competition, Preliminary Rounds

Monday, August 22, 2011

11:30 – 1:40 PM **NAWCJ WELCOME LUNCH AND MULTI-JURISDICTION COMPARATIVE LAW PANEL**

Honorable Ellen Lorenzen, NAWCJ President, welcoming remarks
Honorable John Lazzara, Florida, introduction of speakers

This panel discussion will bring perspective on how our 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.

Moderator,

Honorable Melodie Belcher
Atlanta, GA
State Board of Workers' Compensation

Speakers,

Honorable Karl Aumann
Baltimore, Maryland
Maryland Workers' Compensation Commission

Honorable Diane Beck
Sarasota, Florida
Florida Office of Judges of Compensation Claims

Honorable Jennifer Hopens
Austin, Texas
Texas Department of Insurance, Division of Worker's Compensation

Honorable David Torrey
Pittsburg, Pennsylvania
Pennsylvania Department of Labor and Industry

1:50 – 2:00 PM **BREAK AND TRANSITION**

2:00 - 2:50 PM **THE POWER OF ADDICTION**

Honorable Robert Judge Cohen, Florida, introduction of speakers

Moderator:

Nat Levine
Broward Orthopedic Specialists
Ft. Lauderdale, FL

Speaker:

Marc Gerber, M.D.
MRG Rehabilitation and Pain Medicine
Orlando, FL

With Florida having the dubious distinction of the pain "pill mill" capital of the nation, claimants often find themselves depending on those medications. What causes addiction? What causes a claimant to abandon all sensibilities for Opioids such as Oxycodone or Hydrocodone? What are the psychological effects of addiction? Do ALL opioids prevent a claimant from performing their job function? Ever want to ask a question on addiction? Red flags in medical reports adjudicators should look for when overutilization is an issue. Don't miss this one.

Monday, August 22, 2011, Cont.

2:50 - 3:00 PM **BREAK**

3:00 – 3:50 PM **THE ANATOMY OF THE INJURY**

Honorable David Torrey Judge Torrey, Pennsylvania, introduction of speakers

Moderator:
Nat Levine
Broward Orthopedic Specialists
Ft. Lauderdale, FL

Speakers:
Michael T. Reilly, M.D.
Center for Knee, Shoulder and Hip
Ft. Lauderdale, Fl

Tim Joganich
ARCCA Inc.
Penns Park, PA

The orthopedic said what? How did the injury cause that? Case management personnel and Judges often question causality based on the orthopaedic surgeon's diagnoses. We will explore the biomechanical forces necessary to produce injuries to the spine and joints. We will review how the objective findings on MRIs combined with the study of the biomechanics allow us to determine the causality and **age** of an injury.

3:50 - 4:00 PM **BREAK**

4:00 – 4:50 PM **THE AGING WORKFORCE**

Honorable David Imahara, Georgia, introduction of speakers

Moderator:
Nat Levine
Broward Orthopedic Specialists
Ft. Lauderdale, FL

Speaker:
Jesse A. Lipnick, M.D.
Southeastern Rehabilitation Medicine
Gainsville, FL

With the Dow tanking and IRA's rolling over dead, millions of otherwise retired and older workers aren't retiring. The nation's workforce grows older as does the concept that all injuries are treated the same. If you believe that the 60 yr old and 25 yr old claimant heal at the same rate, or the frequency of injuries in these age group are similar, this breakout might open your eyes. Older claimants often have unrelated and pre-existing conditions such as hypertension, diabetes and heart problems. How do those conditions affect their claims for temporary total or permanent total disability? What about "major contributing cause" or "apportionment" issues? Take a sneak peak at the future of claims as our working population gets older.

4:50 - 5:00 PM **BREAK**

5:00 - 5:30 PM **NAWCJ ANNUAL BUSINESS MEETING**

7:00 - 11:00 PM **RECEPTION AND ENTERTAINMENT**

Tuesday August 23, 2011

8:45 - 9:45 AM **LIVE SURGERY**

Moderator:
Steven E. Weber, D.O.
From Orlando Orthopaedic Center, Orlando, Florida

Surgeon
G. Grady McBride, M.D.
From Orlando Orthopaedic Center, Orlando, Florida

Get ready to be "FUSED" to your seats as Orlando Orthopaedic Center presents yet another thrilling Live Surgery… Dr. G. Grady McBride, a board certified spine surgeon and author of numerous spine related publications with over 25 years of experience will be performing a minimally invasive lumbar fusion called TLIF (Transforaminal Lumbar Interbody Fusion). This new procedure and technology allows for a less invasive placement of hardware decreasing patient's hospital stay, blood loss and allowing an early return to work versus the traditional open fusion. Dr. Steven Weber, a fellow board certified spine surgeon at Orlando Orthopaedic Center who specializes in Adult Spinal Reconstruction will be on location at the World Center Marriott to assist with questions from the audience.

9:45 - 10:00 PM **BREAK AND TRANSITION**

10:00 – 11:50 AM **EVIDENCE, THE COMMAND PERFORMANCE**

Honorable Michael Alvey, Kentucky, introduction of speaker

Speaker:
Charles W. Ehrhardt
Emeritus Professor
Florida State University College of Law

One of the evidence greats, in a command performance! Professor Ehrhardt will address issues troubling all adjudicators. Despite the differences between state evidence codes, this speaker's thirty plus years of study, reflection, lecture and publication bring evidence questions into sharp focus. Professor Ehrhardt brings and enthusiasm for the subject, and presents with such force and humor that the audience is always left wanting more.

11:50 - 12:00 PM **BREAK**

12:00 -1:00 PM **FLORIDA BAR WORKERS' COMPENSATION SECTION JUDICIAL LUNCHEON**
All NAWCJ Judges invited!

1:00 - 2:00 PM **ORAL ARGUMENT**

An actual workers' compensation appeal will be argued live before a panel of Judges of the Florida First District Court of Appeal. The briefs will be made available to attendees prior to the conference and the Court's Opinion will be posted on the Court's website several weeks after the oral arguments take place. The Court's decision will also be published in the NAWCJ's *Lex and Verum* newsletter.

Tuesday August 23, 2011, Cont.

2:15 – 4:10 PM **NEUROSCIENCE AND PSYCHOLOGY OF JUDICIAL DECISION-MAKING FOR WORKERS' COMPENSATION ADJUDICATORS**

Honorable Melodie Belcher, Georgia, introduction of speaker

Speaker:
Kimberly Papillon
San Francisco, CA
California Judicial Council, Administrative Office of the Courts

All Judges recognize that bias has no place in a trial. What many do not recognize is that bias can be implicit in everyday life, and as a result this may accompany the adjudicator to the hearing room. Kimberly Papillon is leading national expert on the subject of implicit bias. She has been a pioneering force in the quest to identify, dismantle and overcome these biases using proven methods. She has conducted this training for the California Judicial Council, various state and federal court conferences, and state and local bar associations. This program will not only change how you think about bias, it will help you first understand how you think about bias.

2:00 – 2:10 PM **BREAK**

4:20 – 5:10 PM **CODE OF JUDICIAL CONDUCT FOR WORKERS' COMPENSATION ADJUDICATORS**

Honorable Jennifer Hopens, Texas, introduction of speakers

Speaker:
Honorable Rick Thompson
Atlanta, GA
State Board of Workers' Compensation

Honorable David Langham
Pensacola, FL
Florida Office of Judges of Compensation Claims

Can there be a more perplexing (or frankly sometimes onerous) topic? Various states are struggling with the disqualification and recusal process; refinements and revolutions have been proposed, discussed, and found wanting. This program will address the focus of the Code of Judicial Conduct on the specifics of unbiased adjudication, and on the ever-ubiquitous "appearance of impropriety." This highly interactive "point/counter point" presentation will illuminate the subject, make you think, and entertain.

5:15 - 6:15 PM **RECEPTION**

Non-judicial (Associate) and members of NAWCJ are cordially invited to attend this reception in honor of the Judges.

Wednesday August 23, 2011 Option One, Mediation

8:00 - 8:50 REGISTRATION AND CONTINENTAL BREAKFAST

8:50 - 9:00 WELCOME AND INTRODUCTIONS

9:00 - 10:40 GENERAL SESSION, KEYNOTE PROGRAM, DESIGNING THE MEDIATION

Rod Max, *Attorney and Mediator*
Miami, Florida

If you don't know where you are going, how do you know when you get there? Planning is an essential element of every successful endeavor in the professional world, why should a mediation be any different? It is critical to make a careful plan, identify the route you will take and understand the obstructions that may impede your progress. Rod Max and a panel of veteran attorneys will help you with the preparation techniques that will make your mediations successful for you and your clients. This session is two credit hours of **"GENERAL."**

10:45 - 11:35 BREAKOUT SESSION ONE, SELECT FROM THE FOLLOWING:

"ETHICAL ISSUES IN CLOSING THE DEAL."

Michele Riley, *Attorney and Mediator*
New York, New York

Every mediation presents ethical considerations. The perspectives and conflicts of multiple parties and their representatives make each mediation a unique challenge. Michele is familiar with the challenge from years of experience as a mediator and as an instructor at the International Center for Cooperation and Conflict Resolution, Columbia University. Michele brings an understanding of recognizing and avoiding ethical conflicts while guiding the parties to resolutions. This session is one credit hour of "ethics."

"APPLYING DALE CARNEGIE TO MEDIATION."

Dr. Beverly Pennachini**,** *Dale Carnegie of Central Florida*
Orlando, Florida

The Dale Carnegie method is a time proven communication and presentation process. This process focuses on applying foundational principles to reduce stress, measurably improve confidence, communications, and interpersonal skills of individuals and teams. The successful mediator must effectively communicate and works in an environment that requires effective formation of relationships and consensus. This session is one credit hour of **"**general."

"CONFLICT RESOLUTION"

Dr. Deri Joy Ronis, *Mediator*
Sarasota, Florida

This program will provide practical approaches to working with situations involving anger and violence issues. Attendees will understand methodologies for identifying the presence of these issues, and effectively interacting with the individuals who are affected by them, with a focus on navigating these critical obstacles and accomplishing resolution despite them. A successful mediator recognizes impediments to the process and perseveres. This program reinforces the skills to do so effectively. This breakout is one credit hour of "General."

Wednesday August 23, 2011 Option One, Mediation, Continued

10:45 - 11:35 **BREAKOUT SESSION ONE, CONTINUED**
"MEDIATOR ETHICS."

Ross W. Stoddard, III, *Attorney-Mediator (civil & probate)*
Irving (Las Colinas), Texas

Mediators often experience ethical dilemmas and difficult situations during mediations, putting them between the proverbial "rock and a hard place." This *highly interactive* session will cover some of the challenging issues which confront mediators during mediations – from the beginning of the day to the final caucus. The objective is to provide each participant with some useful and usable tips which will be available to them in their next mediations. This session is one credit hour of "ethics."

11:35 - 12:35 **GENERAL SESSION**
LUNCHEON PROGRAM, DEVELOPING RAPPORT WHEN THE MEDIATOR IS CROSS-CULTURALLY CHALLENGED

Robert Dietz, *Attorney and Circuit Civil Mediator,*
Orlando, Florida

How does a mediator develop rapport with ethnic parties and attorneys when the mediator is too male, too pale, and too stale? Gender and cultural issues arise in more and more mediations, and some mediators are ill-prepared to maximize the chance for success by developing rapport. Robert Dietz will share anecdotes from his own and other mediators' and attorneys' experiences, and from some popular movies, to illustrate the necessity of cultural fluency in today's mediations. There's nothing trivial about building rapport with disputants and their representatives from other cultures. This session is one credit hour of "diversity."

12:40 – 2:20 **SESSION TWO, SELECT FROM THE FOLLOWING:**
"DIFFICULT CONVERSATIONS."

Kim Kern, *Attorney and Mediator*,
St. Louis, Missouri

The practice of mediation is filled with difficult conversations—things the parties do not want to hear and certainly do not want to credit with any merit. The best-seller "Difficult Conversations," initially published in 2000, has just released a second edition with even more practical suggestions for understanding why those conversations are so tough and how to prepare for them. While there is some soul-searching to be done to determine why a conversation is causing you anxiety, the remainder of the presentation will focus on new ways to analyze the parties and their behavior, thus enabling you to move them towards settlement. The book has great ideas for making difficult conversations a bit less difficult. The presentation will apply the principles detailed in the book to real life mediation situations and give mediators advice for meeting the challenges of those very difficult conversations. This session is one-hour of "general" credit.

12:40 – 2:20 **SESSION TWO, CONTINUED**

"AVOIDING PESSIMISM IN MEDIATION."

John Trimble, *Attorney and Mediator,*
Indianapolis, Indiana

All of us who attend mediation on a regular basis soon come to realize that pessimism is one aspect of mediation that occurs in *every* mediation session. We learn that if we let pessimism cause us to quit, we would never settle anything. However, pessimism on the part of the parties and their counsel (coupled with impatience) can prevent success. Parties frequently come to mediation with a pessimistic view of the potential for success. Even optimistic or neutral parties can become pessimistic after the first demand and offer or as the negotiation proceeds toward apparent impasse. John will provide guides, principles and tools for addressing pessimism and getting past it. This session is one-hour of "general" credit.

THE ABUSIVE USE OF TECHNOLOGY WITHIN DOMESTIC VIOLENCE

Haley Cutler, *Manager of Professional and Community Education,*
Ft. Lauderdale, Florida

The presence or history of domestic violence may compromise the integrity of the mediation process. This workshop will identify the effects of modern technology on domestic violence. Recognizing the impact when these otherwise benign tools are used in inappropriate, threatening, and intimidating ways is an important tool for any mediator in the Twenty-First Century. Mediators will leave this training greater understanding of the tools themselves, and the spectrum of potential misuses and abuses that can effect mediation participants and diminish probabilities of success. This session is one-hour of "domestic violence" credit.

"MEDIATOR ETHICS PANEL."

Moderator: Ross W. Stoddard, III, *Attorney-Mediator (civil & probate)*
Irving (Las Colinas), Texas

Panel: Donna Doyle, *Attorney and Circuit Civil Mediator, Orlando, Florida*
Clem Hyland, *Attorney and Circuit Civil Mediator, Orlando, Florida*
Juliet Roulhac, *Attorney and Circuit Arbitrator, Miami, Florida*

Mediator ethics may be the last topic any of us want to study, but the unique and "neutral" role of the modern mediator is rife with challenges that are waiting to ambush even the most conscious and ethical mediator. This panel brings to the subject almost 100 years of legal practice, and perspectives of the litigator, the corporate counsel, and the mediator. Panels of this breadth and depth are rare and exceptional. Come discuss those thorny issues and your perspectives with an incomparable panel of experts. This session is one-hour of "ethics" credit.

Wednesday August 23, 2011 Option One, Mediation, Continued

2:25 – 3:15 BREAKOUT SESSION THREE, SELECT FROM THE FOLLOWING:

"ETHICAL ISSUES IN CLOSING THE DEAL."

Michele Riley, *Attorney and Mediator*
New York, New York

Repeat of 10:45 a.m. session, see above.

"APPLYING DALE CARNEGIE TO MEDIATION."

Dr. Beverly Pennachini**,** *Dale Carnegie of Central Florida*
Orlando, Florida

Repeat of 10:45 a.m. session, see above.

"CONFLICT RESOLUTION"

Dr. Deri Joy Ronis, *Mediator*
Sarasota, Florida

Repeat of 10:45 a.m. session, see above.

"MEDIATOR ETHICS."

Ross W. Stoddard, III, *Attorney-Mediator (civil & probate)*
Irving (Las Colinas), Texas

Repeat of 10:45 a.m. session, see above.

3:20 – 5:00 BREAKOUT SESSION FOUR, SELECT FROM THE FOLLOWING:

"DIFFICULT CONVERSATIONS."

Kim Kern, Attorney and Mediator,
St. Louis, Missouri

Repeat of 12:40 p.m. session, see above.

"AVOIDING PESSIMISM IN MEDIATION."

John Trimble, *Attorney and Mediator,*
Indianapolis, Indiana

Repeat of 12:40 p.m. session, see above.

THE ABUSIVE USE OF TECHNOLOGY WITHIN DOMESTIC VIOLENCE

Haley Cutler, *Manager of Professional and Community Education,*
Women In Distress of Broward County, Inc., Ft. Lauderdale, Florida

Repeat of 12:40 p.m. session, see above.

"MEDIATOR ETHICS PANEL."

Moderator: Ross W. Stoddard, III, *Attorney-Mediator (civil & probate)*
Irving (Las Colinas), Texas

Repeat of 12:40 p.m. session, see above.

Wednesday August 23, 2011 Option Two, Medicare Set-Asides - ADVANCED

9:00 - 3:00 PM **BREAKOUT ON MEDICARE SET-ASIDES, THE BOLD NEW WORLD OF TAKING MEDICARE'S INTERESTS INTO ACCOUNT**

With millions of baby boomers about to become retirees, an unstable economy and 10% unemployment, continued higher costs for medical services, an unknown and untested federal legislation, and studies indicating Medicare is projected to be insolvent by 2019, the federal government has turned to the Medicare Secondary Payer Act to force litigants to take Medicare's interests into account when monetary funds are being provided to the injured party to cover past and future medical expenses associated with the claimed accident and resulting injuries. This breakout will explore when and how litigants must take Medicare's interests into account, including in-depth panel discussions on mandatory insurer reporting, Medicare conditional payments, and Medicare set asides. The breakout will also explore Medicaid related issues, including resolution of Medicaid liens and the creation and administration of special needs trusts.

9:00 AM **INTRODUCTIONS AND REMINDERS, RAFAEL GONZALEZ**

9:15 – 10:05 AM **TAKING MEDICARE'S INTERESTS INTO CONSIDERATION: MANDATORY INSURER REPORTING**

John Williams, President and CEO, Gould & Lamb
Mark Popolizio, JD, Vice-President, NuQuest
Todd Belisle, Vice-President, The Center for SNT Administration, Inc.

The panel will go through a comprehensive overview of the current and projected mandatory insurer reporting landscape as set out by Section 111 of the Medicare/Medicaid SCHIP Extension Act of 2007. The panel will discuss the contextual background of the Act, which entities are required to report to the government, what information is necessary for reporting, the penalties for incomplete submissions or non-compliance, as well as the effects of such reporting on the litigants and their case.

10:05 – 10:20 AM **BREAK**

10:20 – 11:10 AM **TAKING MEDICARE'S INTERESTS INTO CONSIDERATION: MEDICARE CONDITIONAL PAYMENTS**

Roy Franco, Esq., Vice President, Safeway
Rochelle Lefler, Esq., Corporate Counsel, PMSI
Floyd Faglie, Esq. The Law Office of John Staunton, PA

The panel will discuss Medicare conditional payments. Panel members will go through a comprehensive overview of Medicare conditional payment subrogation rights. Within this context, the panel will review the governing articles of the Medicare Secondary Payer Act concerning payment subrogation, the conditional payment process and payback timeline, entity responsibility, and the applicable waiver and appeals process.

11:10–12:00 PM **TAKING MEDICARE'S INTERESTS INTO ACCOUNT: MSA ALLOCATIONS, APPROVALS, AND ADMINISTRATION**

Angela Wolfe, RN, Esq., Med-Fi
Jacqui Green Griffin, Esq., Eraclides, Hall et al
Danny Alvarez, Esq., The Center for MSA Administration, LLC

The panel will go through a comprehensive overview of Medicare Set Aside ("MSA") allocations, the MSA approval process, and MSA professional administration. Within this context, the panel will discuss the Medicare Secondary Payer Act and CMS Memorandums. The panel will address the benefits and drawbacks of private and professional administration and what they mean to the Medicare beneficiary, the employer/carrier, and the attorneys representing the parties.

Wednesday August 23, 2011 Option Two, Medicare Set-Asides – ADVANCED

12:00–1:00 PM LUNCH, ON YOUR OWN

1:00 – 1:10 PM AFTERNOON INTRODUCTIONS AND ANNOUNCEMENTS, RAFAEL GONZALEZ

1:10 – 2:00 PM PROTECTING SUPPLEMENTAL SECURITY INCOME AND MEDICAID ELIGIBILITY: SPECIAL NEEDS TRUSTS

Jana McConnaughhay, Esq., Waldoch & McConnaughhay, PA
John Staunton, Esq., The Law Office of John Staunton, PA
Leo Govoni, The Center for Special Needs Trust Administration, Inc.

Supplemental Security Income (SSI) is a cash assistance program administered by the Social Security Administration, providing financial assistance to needy, aged, blind, or disabled individuals. Medicaid is the federally funded but state run program designed to provide medical benefits to needy, aged, blind, or disabled low income people. The panel will provide liability and workers' compensation professionals with basic information about both programs. The panel will also provide those in attendance with key information that will assist the parties to resolve claims in which such benefits are at stake, while maintaining eligibility for SSI and Medicaid, when appropriate.

2:00 – 2:15 PM BREAK

2:15– 3:00 PM THE UNKNOWN FRONTIER OF MEDICARE SET ASIDES: MSAS AND LIABILITY CLAIMS

Michael Wescott, NAMSAP President, Moderator
Tom Basserman, CMS San Francisco Regional Office
Sally Stalcup, CMS Dallas Regional Office

Since 2001, CMS memos have made it very clear that in workers' compensation cases, an approved MSA will satisfy the parties' burden to take Medicare's interest into consideration when settling future entitlement to medical care as a result of the claimed accident. However, without any such CMS memos on liability cases, the litigants in liability matters have been left to decide for themselves what the thresholds are for liability MSAs, whether MSAs are at all necessary in such matters, and if so, whether they need to be approved by CMS. The panel, made up of CMS regional office managers, will venture into the unknown frontier of MSAs and liability claims.

Wednesday August 23, 2011 Option Three, Multistate Program

8:45 - 3:00 PM BREAKOUT ON MULTI-STATE WORKERS' COMPENSATION LAWS

The Multi-State Workers' Compensation Laws Breakout Session at the Workers' Compensation Educational Conference in Orlando is more than just another program on Wednesday of the Conference—it is a mirror of how the workers' compensation claims world now works. The Multi-State Workers' Compensation Laws Breakout Session focuses on the workers' compensation laws of Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

8:00 – 9:00 AM **CONTINENTAL BREAKFAST IN THE EXHIBIT HALL**

Program Moderator:
R. Briggs Peery, *Attorney*
Swift, Currie McGhee & Hiers
Atlanta, GA

The Multi-State group continues to grow each year. With the addition of Kentucky for 2011, the group is now comprised of legal experts from nine (9) different jurisdictions. In addition to Kentucky, represented jurisdictions are Alabama, Georgia, North Carolina, Mississippi, South Carolina, Tennessee, Louisiana, and Texas. Our experts present on the latest jurisdictional trends, case law, cost saving techniques and litigation strategies to assist claims' handlers and employer management groups conducting business in the Southeast and Texas. The format offered throughout the day encourages audience questions and participation in a manner that should not be missed.

The Breakout will begin with an opening general session to include an introduction of our participants. These participants are legal experts, workers' compensation judges, and state board regulators. The introduction will be followed by a panel discussion in which our experts will discuss significant legal issues and trends affecting employers and carriers within our nine jurisdictions. The incredible value of the general session is that it offers actual state board representatives discussing what is currently going on in their particular jurisdiction. You get the information directly from the source. Among the topics to be covered by our panel will be tips on how to identify and avoid getting in hot water with the judicial branches of our participating states, where each locale is on the electronic filing horizon, and what, if any, future legislative changes are being considered.

Following the conclusion of our general session, the special state breakout presentations will begin. This has proven to be a hugely successful way to present state specific law in detail in a fashion that encourages interaction between attendees and presenters. Each of the participating states will have presentations covering the uniqueness of their respective workers' compensation systems, some as stand-alone sessions, and others combined in a compare/ contrast type of presentation. Sample topics to be covered will vary depending on the state; however, the presentations will be sure to include state specific forms and form filing requirements, litigation pitfalls, tips on controlling medical expense, and much more. Some attendees choose to move from session to session to get specific information about each jurisdiction being presented. Questions from the attendees are not only welcomed, but encouraged. Where applicable, state forms and presentation outlines will be available in each breakout room.

The conclusion of the morning state breakout sessions will be immediately followed by a complimentary lunch for our attendees provided by the Multi-State Committee members. After lunch, a repeat presentation of the individual state breakout sessions will be offered thereby affording claims' handlers yet another opportunity to attend different breakouts.

To build on the success with which the 2009 and 2010 programs were met, the Multi-State Committee is once again offering a second afternoon program to run concurrently with the afternoon state breakout sessions. This year, we are offering something entirely different in the format of a panel discussion addressing a hypothetical workers' compensation case/fact pattern.

Specifically, we will ask our panel (and the audience) to dissect our hypothetical case in terms of settlement value. The presentation is designed to highlight how different, and in some cases similar, our jurisdictions view the same facts. What is a deal breaker in one state may not be viewed the same way in another. Following the conclusion of the afternoon state breakout sessions and settlement value panel discussion, the Multi-State program will end with a final, general session. Learning has never been more entertaining than how it is offered via our "Workers' Compensation Jeopardy." Back by popular demand, this game show/interactive format will include

our "celebrity" host leading and testing our competitors through a multitude of cross jurisdictional workers' compensation issues.

At the conclusion of the afternoon general session, the 2011 Multi-State Book of Workers' Compensation Laws will be provided to all break-out attendees. This book is extremely helpful for those conducting business in more than one state. The book includes the laws from each of our nine (9) participating jurisdictions. Due to high demand, please note, only one book can be offered per attendee.

8:45 – 9:30 AM **OPENING GENERAL SESSION:**
LEGAL TRENDS AND ISSUES FOR 2011

State Regulators:
Gerald Stringer
Ombudsman, Department of Industrial Relations for the State of Alabama

Honorable Melodie Belcher
Director & Chief ALJ, Georgia State Board of Workers' Compensation

Honorable David Imahara
Administrative Law Judge, Georgia State Board of Workers'

Honorable Rick Thompson
Chairman & Appellate Division Judge, Georgia State Board of Workers' Compensation

Honorable Tasca Hagler
Administrative Law Judge, Georgia State Board of Workers' Compensation

Honorable Sheral Kellar (invited)
Chief ALJ, Louisiana Office of Workers' Compensation Administration

Liles Williams
Chairman, Mississippi Workers' Compensation Commission

T. Scott Beck
Chairman, South Carolina Workers' Compensation Commission

Honorable Rod Bordelon (invited)
Texas Commissioner of Workers' Compensation

Administrator of the Workers' Compensation Division of the Tennessee Dept of Labor and Workforce Development (invited)

9:30 – 9:45 AM **BREAK IN THE EXHIBIT HALL**

9:45 – 11:30 AM **INDIVIDUAL STATE OVERVIEWS WITH Q&A**

Individual State Presenters:

Alabama:

Kyle L. Kinney, *Attorney;* Michael P. Barratt, *Attorney*
Gaines Wolter Kinney, Birmingham, AL

Georgia:

Douglas A. Bennett, *Attorney;* R. Briggs Peery, *Attorney;* Michael Ryder, *Attorney;* Richard A. Watts, *Attorney;* Lisa A. Wade, *Attorney;* Cristine K. Huffine, *Attorney;* Charles E. Harris, IV, *Attorney*
Swift, Currie, McGhee & Hiers, LLP, Atlanta, GA

9:45 – 11:30 AM **INDIVIDUAL STATE OVERVIEWS WITH Q&A, CONTINUED.**

Individual State Presenters:

Kentucky:

Philip J. Reverman, *Attorney*
Boehl, Stopher & Graves, LLP, Louisville, KY

Louisiana:

Jeffrey C. Napolitano, *Attorney;* Dennis Paul Juge, *Attorney;* Matthew M. Putfark, *Attorney;* Keith E. Pittman, *Attorney*
Juge, Napolitano, Guilbeau, Ruli, Frieman & Whiteley, Metairie , LA

Mississippi:

James M. Anderson, *Attorney;* David B. McLaurin, *Attorney*
Timothy D. Crawley, *Attorney;* J. Michael Traylor, *Attorney*
Anderson, Crawley and Burke, PLLC, Gulfport/Ridgeland/Tupelo, MS

North Carolina:

Trula Mitchell, *Attorney;* Sally Moran, *Attorney*
McAngus Goudelock & Courie, PLLC, Charlotte/Raleigh, NC

South Carolina:

Regan Ankney, *Attorney;* Mark Davis, *Attorney;* Mikell Wyman, *Attorney*
McAngus Goudelock & Courie, LLC, Columbia/Charleston, SC

Tennessee:

Terry L. Hill, *Attorney;* David J. Deming, *Attorney;* James H. Tucker, Jr., *Attorney;* John W. Barringer, Jr., *Attorney;* Heather H. Douglas, *Attorney*
Manier & Herod, Nashville, TN

Texas:

Robert D. Stokes, *Attorney;* Steven M. Tipton, *Attorney*
Flahive, Ogden & Latson, Austin, TX

11:30 – 12:30 PM **LUNCH (PROVIDED FOR ATTENDEES BY MULTI-STATE COMMITTEE)**

12:30 – 2:00 PM **REPEAT OF INDIVIDUAL STATE OVERVIEWS WITH Q & A (CONCURRENT SESSION)**

12:30 – 2:00 PM **WHY CAN'T WE ALL BE THE SAME? A CASE/ FACT SETTLEMENT ANALYSIS BY EXPERTS FROM THE NINE MULTI-STATE GROUP JURISDICTIONS (CONCURRENT SESSION)**

2:00 – 2:15 PM **BREAK**

2:15 – 3:00 PM **CLOSING GENERAL SESSION:**
WORKERS' COMPENSATION JEOPARDY/DOOR PRIZES/RELEASE OF 2011 MULTI-STATE STATUTE BOOK

NAWCJ College 2011 Registration Form

Name First Name for Badge

Agency Name (as you wish it to appear on name badge) Title

Business Mailing Address

City State ZIP

Telephone Number Fax Number Email Address

Continuing Legal Education License Number State/Association

Hotel Accommodations:
For your convenience a block of sleeping rooms has been reserved at the Marriott Courtyard at Marriott Village for this event. Complimentary shuttle service will transport attendees to the Marriott World Center Convention Center (approximately 3 miles). The Marriott Village has a food court and is convenient to a variety of restaurants and attractions. Please complete the following information and a reservation will be processed for you. The sleeping room rate is $69.00. Cut-off July 30, 2011.

Number of Rooms_____ Arrival Date 08/_____/2011 Departure Date 08/_____/2011
☐ Check here if you have special needs that require attention.
College Registration Fee:

NAWCJ Members:

$200.00 if paid on or before July 31, 2011
$225.00 if paid on or after August 1, 2011

Non-Members

$240.00 if paid on or before July 31, 2011
$265.00 if paid on or after August 1, 2011

Method of Payment: ☐ Check ☐ Mastercard ☐ VISA ☐ American Express ☐ Discover

Credit Card Account Number Expiration Date CVV Signature

Make Checks Payable To: The National Association of Workers' Compensation Judiciary, Inc.
FEIN # 26-4598530
Online Registration Is Available on June 15, 2011 at www.nawcj.org.
Registration: To register, mail the completed registration form, along with credit card information (VISA/MC/AmX/Discover) or a check made payable to: The National Association of Workers' Compensation Judiciary, Inc., P.O. Box 200, Tallahassee, Florida 32302-0200; fax form to (850)521-0222; or register online at www.nawcj.org. Registration for the Judiciary College will include conference handout materials, access to the exhibit area, Monday night reception, and participation in the Annual Workers' Compensation Educational Conference. Onsite Registration is $225.00 for NAWCJ members, or $265.00 for non-members. For more information, contact the National Association of Workers' Compensation Judiciary at (850) 425-8156 or 425-8155.

YOU MUST BE AN ADJUDICATOR OR ADJUDICATION ADMINISTRATOR TO ATTEND.
Contributions, gifts, or dues to the NAWCJ are not deductible as charitable contributions for federal income tax purposes.

We Will See You There!

The National Association of Workers' Compensation Judiciary, August 21-24, 2011

Marriott World Center, Orlando